

STANDARDS and GUIDES

for

ADULT PROBATION



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A report of the
Committee on Standards for Adult Probation
Professional Council
National Council on Crime and Delinquency

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Professional Council

✓ National Council on Crime and Delinquency

44 East 23 St.

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Committee on Standards for Adult Probation

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FOREWORD

Increasing recognition of adult probation as a primary tool in the prevention and control of crime and rehabilitation of the offender has been accompanied by a demand for standards and guides. To meet this need the Professional Council of the National Council on Crime and Delinquency appointed a committee, under the chairmanship of Sanger B. Powers, to work with NCCD staff on a statement of principles.

This statement is being issued to solicit comments of leaders in the field before a printed publication is prepared.

We thank all the members of Mr. Powers' committee for their contribution toward a statement which, for years to come, will serve as a stimulus to the sound practice of probation.

Milton G. Rector
Director, National Council
on Crime and Delinquency

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I. INTRODUCTION

Probation in criminal courts is (1) a service which provides investigation of defendants found guilty of crime, and supervision of defendants who are placed under court supervision, and (2) a sentence establishing the defendant's legal status, under which his freedom in the community is continued subject to the court's supervision and conditions imposed by the court.

1. The investigation service compiles information about an offender's character, reputation, and background. The report of this information, together with the investigating officer's diagnostic evaluation of the offender, helps the court to select the sentence--probation, commitment to an institution, fine, or suspended sentence --that will give the most corrective guidance to the defendant and therefore the greatest protection to the public. The report is also the foundation of subsequent treatment.

2. Supervision is an application of social work methods (a) to help probationers alleviate the difficulties that have prevented them from meeting their problems satisfactorily, establish more constructive environmental adjustments, and conform to necessary social and legal restrictions, and thereby (b) to protect the community.

Now an essential part of the administration of criminal justice, probation was virtually unknown at the beginning of

1
"Probation" and "suspended sentence" are not synonymous. Probation involves supervision of the convicted defendant; suspended sentence does not.

this century. Created mainly in response to a growing desire to deal more humanely and effectively with the offender, it has become a long step in the general advance from the brutally punitive practices that formerly were common in criminal justice.

Once started, probation was nourished by a rapidly developing fund of knowledge of human behavior. Since the start of the century there has been much exciting exploration of the dynamics of human behavior and the effects of the environment on it. As more and more was learned about human behavior, professionally trained probation workers began to apply this knowledge to the understanding and treatment of persons guilty of serious violations of the law.

Probation is not a legal right of defendants, and it should not be regarded as judicial leniency or clemency. Rather, it is an exercise of judicial discretion in the interest of justice for the individual and for society. Its use has grown with proof that, in most cases, justice and the public can be better served by treatment under supervision than by incarceration. For the great majority of offenders, it is the most hopeful, efficient, and least expensive type of correctional treatment.

To be effective, probation requires (1) a sound legal framework, (2) sentences based on presentence investigations, (3) sound standards of case supervision, (4) qualified personnel selected on the basis of merit and (5) sound organization and good administration.

The following standards are designed to help obtain a high-quality service capable of achieving the goals of probation--the redirection and successful adjustment of the offender in the community and thereby protection of society.

II. LEGAL FRAMEWORK

A probation system cannot be effective without a sound legal framework. (See NCCD's Standard Probation and Parole Act, 1955.)

Every court should be authorized by statute to use, at its discretion, both probation and suspended sentence following conviction for any offense. No statutory exception should rule out either certain offenses or certain classes of offenders (e.g., second offenders). Fitting the disposition to the offender should be done by a judge, not through legislation.

In all cases in which the sentence may be imprisonment for one year or more, the law should make a presentence investigation mandatory; in other cases, it should authorize an investigation to be made at the discretion of the judge.

The legal requirement that a presentence report be made will not of itself produce effective sentencing. The statute should also require that the report be submitted to the court and that the judge consider it before passing sentence.

When the court orders confinement, a copy of the presentence report should be sent promptly to the place of confinement for use by the institutional staff and later by the parole staff.

The statute should provide safeguards against improper disclosure of information in the presentence report and the case record. At the discretion of the court, information in the presentence report may be given to persons who have a proper

interest in it. (See Chapter VI.)

If the conditions of probation are mentioned in the statute, they should be stated only in general terms; preferably, they should not be stated at all, since such a statement would encourage routine imposition of conditions.

A term in an institution, no matter for how short a period, should not be authorized as a condition of probation. One of the purposes of probation is, wherever feasible, to protect the probationer from the possibly damaging effects of imprisonment and the interruption of normal life. Probation should be defined in the statute in such a way as to exclude incarceration as one of its conditions. In the Standard Probation and Parole Act, it is defined as "a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the court, without imprisonment, subject to conditions imposed by the court and subject to the supervision of the probation service." A sentence which orders imprisonment as a condition of probation is self-contradictory.

The act should provide that probation service be available to all courts, to be supplied either by the state or by local government with state assistance and in accordance with standards established by the appropriate state agency. It should provide that personnel be selected by merit and have tenure, and it should specify their duties.

Where the state agency does not itself directly provide the probation service, it should be empowered to supervise the administration of probation in all courts of the state. It should adopt, after consultation with the courts, general rules

regulating probation methods and procedure, including investigation and supervision; prescribe the form of probation officers' records and reports; have access to probation offices and records; standardize and coordinate record keeping, accounting, and office procedures; periodically evaluate the work of local probation departments; promote cooperation between local offices; sponsor and conduct in-service training programs and provide casework supervision of local staff when none is provided locally; and publish an annual report of its work. The state agency should appoint a state director and staff for its probation work. It should be empowered to set standards for probation personnel appointed by local authority; such persons should be appointed only upon certification by the state agency. Salaries for locally appointed staff should be subsidized by the state agency where necessary.

Where the courts administer the probation service, they should have the power to obligate their fiscal bodies for the funds necessary to carry on their probation service.

Fixing the period of probation at only a few weeks or a few months generally reflects a court's incomplete understanding of the rehabilitative purpose of probation. A genuine effort to correct the probationer is not likely to succeed in so short a time. The law should require the court to fix the term of probation at not less than one year, but not longer than five years. It should allow the court discretion to discharge the probationer at any time when he is no longer in need of supervision. It should provide for revocation of probation only for a violation of conditions or for commission of

a new crime, upon a hearing by the judge.

Although actual arrest by a probation officer should not be common practice, the law should give him the authority to arrest probationers without warrant when necessary,¹ and to have the probationer held in custody, subject to bail, until the charge of violation can be brought to the attention of the appropriate judge, who may authorize further detention or hold a hearing and dispose of the charge of alleged violation. Whenever possible, however, the probationer should not be taken into custody but should be given notice of a hearing on the charge. The probation statute should provide (as does the Standard Probation and Parole Act, Sec. 17) for the issuance of such a notice as an alternative procedure.

The Interstate Compact for the Reciprocal Supervision of Probationers and Parolees provides for the transfer of probationers from one state to another. A similar system of transfer and cooperation between county and city jurisdictions should be established within a state having independent local probation services.

