

AN EVALUATION OF THE PRESENTENCE
INVESTIGATION REPORT OF THE
MICHIGAN DEPARTMENT OF CORRECTIONS
FROM THE VIEWPOINT OF ITS AUTHORS
AND THOSE USING IT

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ABSTRACT

AN EVALUATION OF THE PRESENTENCE INVESTIGATION REPORT OF THE MICHIGAN DEPARTMENT OF CORRECTIONS FROM THE VIEWPOINT OF ITS AUTHORS AND THOSE USING IT

By

Henry B. Risley, Jr.

At the suggestion of the Michigan Department of Corrections a study was undertaken to find out the opinions of the probation and parole agents and prison counselors in the department concerning the presentence investigation report form and content in use in the department.

Initially a review of the literature was undertaken to determine the history and philosophy behind the presentence report. It was found that the presentence report as a part of the correctional process had become quite widely used by the end of the second decade of the twentieth century. It was during the period from 1910-1920 that the basis was laid for the current form and content. Several different social workers developed similar presentence reports based on the premise that the judge should have as much information about the offender as possible on which to base his decision concerning the sentence. Since that time

Henry B. Risley, Jr.

there have been few attempts to develop a theoretical base through research to determine if the standard form and content of the presentence report was a valuable correctional tool. This fact had been assumed until only recently when several research projects have been completed examining the value of the traditional presentence report.

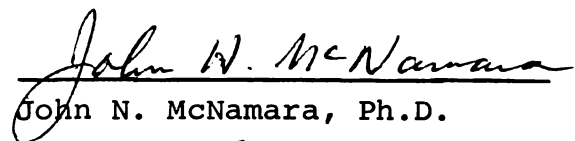
After many comments from probation agents concerning the great amount of time needed to prepare a presentence report and questioning the relevance and usage of much of the data traditionally included in the report, it was suggested by the Michigan Department of Corrections that a study be undertaken to determine the relevance of the form being used. This study is based on a questionnaire which was developed to determine the probation agent's, parole agent's and prison counselor's opinions concerning the form and content of the presentence report.


It has been concluded that, in general, the staff of the department are satisfied with the present form and content. It was found that three sub-topics of the presentence report were considered to be of little importance by the majority of the respondents in the sample, i.e., religion, habits and recreation and service record. Generally speaking, in terms of attitudes of the staff, there was a certain resistance to changing the current form; but there was some indication on possible changes in content. More research is needed in various areas pertaining to the

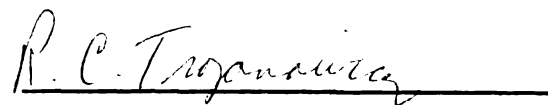
Henry B. Risley, Jr.

presentence report and this study certainly gives some indications of subjects which should be given a more sophisticated examination.

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TABLE OF CONTENTS

	Page
LIST OF TABLES	v
CHAPTER	
I. THE PROBLEM AND DEFINITION OF TERMS	1
The Problem	1
Importance of the Problem	5
Hypothesis 1	13
Hypothesis 2	13
Hypothesis 3	14
Definition of Terms	14
II. REVIEW OF THE LITERATURE	21
Historical	21
Contemporary	26
Philosophy behind the Report	26
Practical Considerations of Style and Format	32
The Judge's Concern	37
Legal Considerations	40
Previous Empirical Findings	44
Time Factor in Preparation of the Presentence Report	50
III. METHODS	55
The Sample	55
The Technique	58
Analysis	60
IV. RESULTS OF THE STUDY	61
Probation Agents	61
Parole Agents	68
Rural Agents	72
Counselors	77
Parole Board	81

Chapter	Page
Analysis	81
Probation Agents vs. Parole Agents	83
Parole Agents vs. Rural Agents	84
Parole Agents vs. Counselors	86
Probation vs. Counselors	86
Rural Agents vs. Counselors	87
V. CONCLUSIONS AND RECOMMENDATIONS	90
Conclusions	90
Recommendations	93
Content	93
Form	94
Justification for Change	96
Resistance to Change	97
Inference	98
New Form	99
APPENDIX A - The Presentence Investigation	100
APPENDIX B - The Questionnaire	108
BIBLIOGRAPHY	114

LIST OF TABLES

Table	Page
I. Rank Order of Probation Agents Rating of the Three Major Divisions of the Presentence Report	62
II. Rank Order of Probation Agents Rating of the Subdivisions of Part III The Body of the Presentence Report	63
III. Information Needed by the Probation Agent . .	64
IV. Parole Agents Rating of the Three Divisions of the Presentence Report in Rank Order . .	68
V. Parole Agents Rating of the Subsections of Part III, Ranked According to Importance . .	69
VI. Information Needed by Parole Agents	70
VII. Parole Agents Use of the Presentence Report .	71
VIII. The Rural Agent's Rating of the Three Subdivisions of the Presentence Report, Ranked According to Importance	72
IX. Rural Agent's Rating of the Subsections of Part III, The Body of the Presentence Report, Ranked According to Importance . . .	73
X. Information Needed By Field Agents in Rural Districts	74
XI. Rural Agents Use of the Presentence Report . .	76
XII. Counselors Rating of Importance of the Three Subdivisions of the Presentence Report, Ranked According to Importance	77
XIII. Counselors Rating of the Value of the Subsections of the Body of the Presentence Report, Ranked According to Importance . . .	78

Table	Page
XIV. Information Needed by Counselors	79
XV. Usage of Report by Counselors	80
XVI. Mean Scores of All Groups	82

CHAPTER I

THE PROBLEM AND DEFINITION OF TERMS

I. THE PROBLEM

In recent years it has become recognized that the presentence investigation report (hereafter referred to as presentence report), particularly in felony uses, is a major element in the correctional process. Since shortly after probation began in the middle of the 19th century it was realized that some type of information about the offender was needed prior to sentencing. Judges could not grant probation properly without knowing something about the offender. The process and the report itself have developed to such an extent and have become so useful throughout the correctional process that the President's Commission on Law Enforcement and the Administration of Justice was prompted to say that "the presentence investigations are probably the best established and most formalized correctional intake function."¹

¹The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Corrections (Washington: Government Printing Office, 1967), p. 18.

The form and content of the presentence report was developed with little question as to what type of information was needed. It has been accepted by correctional people as well as academicians that the court needs to have as much information as possible about the offender in order to make a proper determination of sentence. Probation agents who perform the investigations in order to write the presentence reports have traditionally attempted to gather volumes of information without questioning the usefulness and relevance of doing so.

This theory of gathering volumes of information was aptly presented by Jarvis when he stated:

If it be accepted that the sentence is to attempt in many cases to influence the future conduct of the offender, it follows that not only must he (the judge) be well informed about the various sentences available but he must also know something about the offender himself. The more he knows about him, in theory at least the better able he will be to select the most suitable sentence.²

The phrase in this last sentence "in theory at least" raises one of the major issues of this study for there is doubt as to whether so much information is needed. In theory it may appear logical to say so. John Wallace questions the relevance of the theory in his statement:

²F. V. Jarvis, "Inquiry Before Sentence," Criminology in Transition. Essays in Honor of Herman Mannheim, Tadeusz Grygier, Howard Jones, John Spencer, editors (London: Tavistok Press, 1964), p. 44.

We now have at our fingertips more knowledge of probation than ever before. Yet probation standards, as expressed over the years, have become static. If we continue to enunciate standards first expressed years ago, without revising, broadening, or raising them, they are likely to be neither realistic nor idealistic, just anacronistic.³

It is the intention of this study to examine the presentence investigation from the standpoint of the writers' and the users' opinions concerning its form and content. The effort put into the presentence report, particularly in terms of the probation agent's time has become great due in part to the increasing number of presentence reports which the agent must prepare. A few of the probation agents and a few of the administrators in the Michigan Department of Corrections expressed the feeling that the value of the report as it currently exists needed examination. The President's Crime Commission expressed concern over the result in the decreasing time allotted to supervision of probationers as a result of large numbers of lengthy presentence reports when it stated:

Since presentence investigations usually take precedence, the officer may have so little time left that "supervision" may take the form of receiving monthly reports filed by probationers.⁴

³ John A. Wallace, "A Fresh Look at Old Probation Standards," Crime and Delinquency, X (April, 1964), 124.

⁴ The President's Commission on Law Enforcement and the Administration of Justice, loc. cit.

Most probation services are severely overworked and under staffed. The heavy load of casework with probationers is such that the large volume of presentence investigations puts a severe strain on the resources of the agency. The problem of the time factor, i.e., the time spent on presentence investigations versus time spent on supervision will be discussed in greater detail. Often it is not possible to complete an extensive presentence report. Therefore the probation agent must be selective in seeking information about an offender. Under these conditions the information to be sought cannot be predetermined. The probation agent must spend the available time getting the information he deems relevant.⁵

As has been pointed out, there have been few attempts to assess the form and particularly the content of the presentence report. Perhaps an obvious solution to reducing the time element in the preparation of presentence reports would be a reduction in the required content of the report. It is the intention of this study to examine the problem from this perspective. What information is needed about an offender in order to effectively deal with him in the correctional process? Theoretically, at least, all of the facts about the man which could be made available, should

⁵Leslie T. Wilkins and Ann Chandler, "Confidence and Competence in Decision Making," British Journal of Criminology, V (January, 1965), 23.

be. The writer of the presentence report is expected to gather all of the relevant data pertaining to the offender's social history. Few people have questioned whether all the information available should or could be useful to correctional personnel. In addition, the practice of gathering so much information is costly; impractical because the information must then be processed and interpreted; an extremely complex process, therefore perhaps impossible; and perhaps unnecessary. A major intention of this paper is to examine this necessity from the viewpoint of the correctional worker who writes and makes use of the presentence report.

II. IMPORTANCE OF THE PROBLEM

Paul W. Keve, a former probation agent, currently the Commissioner of the Minnesota Department of Corrections, and a recognized authority on the presentence report has recently said that it is difficult for a probation agent to be motivated to produce a high quality presentence report. In this particular instance Mr. Keve was speaking of the frequent lack of concern of judges, for it is known that many read the presentence report hurriedly or only review the probation agent's summary and recommendations.⁶

⁶Paul W. Keve, "Professional Character of the Presentence Report," Federal Probation, XXVI (June, 1962), 52.

This leads one to question whether the report is too lengthy for the judge to read. In another source, Keve suggests that the report, written with proper subheadings, makes it possible for the judge to review only the sections he feels important.

If the judge always receives reports from us that follow exactly the same format, with the same headings in the same order, he becomes familiar with this format and can read more readily any particular category of information he may especially want.⁷

The question can be raised that perhaps this is poor practice because under such circumstances the judge is basing his decisions on only certain types of information, taken out of the context of a report presenting all the information available about the offender.

Vernon Fox, formerly with the Michigan Department of Corrections has done an excellent job pointing out that there is a great discrepancy between theory and practice in probation when he stated:

There are few fields of human endeavor where theory and practice are farther apart, . . . than in the field of juvenile and adult corrections.⁸

The National Council on Crime and Delinquency has stated that: "Only on the basis of a presentence

⁷Paul W. Keve, The Probation Officer Investigates (Minneapolis: University of Minnesota Press, 1961), p. 52.

⁸Vernon Fox, "Probation and Parole: Theory vs. Practice," Crime in America, Herbert A. Block, editor (New York: Philosophical Library, 1961), p. 131.

investigation can the judge be sufficiently informed to decide upon the best disposition."⁹ The presentence report is probably the most significant development in the disposition of criminal cases in recent years. Its use by the courts continues to increase throughout the country. Many judges consider it an indispensable part of the sentencing process. However, it is only as good a sentencing tool as the agent who prepares it.¹⁰ That is, probation agents do not normally have any formal training in the preparation of presentence reports. Because of the limitations in time, the agent must frequently be selective in gathering information about the offender. His selections will more than likely be based on his own personal biases. In addition, it would be assumed that not every agent has excellent abilities of communication in a written form.

The conflict between theory and practice is pointed to by Arthur Miles, who has done some research into the use of presentence reports.

Within the last ten years, however, there have been numerous questions raised about the validity of extensive case records in social agencies.¹¹

⁹Standard Probation and Parole Act (New York: National Council on Crime and Delinquency, 1964), p. 18.

¹⁰John R. Manson, "Studying the Offender Before the Court," Federal Probation, XXXIII (June, 1969), 21.

¹¹Arthur P. Miles, "The Utility of Case Records in Probation and Parole," Journal of Criminal Law Criminology and Police Science, LVI (September, 1965), 287.

It cannot be readily ascertained that many people have been questioning the value of the presentence report from the theoretical basis but Miles' statement indicates that there is an increasing doubt as to the historical assumptions about the content of the presentence report.

The President's Crime Commission points out that: ". . . the lack of adequate dispositional information of the sort corrections could provide . . . is without a doubt a major cause for irrational sentencing."¹² This also raises questions as to the validity of the traditionally accepted method of preparing and presenting presentence reports. This contention is supported by a further statement of the Crime Commission:

Experimentation with new and simpler forms of presentence investigation is important for reasons beyond the conservation of scarce resources of probation offices. Presentence reports in many cases have come to include a great deal of material of doubtful relevance to disposition in most cases.¹³

Statements from several other sources tend to support the contention of the Crime Commission. Arthur Miles, mentioned earlier, points out that, generally, social workers believe that the more information they have about the case the greater the probability they will be able to make appropriate decisions about the man.¹⁴ But, David Dressler,

¹²The President's Commission on Law Enforcement and the Administration of Justice, loc. cit.

¹³Ibid., p. 19.

¹⁴Leslie T. Wilkins and Ann Chandler, loc. cit.

one of the early authorities in the field of probation and parole, pointed out that it is easy to put too much irrelevant material into the presentence reports on the assumption that everything possible must be included.¹⁵ John Wallace stated that the reports frequently include minutiae which contribute only to their length. He further clarifies this statement in stating that:

Although much of the information now included in our reports is valuable to subsidiary users - probation staff, correctional institutions, parole boards, clinics, social work agencies - it is not so valuable to the judge, for whom the reports were supposed to have been designed in the first place. Many judges use the summary or evaluation rather than the entire report itself.¹⁶

The Crime Commission summarizes the various opinions in stating that such feelings have caused some authorities to raise questions as to the need for the kind and quantity of information that is typically gathered and presented.¹⁷

Much of the traditional theory about the presentence report tends to create problems. The theory that a presentence report is needed in every case has much support but as Wallace pointed out, this theory continues to create problems until it is decided what constitutes a good report.¹⁸

¹⁵David Dressler, Probation and Parole (New York: Columbia University Press, 1951), p. 44.

¹⁶John A. Wallace, op. cit., p. 125.

¹⁷The President's Commission on Law Enforcement and the Administration of Justice, loc. cit.

¹⁸John A. Wallace, loc. cit.

Arthur Miles, mentioned earlier, after completing a research project on the use of case records came to the conclusion:

The limited use of case records plus the tremendous amount of staff time devoted to the preparation and maintenance of records indicates that revisions of the recording system are needed.¹⁹

The next problem which comes to mind concerns who will do the research necessary to develop a better system. There is little need to discuss the confusion that would result if each probation agent were to develop a form to suit his own needs. The individual probation office is not in a good position to evaluate its own position much less to examine the methods of others. One major factor impeding the development of new reports is the legal system through which probation operates. Because of this legal framework it is difficult for probation offices to experiment in the treatment of offenders.²⁰ As an obvious example, in Michigan, one could not perform an experiment in which a group of felons is sentenced without benefit of a presentence report and compare it to a group which is sentenced on the basis of a presentence report because the presentence report is required by law for all felons.

¹⁹Arthur P. Miles, op. cit., p. 293.

²⁰Edward M. Taylor and Alexander W. McCachern, "Needs and Directions in Probation Training," Federal Probation, XXX (March, 1966), 24.

Another major problem which indicates that revision is needed concerns the time factor. According to Leon Sims, one of the most frequent complaints probation agents express concerning their job pertains to a lack of sufficient time to complete thorough presentence investigations and reports.²¹

Several British authors have pointed out that frequently the presentence report must be completed in a short time and therefore the agents must be selective in gathering information. The amount of information which can be accumulated is limited by cost factors as well as time.²² In U.S. courts generally the probation agent has sufficient time to complete the report but when the number of reports plus the normal supervision caseload are considered, time is at a premium.

. . . (A) probation officer may spend fifty to eighty-five percent of his time on presentence investigation reports. This disproportionate amount of effort spent in the presentence investigations detracts from the quality of supervision that can be given to probationers.²³

As a result, probation agents, contrary to theory, do not gather all of the information available about the

²¹Leon Jr. Sims, "Pre-arraignment Investigations: A Partial Solution to the Time Problem," Federal Probation, XXVIII (March, 1964), 24.

²²Leslie T. Wilkins and Ann Chandler, loc. cit.

²³Vernon Fox, op. cit., p. 133.

offender. Selectivity must be exercised in the gathering of information in order to make effective use of the time.²⁴

Some authorities contend that the time element, while important, is of far less concern than quality.²⁵ While others feel that quality does not depend solely on the veracity of the information provided.²⁶ If the former contention is to be accepted, then those who believe in the traditional method of preparing presentence reports must give that function precedence over the supervision duties of the probation agent. Or more appropriately stated:

Thus the investigative process (is) as important as the rehabilitation process. It is, in fact, of greater importance, since it is the bedrock of treatment. Quantitatively it is now the most significant part of all probation work . . .²⁷

But if the latter statement above is to be accepted, then it becomes necessary to examine the relationship between the theory of the presentence report and practice. It becomes necessary to examine the value of the traditionally accepted format and content of the report.

²⁴Harvey Treger, "A Meaningful Inquiry Into the Life of an Offender," Crime and Delinquency, XI (July, 1965), 255.

²⁵Barbara A. Kay and Clyde B. Vedder, Probation and Parole (Springfield: Charles C. Thomas, 1963), p. 42.

²⁶Graham E. Parker, "Use of the Presentence Report, Legal and Social Role of the Probation Officer in the Sentencing Process," The Canadian Bar Review, XLII (September, 1964), 627.

²⁷Barbara A. Kay and Clyde B. Vedder, op. cit., p. 35.

Hypothesis 1.--It is presumed that the majority of probation agents and administrative personnel do not accept the contention that presentence investigations are the major function of the probation agent. At least, the investigative duties must not become so important as to detract from the supervisory function of the probation agent. Therefore, it is the purpose of this study to examine some of the traditionally accepted notions regarding form and content of the report. Because the project was suggested by the Michigan Department of Corrections, it is also presumed that at least in that department, there is a certain amount of discontent concerning the traditional report.

The major hypothesis of this study is: The present form and content of the Michigan presentence report is unacceptable to most users of the report. Secondly, certain parts of the report are considered more valuable by most users of the report, and others are considered to be of such little value that they are rarely used and should be omitted.

Hypothesis 2.--Another secondary consideration concerns the length of service in corrections in relation to the report. Men who have only been working in the correctional setting a year or two will be more concerned with writing and using the report in more detail than men who have been in service for long periods of time. It is presumed that those who have been using the report for a

great number of years, have learned by experience which sections are important to their decision-making and program planning functions. The sections which are considered unimportant are only given cursory attention or perhaps omitted from consideration entirely.

Some attention will be given to the time factor, i.e., how much time is used to prepare reports in relation to what is theoretically an adequate amount of time to prepare a report.

Hypothesis 3.--Another secondary hypothesis concerns the use of the report. Probation agents who write and use the report in their caseload will consider different parts of the report more important than prison counselors, the parole board and parole agents. Of course one can expect to find individual differences of opinion but it is hypothesized that there will be some general differences of opinion between the groups and users.

III. DEFINITION OF TERMS

Although it is assumed that the terms probation and parole are understood, brief definitions are appropriate at this time to be certain the distinction between the two functions is fully understood.

The following quote from a text by Charles L. Chute and Marjorie Bell gives a good, concise definition of probation:

Probation is 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.²⁸

Parole is supervision of an offender within the community after a period of imprisonment, prior to discharge from legal custody of the prison or corrections department.

There are two primary functions of the probation agent: first, the preparation of presentence investigation reports, and second, the supervision of probationers.²⁹

It is felt by some people that the presentence report is the probation officer's first important function.³⁰ It is questionable as to whether most probation agents hold this opinion but there is no empirical evidence which either supports or refutes the contention.

Because it is difficult to measure good or poor supervision by the probation agent and success or failure of the probationer, and because the presentence report offers something concrete on which the function of probation can be judged, it is often stated that the presentence

²⁸Charles L. Chute and Marjorie Bell, Crime Courts and Probation (New York: The MacMillan Company, 1956), p. 137.

²⁹Vernon Fox, op. cit., p. 132.

³⁰Paul W. Keve, Prison, Probation, or Parole? (Minneapolis: The University of Minnesota Press, 1954), p. 16.

report is one of probation's major contributions to the administration of criminal justice.³¹

Before going into a more complete definition of the presentence report, a brief statement from an article by G. G. McFarlane presents a fairly accurate, short definition of the presentence report.

The presentence report or social inquiry as it is sometimes called, is basically a fact finding instrument for the court's use in classifying and sentencing offenders. Ordinarily it contains an inventory of positive and negative facts in the offender's background and current situation assembled in a manner so as to highlight traits, patterns of behavior, strengths and weaknesses in the subjects personal and social situation.³²

The primary purpose of a presentence investigation is to aid the court in making an informed disposition in order that the best rehabilitative program can be formulated.³³ Secondly it is to provide basic background data for all other agencies in the correctional process.

When the court knows the offender's previous behavior, reasons for it, and circumstances surrounding it, then the decision as to the type of treatment needed will be more easily determined.³⁴

³¹G. G. McFarlane, "Theory and Developments of Presentence Reports in Ontario," Canadian Journal of Corrections, VII (April, 1964), 212.

³²Ibid., p. 201.

³³L. Wallace Hoffman, "Analysis of a Presentence Report," Federal Probation, XIV (December, 1950), 41; Barbara A. Kay and Clyde B. Vedder, op. cit., p. 36; Charles L. Newman, Sourcebook on Probation, Parole and Pardons (Springfield: Charles C. Thomas, 1964), p. 106.

³⁴Ibid.

The use of presentence reports indicates an effort by the courts and the correctional agencies to be much more involved in the rehabilitation theory of modern penology. It is a break from the historical method of making the punishment fit the crime. It is the starting point of an effort to consider the offender as an individual rather than only considering the illegal act he committed. The resulting assumption is that a proper plan of action can be decided upon which will be most beneficial to the offender and his individual problems.³⁵

Presented below is a summary of the presentence report form and content as it is presented in the Michigan Department of Corrections, Bureau of Field Services Manual of Operations (1969). The entire definition from the Manual is reprinted in Appendix A. This particular definition is used because this study pertains directly to that form and the users of it. It must be pointed out that no matter what source is referred to, the content and form of the presentence report are basically the same, with only minor, insignificant variations.³⁶ What has become, through time,

³⁵ Paul W. Keve, Prison, Probation, or Parole, op. cit., p. 17.

³⁶ Rather than list the numerous references presenting form and content of the presentence report, only the four most frequently referred to are listed here. The American Correctional Association, Manual of Correctional Standards (New York: 1964); Paul W. Keve, The Probation Officer Investigates (Minneapolis: The University of Minnesota Press, 1961); Standard Probation and Parole Act (New York: National Council on Crime and Delinquency, 1964); Administrative Office of the United States Courts, The Presentence Investigation Report (Washington: Government Printing Office, 1965).

to be accepted as the best way to write a presentence report is universally accepted as the only method.

The presentence investigation report form is divided into three parts:

I. The Summary, Evaluation and Plan, and Recommendation of the probation agent are three subdivisions of Part I, commonly referred to as the "report to the court." This is the probation agent's summary of Part III, the body of the report, and his evaluation of the offender and the recommendations for disposition of the case.

II. The Basic Information Form, Part II, commonly referred to as the face sheet, is a preprinted form presenting demographic data about the offender.

III. Part III, the Body of the report is divided into fourteen subdivisions:

(1) Source of Referral states the court and judge from whom the referral came.

(2) Sources of Information lists the sources from which information was obtained concerning the offender.

(3) The Investigator's Version of the Offense is a detailed statement by the probation agent of the circumstances surrounding the arrest, confinement and conviction of the offender.

(4) The Offender's Version of the Offense is the verbatim statement by the offender concerning his arrest and reasons for it.

(5) The Previous Criminal Record is a complete list of all previous juvenile and adult arrests and convictions incurred by the offender.

(6) The Offender's Personal History is a narrative account of his background and early life.

(7) The Marital History is an account of the offender's marriage (or marriages) including children, and attitudes and relationships of the offender and his spouse.

(8) Education is a narrative account of the offender's adjustment and progress in school.

(9) Service Record is an account of the offender's time served in the armed forces.

(10) Employment presents a general picture of the offender's overall employment history.

(11) Economic Situation lists the offender's assets and liabilities in terms of income and indebtedness as well as his ability to handle his finances.

(12) Health presents a history of the offender's physical and mental health.

(13) Habits and Recreation describes the offender's leisure time activities.

(14) Religion presents an account of the offender's religious training and current attitude towards religion.

The problem as it has been presented in this chapter is basically that the form and content of the presentence report as it has been developed historically, is

traditionally accepted by correctional personnel. Although complaints have been made as to the shortage of time to adequately prepare what is traditionally accepted as a good presentence report, no one has questioned the validity of the traditional theory. Although this study will not examine what information is needed in the correctional processes, it will examine the attitudes of correctional personnel toward the traditional report form and content.

CHAPTER II

REVIEW OF THE LITERATURE

For convenience this chapter has been divided into four subdivisions. The first section titled Historical, presents a brief history of probation and the presentence report with reference to early literature about the presentence report. The second section, titled Contemporary, presents the theoretical development of the presentence report up through the present time. The third section titled Empirical, presents what little research there is pertaining to the presentence report. The fourth section, titled, Time Factor in Preparation of the Presentence Report, presents some empirical data pertaining to the time involved to prepare a presentence report.

I. HISTORICAL

Probation began in the United States in 1841 in the city of Boston, Massachusetts. John Augustus, frequently referred to as the Father of Probation, requested that the court place in his care, a man convicted of drunkenness, in lieu of sending him to prison.³⁷ By 1880 probation had

³⁷McFarlane, op. cit., p. 202.

developed to the extent that the Massachusetts Legislature passed the first law pertaining to the presentence report. The Massachusetts Act of 1880, Chapter 129, Section 3 stated:

It shall be the duty of such officer to carefully inquire into the character and offense of every person arrested for crime in the city or town for which he acts, with a view to ascertaining whether the accused may reasonably be expected to reform without punishment. He shall keep a full record of the results of his investigation.³⁸

In 1911 Illinois became the first state to make the presentence report mandatory in all cases. Since then, Arkansas, Idaho, and New Hampshire have followed in enacting similar laws. At present there are an additional six states which require a presentence report before probation can be granted in felony cases. The states of Michigan, Colorado and California require a presentence report in all felony cases.³⁹

The Supreme Court of the United States upheld the legality of the presentence report in a case decided in 1949.

The decision known in legal annals as *New York v. Williams*, meant . . . that for the first time in its history . . . the presentence investigation and report, earned and received validation at the summitt.⁴⁰

³⁸ Ibid.; Chute and Bell, op. cit., p. 137.