Organizational Structures

The early history of probation is a record of nonuniformity. Services were developed court by court within a state, each court administering the probation department it had created. This made it possible for a court to have direct control

¹ See Chapter VIII for further discussion of the probation officer's use of the power of arrest.

of its own probationers, but it also produced a pattern of unevenness--excellent service in some places, poor service or none at all in others, and no coordination throughout the state.

Without state leadership and support, probation service is not established in communities or in courts unable to maintain it by themselves and standardized quality is virtually impossible. In most states, therefore, some type of probation administration has been established at the state level. Under this system, the local court and the state agency usually share responsibility, with the former in direct control of its own caseload and determining the conditions of probation, and the latter setting and supervising standards for personnel, procedures, casework methods, etc.

Organization of probation service takes the following forms:

1. County or city service administered (a) usually by one or more courts or (b) sometimes by a nonjudicial governing body or authority.
2. State service administered by (a) a state board or commission, (b) a state department of which the probation service is a division, or (c) a state commission composed of judges.
3. State probation combined with parole services, administered by (a) a board of probation and parole or (b) a state department.

III. ADMINISTRATION

Organizational Structure

State Administration

If it has appropriate leadership, staff, and financing, either a local or a state administration can provide effective probation service. Deciding whether administration, granted these circumstances, should be state or local is often determined by the existing correctional structure, its quality and its traditions, and by population distribution, geography, and political patterns. Generally, however, state administration is the better form. A coordinated statewide program is better able to furnish the uniformity of standards and procedures needed to deal with the increase in number and mobility of offenders and to provide rural areas with the same quality of service available in urban areas.

Administration at the state level has the following advantages:

1. It centralizes responsibility and reduces administrative duplication by maintaining programs that lend themselves to centralization, such as research, statistical reporting, fiscal control, case record clearance, personnel administration, and training.
2. It permits the establishment and maintenance of uniform standards and quality of probation work in all parts of the state.
3. State system district offices can efficiently supply

qualified staff to courts in counties that cannot afford or economically justify the employment of full-time trained officers. (Counties too small to maintain their own service rarely exercise the initiative to create a shared service with other counties.)

4. It can introduce a single merit system for recruiting personnel; retirement, vacation, sick leave, and other benefits can be uniform.

5. It can provide on-the-job training and case supervision to all staff, thereby improving services generally over the state and giving equal opportunities for advancement to all staff. This facilitates the recruitment, retention, and advancement of competent career staff.

6. It can readily make changes in assignment from one district to another to meet fluctuations in workload or to maintain service where a staff position is temporarily vacant.

7. It can combine probation and parole into one field service, which is more economical than a divided service and in many cases makes continuity of treatment more certain. It provides a built-in coordination of field services with the institutions and the parole board; it enables the same local office that worked with a person at the investigation or probation supervision stage to work with him later on parole, exploiting the existing case knowledge and relationship with the client.

An advisory council of interested citizen leaders and leading judges is highly desirable in a state probation system.

It can--

1. Help to establish standards and policies governing administration and operation.
2. Serve as liaison between the administration and the courts and communities.
3. Explain--to the public, the judiciary, and local governmental bodies--the importance of extending the use of probation services.

An advisory council is also useful when probation is locally administered. The state agency (which is responsible for standards and consultation) has as much need of the support of local judges and leading citizens in this situation as when it administers the service. (See below.)

Local Administration, State Supervision

When probation is administered at the county or city level, a state commission or department should be established and be charged with the general supervision of probation work in all courts. Its duties should be:

1. Secure effective probation work by (a) adopting general rules to regulate methods and procedures for investigations, case supervision, record keeping, and case and fiscal accounting; (b) reviewing department records and the work of probation officers, and requiring regular reports and statistical data from all probation agencies; (c) encouraging the creation of statewide diagnostic and treatment resources and promoting their availability to the local courts; and (d) disseminating information on legislation.

2. Offer consultation to the courts and probation offices, including (a) evaluation of probation service, with recommendations for improvements; (b) assistance in developing record and statistical reporting procedures which conform to state standards; and (c) creation of training programs for local staff. The latter should include the casework supervision of staff in departments too small to justify these important training positions.

3. Compile and publish an annual report on the work of the probation service throughout the state.

4. Determine the number of probation officers needed in each jurisdiction.

5. Enforce standard qualifications for probation personnel, recruit personnel, and certify qualified candidates to local courts for appointment.

6. Develop, in cooperation with the local courts, a single schedule of salaries to be recommended to the local fiscal authorities.

7. Pay all or a portion of the salaries of probation officers who meet state standards in counties unable to afford satisfactory probation services.

8. Prepare materials interpreting probation concepts and practices to the public and the legislature.

In summary, efficient probation administration requires the following:

1. Freedom from political control or other improper influence.

2. Centralized state responsibility for coordination of local services.

3. A statewide policy-making and regulatory body that can develop and promote standards and require reasonable uniformity of practice in all sections of the state.

4. Proper delegation of responsibility and authority to subordinates.

5. Written objectives, policies, and procedures clearly defined.

6. Appointment of local probation office directors who are skilled administrators and who seek and gain public acceptance of both the agency itself and the use of probation.

7. Opportunity for genuine staff participation in the development of policies and procedures.

8. An adequate record and case accounting and control system so that workloads can be analyzed and adjusted and budgets justified.

9. Enough qualified personnel at all levels to handle the caseload.

10. Probation staff skilled in casework, including the use of other treatment services--medical, psychological, and psychiatric.

11. Casework supervision and other on-the-job training for the development of staff.

12. Opportunity for the professional development of staff through scholarships, educational leave, and work-study plans.

13. Intrastate and interstate agreements for reciprocal presentence investigation and supervision services through a central state body.

IV. PERSONNEL

Four classes of professional personnel are generally engaged in a probation service: (1) probation officers, responsible to their supervisors for presentence investigations and supervision of probationers; (2) supervisors, responsible to the director or chief probation officer for the training and development of probation officers and supervision of the treatment processes; (3) the director or chief probation officer,¹ directly responsible to the court or to another administrative body; and (4) clinical personnel--psychologists and psychiatrists.

The following personnel standards are based on the belief that criminal behavior is symptomatic of serious disturbances in the personal and social relationships of offenders, that a decision to grant probation is based on the defendant's need of the control and treatment afforded by probation supervision and his capacity to profit from it, and that effective investigation and supervision of offenders calls for a high degree of professional knowledge and skill.

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In a small department, the chief probation officer supervises the staff and may also carry a small caseload; the person operating a one-man department performs all the functions of director, supervisor, and officer. In some large departments, the director has an administrative assistant and may also have the consultative assistance of other persons in staff (rather than line) positions--psychologists, psychiatrists, case consultants, and staff training and research personnel.

Standards for Selection

Probation Officers

1. Education and Experience:

Preferred: A bachelor's degree with a major in the social or behavioral sciences and courses in delinquency and crime, plus a master's degree from a recognized school of social work. Such training is deemed to constitute full professional training.

Minimum: A bachelor's degree with a major in the social or behavioral sciences and one of the following: (a) one year of graduate study in social work or a related field such as guidance or counseling, or (b) one year of paid, full-time casework experience under professional supervision in a correctional program or a recognized social agency.

An applicant who has the bachelor's degree but not the additional training or experience specified above may be hired if the department has for such persons a special program of appropriate training under the supervision of a fully trained social worker. Such on-the-job training should not discourage, or be considered a substitute for, full professional training. In fact, additional formal graduate casework training should be encouraged through training stipends and through salary differentials for personnel who complete their professional training.