³⁹ Chute and Bell, op. cit., p. 139.

⁴⁰ Edmond Fitz Gerald, "The Presentence Investigation," National Probation and Parole Association Journal, II (October, 1956), 321.

Williams had argued that for the judge to make reference to the presentence report at the time of sentencing was in violation of due process. Williams based his contention on the grounds that he had not been notified of any charges put forth in the report and nor was he permitted to confront and cross examine the witnesses against him. The Supreme Court upheld the legitimacy of the presentence report in ruling against Williams.⁴¹

According to Robert M. Carter, of the State of Washington, Department of Institutions, the presentence report in use in the United States today can be traced to 1910 at which time William Healy outlined the need for individual study of the offender. Healy published several articles pertaining to the need for a presentence report prior to release of his textbook in 1915, The Individual Delinquent (subtitle: A textbook of diagnosis and prognosis for all concerned in understanding offenders). The form for the presentence report presented by Healy covered eleven areas: "family history, developmental history, environment, mental and moral development, anthropometry, medical examination, psychological data, delinquency record,

⁴¹Ibid.

a diagnostic and prognostic summary, as well as follow up and subsidiary records."⁴²

A text by Mary E. Richmond in 1917 and another by Edwin J. Cooley in 1918 introduced the social casework approach of social workers which is very much in use today. It is interesting to note how nearly identical their outline is to the one currently in use in Michigan. Richmond's and Cooley's form included such subsections as: general social data, physical and mental condition, industrial history, financial situation, education, religious affiliation, recreation and others.⁴³ It hardly needs to be pointed out that this social casework approach has been adhered to for some fifty years with little change.

In 1919 the National Probation Association asserted that the judge should require a presentence report on all convicted offenders if they are being considered for probation.⁴⁴ Three years later, in 1922, John W. Houston reconfirmed this contention in stating:

No person should ever be put on probation until a full investigation has been made by a probation officer of

⁴²Robert M. Carter, "An Alternative Presentence Report Model for the Division of Probation and Parole," Department of Institutions, Division of Research, Research Report (Olympia, Washington, 1969), 9.

⁴³Ibid.

⁴⁴National Probation Association, "Standards of Effective Probation Work," Journal of Criminal Law and Criminology, X (August, 1919), 293.

his home, family conditions, work record, criminal record if any, and the general reputation he bears in the neighborhood in which he lives.⁴⁵

In 1928, Charles L. Chute, who has become one of the most widely recognized authorities on the early developments of probation, pointed out the dual role of the probation officer.

The principles of probation are: investigation to establish the history, character, and social setting of the offender . . . second, out-patient treatment under strict conditions and competent supervision . . .⁴⁶

Although the presentence report was initiated earlier in history, the current form and content can be traced to the period between 1910 and 1920 when Healy, Richmond and Cooley, in separate texts, introduced the social casework method of preparing presentence reports and defined, from the social casework philosophy, the content and form of the presentence report. As it can readily be observed, there has been little change in this form of the report. It was also at this time that the dual functions, investigations and supervision, of the probation agent were defined and clarified. In the following section, it will be shown how this basic philosophy behind the presentence report has developed to what the report is today.

⁴⁵ John W. Houston, "Right Selection of Probation Cases," Journal of Criminal Law and Criminology, XII (February, 1922), 579.

⁴⁶ Charles L. Chute, "The Development of Needs of Probation Service," Journal of Criminal Law and Criminology, XVIII (December, 1928), 514.

II. CONTEMPORARY

Philosophy behind the Report.

In the U.S. the investigation of criminal cases for guidance of the court was early recognized as part of the probation officer's work, but only in recent years, with the development of larger staffs, has it become a major division of the service.⁴⁷

Edmund Fitz Gerald points out that one of the major reasons for the slow development of the presentence report was that in the smaller communities the judge frequently knew the offender's background and therefore, there was no need for a presentence report.⁴⁸ This is not the only explanation and perhaps not even a major one. At the time when the sentencing process was concerned primarily with punishment there was no need for a presentence report for which a major purpose was to determine proper sentence from the rehabilitative standpoint. The presentence report is a development of the change from a punitive to a rehabilitative philosophy. In light of the changing philosophy, the National Council on Crime and Delinquency, was prompted to point out that the presentence report has many uses in the correctional process following the sentence.

The report is of indispensable importance to the classification process and the institutional authorities generally, as well as the parole board.⁴⁹

⁴⁷ Chute and Bell, op. cit., p. 137.

⁴⁸ Fitz Gerald, op. cit., p. 324.

⁴⁹ Standard Probation and Parole Act, op. cit.,
p. 18.

A state government investigating committee, looking into the prison, probation and parole practices in Pennsylvania further developed this notion in stating that: "presentence investigations and the reports based on them are just as essential in the control of crime as prison walls and bars."⁵⁰

David Dressler, writing twenty years ago, listed four major purposes of the presentence report:

- (1) It aids the court in making an intelligent decision on what to do.
- (2) It serves as a background data toward formulation of a program for the inmate.
- (3) It is the starting point for supervision of the probationer.
- (4) It is an instrument in parole selection and supervision.⁵¹

In one of the sources mentioned earlier, as a commonly referred to outline for the presentence report, a fifth purpose is listed. The presentence report serves as a source of information for the researcher.⁵² This purpose was not referred to earlier in the history of the presentence report because it has been only quite recently that a concern has developed for research in any of the correctional areas.

⁵⁰ Pennsylvania Joint State Government Commission, Penal, Institutions, Probation and Parole (Recommendations of the Task Force and Advisory Committee. Philadelphia, 1963), p. 15.

⁵¹ Dressler, op. cit., p. 39.

⁵² Administrative Office of the U.S. Courts, Probation Division, op. cit., p. 1.

The dominating influence of the social casework method alluded to earlier, becomes quite obvious when one reviews the definitions of the primary purpose of the report.

Ben Meeker, twenty years ago, defined the primary purpose as:

The primary function of a presentence report is to present the court with a concise, yet adequate, evaluation of all factors which will influence the adjustment of an offender, either on probation or in confinement.⁵³

The National Council on Crime and Delinquency stated this function as:

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.⁵⁴

The attitude regarding learning about the offender in order to induce changes in his way of life is aptly pointed out by Fitz Gerald when he says:

. . . the principal purpose of the investigation report is to provide the diagnostic information on the basis of which intelligent and workable retraining programs can be formulated and carried forward, in or out of correctional institutions.⁵⁵

Ideally, a presentence report should be prepared in every criminal case, attempting to give the judge some

⁵³Ben Meeker, "Analysis of a Presentence Report," Federal Probation, XIV (March, 1950), 41.

⁵⁴Standards and Guides for Adult Probation (New York: National Council on Crime and Delinquency, 1962), p. 32.

⁵⁵Fitz Gerald, op. cit., p. 325.

explanation for the anti-social conduct of the offender.⁵⁶ As the Pennsylvania investigating committee, mentioned above, pointed out, the need for presentence investigations is particularly obvious in the case of offenders convicted of more serious offenses calling for imprisonment. The major reason given was that the offender had to wait as much as three or four months in a reception center in order that information could be gathered when no presentence report had been done, in order to plan a program of treatment for him.⁵⁷

After completing a very extensive research project in the Federal Prison system, Glaser made the interesting conclusion that probation agents tended to give higher priority to presentence reports. He points out that this is a pervasive tendency in social casework.⁵⁸

It is a development often observed also in mental hospitals, juvenile correctional institutions, and prisons. This is the tendency for diagnostic activities to expand in volume, in comparison with counseling or other treatment services.⁵⁹

⁵⁶Parker, op. cit., p. 622.

⁵⁷Pennsylvania Joint State Government Commission, op. cit., p. 16.

⁵⁸Daniel Glaser, The Effectiveness of a Prison and Parole System (New York: The Bobbs-Merrill Company, Inc., 1964), p. 445.

⁵⁹Ibid.

This, of course, tends to help explain the rapid growth of the presentence report in the early twentieth century and its development to what it is today.

Glaser gives several reasons to explain his conclusions:

- (1) Diagnostic reports are usually required by a specific deadline.
- (2) Diagnostic reports are provided for higher officials while treatment services are generally for persons not in authority over the caseworker.
- (3) Diagnostic activity produces a tangible product in the report while the results of treatment are not readily observed.⁶⁰

This third reason is perhaps the most important because it is reasonable to expect that a caseworker can be more easily judged and praised on the basis of their written communications, than on his supervision duties which are not easily evaluated.⁶¹

Harvey Treger, writing as recently as five years ago, presents excellent arguments in defense of the thorough, detailed, traditionally accepted, social casework method of preparing presentence reports. For example: the offender's version of the offense has always been considered an important section of the presentence report. Treger contends that this account reveals the offender's ability to assume the responsibility for his actions. When

⁶⁰Ibid.

⁶¹Ibid., p. 446.

compared with the official version of the offense, the caseworker can begin to understand the offender's perceptions as well as any feelings of shame, remorse, depression or others.⁶²

In concluding his discussion of the presentence report, Treger summarizes:

A meaningful inquiry into the life of the offender should pay particular attention to his significant relationships as well as to the risks of allowing him to remain under supervision in the community. Most of all, we must look not only at the facts we gather, but also behind them for a deeper understanding so that we will approach evaluation of the offender in a meaningful way.⁶³

James V. Bennett, formerly the Director of the Bureau of Federal Prisons, appears to be expressing the same feelings when he points out that the knowledge of the life of a man, his background and his family is the only proper basis for the determination as to his treatment, for there is no substitute for information.⁶⁴

Perhaps F. V. Jarvis does a most accurate job of summarizing the philosophy behind the presentence report. He states that after reviewing the presentence report, the court will presumably have a first hand picture of the

⁶²Treger, op. cit., p. 251.

⁶³Ibid., p. 255.

⁶⁴United States Congress, Senate, Committee on the Judiciary, Of Prisons and Justice: A Selection of the Writings of James V. Bennett, 88 Congress, 2nd Session (Washington: Government Printing Office, 1964), p. 332.

defendant, his family, and his home conditions. The court should know his attitude to his family and their feelings toward him. The court should also know his attitude to employment or school, his present offense and any previous ones. All this will give the court a understanding of what sort of man he is, whether he is a leader or follower, gregarious or isolated, normal or inadequate, healthy or sick, casually delinquent or habitually criminal.⁶⁵ Without such a comprehensive social history, the court would be compelled to impose sentence without a full understanding of the man.

Therefore, the dominant philosophy underlying the presentence report could be simply stated as the need for as much information about the social history and development of the offender. This led to the development of the traditional presentence report. The primary purpose, historically and at present, of the presentence report is to provide a complete "picture" of the defendant to the court in order that the proper sentence can be chosen. In addition the report is indispensable to the other agencies in the correctional process for it is the major source and often the only one of background information about the offender.

Practical Considerations of Style and Format.--

Although most presentence report guides are basically the

⁶⁵Jarvis, op. cit., p. 54.

same, the National Council on Crime and Delinquency has pointed out that no one format can be said to be the best one.⁶⁶ For example, William B. Herland lists twenty six questions which must be answered about the offender in the report. These questions encompass the entire recommended content of the traditional report.⁶⁷

One point which is universally accepted concerns the probation agent's summary and recommendations.

A probation report should carefully and deliberately advise for or against probation, having in mind: (1) the prospect of rehabilitation; (2) the risk of recidivism; (3) the need to protect society; and (4) the need to incarcerate because of the gravity of the offense.⁶⁸

Speaking with reference to style, Paul Keve, perhaps the most widely recognized authority on the presentence report, makes the suggestion:

Style should be determined mainly by utilitarian considerations, but it can still have warmth and feeling. It needs to be simple and direct, find its greatest virtue in its self-effacement and its ability to carry immediately understandable meaning in every line.⁶⁹

⁶⁶Standards and Guides for Adult Probation, op. cit., p. 35.

⁶⁷William B. Herland, "When & How a Sentencing Judge Should Use Probation," Federal Rules Decisions, III (October, 1964), 487.

⁶⁸Francis S. Boldue, "A Reappraisal of Probation," The New Jersey Bar Association Probation Committee, XII (1963), p. 6.

⁶⁹Keve, The Probation Officer Investigates, op. cit., p. 41.

Keve also stresses the need for objectivity.

One goal of great importance that is closely allied with style is objectivity. Even if the investigation is done with great skill and thoroughness the report will be very unworthy if it is written subjectively.⁷⁰

Keve suggests the report should be a story about the defendant. It should be very evaluative, not merely a listing of facts. Conversational rather than formal language should be used. He suggests rewriting all presentence reports in order to smooth them out although he raises the obvious concern about the availability of time to do this.⁷¹

John R. Manson makes the obvious statement that: "The most important interview the probation officer conducts is with the defendant."⁷² It is important that the probation agent gain an insight into the offender's problems, particularly those leading to the incident and any other offenses. Information about his family and marital relationships is important in determining how he was disciplined and how he reacted to it. A history of offenses may indicate long standing problems with authority figures as well as other problems in relationship to his wife and offspring.⁷³

⁷⁰ Ibid., p. 44.

⁷¹ Ibid., pp. 40-50.
Keve, "Professional Character of the Pre-Sentence Report," op. cit., pp. 55-56.

⁷² Manson, op. cit., p. 19.

⁷³ Treger, op. cit., pp. 251-253.

Albert Wahl points out that verification of the facts in a man's history frequently require contact with family members, schools or employers, friends and others. It is through this method that the information can be evaluated as to reliability and bias. "While this takes a long time it goes a long way toward avoiding faulty conclusions."⁷⁴

The problem of time in verifying information about the offender has been considered by many. Manson and The President's Commission on Law Enforcement and the Administration of Justice make some interesting suggestions to make the process more efficient. Manson states:

The use of standardized forms to secure information from community sources has taken on increased use in recent years . . . The specially designed forms are time saving and convenient. The use of such forms is justified, especially when forms elicit impersonal information . . .⁷⁵

The President's Crime Commission suggests a slightly different approach.

Much information of this kind can also be collected by non-professional personnel under the supervision of trained correctional staff.⁷⁶

The above considerations are particularly relevant when considering Vernon Fox's statements concerning the discrepancies between theory and practice on the presentence

⁷⁴A. Wahl, "If I were a Judge," Federal Probation, XXVI (June, 1962), p. 41.

⁷⁵Manson, op. cit., p. 20.

⁷⁶Task Force Report: Corrections, op. cit., p. 19.

report. The volume of work to be done by the probation agent and the attitude of the judge toward the presentence report may render a particular situation at variance with the theory. Overworked probation agents spend a considerable amount of their time preparing these reports and yet frequently they are not so detailed as theory would have.⁷⁷

Edmund Fitz Gerald has taken a somewhat different approach in justifying the time spent to prepare presentence reports by concluding that investigation is the most important function of the probation agent. In Fitz Gerald's opinion, investigation is more important than treatment because it is the bedrock of treatment.⁷⁸

James V. Bennett hints that he may hold the same opinion when he says that reducing caseloads leaves more time for presentences, the result of which is more valid sentences.⁷⁹

Stylistically, the presentence report should be simple and direct yet it should not be merely a listing of facts. The report should present a story about the offender. Several sources mentioned above suggest that the probation agent should be more concerned with the presentence report than supervision because the former is more important. It has been suggested that using non-professional personnel to

⁷⁷Fox, op. cit., p. 133.

⁷⁸Fitz Gerald, op. cit., p. 324.

⁷⁹"Of Prisons & Justice," op. cit., p. 332.

gather much of the factual information would leave more time for verification and interpretation by the probation agent, resulting in a more detailed, well written presentence report.

The Judge's Concern.--Since the development of the presentence report, intending to give the court a picture of the offender, the principle has been developed and is now widely accepted that a sentence should be based on comprehensive and reliable information which is relevant to the objectives of the court.⁸⁰

One judge, J. B. Parsons, has pointed out several factors which sentencing judges should understand, recognize and realize about presentence reports. First, the probation agent realizes that the judge may not and need not follow his recommendations. Secondly, more than a quick skimming of the report is necessary to fully understand it. Thirdly, the presentence report is used by other agencies in the criminal justice system. Lastly, any confidential sources of information the probation agent may have must remain confidential.⁸¹

Although it is questionable as to how many judges take an active concern in the presentence report as well as

⁸⁰Jarvis, op. cit., p. 45.

⁸¹James Benton Parsons, "Aids in Sentencing," Federal Rules Decisions, XXXV (October, 1964), p. 428.

their sentencing function, one conscientious jurist, George Boldt, was moved to make the statement:

Presentence reports containing more information pertinent to the individual offender are becoming widely recognized as indispensable to a just sentence. Never, in determining hundreds of sentences, have I even tentatively concluded what one should be before securing and carefully studying a presentence report.⁸²

An interesting development in the sentencing process occurred in 1960 when the United States District Court for the Eastern District of Michigan located in Detroit, began using a "sentencing council." After a conviction or guilty plea, the judge of jurisdiction and two others review the presentence report and decide on the sentence as a group.⁸³

Talbot Smith, who was at one time a judge in that court, after being involved in the sentencing council procedure, was prompted to say that an extensive presentence report was the key to the effective use of that system.

Through the use of a work sheet, each judge on the council is required to summarize the content of the presentence report. Smith feels that this is perhaps the most valuable part of the sentencing process. The factors which must be specifically considered are the likelihood of satisfactory community adjustment, the offender's work record,

⁸²George H. Boldt, "Recent Trends in Criminal Sentencing," Federal Probation, XXVII (March, 1963), p. 4.

⁸³Talbot Smith, "The Sentencing Council & The Problem of Disproportionate Sentences," Federal Probation, XXVII (June, 1963), pp. 2-3.

family situation including need for financial support, and the defendant's academic or vocational training needs.⁸⁴

After having worked with the sentencing council system for several years, Smith made the conclusion, with regard to the traditional presentence report form:

There is no doubt that the report described is time consuming, comprehensive, and expensive for the Government. But in light of the purposes accomplished in the proper sentencing of the defendant, the expenditure both of time and money is . . . well worthwhile.⁸⁵

The chief probation agent, Richard Doyle, who helped originate the sentencing council system was led to conclude after five months of operation:

Although the council has been in operation for only a limited period, it has served to demonstrate that when two or more judges individually review and appraise the presentence material on a given defendant, divergent opinions as to sentencing considerations and dispositions frequently result.⁸⁶

This conclusion raises some interesting doubt as to the value of the presentence report and the role of the judge in the sentencing process. For if several judges reach different conclusions as to sentence, based on the same report, what value can be placed in that report. One would presume that if the sentencing process were formalized and/or professionalized, that different judges would reach

⁸⁴Ibid., pp. 6-7.

⁸⁵Ibid., p. 7.

⁸⁶Richard F. Doyle, "A Sentencing Council in Operation," Federal Probation, XXV (September, 1961), p. 30.

similar conclusions based on a presentence report. The fact that judges do not reach similar conclusions, raises the question as to whether the report provides the kind of information necessary for the judge to base his decision as to most appropriate sentence.

Although there is some question as to whether all judges use the presentence report to the extent that it is intended, it must be assumed that judges recognize the value and role of the presentence report. The report should be reviewed in its entirety and the sentence should be based on a consideration of all factors, not just a particular part of the report. The development of the Sentencing Council in the United States District Court for the Eastern District of Michigan raises some interesting questions as to whether the use of a presentence report does result in a proper sentence.

Legal Considerations.--Because it is not within the scope of this study, a review of the literature concerning confidentiality of the presentence report is not included. There are other legal considerations which need mentioning. Foremost among these is the Williams vs. New York case, mentioned previously, the result of which was legitimization of the presentence report by the Supreme Court of the United States.

In Michigan a presentence investigation report is required by law in all felony cases and may be requested by the judge in misdemeanor cases.⁸⁷

The Model Sentencing Act drawn up by the Advisory Council of Judges of the National Council on Crime and Delinquency, in Article II sections II and III, defines the presentence report and makes it mandatory in all felonies. It is not known how many states have adopted these acts or similar ones. The Michigan statute is very similar in wording and meaning.⁸⁸

In 1963 a New Jersey Appellate Court rejected a presentence report under the existing New Jersey statute and thereby defined what they considered to be an inadequate report (*State v. Leckis*, 79 N.J. Super. 479). The majority of the report pertained to details of the offense taken from the prosecutor's files. It lacked any resemblance to what is defined as an adequate presentence report.

There is little in the report that would give a judge an accurate idea of defendant's personal background - his mentality, personality, habits and the like - or of the family background which would give the case a meaningful setting.

So much depends upon the completeness and balanced presentation of a presentence report that anything

⁸⁷J. M. Henderson (ed.), Michigan Statutes Annotated (Chicago: Calagan and Company, 1938), Sec. 28.1144, p. 473.

⁸⁸"Model Sentencing Act - Text & Commentary," Crime and Delinquency, IX (October, 1963), pp. 347-348.

less would fall short of providing the sentencing judge with the information he must have in order to impose a just sentence.⁸⁹

In consideration of the time factor, some courts have begun doing prearraignment investigations. The defendant is asked to sign a consent form before the investigation is started. This method is particularly helpful in jurisdictions where the courts have terms and if the probation staff waited until after conviction they would have a heavy load during the court term and a light load between terms.⁹⁰

Leon J. Sims points out that some people have objected to this method because it jeopardizes the rights of the defendant. But Sims does not feel that this is a valid objection so long as the offender understands the procedure and gives his consent freely.⁹¹

Another legal consideration which has aroused much controversy concerns the practice, common in Canada, of submitting the report to the defendant for his evaluation.⁹²

Sol Rubin defends this practice in stating:

Giving the defendant access to the report and opportunity to comment on it, even to controvert it, protects not only the defendant but also the court against error. Because probation staffs are inadequate in most

⁸⁹ Sol Rubin, "Developments in Correctional Law," Crime and Delinquency, XI (April, 1965), p. 193.

⁹⁰ Sims, op. cit., p. 24.

⁹¹ Ibid., p. 26.

⁹² McFarlane, op. cit., p. 211.

departments in numbers and quality, it cannot be assumed that the reports are complete and accurate. Disclosures to the defendant would militate against laxity in the investigation, carelessness in writing of the report, and rubberstamping of the report by the judge.⁹³

As it has been presented in contemporary literature, the purpose of the presentence report is primarily for the judge upon which he can base sentence; secondarily, it is the major informational tool for the entire correctional process. If the report is adequately and properly prepared, it presents a complete story of the defendant. The judge, presumably, will be able to determine the most appropriate sentence, based on this report, therefore, it is perhaps one of the most important functions in the correctional process. But, the experiences with the sentencing council in the federal court in Detroit raise doubt as to the validity of making such a definitive statement, since judges can decide on entirely different sentences from the same presentence report. The problem of confidentiality has not been considered but some advantages can be seen in the practice of allowing the defendant to review the report. The validity of the presentence report process was upheld by the Supreme Court in *Williams vs. New York*.

⁹³Sol Rubin, The Law of Criminal Correction (St. Paul: West Publishing Company, 1963), p. 92.

III. PREVIOUS EMPIRICAL FINDINGS

Very little has been done in the area of research on the probation department and the presentence investigation report. Several researchers have been concerned with the time factor in relation to preparation of the presentence report. This will be discussed in the following section.

David Gronewold, in 1957, conducted a survey of the practices of federal probation agents. In drawing conclusions with reference to the presentence report, he stated that the probation agent refers to a wide variety of sources in gathering data about the offender. Gronewold determined that the most frequently referred to sources are the offender himself, his relatives, employers and law-enforcement and juvenile court personnel.⁹⁴

Roger Hood did an interesting study in England in an attempt to determine if the presentence report increased the ability of the Court to choose the sentence which would stop the offender from offending again. After presentence reports had been in use in the district which he studied for four years, the judges, when polled, felt the reports were beneficial in deciding sentence. Hood's concern was

⁹⁴David H. Gronewold, "Presentence Investigation Practices in the Federal Probation System," Federal Probation, XXII (September, 1958), p. 31.

whether the sentence was appropriate. Two samples of 100 offenders were defined and a presentence report was prepared for one group but not the other.

Both of the groups in the sample had similar prior conviction rates. That is, sixty-five members of each sample of one hundred offenders had a previous conviction. After several years had elapsed, a follow up study was done which found that forty-three members of each group were convicted of a new offense. This result would lead one to believe that the use of the presentence report had no effect on the ability of the judge to choose the proper sentence which would result in rehabilitation of the offender. This assumes that recidivism is an accurate measure of rehabilitation, however the results do raise questions as to the traditionally accepted purpose of the report, i.e., to provide information to the judge upon which he can base the sentence.

In concluding his study, Hood makes excuses for the results. "I hope no one will take the evidence of this study as proving that information, as such, is unnecessary."⁹⁵

Arthur P. Miles completed a study of "The Utility of Case Records in Probation and Parole," which examines

⁹⁵Roger Hood, "A Study of the Effectiveness of Pre-Sentence Investigations in Reducing Recidivism," The British Journal of Criminology, VI (July, 1966), pp. 303-310.

the use of the entire case report, and is not limited to the presentence report itself. But some of his conclusions have many implications for the presentence report.

In introducing his research, Miles points to a study of two family service agencies in Chicago:

. . . the study concluded that the supervisory process is based mainly upon verbal communication. The supervisors, they found, spent only eight percent of their time reading records.⁹⁶

Four major uses of the case records by probation and parole agents were found:

(1) the record serves as a guide to case activity; (2) the record makes possible a smooth transition from one agent to another; (3) the record provides information for planning future action in the case; (4) the record is used in supervision of the offender.

Although they said they did, it was found that supervisors of probation and parole agents do not rely on case records. Supervision is based more on oral communication.

Miles also found that the administrative personnel in the central office preferred abbreviated records to the extensive recording common to most case records because it was easier to locate specific facts in a short period of time.

⁹⁶Miles, "The Utility of Case Records on Probation & Parole," op. cit., p. 287.

Miles further pointed out that the records were used extensively by graduate students for research purposes. They wanted basic factual data and were unconcerned with the dynamics of psychological interaction between probation or parole agents and the offender.⁹⁷

Two interesting research projects have been completed which have attempted to examine the probation agent's decision making duties with reference specifically to the recommendation in the presentence report for imprisonment or probation.

Leslie Wilkins and Ann Chandler, in an article "Confidence and Competence in Decision Making,"⁹⁸ conclude, after completing a research project in England, that the method by which the agent seeks information appears to be the important factor. That is, the agent's pattern of selection seems to be the important factor resulting in successful decision making.

Chandler and Wilkins concluded that the probability that an agent would change his decision decreased as the amount of information available upon which to base the decision increased. But they found that a change in the agent's decision was not related to his degree of confidence in the decision, because the degree of confidence did

⁹⁷Ibid., pp. 289-292.

⁹⁸Wilkins, op. cit., pp. 25-34.

not increase as the amount of information increased. If the decision was changed with an increase in information, it most likely was changed to a more lenient recommendation. It was found that the degree of confidence in the decision was highly correlated with ease in making the decision.

Perhaps the most surprising result is the lack of any consensus among trained officers as to the value of the information in decision making.⁹⁹

Wilkins and Chandler concluded that the method of seeking and using information bears no relationship to the type of decision made. The way in which people seek and utilize information in the course of decision making, they said, appears to be characteristic of the persons concerned rather than the types of decisions.