2. Personal Qualities:

Emotional maturity; integrity; ability to establish effective interpersonal relationships; a firm conviction of the dignity and value of the individual; belief in the capacity

of people to change; genuine interest in helping people; intellectual depth; mature judgment; wide experience; continuing interest in improving professionally.

3. Probation Period:

A probationary period of employment, preferably one year but not less than six months should be set to enable the agency to determine the new officer's competence and aptitude in respect to the following questions:

(a) How well does he understand the dynamics of human behavior--the influence of physical, mental, emotional, social, religious, cultural, and environmental factors on behavior and family relationships?

(b) What is his capacity for working with persons whose conduct is in conflict with law and custom? Does he understand the function of the authoritative agency and his role in it? Does he recognize and accept his responsibilities to the court and the community? Is he able to make, with a sense of responsibility, decisions which seriously affect the lives of probationers and others in the community?

(c) Can he become skilled in the use of the principles and methods of social casework in the probation setting? Is he moving toward this goal at an adequate pace? Is he familiar with the agency's policies and practices? Is he familiar with other governmental and community services and does he know how to use them? Does he understand the laws within which the agency functions?

Supervisors of Casework Staff

The case supervisor is in a position of crucial importance. It is he who sets the pattern and the standard of quality of the

agency's casework; his influence ranks immediately below the director's in establishing the agency's prestige and its ability to recruit and hold competent professional staff.

The case supervisor position should be filled by promotion from the casework staff where possible, but never exclusively by seniority. Long experience is not in itself a sufficient qualification. In addition to the ability to do good casework with probationers, the supervisor must have the ability to teach it--a distinctly different talent. He must be able to guide, to inspire, to explain theory, to see beneath the surface of the case data to the dynamics of the case problem and to help the probation officer to see these elements too. Not all candidates with the preferred qualifications of education and experience listed below necessarily have these essential personal qualities. Applicants should be considered carefully with this in mind.

1. Education and Experience:

Minimum: A master's degree from a recognized school of social work and three years of paid, full-time social work experience in an agency maintaining acceptable professional standards.

To perform his educational function successfully, the supervisor must have the ability to teach or lead fully trained as well as partially trained staff.

2. Personal Qualities:

Same as for probation officers plus (a) ability to develop social skills in others in the authoritative setting and to interpret departmental policies and procedures to staff,

(b) demonstrated administrative and organizing abilities, (c) ability to write and speak effectively, and (d) demonstrated ability to establish and maintain effective working relationships with individuals and groups.

Director or Chief Administrative Officer

1. Education and Experience:

Preferred: In the order listed, a master's degree in social work or an advanced degree in one of the other behavioral sciences concerned with the treatment process in a probation department and a minimum of three years' successful supervisory experience in a recognized social work agency, preferably in an authoritarian setting.

2. Personal Qualities:

The administrative ability to plan, organize, and direct is imperative. In addition, the chief must have a desire and a talent for participation in community activity, the knowledge and ability to work with related agencies, and the ability to interpret the probation program and support it before governing bodies and the public. His understanding of the social work processes--casework, group work, community organization--research, and clinical services must be broad and deep enough to enable him to provide a setting in which his staff can function with maximum effectiveness. He must have that quality of leadership that inspires and maintains good staff morale; he must have the courage to make decisions and take action that may be unpopular; and his mental and emotional health must be sound enough to withstand the setbacks and disappointments that are bound to occur from time to time.

Personnel Practices

Appointment of Personnel

1. Selection of all probation personnel should be based on merit and fitness as determined by a thorough evaluation of education, experience and personal qualifications.

2. Appointment should be based on merit examinations open to all who meet the qualifications, without regard to residence.

3. Examination content should be related to the basic knowledge and skills required for effective performance, not content which can and should be learned on the job. Examination procedure should utilize modern testing methods to select those most likely to be successful in probation casework. A written examination should be part of the testing procedure.

Salaries and Expenses

1. Salaries should have minimum and maximum levels that will help the department recruit and retain qualified personnel.

Salaries should generally be higher than those paid by other social work agencies in the community for personnel with equal training and experience. For the most part, adult probation is a male occupation. To hold skilled staff, salaries must permit them to raise families. This is a statement of fact, not an endorsement of a double standard.

Other elements of the job which set it apart are the special demands made upon the probation officer by the high

proportion of disturbed persons in the caseload; his duty not only to give them casework help, but also to exercise authoritative control; and the requirement that his independent judgment be sound when he assesses risks--judgment which, if wrong, can cause great damage.

A system of salary increments based on satisfactory performance should be instituted to retain qualified personnel. Professional growth through education should be recognized through increased pay incentives.

2. Officers should be reimbursed by the department for necessary expenses incurred in the performance of their official duties.

Tenure

1. Tenure should not be affected in any way by political influence or political changes in administration. Tenure should be permanent except for malfeasance or unsatisfactory performance of professional duties.

2. A review procedure should be available for the appeal of disciplinary action or removal from the service.

3. New staff members should be regularly evaluated during the probationary period so that they may have notice of any deficiencies in their work and have enough time to improve before the period expires. The department should terminate the employment of any officer at the end of his probationary period if his performance is substandard and little prospect is seen of further professional growth.

Vacation, Sick Leave, and Other Benefits

1. Because of the wearing nature of probation work, at least four weeks vacation and twelve days sick leave (with unused sick leave cumulative for a reasonable period) should be allowed for each full year of employment.

2. Hospitalization and medical care insurance plans should be available. All staff should be eligible for adequate disability and retirement benefits. Death benefits should be paid to the family of the staff member killed in the line of duty.

Clerical Assistance

1. Clerical personnel should be appointed from eligible lists resulting from merit examinations.

2. Staffing should permit the maintenance of needed case records, correspondence, and a statistical, case accounting, and control system.

3. In large offices, additional clerical staff should be hired for filing, bookkeeping, mail handling, and switchboard and receptionist duties. The effectiveness of the professional is increased, at less cost to the taxpayer, when clerical staff are assigned certain types of routine duties ordinarily--but unnecessarily--performed by professional staff.

V. STAFF SUPERVISION AND TRAINING

Casework Supervision

Supervision of staff (as distinguished from supervision of probationers) means assignment of an employee with demonstrated professional competence, training, and experience to work closely with and have authority over a number of other officers.

Through regular group staff meetings, individual conferences with staff members, and review of case records, supervision aims to help the officers increase their casework skills--the use of the interview and the use of community resources. Principles are taught using cases which have great meaning to the officer--his cases.

Through supervision the officer is helped to recognize his own prejudices and biases which are reducing his helpfulness to his probationers. In the process he learns how to handle authority so that it will help the probationers and thereby the community.

Finally, the laws and agency policies within which the probation department operates are interpreted and applied through supervision.

The number of supervisors depends on the size of the probation department. In large departments, there should be one full-time supervisor, responsible to the chief or division head, for every six probation officers. Where the department

consists of the chief and one, two, or perhaps even three officers, the chief will usually carry some probation cases in addition to supervising the officers. In departments of four or five officers, he should carry no cases as he will need to devote all his time to staff supervision and administration. In the smaller departments where the chief must carry a caseload and handle administration, supervision usually suffers. In these situations casework supervision and other forms of training should be offered by the state department with supervisory responsibility for locally administered probation services.