Joseph Lohman, Albert Wahl and Robert Carter have recently completed an extensive research project on probation, from the School of Criminology, University of California. One part of that project, "Decision - Making and the Probation Officer: The Presentence Report Recommendation," is of particular concern.

This project resulted in several interesting conclusions regarding the information contained in the presentence report. "It is clear that most of the data collected in the presentence report investigation is not,

⁹⁹Ibid., p. 28.

in fact, employed in the development of a recommendation."¹⁰⁰
The authors point out that this conclusion has no bearing on the use of the information in other agencies in the correctional process.

This leads to speculation as to how much presentence investigation time is utilized to gather information which may be of very minor significance in making a recommendation. But in a more positive sense, how long does it take to gather the "essential" information - information on the current offense, prior record, and so on. It also raises the question of whether probation officers, once they have "decided" on a recommendation for a specific case early in the presentence investigation, conduct the balance of their investigation in search of further information which justifies the previously made decision, rather than seeking information which might lead to a modification or rejection of that decision.¹⁰¹

These research projects raise several questions as to the value of the presentence report. If decisions are based on limited information why is it necessary to attempt to gather volumes of information? If the presentence report has no effect on whether the offender receives a sentence which results in his avoiding further criminal activities, what is its value in the sentencing process? Perhaps the most obvious conclusion which could be drawn is that further research is needed as to what types of information about

¹⁰⁰ Joseph D. Lohman, Albert Wahl, and Robert Carter, Decision Making & The Probation Officer: The Pre-Sentence Report Recommendation (University of California School of Criminology, Research Report IV. Berkeley, California: University of California Press, 1966), p. 17.

¹⁰¹ Ibid., p. 19.

the offender have predictive validity regarding his future behavior. In addition it is recognized that judges have a limited selection as to the types of sentences available, therefore, the problem lies in the system, not only in the presentence report as one part of the system.

IV. TIME FACTOR IN PREPARATION OF THE PRESENTENCE REPORT

A concern over the time element as it pertains to the two functions of the probation agent, investigation and supervision, can be traced back to 1919 in a statement by the National Probation Association:

Care should be exercised on the part of judges and magistrates throughout the country lest the making of preliminary investigations requires so much of the time of probation officers as to prevent them from properly performing their principal duties of looking after and aiding persons who are placed on probation.¹⁰²

Contemporary authors apparently feel that the time element, although important, is not of as major concern as quality or quantity of the report. Of course, one of the primary conditions affecting the adequacy of the investigation is the work load of the probation agent. It has been recommended that a minimum of three to four weeks is necessary for the completion of a report.¹⁰³

¹⁰²"Standards for Effective Probation Work," op. cit., p. 293.

¹⁰³The American Correctional Association, op. cit., Standards and Guides for Adult Probation, op. cit., p. 23; Kay and Vedder, op. cit., p. 41.

The President's Crime Commission was prompted to point out that the completion of the standard report is extremely time consuming.

A probation officer should adequately prepare no more than ten such reports during a month - and that exclusive of any other duties.¹⁰⁴

Only a few research projects have been completed which deal directly with questions relating to the time factor. Arthur Miles, researching in the Wisconsin system, found that the probation agent spends as much as sixty percent of his time in "indirect activities," i.e., not directly related to supervision or investigation.¹⁰⁵

Albert Wahl and Daniel Glaser conducted a fairly extensive time study in a federal probation office in California. It was found that the presentence investigation and report was the most time consuming activity of the agents, who handle both probation and parole caseloads. Approximately one-third of the agent's time is spent on presentence reports. Slightly less, twenty-nine percent is spent in supervision. Thirty percent of the agent's time is spent in the office with half of this time spent on paperwork.¹⁰⁶

¹⁰⁴Task Force Report: Corrections, op. cit., p. 18.

¹⁰⁵Arthur R. Miles, "Wisconsin Studies of the Function of Probation & Parole," The American Journal of Corrections, XXVII (March, 1965), p. 23.

¹⁰⁶Albert Wahl and Daniel Glaser, "A Pilot Time Study of the Federal Probationer's Job," Federal Probation, XXVII (September, 1963), pp. 21-24.

This research served as one pilot study for a much more extensive examination of the entire correctional process by a team of researchers directed by Daniel Glaser. The final report of this research is a book by Glaser: The Effectiveness of a Prison and Parole System. Glaser found that the Federal probation agent spent roughly eighty percent of his time on probation activity. Half of this was spent on presentence investigations. One-third of the probation agent's total working time was spent in report writing.¹⁰⁷

Glaser makes the conclusion:

Apparently the demands of the federal probation job relationships rather than the officer's preferences, account for the time given presentence work.¹⁰⁸

As a result of his research, Glaser makes the interesting observation concerning the value of the time spent on presentence reports:

. . . it may frequently be the case that many of the hours invested in diagnosis, by helping a court to achieve wise sentencing decisions, contribute more to crime reduction than would the same number of hours in added supervision services.¹⁰⁹

A study of the Grand Rapids Probation Office in the Michigan Department of Corrections found that agents were spending three to four hours total, spread over two to three

¹⁰⁷Glaser, op. cit., pp. 442-443.

¹⁰⁸Ibid., p. 445.

¹⁰⁹Ibid., p. 446.

weeks to complete a presentence report. Although it was determined that these figures presented averages somewhat lower than was actually the situation, these figures point to grave discrepancies between theory and practice. The agents in this sample were completing ten investigations per month at the same time they were carrying supervision case loads of seventy to eighty. The time figures in this study were low, but even if the agent was spending twice as much time on presentence reports, it still would not be equal to that recommended by theory.¹¹⁰

Glaser's study, mentioned earlier, showed only one hour per month per probationer for supervision.¹¹¹ How much supervision can be accomplished in so little time? Of course this is a mean or per capita time and it can be presumed that more difficult cases receive more time while others receive less time. But this still appears that little time remains for supervision of probationers.

Vernon Fox has stated that the congruency between theory and practice is dependent upon, among other things, "environmental factors which militate against the application of theory, such as overwhelming caseloads."¹¹²

¹¹⁰Henry B. Risley, "An Analysis of the Time Factor as it Relates to the Presentence Investigation Report," (Unpublished Research, Michigan State University, E. Lansing, 1969).

¹¹¹Glaser, op. cit., p. 444.

¹¹²Fox, op. cit., p. 131.

The solution to these problems lies not in further research of the problems directly related to the time-function problem. Nor is the answer to blindly add additional manpower without asking why and for what they are most needed. That is, it is common practice to hire more probation agents as the caseload increases. These agents are assigned the same functions as those already employed with the intention that there will be more time for presentence reports and supervision. There have been few attempts to examine these functions to determine if they are the most appropriate in attaining the goals of rehabilitation. The answer lies in a detailed examination of the presentence report itself. "Theory develops from observations of practical situations and events."¹¹³ The theory related to presentence reports was not developed in this manner but stems from the early part of the century when guidelines were set down without question as to their relevance or validity.

¹¹³Ibid., p. 130.

CHAPTER III

METHODS

As has been mentioned previously, this study was undertaken at the suggestion and under the direction of the Michigan Department of Corrections. Questions were raised as to the validity of the presentence report form (see Chapter I), which had been in use several years. Many probation agents expressed the opinion that they were investing too much time in a report of questionable value. They questioned the value of the information they gathered for the report. Did it all need to be in the report? Is all of the information which should be included used in the correctional process?

I. THE SAMPLE

It was decided that a representative sample of probation agents, parole agents, and institutional counselors was needed in order to determine the value of the report throughout the entire department. In addition, supervisory personnel and the parole board were considered to be a necessary part of the sample.

In order to distinguish between geographic areas, population size of the territory in which the field agent worked was used as the critical factor. Three sampling strata were used: (1) a large metropolitan area, Detroit; (2) medium sized cities and surrounding urban area (population over 75,000); and (3) rural areas where the town in which the field agent's office is located has a population of less than 10,000.

In order to reduce the total number of field agents in the three strata to a workable number, a table of random numbers was used. It was also decided that the large metropolitan area, Detroit, should represent about one-half of the sample because approximately half of the population of Michigan is located in the city of Detroit.

The total number of thirty-eight parole agents in Detroit was reduced to twenty-five, by random selection. The total of one hundred and seventy probation agents in Detroit was reduced to fifty, by random selection.

The total of thirty-two supervisors of probation agents in Detroit was reduced by random selection to eight, in order that the proportion be equal to that of the total of the other supervisors and similar to the reduction in the number of agents in the sample.

Six smaller cities, referred to generally as urban centers, were chosen, Grand Rapids, Flint, Lansing, Saginaw, Pontiac and Kalamazoo. Only one, Pontiac is close to

Detroit. It was intended that the cities would be located outside the Detroit area, therefore, no others close to Detroit were used. All of the field agents in these areas were included in the sample--forty-two probation agents and twenty-one parole agents. The five supervisors who are responsible for the regions within which these cities lie were included in the sample of supervisors.

Ten agents were located who had jurisdiction over two counties, had an office in a small city or town, and performed both probation and parole duties. This represents the rural sample.

The total of forty-four institutional, prison and conservation camp, counselors was reduced, by random selection, to twenty.

Also included are the five parole board members. The resultant total number of cases to be examined was one hundred and eighty-six.

The decision was made not to include judges in the sample. Because of the method of appointment, judges are not trained nor do they usually have any experience in the correctional process. Although, traditionally, the presentence report is primarily intended for use by the judge in proper determination of sentence, it was felt that judges more frequently are concerned with legal restrictions in sentencing and public sentiment, in addition to any personal biases they may have. Several probation agents expressed

the feeling that judges would accept any form of report handed them. This tends to indicate that judges do not have soundly based opinions on what constitutes a good report. Therefore any suggestions judges may have would be based on personal preferences which are not founded on experience or training in the correctional functions. Therefore it was decided that any recommendations from judges would be less relevant than those of correctional personnel who have, if not training, at least experiences to temper their decisions.

II. THE TECHNIQUE

Originally the possibility of interviewing the subjects was considered. This idea, although deemed a better method, had to be rejected because of limitations in time and financial resources. Therefore a mailed questionnaire was developed, a reproduction of which is included in Appendix B. No figure was put forth as the expected number of replies necessary to complete the study because it was felt that a great percentage would reply. The questionnaire went out to department personnel on departmental stationary under a deputy director's signature.

In order to validate the hypothesis that the members of the department are dissatisfied with the current presentence report form and content, questions four and five pertain directly to that form and content. These questions

call for value judgments of the respondent as to his feelings about the different sections of the report in its current form. Question six deals with content of the report and is intended to determine just what content is felt to be a necessary part of the report and what is considered unnecessary or at least not really needed.

Two different sets of questions are included on two different third pages of the questionnaire. The probation agents were questioned regarding their caseload size, and number and length of presentence reports they prepare. Additional questions pertain to their feelings about writing reports for the judges. The third page for parole agents and counselors contains questions concerning usage of the various sections of the report.

One question included on both third pages, and requiring a yes or no answer, asks whether the respondent would be agreeable to a specific new form of the report which is in use in two other states.

Questions one through three on the first page concern experience and education. It is presumed there will be differences in the responses which are related to type of education and length of service in the field of corrections.

The questionnaire was pretested on a sample of field agents and counselors to determine if anything about it was unclear or misunderstood. After some minor problems in clarity were corrected it was distributed to the sample.

III. ANALYSIS

Simple descriptive statistics were used to describe the opinions of the various groups in the sample.

Length of service and education were related to value judgments of the current presentence report form as well as the type of content desired and usage.

It is hypothesized that institutional personnel will feel the need for more information than the other groups. Therefore frequency distributions were drawn up for the various groups and an attempt made to analyze any differences which may appear, i.e., to determine if responses made by counselors are significantly different from those made by other groups.

Hopefully, conclusions can be drawn as to what type of information is desirable, or at least what type is least desirable, from the different groups if not from the entire sample as a whole. Degree of satisfaction can be speculated on from the responses in the questions pertaining to the current form.

CHAPTER IV

RESULTS OF THE STUDY

For purposes of analysis, the sample is divided into five groups: probation agents; parole agents; institutional counselors; field agents handling both probation and parole cases (hereafter referred to as rural agents); and the parole board. The sample of probation agents in Detroit had to be excluded because of a poor return of the questionnaires. This is perhaps appropriate because they are not employed by the state and are not required to use the same presentence report form. As a result, the sample of supervisory personnel also had to be excluded. Over half of this group was from Detroit and there was no way to determine which of the less than fifty percent response, were from Detroit.

Probation	- 33 of 41 - or 80%
Parole	- 38 of 46 - or 82%
Counselors	- 15 of 20 - or 75%
Rural	- 10 of 10 - or 100%
Parole Board	- <u>3</u> of <u>5</u> - or 60%
Total	99 of 122

Probation Agents.--Table I presents the results of the probation agents responses to question four which asked that they rate the three divisions of the presentence

report according to which was: (1) most important; (2) second most important; (3) least important. In order to rank the responses, each was given a value: three for most important, two for second most important and one for least important. Included in Table I is the value score and the mean score obtained from it as well as the raw scores.

TABLE I
RANK ORDER OF PROBATION AGENTS RATING
OF THE THREE MAJOR DIVISIONS
OF THE PRESENTENCE REPORT
(n=33)

	Degree of Importance			Value Score	Mean
	Most	Second Most	Least		
Part I	(1)	(2)	(3)		
Summary and Recommendations	23	9	1	88	2.7
Part III					
The Body	9	19	5	70	2.1
Part II					
Face Sheet	2	4	27	41	1.2

Question five asked that the thirteen subdivisions of Part III The Body of the presentence report be rated on a scale of one to three: (1) valuable part of the report; (2) usable but not of major value; (3) of little value. Each of the raw scores was assigned a value as in Table I

in order to obtain a ranking according to importance and a mean score. The results are presented in Table II.