Supervision is most imperative for officers whose casework skills are not fully developed and who are not yet qualified to proceed independently. Supervision is necessary also for experienced officers, to help them maintain their skills, continue to improve their performance, and gain new insights and added professional competence. Even the most experienced officer may become so engrossed in the demands of certain cases that he loses the perspective of the total function of the agency. The supervisor, with his broader area of responsibility, helps to restore this perspective, thus insuring sound administration of the department's services.

Standing in a line relationship to the administrator and the officer being supervised, the supervisor must ensure communication in both directions. He should be alert to and concerned with employee morale and working conditions.

For each new officer in his charge, the supervisor should make a thorough evaluation of performance at the end of the

probationary period, to determine whether he should have permanent status. Officers with tenure should be evaluated at least once a year.

Staff Direction, Training, and Development

Staff Direction

Important elements in effective staff direction are clear communication and consistent application of agency policies. High morale, effective work, and continuing progress are not possible unless the staff is regularly and fully informed of administrative policies and plans and, in turn, administration is regularly notified of staff questions, suggestions, and attitudes. Numerous communication devices are appropriate--bulletin board notices, a departmental news sheet, full staff meetings, sectional staff meetings (a supervisors' meeting, a clerical staff meeting, etc.) and staff committees working with the director or chief.

An office or departmental manual is an asset in a small department and is indispensable in a large department. It should contain all major departmental policy statements, description of all the important standard procedures (including inter-agency agreements) followed by the agency, an organization chart, and personnel classifications, showing for each title (1) the salary range, (2) the required qualifications, (3) a detailed and comprehensive description of duties, and (4) administrative relationships. The manual should be kept current and should be available to all staff.

In-service Training

There has been a chronic shortage of fully-trained social workers for a number of years. Because of this, probation departments, to maintain staffs of reasonable size, have had to hire many persons who show promise of development but offer only the minimum of the required academic qualifications. It is necessary, therefore, to train these officers on the job and to encourage as many as possible to go to graduate school. This encouragement should include a training stipend program. Continuing in-service training should be available to all staff.

In-service training should cover the casework process or method, including the productive use of the interview and community resources in behalf of the probationer. The importance of casework supervision in any training program has already been set forth.

1. Supplementing supervision, knowledge of the techniques of helping people, may also be offered at staff meetings by qualified persons, either from the department or outside, who are able to speak for the various pertinent disciplines--casework, group work, community organization, psychiatry, psychology, sociology, medicine, and perhaps social research.

This staff training program should be supplemented by department policy which encourages staff to attend appropriate training institutes and conferences. Time used for this purpose should not be charged against the employee, and the department should have funds to enable it to send representatives to conferences with their expenses paid.

2. The worker should also receive instruction in the functions, policies, and practices of the police, the county attorney's office, the Council of Social Agencies, and the Social Service Exchange. He should know the intake policy and range of service of the private and public social agencies, clinics, and hospitals that he may have occasion to deal with. This information may be presented, in periodic staff meetings specifically scheduled for the purpose, by agency staff members assigned to obtain the information or by representatives of other agencies. The resourceful administrator will develop methods of presenting information which are appropriate for his own agency.

Educational Leave

Most probation departments have employees who can profit by graduate training in social work and would obtain it with some assistance from the agency.

Funds should be budgeted for stipends for selected staff members to take leave to do graduate work. The department should consider granting such a stipend only when the proposed course of study is directly related to the probation job.

In a department which gives such encouragement to its staff, the administrator must acquaint himself with the exacting admission policies of schools of social work. When hiring untrained personnel he should then select only those who would be eligible for admission to graduate training if they are later selected.

A department located near an accredited graduate school of social work should contribute to the general upgrading of probation personnel by qualifying and making itself available to the school as a field work placement for graduate students.

VI. PRESENTENCE INVESTIGATIONS AND PROBATION SELECTION

Probation is premised on (1) respect for the individual, (2) the capacity of human personalities for infinite change--for better or worse, and (3) the belief that since crime has a multiplicity of causes, treatment of the offender must be individualized.

The purpose of the presentence investigation is to present to the court a true picture of the defendant, revealing his motivations and his capacity for more orderly living. Sentencing is a heavy responsibility for the judge, who must weigh many, often conflicting, factors before reaching a decision. A presentence report which organizes and evaluates the significant information about the defendant helps the judge arrive at a constructive sentence.

The presentence investigation is the first step in the treatment process. Treatment should begin with the first interview with the defendant, not await the court's disposition.

The presentence report is a guide for subsequent work with the offender, whether he is placed on probation or committed to an institution. It is used principally (1) by the court, in determining the disposition of the case; (2) by the probation officer, in developing treatment plans when the defendant is placed on probation; (3) by the institution, in classifying the inmate and planning his custody and treatment; and (4) by the parole officer, in planning for the inmate's release and carrying out the treatment in the community. The

report thus reduces duplication of services by public and private social agencies in assisting in the treatment of the offender or his family.

Sufficient time should be allowed in which to make a thorough investigation and written report. In general, three weeks should be allowed for completion of a presentence report. In many instances, less time is required; in some cases three weeks is not enough. The presentence report should be submitted to the judge far enough in advance of the sentencing date to permit him to read it unhurriedly and evaluate it carefully.

During the investigation period, the defendant should be released on his own recognizance or on bail when there is a reasonable probability that the defendant will appear in court when scheduled and will not commit another offense while at large. Since the defendant is the person who must change and the principal object of treatment, he should be both the principal source of information and a partner in the exploration of his problems and future.

The investigation should begin with the defendant. The probation officer should encourage him to participate in it by verifying certain facts and suggesting sources of information. As far as possible, the offender should be helped to understand the purpose of the investigation and the ways in which information will be gathered and presented. His attitudes can be a useful guide in assessing his ability to use probation constructively. The probation officer should also gather and carefully evaluate pertinent information from social

agency records, law enforcement and other official agencies, and the defendant's family, friends, clergyman, employer, etc., and he should utilize whatever clinical services are available and needed in the task of preparing the best diagnosis possible.

Factual information should be verified whenever possible. Information which is not verified may be included if it contributes toward understanding the offender but it must be clearly marked as unverified.

The Written Report

The presentence report is "one of probation's major contributions to the administration of criminal justice."

In the presentence investigation report are gathered, organized, and analyzed the significant data in the history of the defendant. A factual and diagnostic case study gives the judge the instrument essential to achieving objectivity in his final judgment. The more comprehensive the sources of information, the more completely will the report reveal the defendant's characteristic behavior patterns; the more skillful the presentation of data, the more clearly will the report outline the defendant's strengths and weaknesses. In short, the purpose of the presentence investigation is "to disclose to the court both the favorable and unfavorable influences at work in the defendant's personality and circumstances in order that choice [of sentence] may be made as wise and enlightened as the predictability of human nature permits.¹

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Advisory Council of Judges, Guides for Sentencing
(New York: National Council on Crime and Delinquency, 1957)
p. 26.