TABLE II
RANK ORDER OF PROBATION AGENTS RATING OF
THE SUBDIVISIONS OF PART III THE BODY
OF THE PRESENTENCE REPORT
(n=33)

	(1)	(2)	(3)	Value Score	Mean
Previous Criminal Record	30	3	0	96	2.9
Offender's Personal History	27	6	0	93	2.8
Investigator's Version of the Offense	26	6	1	91	2.8
Employment	25	8	0	91	2.8
Marital History	21	12	0	87	2.6
Offender's Version of the Offense	21	9	3	84	2.5
Education	12	20	1	77	2.3
Economic Situation	10	21	2	74	2.2
Health	7	23	3	70	2.1
Sources of Information	10	16	7	69	2.1
Habits and Recreation	5	15	13	58	1.8
Service Record	2	20	11	57	1.7
Religion	1	6	26	41	1.2

These results tend to indicate that probation agents consider most sections as fairly important, only three parts received less than a mean 2.0 response.

Question six listed twenty-four kinds of information which are common in presentence reports. The respondent was asked to rate each on a five point scale: (1) needed information in all cases, (2) needed in most cases, (3) nice to know information in most cases, (4) nice to know in some cases, (5) not needed information. Table III presents the number of responses in categories (1) and (2) i.e., "needed information."

TABLE III
INFORMATION NEEDED BY THE PROBATION AGENT
(n=33)

	Number of Responses
Prior Record	33
Offense	31
Employment History	30
Family History	25
Marital Status	25
Age	24
Alcoholic Involvement	24
Drug Usage	23
Defendant's Attitude (at the time of sentencing)	23
Psychological/Psychiatric Data	22
Confinement Status (at the time of sentencing)	22
Defendant's Statement	21
Plea	21
Residence Data	17

Table III continued.

The remainder of the items are considered needed information by less than 50% of the respondents.

Homosexuality	16
Medical History	16
Family Criminality	12
Legal Representation	12
Education	11
Place of Birth	9
Race	7
Interests and Activities	6
Military History	6
Religion	1

This list is different from Table II in that it presents somewhat specific informational items rather than general categories as in Table II. The question required the respondent to decide if he felt that kind of information were needed or just something which was nice to know, where as Table II asked for a choice between important part of the report or not an important part of the report.

When asked to estimate the number of pages per presentence report the agent wrote, twenty-nine responses ranged from three to thirteen pages. The median and the mean were seven pages. With regard to number of reports written, the responses ranged from one to twelve presentence

reports per month with the mean and median being six reports. The estimated average supervision caseload size in the sample being studied ranged from twenty-five to ninety-five. The median was seventy and the mean sixty-six.

Although a mean response of seven pages per presentence report was lower than expected it remains that quite a bit of work is necessary to write a six to eight page report for each case especially when it is necessary to prepare six reports per month. As discussed in an earlier chapter, a probation agent preparing ten presentence reports per month should have no supervision case load, at least in theory. These agents in addition to preparing six reports per month, had case loads of sixty-five to seventy. They are probably busy men and one or both of these functions must be suffering, that is not being performed in a theoretically proper manner.

Twenty-five agents responded yes to a question pertaining to their knowledge of the judges preferences concerning presentence report content. Eight responded negatively. Twenty-four agents felt the current format for the presentence report was flexible enough to allow them to follow these preferences, seven felt it was not.

When asked if they would prefer a new presentence report form which eliminated Part III, the Body, but had Parts I and II expanded, sixteen agents responded positively and fourteen negatively.

Many probation agents, fifteen, felt that each judge had his own peculiar interests which the agent knew about, some of which resulted in specific requests for types of information. Eight of the agents stated there was little or no communication between them and the judge. Therefore, the judges did not make requests as to kinds of information to be included.

Probation agents were of the opinion, generally, that the current format of the presentence report was sufficiently flexible to permit the agent to write what the judge wanted. Only a few agents felt that the report form was inadequate or asked for too much information.

The three most common sources to which a probation agent refers for verification of data about the offender, are school, employer, and family. Neighbors and/or friends were mentioned in a few cases as was other social and correctional agencies.

When asked to provide written comment about the presentence report, few respondents did so. Several agents cautioned against expanding the face sheet. Several others wanted to exclude sections of Part III, the Body, but not the entire Part. Other comments included were: too much repetition in the current form; include agents in the planning and development of a new form; and increase the staff size to permit more time for supervision and a smaller number of investigations per agent.

Although the agents were evenly divided on the question as to whether they would prefer a new form, it appears that they would be receptive to a new form. They are not dissatisfied with the current form generally, only parts of it. They are apparently of the opinion that they are capable of determining what should be included in a report.

Parole Agents.--Table IV presents a tabulation of the parole agent's responses to question four concerning the importance of the three subdivisions of the current presentence report form. Using the same method as was used for the probation agent sample, the items were ranked according to the value score, and the mean was calculated.

TABLE IV

PAROLE AGENTS RATING OF THE THREE DIVISIONS
OF THE PRESENTENCE REPORT IN RANK ORDER

	Most Important	Second	Least	Value Score	Mean
Part III	26	6	3	99	2.7
Part I	7	16	14	69	1.9
Part II	3	14	19	54	1.5

Table V presents the parole agents rating of the subsections of Part III, the Body of the presentence report. The value score and mean score are included in order that the sections can be ranked according to importance.

TABLE V
PAROLE AGENTS RATING OF THE SUBSECTIONS
OF PART III, RANKED ACCORDING
TO IMPORTANCE
(n=38)

	Most Valuable	Second	Least	Value Score	Mean
Offender's Personal History	33	5	0	109	2.9
Offender's Version of the Offense	29	7	2	104	2.7
Previous Criminal Record	29	7	0	103	2.9
Employment	26	12	0	102	2.7
Investigator's Version of the Offense	27	6	5	98	2.6
Health	22	14	2	96	2.5
Economic Situation	20	15	3	93	2.4
Education	19	17	1	92	2.5
Marital History	18	16	4	90	2.4
Service Record	12	18	8	80	2.1
Habits and Recreation	13	16	8	79	2.1
Sources of Information	16	13	9	78	2.0
Religion	5	13	20	60	1.6

Table VI presents the responses of parole agents to question six which asked for the five point rating of the twenty-four information items. The list is ranked according to the number of (1) and (2) responses each received, i.e., needed information.

TABLE VI
INFORMATION NEEDED BY PAROLE AGENTS
(n=38)

	Number of Responses
Offense	37
Prior Record	36
Drug Usage	34
Employment History	32
Age	30
Marital Status	30
Psychological/Psychiatric Data	29
Medical History	28
Alcoholic Involvement	28
Family History	28
Defendant's Statement	26
Education	26
Homosexuality	25
Residence Data	23
Family Criminality	21

Less than 50% of the parole agents considered the following as needed information.

Defendant's Attitude (at the time of sentencing)	18
Plea	17
Interests and Activities	14
Confinement Status (at the time of sentencing)	13

Table VI continued.

Military Record	12
Race	12
Place of Birth	10
Legal Representation	6
Religion	2

There were four questions pertaining to use of the presentence report. Table VII presents the percentages of parole agents responding as to whether they review the various sections of the presentence report in all, most, some, or no cases. No one responded in the "none" category.

TABLE VII

PAROLE AGENTS USE OF THE PRESENTENCE REPORT

	All Cases	Most Cases	Some
Entire Report	68%	26%	5%
Part I	71%	26%	3%
Part II	43%	27%	30%
Part III	61%	26%	13%

Twenty-eight parole agents responded negatively and six positively to the question whether they would be in favor of a new presentence report form.

Only nine of the thirty-eight respondents added comments. Six agents wanted Part III expanded and improved rather than eliminated. One agent did want an expanded face sheet and probation agent's summary (Parts I & II). Two other agents wanted more information on verification of data in the current form.

Rural Agents.--Because the agents in the sample, which covers the rural areas of the state carry both probation and parole caseloads, it is necessary to consider them as a separate group. Table VIII presents the rural agent's rating of the three divisions of the presentence report according to importance and includes the value score and mean, computed to facilitate ranking the responses.

TABLE VIII

THE RURAL AGENT'S RATING OF THE THREE SUBDIVISIONS
OF THE PRESENTENCE REPORT, RANKED
ACCORDING TO IMPORTANCE

	Most Important	Second	Least Important	Value Score	Mean
Part I Summary and Recommendations	9	1	0	29	2.9
Part III The Body	1	9	0	21	2.1
Part II Face Sheet	0	0	10	10	1.0

Table IX presents the summary of the rural agent's ratings of the thirteen subdivisions of Part III, the Body, of the presentence report according to value of that section to the agent. Included is the value score and the mean, computed on the same basis as in the two previous samples.

TABLE IX

RURAL AGENT'S RATING OF THE SUBSECTIONS OF
PART III, THE BODY OF THE PRESENTENCE
REPORT, RANKED ACCORDING
TO IMPORTANCE

	Most Valuable	Second	Least Valuable	Value Score	Mean
Previous Record	10	0	0	30	3.0
Investigator's Version of the Offense	9	1	0	29	2.9
Offender's Version of the Offense	7	2	1	26	2.6
Offender's Personal History	7	2	1	26	2.6
Marital History	5	5	0	25	2.5
Employment	5	4	1	24	2.4
Education	3	7	0	23	2.3
Habits and Recreation	4	3	3	21	2.1
Economic Situation	1	7	2	19	1.9
Health	2	5	3	19	1.9
Sources of Information	2	4	4	18	1.8
Service Record	0	7	3	17	1.7
Religion	1	5	4	17	1.7

The twenty-four informational items presented in question six, rated on a five point scale, are presented in Table X. They are ranked in descending order of need as responded to by the rural agents. The number of responses as needed information is the critical factor. An indication is made as to which information is considered needed by less than fifty percent of the respondents.

TABLE X
INFORMATION NEEDED BY FIELD AGENTS
IN RURAL DISTRICTS

Item	Number of Responses
Prior Record	10
Offense	10
Alcoholic Involvement	9
Defendant's Statement	8
Marital Status	8
Confinement Status (at the time of sentencing)	8
Employment History	8
Family History	7
Age	7
Drug Usage	7
Plea	7
Residence Data	7
Defendant's Attitude (at the time of sentencing)	5
Education	5
Homosexuality	5

Table X continued.

The following items were considered needed by less than 50% of the respondents.

Family Criminality	4
Medical History	4
Psychological/Psychiatric Data	3
Legal Representation	3
Interests and Activities	2
Race	2
Religion	2
Military History	1
Place of Birth	0

All ten of the respondents in this part of the sample answered positively to the question asking if they knew the preferences of the judges for whom they prepared presentence reports. In response to the question asking if they felt the current form was unrealistic in permitting them to write in line with these preferences, three answered it was unrealistic but seven replied they did not believe it was. In spite of this, seven of the ten agents were in favor of a new report form. Of course, it does not necessarily follow that because the agents felt the current form permitted them to write reports in line with any special preferences of the judge that they would be satisfied with that form. When one examines Table VIII, it is

apparent that agents prefer their section, i.e., the summary and recommendations, to a very great degree over the other two. They apparently feel they are capable of determining what should and should not be in a presentence report.

In reference to usage of the presentence report, Table XI presents the percent of agents responding in the categories for each section of the report.

TABLE XI
RURAL AGENTS USE OF THE PRESENTENCE REPORT

Entire Report	All	Most	Some	None
Part I	55%	22%	22%	0
Part II	66%	22%	0	11%
Part III	44%	44%	11%	0

The rural agents' responses as to how many pages in length are the reports they prepare, ranged from three to ten pages with a mean and median of six. The number of reports they prepare per month ranged from three to fifteen with the median being six and the mean seven.

The average caseload size of the rural agent ranged from twenty-five to one hundred and thirty-five. The median was fifty-four and the mean fifty-nine.

The rural agents stated that long association with the judges as well as their comments about the presentence

reports were the major factors in permitting the agent to know the preferences of the judges.

Several agents stated that the current form had sufficient flexibility to allow them to meet the demands of the particular judges. But, five of the ten agents criticized Part III of the current form from the standpoint that it contained too much trivia and took too much time and effort to prepare it.

Counselors.--Table XII presents the ratings of the prison counselors as to the importance of the three parts of the presentence report. As with the previous three groups, the value score and mean were computed in order to rank the three parts as to importance.

TABLE XII

COUNSELORS RATING OF IMPORTANCE OF THE THREE
SUBDIVISIONS OF THE PRESENTENCE REPORT,
RANKED ACCORDING TO IMPORTANCE
(n=15)

	Most Important (1)	(2)	Least Important (3)	Value Score	Mean
Part III The Body	10	4	1	31	2.5
Part I Summary	3	5	6	25	1.8
Part II Face Sheet	2	5	7	24	1.7

Table XIII presents the subsections of Part III, the Body, rated by the counselors in terms of value of the section to the respondent. The value score and mean were computed to facilitate ranking according to importance.

TABLE XIII
COUNSELORS RATING OF THE VALUE OF THE SUBSECTIONS
OF THE BODY OF THE PRESENTENCE REPORT,
RANKED ACCORDING TO IMPORTANCE

	Valuable (1)	Second (2)	Little Value (3)	Value Score	Mean
Employment	13	2	0	43	2.9
Previous Record	17	4	0	41	2.8
Investigator's Version of the Offense	11	4	0	41	2.8
Offender's Personal History	11	3	1	40	2.7
Marital History	10	5	0	40	2.7
Offender's Version of the Offense	9	6	0	39	2.6
Education	9	5	1	38	2.5
Economic Situation	6	7	2	34	2.3
Health	5	6	4	31	2.1
Service Record	2	9	4	28	1.9
Sources of Information	2	7	6	26	1.7
Habits and Recreation	1	8	6	25	1.7
Religion	0	5	10	20	1.3

Table XIV presents the twenty-four items of information as they were rated as needed information by the counselors. Those items rated as needed by less than fifty percent of the respondents are indicated as such.

TABLE XIV
INFORMATION NEEDED BY COUNSELORS
(n=15)

Item	Score
Offense	15
Prior Record	14
Employment History	14
Drug Usage	13
Marital Status	13
Psychological/Psychiatric Data	13
Defendant's Statement	12
Alcoholic Involvement	12
Age	11
Education	10
Homosexuality	10
Family History	9
Medical History	8

The following items are considered needed by less than fifty percent of the respondents.

Table XIV continued.

Family Criminality	7
Residence Data	6
Defendant's Attitude (at the time of sentencing)	6
Confinement Status (at the time of sentencing)	5
Military History	4
Plea	3
Race	3
Place of Birth	2
Interests and Activities	2
Legal Representation	2
Religion	1

Table XV presents the percentage of respondents using the different parts of the report in all, most, some, or no cases.

TABLE XV
USAGE OF REPORT BY COUNSELORS

Entire	All 20%	Most 46%	Some 37%	None 0
Part I	40%	33%	26%	0
Part II	66%	13%	20%	0
Part III	33%	33%	33%	0

Ten counselors responded negatively when asked if they would prefer a new form for the presentence report, three answered positively.

Parole Board.--With three of the five Parole Board members responding, Part II of the report is considered most important, with a mean score of 3. Part I is considered second most important, mean, 2.3; Part III least important, 0.7. The Investigator's Version, Offender's Version, Previous Record, Offender's Personal History, and Habits and Recreation had mean scores of 3.0. Marital History, Education, Economic Situation, and Health had mean scores of 2.7. Religion and Service Record had mean scores of 2.3 and Sources of Information had a mean score of 1.7. The three respondents said they made use of Part I in all cases, and the other two parts in most cases. Of the twenty-four information items, Birth Place, Interests and Activities, Age, Confinement Status, Legal Representation, Race, and Religion were rated as needed information by only one of the respondents.

ANALYSIS

Table XVI presenting mean scores, was compiled to facilitate cross references between groups in the sample. The table presents the mean rating score for each of the four groups in the sample on the three part subdivisions of the presentence report and on the thirteen part subdivision

of Part III the Body. The group of Parole Board members was omitted from the analysis because of the small number of respondents. Following Table XVI, is a discussion of the various factors on which the groups varied significantly. The table is provided in order that some indication of just what the differences are. The mean score does not reflect the actual differences between groups, but gives an idea of where differences exist.

TABLE XVI
MEAN SCORES OF ALL GROUPS

Division of the Report	Parole Agents	Probation Agents	Rural Agents	Counselors
Part I	1.9	2.7	2.9	1.8
Part II	1.5	1.2	1.0	1.7
Part III	2.7	2.1	1.4	2.5
Sources of Information	2.0	2.1	1.8	1.7
Investigator's Version of the Offense	2.6	2.8	2.9	2.7
Offender's Version of the Offense	2.7	2.5	2.6	2.5
Previous Criminal Record	2.9	2.9	3.0	2.9
Offender's Personal History	2.9	2.8	2.6	2.7
Marital History	2.9	2.6	2.5	2.6
Education	2.5	2.3	2.3	2.5
Service Record	2.1	1.7	1.7	1.9
Employment	2.7	2.8	2.4	2.9
Economic Situation	2.4	2.2	1.7	2.3
Health	2.5	2.1	1.9	2.1
Habits and Recreation	2.1	1.8	2.1	1.7
Religion	1.6	1.2	1.7	1.3

The chi-square was used to test for significant differences in all of the ratings discussed below.

Probation Agents vs. Parole Agents.--The differences which occurred in the ratings of Parts I and III were significant at a level less than .001. In Part I the mean score for probation agents was 2.7 and the mean score for parole agents was 1.7. Seventy percent of the probation agents rated Part I as most important; thirty-seven percent of the parole agents rated Part I as least important and another forty-five percent as second most important. In Part III, the mean scores for the two groups do not reflect as easily the difference. Sixty-eight percent of the parole agents rated Part III as most important, where fifty-seven percent of the probation agents rated it as second most important. The differences in the ratings of Part II were found to be significant at a level less than .05. Eighty-two percent of the probation agents rated this section as least important whereas fifty percent of the parole agents rated it so and thirty-seven percent rated it as second most important.

In rating the section titled Service Record, the mean score for parole agents was 2.1 and the mean score for probation agents was 1.7. The differences in these ratings were significant at a level less than .05. The differences in the ratings on the Health section were significant at a

level less than .01. Fifty-eight percent of the parole agents rated Health as a valuable section whereas only twenty-one percent of the probation agents rated it so.

Of the list of twenty-four informational items, rated on a five point scale, medical history and family criminality, were considered needed by more than half of the parole agents but not by the probation agents. The differences in these two ratings were found to be significant at levels less than .10 and .05, respectively. Confinement status and defendant's attitude were considered as needed information by more than half the probation agents but not by parole agents. These differences were significant at levels less than .02 and .05, respectively.

Generally speaking probation agents consider the probation agent's summary (Part I) most important with the Body (Part III) a close second whereas parole agents consider the Body (Part III) most important, and the other two parts as only having minor importance. The other differences are somewhat functional. It is not unlikely that probation agents would be more concerned with defendant's attitude and confinement status at the time of sentencing than would the parole agents. Why parole agents have a stranger concern for service record and health cannot be readily ascertained from the data.

Parole Agents vs. Rural Agents.--The ratings of the three divisions of the presentence report were found to

have differences significant at a level less than .05. Ninety percent of the rural agents rated Part I most important, Part III second most important and Part II was rated least important by all the respondents. As mentioned before, sixty-eight percent of the parole agents rated Part III most important, Parts I and II were considerably less important with mean ratings of 1.9 and 1.5, respectively.

Parole agents considered the Health and Economic sections of Part III fairly important with mean scores of 2.5 and 2.4, respectively. Rural agents considered these sections only of marginal secondary importance with mean scores on each of 1.9. The differences in the ratings were found to be significant at levels less than .05 and .10, respectively.

Of the twenty-four informational items only one, Confinement status, was rated differently to any degree of significance. This information was considered needed by eighty percent of the rural agents but less than fifty percent of the parole agents. The difference was at a level less than .05.

The generalizations made above concerning the functional differences between probation and parole probably apply here also. These contentions are further supported by the lack of differences between parole and counselor responses as discussed below.

Parole Agents vs. Counselors.--There were no significant differences in the ratings of the three divisions of the presentence report by these two groups. The only differences occurred in the ratings of the sections of Part III, Habits and Recreation and Health. These were rated higher by parole agents than counselors and the differences were significant at a level less than .10.

These differences are probably also functionally related for it is not surprising that a counselor would have little concern for habits and recreation outside the prison. In addition, for the counselor health is a concern of the doctor's in the prison.

Probation vs. Counselors.--Probation agents rated Part I quite high, mean score 2.7 where counselors rated it quite low, mean score 1.8. This difference was found to be significant at a level less than .001. The mean rating for the counselors in Part III was 2.5 compared with 2.1 for the probation agents. This difference was significant at a level less than .05. The counselors mean rating of Part II was 1.7 compared with 1.2 for the probation agents. This difference was found to be significant at a level less than .01. There were no significant differences found in the ratings of the subsections of Part III. Of the list of twenty-four informational items, Confinement Status and Plea were considered needed by more than half of the probation agents and less than half of the counselors. The

statistical levels of significance were .10 and .01, respectively. Again the differences are basically functional. It is not unexpected that the probation agents would consider Part I most important. Confinement Status and Plea are relatively unimportant to the counselor.

Rural Agents vs. Counselors.--The mean rating for Part I by the rural agents was 2.9 versus 1.8 for the counselors. The difference was found to be statistically significant at a level less than .05. The counselors had a mean rating of 2.5 on Part III versus a 1.4 mean rating for the rural agents. This difference was significant at a level less than .001. Of the twenty-four informational items, more than half the rural agents considered confinement status and plea as needed information and Psychiatric/Psychological data as not needed information. Psychiatric/Psychiatric data was considered needed by the majority of the counselors, the difference was significant at a level less than .02. The other two items were considered not needed by a majority of the counselors, and the statistical levels of significance were .10 and .05, respectively.

Probation Agents vs. Rural Agents.--There were no significant differences in the ratings of these two groups with the exception of the Religion section of Part III. Fifty percent of the rural agents rated this section as secondary in value and forty percent rated it as least valuable. But seventy-nine percent of the probation agents

rated it as least valuable. The difference was significant at a level less than .10.

With these differences in mind, if one examines Table XVI, it can be seen that the ratings are fairly consistently equal in most of the thirteen subsections of Part III. Of course, the mean scores do not reflect actual differences which occur in the raw data. The parole agents have a significantly greater concern for the offender's Economic Situation than do rural agents. Parole agents have a significantly greater concern for Habits and Recreation than do the counselors. And Rural agents have a significantly greater concern for Religion than do the probation agents.

Most of the statistical differences occur in the rating of the three subsections of the presentence report. The two groups, probation and rural, which prepare the presentence reports, rate Part I quite high (mean 2.7, 2.9, respectively) but the parole agents and counselors rate it significantly lower (mean 1.9, 1.8, respectively). A similar relationship occurs in the ratings of Part II. Although all groups rate this part low in importance (mean less than 2.0) the probation agents and rural agents rate it significantly lower (mean 1.2, 1.0, respectively) than do parole agents and counselors (1.5 and 1.7, respectively).

The rural agents rated Part III the lowest (mean 1.4) of all groups. The difference is statistically significant. The next higher rating (mean 2.1) was given by the probation agents and this is significantly lower than both counselors (mean 2.5) and parole agents (mean 2.7).

An attempt was made to determine if the number of years of service in the field of corrections made a difference in the responses to the questionnaire. Using three years and less as a group of "new employees," it was found that there was no significant differences between their ratings and those of the other "experienced" respondents. The figure three years was chosen mainly because to use a smaller figure would have meant so few cases in the new employee classification that statistical comparison would have been difficult.

It was intended that responses to questions concerning type and amount of formal education could be examined to see if education played a significant role in rating the factors. But, due to a failure of the respondents to properly reply to these questions, such comparisons were impossible. Most respondents have a bachelors degree, with only a few reporting additional formal education, not enough cases to make a statistical comparison. Most respondents neglected to reply as to what major area the degree was in. Therefore, no comparison was possible in relation to field of study.

Generally speaking, the total sample does appear to have favorable attitudes towards the current presentence report form. Therefore, the major hypothesis is proved to be false. A general discussion of what types of information and what sections of the report are considered most important, and which ones least important, will follow in the concluding chapter.

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

I. CONCLUSIONS

As has been pointed out in previous chapters, the presentence report was developed in the early twentieth century by several social workers. The social casework method of gathering as much socially relevant data about the offender and fitting this into specific, clearly defined categories has been the predominant method of preparing presentence reports for the fifty years since their inception.

One can readily see that from the research mentioned in Chapter II, little has been done to define the theory upon which the presentence report is based. With only one exception, there has been no apparent follow through in an attempt to apply research findings to the modification of theory or practical developments. The one exception being, the development of a new form presentence report in the state of Washington and San Francisco County, California from research done in California.

According to Fox, one method by which theory is developed is observation of practical situations. "Good theory evolves from practice."¹¹⁴ It is by this method that the theory surrounding the presentence report was developed. There has been no research which identified information which could be put in a presentence report which is most relevant to the accomplishment of the correctional goals, that is, the information which has predictive validity. Research of some value has been completed which indicates what types of information are usable in decision making processes of the correctional agencies personnel. But, as yet the general philosophy has been to supply information for information's sake.

To again use the words of Vernon Fox:

Theory and practice in any field, including probation and parole, become widely separated when the practitioner does not know the theory relating to what he is doing, cannot perceive accurately and objectively the extraneous factors that make his situation different from that for which the pure theory was generalized, or when the practitioner is not sufficiently flexible, perceptive, or professionally competent to make the necessary modifications.¹¹⁵

But the difficulty here lies in the lack of good theory which has not yet developed.

Although the initial and perhaps the major purpose of the presentence report is to provide information for the

¹¹⁴Ibid.

¹¹⁵Ibid., p. 131.

judge upon which he can base the sentence he passes, there are many reasons for excluding judges from this research project. One justification which raises many questions as to the sentencing process as it presently exists, is Hood's research (see Chapter II) which found that the use of the presentence report in sentencing had no apparent effect on whether or not the offender was convicted of a subsequent illegal act. The judge has little or no training and perhaps only limited experience with the correctional processes. Therefore, if not by training, at least through experience, it is presumed that the correctional worker is better qualified to judge what types of information about the offender are needed by the correctional system. These assumptions of course point out that more research is needed on the probation agents recommendation and recidivism.

This research project is an attempt to indicate the correctional workers' attitudes towards the content and particularly the form of the presentence report. Although there are some differences between groups of correctional workers, according to their functional roles, they appear to be generally satisfied with the current form and content of the report. It is from these differences that perhaps some suggestions for change can be formulated.

II. RECOMMENDATIONS

Content.--The primary recommendations which can be made from this research involve certain specific items of content. In questions concerning both form and content, it is apparent that mention of religious beliefs or activities can be excluded as a general topic. Other items of information, rated consistently low in value by all groups were legal representation, place of birth, race, military history and interests and activities. If one can assume that interests and activities as a title is synonymous with the form title Habits and Recreation, then this could also be eliminated as a topic in the form for it received only a marginal second in importance rating.