No one format can be said to be the only one right for presentencing reporting. But once a probation office makes a choice of format, it should adhere to it. The judge, having become accustomed to it, can read such uniformly constructed reports more quickly and efficiently than he could if the format changed with every officer or every type of case.

Though formats may vary, some important general principles are applicable to all of them:

Data for the quick identification of the defendant and his offense--name, address, case number, race, sex, marital status--should be incorporated in the heading of the report. Other items may be added according to the court's need, but for maximum usefulness they should be kept to a minimum.

The narrative portion of the report--which should be written as clearly and as simply as possible--usually starts with a section which is titled the present offense. This sets out the facts of the offense as reported by the law enforcement agency and the prosecutor and as brought out in the hearing or trial. It is followed by information which reports the offense in such a way as to reveal the offender as a person. To do this, it must present the defendant's own version of the offense and what this reveals about the way he sees himself or the way he reacts to stress situations. The report must particularly note his attitude about the offense now.

Where it is germane, the attitude of the complainant or victim toward the defendant and the offense should be reported.

The account of the offense should be followed by a section

on the defendant's prior record. This should be more than just a listing of all his offenses appearing on local, state, and federal arrest records. As far as possible it should evaluate the offenses or arrests to show the pattern of his maladjustment. A bare listing of unverified arrests can be misleading. Inaccurate information of this or any other kind in the report may be ground for an appeal.

The remainder of the report, whatever its arrangement, should give a highly personal picture of the defendant. As a guide for the officer and for better organized, easier reading, the rest of the report may be divided into such subsections as developmental and family history, housing and neighborhood, education, employment, health (physical and mental), religion, interests and activities, financial resources. These divisions can be and often are broken down further; however, most relevant information can be brought under the heads mentioned. (Military service, for instance, is a part of the employment history.)

The arrangement of such categories is not as important as selection and interpretation of the material. An exhaustive recording of every last birth date, marriage date, death date, school grade, job, mortgage, and all the rest does not constitute an adequate report. The probation officer should do more than just see that all pertinent material is present. Facts about a person are not fully informing until they are related to other facts. It may be very proper to chronicle the death of a family member and elsewhere the onset of a

drinking problem, and still elsewhere the occasion on which the defendant met "the other woman." These facts, however, do not really contribute to the report's purpose if they have a relationship to each other which is not shown to the reader.

Separately recounted facts scattered through the report are, of course, all there for the judge to read--but this is not enough. The probation officer must present the facts in a way that clarifies immediately their relationship and significance.

This is one of the reasons that skill is required. The skill lies in putting those facts together, carefully avoiding unwarranted inferences from items that may appear related but are actually only coincidences, and also avoiding cause-and-effect relationships which do not exist. This skill can make a presentence report a lucid diagnostic instrument.

The evaluation or diagnosis section should logically follow from the body of the report. It should assess the offender's personality; describe his customary behavior, particularly under stress; evaluate his strengths and weaknesses; and analyze the demands and supports of his current environment.

The report should conclude with a recommended disposition and a plan of treatment. If the defendant is to be considered for probation, what kind of help can he use and how would the probation officer proceed to give it? What other agencies would be used? What changes would have to be worked out in his home, his employment, his living habits? What

persons are available to help him? What special conditions should be imposed? If he is to be committed, what specific help should the institution try to give?

Legal Aspects of Confidentiality of Presentence Reports

The Standard Probation and Parole Act, (1955) provides that the presentence investigation report is privileged information and shall not be disclosed except at the discretion of the judge.

The principal purpose of the presentence investigation report is to guide the judge in passing sentence.

Should the report be shown to the defendant? Section 5 of the Standard Act provides that the defendant does not have a right to see the presentence investigation, but may see it at the discretion of the judge.

The presentence report...shall be privileged and shall not be disclosed directly or indirectly to anyone other than...the judge...except that the...court may in its discretion permit the inspection of the report or parts thereof by the defendant...or his attorney, or other person having a proper interest therein, whenever the best interest or welfare of a particular defendant ...makes such action desirable or helpful.

In only a few states do the statutes deal with the question. In five states--Alabama, California, New Mexico, Ohio and Virginia--the statute establishes the defendant's right to examine the report prior to imposition of sentence. In one state--Kentucky--the defendant's right of access is specifically denied.

In all states except the six mentioned above, the statute is silent as to whether the defendant shall or shall not have access to the report. Under such a statute, it has been said that whether the contents of the report will be disclosed to the defendant is determined by the discretion of the sentencing judge. (U.S. v. Schwenke, 221 F.2d 356 (1955); State v. Moore, 49 Del. 29, 108 A.2d 675 (1954); State v. Benes, 16 N.J. 389, 108 A.2d 846 (1954); Smith v. U.S. 223 F.2d 750 (1955). Several courts have declared that if the report is not disclosed to the defendant, he should be given sufficient information about adverse material in it to enable him to refute it. (Zeff v. Sanford, 31 F. Supp. 736, 738 (Ga.) (1940); Driver v. State, 201 Md. 25, 92 A.2d 570 (1952).

In some states the statute refers to the presentence investigation report as a confidential document. But the meaning of "confidential" in this context differs from the meaning of the word as used in the attorney-client or doctor-patient "confidential" relationship. The presentence report is a confidential document in the sense that it is of a private nature and should not be made public or disclosed to anyone, unnecessarily.

The Kentucky, Maryland and North Carolina statutes are of exactly this order. Similarly, the Alabama statute declares that the data assembled by the probation officer shall be "privileged," proceeds to explain that this means

"not available for public inspection except upon order of the court," and then adds that in no case shall the right to inspect the report be denied the defendant or his counsel.

The Standard Act provides (as does the statute in many states) that "If a defendant is committed to any institution the investigating agency shall send a report of its investigation to the institution at the time of commitment" (Section 11). The Comment on Section 11 includes the caution that "In view of its critical importance and of the confidential nature of much of its contents, the report in the institution and in the parole board should be protected against inspection by prison inmates."

A California statute requires that the report be filed as a public record but, as noted above, statutes in other states specifically protect against public disclosure.

Williams v. State of New York (337 U.S. 241, 69 S. Ct. 1079, 1949) is sometimes cited as standing for the proposition that the presentence report need not be disclosed to a defendant or his counsel. Actually, the United States Supreme Court held in this case that under the New York Statute a defendant is not entitled to confront and cross-examine the persons who provided information for the presentence report. The question of access to the presentence investigation report to the defendant was not at issue. The United States Supreme Court reiterated this position in a decision handed down in 1959, in Williams v. Oklahoma 358

U.S. 576, 3 L. Ed. 2d 516.

Like New York, all the other states except one deny the defendant a right to cross-examine on the sentence. The single exception is Virginia, where the statute provides as follows:

When a person is tried upon a felony charge for which a sentence of death or confinement for a period of over ten years may be imposed and pleads guilty, or upon a plea of not guilty is tried by the court without a jury as provided by law, and is adjudged guilty of such charge, the court may, or on the motion of the defendant shall, before fixing punishment or imposing sentence, direct a probation officer of such court to thoroughly investigate and report upon the history of the accused and any and all other relevant facts, to the end that the court may be fully advised as to the appropriate and just sentence to be imposed. The probation officer shall present his report in open court in the presence of the accused who shall be advised of the contents of the same and be given the right to cross-examine the investigating officer as to any matter contained therein and to present any additional facts bearing upon the matter which he may desire to present. The report of the investigating officer shall be filed as part of the record in the case.

Oral Reports

Only under exceptional circumstances should presentence reports in felony cases be given orally and then not in open court. An exception would be the court which expects the probation officer to be present at the time of sentence for any supplementary questioning. When some emergency requires sentencing earlier than the originally scheduled date and the written report has not been completed but all the data are available, the report may be made orally to the judge, in chambers, but should be put in writing for the case record.

A different practice prevails in sentencing misdemeanants. Because of the volume of cases and the short time between arraignment and sentencing (sometimes an interval of only a few hours), the investigation report is generally in oral form. Nevertheless, a written record of the facts contained in the oral report should be kept. Where the misdemeanor is serious or where the misdemeanor presents a serious behavior problem, the practices followed in sentencing for felonies should be adhered to.

Selection for Probation

As indicated, a judge should not be expected to sentence offenders without a written presentence report prepared by a probation officer whose knowledge and skills; experience in probation, and opinions can be relied on and respected by the judge and the community. Such a report gives the judge a set of facts and a valid evaluation on which he can base a sound sentence--whether it be incarceration, probation, fine, or suspended sentence.

Sound selection of defendants for probation is particularly important for an effective probation program. The purpose of a probation law is to serve the best interests of both the public and the defendant. Inappropriate sentences serve neither of these interests. Incarceration of offenders for whom probation would be more suitable can harm society and the individuals involved as much as the placement on probation of offenders who are dangerous probation risks.

Probation has certain unquestionable advantages. For most defendants it is the most hopeful treatment and control method that society has in its arsenal today. It keeps families together and keeps them economically self-sufficient at the same time that it helps the probationer re-establish his self-esteem and advance his social re-adaptation. This does not mean that probation should be granted to only the best security risks. Considerably less than major success on probation is better than imprisonment in some cases where the probationer is not a dangerous offender. Selection should depend on a balanced estimate of the offender's potential adjustment and relative success on probation in the community.

Both the judge who places an offender on probation or commits him to an institution and the probation officer recommending the sentence carry a monumental responsibility in making these decisions. The following is a list--by no means exhaustive--of factors that must be considered in arriving at a judgment:

1. The offense: its nature and circumstances (possibly a clue to the personality of the offender). Was it part of an established behavior pattern or a result of unusual circumstances? Was it against property? If it was against a person, was it attended by violence or injury?

2. Established patterns of behavior; emotional and psychic drives; offender's attitude toward himself and his situation; his awareness of the need for change and his will to change; his ability to use help to modify his conduct and adjustment.

3. Age at which delinquent behavior first began and the character and persistence of such behavior (which are more important than age at time of offense).

4. Offender's stability, motivation, achievement, and capacity, as reflected in his history of education, employment, military service, and leisure activity.

5. Offender's attitude toward people, authority, and orderly social restraints, and prospects for modifying those that are incompatible with a law-abiding life.

VII. SUPERVISION OF PROBATIONERS

In his supervision of probationers, the probation officer is responsible for (1) guiding their behavior (within general limits set by society and specific limits set by the court) during the probation period and (2) arranging with the probationers for special treatment or services designed to help them make a successful adjustment in the community. The conditions of probation imposed by the court set the limits within which treatment occurs. Reasonable restrictions, when understood by the probationers, do not hinder treatment--in fact, they foster successful treatment in some cases. Treatment is based on the fact that offenders have the capacity to change and improve and that this change will take place more readily in the free community than in a penal institution. The probation officer must balance the responsibilities of control and treatment in his dealings with the probationer.

Four general principles form the foundations of this control and treatment program:

1. Change comes from within a person. Therefore, the probationer must be a participant in any treatment regime designed to help him.

2. The needs, problems, capacities, and limitations of the individual offender must be considered in planning a program with him.

3. Legally binding conditions of probation are essential

and must be applied for the best interest of the offender and the community.

4. The goal of this program is to help the offender understand his problems and deal with them adequately.

The last principle merits special emphasis. Probation's most important achievement is not the control of the probationer under supervision, but rather his ability to gain strength in independent control over his own behavior.

Treatment begun during the investigation period should continue with a plan consistent with the findings of the presentence investigation. As far as possible, the plan should be the product of the joint efforts of the probationer and the probation officer.

The officer has two primary tools at his disposal: his relationship with the offender and community resources.

The relationship is built up through face-to-face contact between the probationer and the officer. Its basis is laid at the time of the first contact between the two, which may have occurred during the presentence investigation. If the officer who investigated the offender is assigned to supervising him, the relationship can continue without interruption. And if a different probation officer does the supervision, he can build on the relationship started by the first officer during the contacts made in the course of the presentence investigation.

The probation officer must interpret his own position and responsibility clearly at the outset; he must know, too,

how the probationer interprets his own role. To be successful the relationship demands cooperation, mutual trust and respect, and a sense of responsibility in both persons.

The probation officer's professional judgment will determine the frequency of contact with a probationer. Every contact should be by plan and should have a treatment objective. Supervision contacts should be frequent at first but gradually lessen as the probationer demonstrates less need for the help and controls given in the interview. Supervision which continues after the probationer has received optimum help will cause deterioration; officers should be alert to this and should recommend discharge as soon as supervision is no longer required.

Interviews with probationers may take place in the probation office, at the probationer's home, or elsewhere, whichever provides the best climate for treatment. The officer's home visits should be unobtrusive. During the interviews, each of which should constitute a step in the treatment plan, the officer should evaluate the probationer's progress, determine what problems may be present, and offer help. His role is that of supporter, guide, counselor, and good example. His job is to help the probationer achieve his best potential; to examine with him the reasons for his deviant behavior; to enable him to face his problems; to help him develop a sense of his own worth; to help him realize that the world is not against him but that he has certain responsibilities as a member of society; and to help him

achieve independence, self-respect, and self-confidence.

The officer must work with the probationer in his total situation, considering all the forces that may be affecting him, such as family, friends, economic problems, environment, etc. Therefore, he will sometimes have to contact those persons who affect the probationer. (In fact, it is not unusual to find a wife or other member of the family group more in need of help than the probationer. Until they receive such help, little can be done with the probationer.) From them he may receive information which helps him evaluate the probationer's adjustment, or he may help them understand and accept the probationer or even actively participate in the treatment plan.

The probation officer should call upon other community agencies for specialized-services not available from the court. He should be familiar with their services, including admission requirements and referral procedures.

Case Records

Case records are indispensable in probation work. The case record relates the individual story and analyzes the personality structure and behavior of the probationer. It should tell what the probationer's problems were at the beginning of the treatment period, what has been achieved so far, where he is in relation to treatment goals at a given time, what was done to bring about progress or to impede it, and what the treatment goals are for the future. To make a meaningful record, social and psychological material must

be carefully synthesized.

The case record is maintained for two reasons: First, it is an essential treatment tool; it fosters analytical thinking about the case, helps determine the progress of the control and treatment program, sets forth the techniques or events responsible for the change, and assures a minimum of waste motion and duplicated effort when the case is transferred from one officer to another. Secondly, it is indispensable teaching material in casework supervision and is basic in any administrative control program. Through this record, the kind and quality of service being given the probationer can be evaluated. An accurate case record is essential if a probationer is charged with a violation of probation and is equally important when a decision is to be made on discharge from probation.

A case record should contain:

1. A face sheet. This contains information identifying the probationer--name, address, age, birth date, sex, marital status, employment, offense, etc. It should also have space for keeping a complete and current chronology of all official actions in the case. Designers of a face sheet should remember that the more items of information they provide for, the more confusing and inefficient their face sheet will be. They should take care to include only items that are important for ready reference--and are unlikely to change--and no more.

2. Essential legal rulings.

3. The presentence report.

4. A chronological account of the treatment process. This consists of recording an entry for each contact as it occurs, with periodic analytic summaries.

An alternative to chronological recording is summary recording, which consists of noting the date, time, and place of contacts and the persons seen over a period of time, and a narrative summary of significant happenings and movement in the case without reference to what happened in each contact.

Even the briefest supervision recording should include these minimal elements:

(a) The first interview after the offender has been put on probation. It should focus on the plans developed with him during the presentence investigation, his reaction to the idea of probation and its conditions, and the first steps in the probation plan.

(b) Significant changes of attitude or in direction in the case: a divorce, a marriage, a change of job, a new offense of any kind; new problems or factors requiring a shift in the officer's approach, such as from a relatively permissive attitude to strict enforcement of rules or greater reliance on a third party or agency in the plan.

(c) The basis for terminating the case, with evaluation of progress.

(d) Reference to pertinent correspondence; medical, psychological, and psychiatric reports; records or reports

from other agencies; and social service index clearances.

Although agencies have no uniform pattern for organizing the contents of the case record, they usually follow these principles:

1. Correspondence, reports, and miscellaneous documents should be separated from the running record of the treatment process. This is most readily accomplished by clipping them to one side of the case folder, with the face sheet always on top. The running record is the only item to be kept on the other side of the folder and should have the last entry on top.

2. A single pattern of organization should be adopted and used consistently in all records. This permits staff to become accustomed to the arrangement and to locate easily whatever information they need.

VIII. TERMINATION OF PROBATION

Termination by Revocation

Probation violations are of two sorts: (1) a breach of the rules or conditions of probation; (2) commission of a new offense.

The probation officer has some discretion on the first of these. He must determine whether the violation was willful and clearly indicative that continued trial on probation is not warranted, or whether it was the result of ignorance, thoughtlessness, or a general lack of responsibility. How he handles such matters can make the difference between probation success and failure. There must be a practical method of insuring review of the officer's decisions on these technical violations--by his supervisor on the minor violations and by the chief or judge on the more serious infractions. For instance, a decision on a failure to make an office visit need not necessarily take the time of the judge, but consistent failure or tardiness in reporting, accompanied by repeated loss of jobs, could be a forerunner of serious trouble and should be reported to the judge.

Conditions or rules of probation should be in writing; they should not be vague or ambiguous; as far as possible, they should be stated in positive rather than negative terms. Their purpose is only to help the probationer avoid pitfalls likely to lead to further infractions of the law, to instruct him on keeping in touch with the probation office and about

special conditions of probation such as payment of a fine, restitution, or support.

A new infraction of the law by a probationer should be reported to the court. The court may have an established policy permitting the probation department to deal with violations of local ordinances or minor infractions.

Departments vary widely in their practices in arresting alleged probation violators. Each department should set forth its policy on violation procedure in written, definite, easily understood form.

Although it should not be the usual practice of the probation officer to make arrests himself, the law should nevertheless give him authority to arrest probationers when immediately necessary.

A probation officer must acknowledge that his training did not include instruction in the techniques of arrest and the handling of prisoners, and that he therefore should not make arrests unless the nature of the emergency demands it. If the situation permits, he should first apprise the judge or the probation supervisor of the violation that has allegedly occurred and obtain authorization for the arrest. He should request the police to handle it or should ask a police officer to accompany him in making the arrest. (If there is doubt about the authority of police officers to arrest under these circumstances, the law should be amended to give them this power.) All arrests should be reported to the proper authority as soon as possible.

When the probation officer has a good relationship with the probationer and knows he can make a quiet arrest, he can very properly handle the matter himself. The skilled probation officer can carry out an arrest so that the act is less damaging to a later relationship the officer or department may have with the probationer than an arrest by a police officer.

Since he is responsible for the protection of the community, the probation officer must be ready to cause the arrest and detention of a probationer whenever his conduct indicates that, if it is allowed to continue, he will surely commit a new offense. The courts would be greatly restricted in granting the privilege of probation if it could be revoked only upon the commission of a new offense.

The way a probation officer evaluates a probation violation shows whether he can be realistic without being punitive. He must not allow his sympathy for the probationer to blind him to the danger that a technical or minor law violation may foreshadow. On the other hand, he must accept the idea that the probation rules are not an end in themselves but a means to more successful living for the probationer. In some cases, breaking a rule or even committing a minor offense may be only a natural, temporary relapse in the course of slow general progress. A probation officer who is literal and unyielding in seeking revocation in such a case does not add to the protection of the community and may do irreparable damage to the probationer.

Sometimes flexibility in application of the rules is both justice and treatment; however this flexibility should be exercised in accord with the established policy of the court.

Every alleged violation need not result in a hearing by the judge. Many times the probation officer and judge in informal conversation can reach a decision without a hearing. The probationer should be informed of the specific violation alleged and should be allowed representation by counsel at the hearing. The hearing should be informal.

Written allegations should always be prepared in revocation proceedings. A probationer should be confronted with the evidence of the violation and, subject to the judge's regulation of the procedure, should be permitted to examine witnesses and bring in his own evidence. However, if the facts of violation are not contested, the hearing may be limited to a consideration of what action is to be taken. In addition to the statement of allegations, the judge should be furnished with a summary of the probationer's case record, including his adjustment on probation, the implications of his present violation, and his prognosis for future adjustment--if confined or if continued on probation.

Termination of Discharge

No person should be kept on probation longer than is necessary to accomplish the purpose for which the probation sentence was imposed. Normally, the probation officer's judgment of the adjustment and probable development of the

probationer should determine the discharge date. Similarly, probation should be extended, within prescribed limits, for those deemed in need of further supervision or for those who need more time in which to comply with any special conditions of probation.

Probationers granted an early discharge because of good adjustment and those whose probation terminates by expiration should receive a copy of the discharge; this should also be entered in the court record. An arrangement by the court or probation office to mark the occasion of the probationer's discharge with some kind of special attention may often be quite worth-while; praise for what the probationer has accomplished may in itself further motivate him toward maintaining a good record.

When the probationer is discharged, for whatever reason, a condensed account of his conduct and adjustment should be entered in his probation record, along with a note on the method of his discharge. The closing summary may obviate the necessity of reading the entire case history if the record has to be consulted again later. Future studies of the effectiveness of probation treatment might be based on such summaries, too.

IX. CASELOAD STANDARDS

Studies and experience have shown that the amount of time necessary for a presentence investigation is usually equivalent to the time required in one month for supervising five probationers. The best way yet devised to gauge workloads and determine desirable limits for them is to calculate in terms of monthly "work units," counting each probation supervision case as one work unit and each presentence investigation completed in a given month as five work units. In accord with this measurement, the maximum monthly load for a probation officer is fifty work units. This may mean carrying fifty supervision cases and doing no investigations, or completing the investigation of ten new cases per month while having no cases to supervise. In most departments, an officer does both investigation and supervision; this means that his caseload might consist, for example, of forty cases under supervision and completing two investigations each month.

This limitation in workload is necessary to allow adequate time for treatment and for preparation of diagnostically useful investigation reports. In a normal working month, a probation officer handling fifty supervision cases and nothing else will have about 3½ hours to devote to each case. However, this does not take into account the time required for travel, recording, community contacts, and general office work on these cases, which leaves probably no more

than one hour per month for personal contact with the probationer. Non-casework functions assigned to a probation officer--e.g., collection of support payments--will also cut into his time and should be discouraged.

Many varying factors should be taken into account in applying this fifty-unit national standard. It may have to be reduced because of such factors as the geographical area covered. (Cases scattered over a rural area take more time than cases concentrated in an urban area.) What the maximum caseload should be is also affected by the availability of treatment facilities in the community and of consultation and supervision aids within the agency, by characteristics of offenders in the caseload, and by the intensity and depth of the supervision required of the officer.

The supervision caseload should consist only of probationers in need of and actually receiving casework supervision. The standard of fifty work units applies to the typical caseload, which includes some cases needing intensive supervision and some that have achieved a fairly stable adjustment and need less attention.

Case Supervisors

Each case supervisor should supervise not more than six probation officers (see Chapter V).

X. STATISTICS AND RESEARCH

Probation agencies must move toward a uniform system of collecting fundamental comparable data so that knowledge of the state and national scope, direction, and results of the total program can be assessed.

Regardless of its size and whether it operates locally or statewide, each probation agency must maintain basic statistics on its activities. The statistics assembled should facilitate:

1. Issuance of an annual public account of its work. The public has a right to know the facts about the agency and its program.
2. Outside evaluation of the department's operation.
3. Distribution of workload, effective administrative controls, and assessment of the effectiveness of policy, procedures, and planning.

To know what kinds of data to collect, the probation agency must know what questions it has to answer, both for its own purposes and for interpretation of the program to others. Each agency must therefore determine what information it continually needs--as distinguished from information it needs only occasionally. No statistical system can or should be designed to answer all the questions that may arise. Many questions can be answered by periodic (nonroutine) collection of data, by sampling, or by other research methods. A good system need not be complex to meet the agency's basic needs.

Since no two agencies are exactly alike, each may have to answer different kinds of questions. However, most probation agencies will find that they need to collect the following data:

1. Criminal court statistics--number of cases handled by the court and their disposition by type of sentence.

2. Presentencing statistics--number of investigations completed and the resultant dispositions--including comparison with recommendations of probation officers.

3. Number and kinds of persons placed on probation.

4. Number and kinds of persons currently under supervision, and their probation status.

5. Number and kinds of persons discharged from probation and length of time under supervision, and the reason for discharge.

6. Information on case supervision activity--number and type of contacts.

7. Number and kinds of persons violating probation, reasons for violations, and length of time under supervision, and action taken.

8. Financial data, including collection activities.

9. Personnel data, including kinds of personnel, salaries paid, assignments.

The collection of statistics depends on continuous record-keeping. Statistics are no more reliable than the records supporting them, and these in turn are no better than the personnel and processes by which the records are kept.

It is of primary importance, then, for the probation department (a) to employ enough qualified professional and clerical staff to do a reliable job of record-keeping and (b) to organize the processes of record-keeping so that statistical data can be centrally compiled and reported with a minimum of effort and error.

State agencies and larger local probation departments should consider employing a statistician or a person familiar with statistical and record-keeping procedures. Smaller agencies should, if possible, obtain qualified assistance in organizing a record-keeping and statistical program. Such help may be available from another state or local agency. If it is not, the National Council on Crime and Delinquency will, upon request, furnish information on consultative sources.

Records basic to probation statistics are:

1. Criminal court docket. This is usually maintained by the clerk of the court as a court function. The cooperation of the criminal court or courts is, of course, essential for providing the agency with data on dispositions in a way that is useful to it.

2. Face sheet. The face sheet in each case record summarizes the basic information on the probationer. It should contain, among other things, all the information the agency needs for routine collection of statistics about probationers. It might also contain information for planned or anticipated studies which do not require continuous

processing of data. Information usually recorded on the face sheet which may be useful for statistical purposes includes:

Name and case number	Marital status
Residence	Education
Sex	Military service
Race	Previous convictions
Date of birth	Offense
Age	Type or length of sentence

3. Personnel and financial records, including (a) agency financing and (b) collection activities.

What the best method is for compiling basic statistical data accurately and efficiently depends on the agency's size and complexity, the quantity and quality of staff it uses for statistical purposes, and its electrical tabulating equipment. A small agency which has no specialized statistical staff--and it is less likely to employ them than is a large agency--must spread the work of gathering statistics over personnel having other responsibilities and training. However, responsibility for collection of data should be given to one person, who may be a clerical employee closely connected with the registration of case assignments and terminations.

Since we assume that a large probation agency has specialized staff, access to electrical tabulating machines, and more diverse needs or problems in the compilation of

statistics than a small agency does, we do not attempt to outline a procedure for them here. What follows applies to a relatively small agency whose primary needs are to compile periodic statistical reports and to keep an account of each probation officer's caseload.

A probation officer's monthly activity report provides minimal statistical and case accounting and control data. Each officer maintains, usually on a monthly basis, a control form which is a continuous inventory of cases handled by him for presentence investigation and supervision. He lists all cases assigned to him during the month as well as all cases officially closed or transferred. For each case, he records at least the name, number, and dates and type of movement. In addition, he should report on this form the number of cases seen during the month, the number of cases not seen (broken down under "by plan" and "others"), the number of each type of contact (with probationer, employer, etc.), and the setting for the interviews (office, work, home, etc.).

From the case control information submitted by all the officers, the following monthly caseload movement data, by officer and for the agency as a whole, can be readily compiled:

Caseload at beginning of month.

Cases assigned for presentence investigation.

Cases assigned for probation.

Cases reinstated following revocation.

Total cases open during the month.
Presentence investigations completed.
Revocations (by reason for revocation).
Cases discharged from supervision.
Cases terminated for other reasons.
Cases transferred between agents.
Caseload at end of month.
Number and type of supervision case contacts.

A statistical card is essential for manual tabulation of data about probationers. Since data are recorded on the card from the face sheet and the monthly activity reports of the officers, the records should be set out in the same way. The statistical card should also provide for recording termination data, including, at least, the type of termination; the date of termination; if revocation, the nature of the violation; and length of time under supervision.

The statistical cards may be tabulated monthly, quarterly, semiannually, or annually. They may be grouped for tabulation by admissions, discharges, revocations, and probationers under supervision on a given date.

A statistical system that provides the probation agency with reliable facts about its operation and the people it serves is essential for good administration. Evaluative research and forecasting--essential to the sound programming of probation services--depend on it. It is necessary in order to give the public adequate interpretation of what

probation is and what it achieves. Each state should establish a centralized correctional statistical system to assist local probation agencies with the more technical aspects of data collection, processing, and analysis, and to cooperate in the interchange of data with other states and federal agencies.

END