Also military history in the content rating and Service Record in the form rating were rated consistently low, with the exception of parole agents who rated it as marginally important on the form rating. Therefore, perhaps this section could also be excluded.

Three information items, considered as marginally important are, Defendant's Attitude (at the time of sentencing); Confinement Status (at the time of sentencing); and Plea. These are considered marginal because they were rated as needed by only the two groups representing probation agents, i.e. rural agents and probation agents. Perhaps these are important for reasons other than needed content of the presentence report.

Two other items were not considered as needed information by at least two groups. The counselors and the rural agents are not concerned with Family Criminality. The counselors and the probation agents were unconcerned with Medical History.

Form.--As mentioned above, the sections Habits and Recreation, Religion and Service Record could be eliminated as required sections of the report. Of course if pertinent information were found under one of these topics it could be included under another subheading such as Offender's Personal History.

In rating the three major divisions of the report form, Part II, Face Sheet, received consistently low ratings but it is felt that this does not indicate its functional importance but only its importance in relation to the other two subdivisions. Therefore, it should not be eliminated on the basis of this rating. In making this conclusion, it must be remembered that in ranking the three divisions, the question asked that these divisions be rated one, two or three; therefore Part II is considered of lesser importance but not necessarily unimportant.

Part III, the Body, was rated high by parole agents and Counselors while Part I, Summary and Evaluation was rated low by these groups. The reverse is true for both groups of probation agents; Summary and Evaluation is rated high and the Body is rated marginal.

Although the predominant response to the question of whether a new form would be acceptable was in the negative, perhaps this is not accurate. If a form, similar to that in use in Washington were developed, it could be designed to fit the needs of these groups. The "mini-presentence" has an expanded face sheet and an expanded probation agent's summary and conclusions. The Body is eliminated. It could be defined in a set of guidelines that that information, considered most necessary by the various groups would be included in the probation agent's summary.

Another change which should be considered is the elimination of the sub-headings in the report. They could be continued as a "crutch" to aid in investigation but should be eliminated from the written form. These headings allow the reader to take information out of context. If properly written, the expanded face sheet and probation agent's summary report form is intended to present behavioral patterns, not specific acts, which is common of the current form. As an example, to set out employment as a separate subheading breaks up any continuity which could be obtained by discussing employment in terms of the offender's reaction to authority relationships and his ability to hold a job for various behavioral reasons.

Justification for Change.--To use one of Keve's statements in argument against his form of the report, he has stated:

The fact of really central importance in the making of any presentence report is that it is the first specific step in the process of individualizing the offender.¹¹⁶

To specifically point out individual characteristics about the offender, as the current form of the report does, detracts from the report's ability to give an entire picture of the offender.

Keve points out in another source that separately recorded facts scattered through the report are there for the reader but this is not enough. The facts must be presented in a way which clarifies the relationship and significance to other facts. This can not be easily accomplished in current form because of the subheadings which force the writer to separate the facts of information.¹¹⁷

The object of the presentence report is to assess the factors which have contributed to the offender's outlook and character.¹¹⁸ As an example Manson disagrees with the practice of including a "rap sheet" in the presentence

¹¹⁶Keve, The Probation Officer Investigates, op. cit., p. 48.

¹¹⁷Standards and Guides for Adult Probation, op. cit., p. 37.

¹¹⁸Elizabeth R. Glover, Probation and Re-Education, Ltd. (London: Routledge and Kegan Paul Limited, 1956), p. 26.

report. With numerous abbreviations and frequently three or four entries applying to one conviction, they are difficult to understand. "The rap sheet overstates a defendant's record of conviction at the same time it rarely tells the whole story of his previous difficulty with the law."¹¹⁹

This is just one example of how listing facts under a prescribed topic tends to detract from the ability of the report to present behavioral problems and trends of the offender. The new form suggested by this paper would be of great value in eliminating this problem.

Resistance to Change.--It is expected that a certain degree of resistance will be encountered in any attempt to alter the current form. This resistance could be minimized if the change is made on a department wide basis and if the philosophy behind the new form is adequately explained. Using the results of this study, a set of guidelines could be developed which would help to resolve some of the apparent differences and therefore reduce the resistance. Further consultation of agents would lead to more adequate explanation of the functions of a new form.

Several agents in the Department are using a new form for the report which is similar to that in use in Washington. At a meeting attended by these agents for the purpose of discussing the new report, their resistance

¹¹⁹ Manson, op. cit., p. 20.

became obvious. The men could not or would not examine the possible advantages of the new form. They were mainly interested in the differences between it and the old form they were accustomed to using. This even included a suggestion by these agents to put subheadings in the probation agent's summary in order to distinguish various categories of behavior. One of the main advantages of this form is elimination of these subheadings.

Inference.

I suppose it would be possible in this streamlined electronic age to devise the sort of stereotyped to-be-read-while-running probation report that could be turned out on a mass production . . . basis. I hope that it can never happen here.¹²⁰

The importance of the evaluative portion of the report cannot be overstated. Although most reports emphasize objective facts, it is important that the agent emphasize subjectivity in evaluating the behavior patterns of the offender. This of course assumes that the probation agent is capable, through training and experience, to evaluate objective facts in such a way as to present a picture of the offender.¹²¹ Making this assumption it is felt that the traditional presentence report form is out-dated and a

¹²⁰Kay and Vedder, op. cit., p. 41.

¹²¹Gronewold, op. cit., p. 32; Manson, op. cit., p. 21; Walter C. Reckless, The Crime Problem (New York: Appleton-Century-Crofts, Inc., 1961), p. 486; Lawrence M. Stump, "Court Investigations and Reports," Federal Probation, XXI (June, 1957), p. 9.

new form could be developed and put in use which would have much more meaning as an evaluative instrument in the correctional process.

New Form.--Much of the statistical information needed by the Department of Corrections could be provided in an expanded basic information sheet. The probation agent's summary would be a three to five page biography of the offender, containing an objective evaluation of the factors which resulted in the offender becoming a convicted felon. The deletion of subheadings in the report necessitates reading the entire report to get a truer picture of the man. An outline could certainly be used to prepare the report. Such an outline would include topics which must definitely be covered. But to use subtopics in the text of the report merely serves to simplify and mechanize the role of the user of the report. In addition, it detracts from the professionalism of the probation/parole agent or counselor as a person dealing with human behavioral problems. For everyone must agree that one cannot say that it was a poor school record or a poor employment record, or a poor home life, or any other single set of circumstances which resulted in the offender being the type of individual he is.

APPENDIX A

THE PRESENTENCE INVESTIGATION

Reprinted from Michigan Department of Corrections,
Bureau of Field Services,
Manual of Operations

PRESENTENCE INVESTIGATION

General Information and Outline

A presentence investigation report has been described as a thorough study of the individual characteristics and problems of the offender. The process is one of selecting, gathering, organizing and analyzing data relating to the convicted person and his circumstances.

Such inquiry and report is required by the Michigan statutes (MSA 28.1144, CL 771.14) in all felony cases and in misdemeanants when referred by the court. All such reports are declared by law (MSA 28.2299, CL 791.229) to be privileged or confidential communications not open to public inspection. Agencies entitled to inspect the presentence are the Attorney General, the Auditor General and law enforcement agencies.

Presentence referrals are channeled to the probation service by varying means, according to local practices. It is the responsibility of Staff to acquaint itself with local methods and seek improvement when necessary. Faulty procedures result in not receiving referrals or untimely delays in investigations and dispositions.

All offenders enter the adult correctional process by way of the adult criminal courts. The presentence investigation therefore forms the cornerstone of our records and information system. While this report was originally intended only for the use of the court in determining disposition, its employment by probation and parole staff in supervision, by the institutional personnel, the Parole Board and others, indicates its long term value and widespread use.

Factual information obtained from careful investigation and appropriate verification constitute only the skeleton of the report. The real substance consists of the professional interpretations, evaluations and meanings. Objectivity and fairness must be carefully observed to avoid misleading the reader and minimize the perpetuation of error.

In giving life and depth to the personality of the offender, you must be aware of feelings, aptitudes, capabilities, interpersonal relationships, outlook, ambitions, and a multitude of other intangibles which make up the unique personality about whom you are writing. It is almost impossible to completely avoid all biases, but you can be aware of and make allowances for them. Judgments should be based on professional observations and conclusions, not personal feelings.

The presentence usually consists of three parts, but supplements or additions may be added as local practice or special circumstances may require. The three divisions are:

1. The "Presentence Investigation Report" (Form CFO-145)
2. The "Basic Information Form" (Form CFO-101)
3. The body of the report, essentially following the headings set forth in 2.4.3. This is typed on plain paper.

PRESENTENCE BASIC INFORMATION SHEET

2.4.1

This form, No. CF-101, provides information usually found useful by field and institutional personnel.

PRESENTENCE INVESTIGATION REPORT (REPORT TO THE COURT)

2.4.2

This form, CFO-145, usually constitutes the first section of the presentence report.

This report has three principle uses: as a part of a complete presentence; as a supplemental to a relatively recent presentence; and, as a probation violation report.

(For our purposes we are only concerned with the first use.)

I. Part of a Complete Presentence. When employed in this connection it will be divided into three sections: Summary, Evaluation and Plan, and Recommendation (where requested).

A. Summary. This is intended to provide the reader with a brief, telescopic view of the essential elements covered in the body of the report. Details and new information should not be included.

B. Evaluation and Plan. Inasmuch as the body of the presentence report contains little evaluation, this section should include your assessment of the offender's personality traits, strengths and weaknesses, abilities and other diagnostic and evaluative information. Indicate the plan proposed by you and the offender in the event of probation, and the resources available in working toward the desired goals. The plan should include not only the physical

aspects but also the therapeutic effects which might reasonably be expected. This section of the report, more than any other, reflects your professional ability and personal judgment.

C. Recommendation. Most courts desire a recommendation from the probation agent who has investigated and studied the elements of an individual's case. If a disposition recommendation is desired or required by the court is placed in this section. It should logically follow the previous section. It should logically follow the previous section and may contain references to restitution owed and such special terms of probation as you think are indicated. If prison is the recommendation, the institution will welcome your suggestions relative to programs which might be of benefit and the reasons for your position. Recommendations for post-institutional programming could be of value where the minimum term is only a matter of a few years.

BODY OF THE PRESENTENCE

2.4.3

Source of Referral:

This states the agent's authority for making the investigation. It should include the date of referral, the court and the judge's name, and the chief probation officer from whom the referral came.

Sources of Information:

This is a listing of all sources from which information was obtained. Include pertinent identifying information, such as the street address and the city. The address of an agency that is well known which can be found in the telephone directory is not necessary. Example: (1) John White, Supervisor of Social Service Exchange, Lansing, Michigan. (2) Mr. Alvin Hjrutejamaki, Al's Service Station, 123 Central Avenue, Lansing, Michigan. (3) Mrs. John Hansen, mother, 245 Madison Avenue, Jackson, Michigan.

Investigator's Version of the Offense:

This section should present as objective a version of the offense as the agent can give, using the information he has gathered from all sources. If it is identical with the offender's version, so state and do not repeat. Simply say, "Offender's version is accurate and complete." Start the section with a statement in layman's language of the offense. Avoid the legal terminology of the information.

Cover here the circumstances surrounding the arrest, the time the man has been confined and if represented by an attorney. State lesser offense. If on bond, so state along with the name of the person or firm furnishing it.

Describe other offenses the man has committed, e.g., whether this breaking and entering was just one or a series of offenses. Make liberal use of quotes and include attitudes toward the offense and the offender. The practice of using quotes is good technique and should be used often. Describe the set of circumstances which led to the apprehension of this offender. What was his attitude at the time of the arrest? Did he cooperate with the arresting officer? Was he ever "trusty"?

Include here whether or not other jurisdictions having other charges intend to prosecute. Include the amount of restitution, where applicable. Include also the full names of codefendants and participants in the offense. Did the offender know the defendants, and for how long? What kind of an association was there between the defendants? Why were they together? If pertinent, what were their mutual interests? Explain carefully to what extent the offender participated in the commission of the offense. It is important to know what part intoxicants and/or narcotics may have played in the offense.

Offender's Version of the Offense:

2.4.3 (2)

For purposes of checking future stories of the offender, enter a statement in his own words, describing just what he did. Give the offender's point of view, his feeling toward the situation in which he finds himself, his point of view on the cause of his getting into trouble, and what he considered to be the motivating factors.

Previous Trouble:

This section will contain the complete criminal record of the man as both juvenile and adult. Where it is possible to get the information, include a brief description of the previous offenses and the offender's previous adjustment while in an institution and on parole or probation.

The juvenile court history will be listed first with attention paid to whether or not his appearances in juvenile court were official or unofficial. Has there been an escape record? Next will be the adult record. Include the F.B.I. and the state police numbers.

It is not necessary to give separate listings for misdemeanors. Do indicate the number of misdemeanor arrests. Check the record assaults, they may be important to an evaluation. All felony cases should be listed separately with information on each, including dispositions.

Offender's Personal History:

Family Background and Early Life:

Start this section with a listing of the names, ages, and addresses of the man's immediate family and any other relative who has played an important part in the offender's development. Be particularly careful to include the names and ages of all siblings, no matter how young they may be. List married females as Mary (Mrs. John) Brown. Also, list step-siblings and half-siblings.

Give a narrative descriptive picture of the offender's family and his early life at home up to the point where he permanently left the parental residence or foster home. Compare the offender's status with that of other siblings or step-siblings. Discuss the general pattern of living of the family. Note the parent's aspirations for the offender, their educational levels, and the criminal tendencies of other members of the family. What were the moral and ethical standards and attitudes of the members of the family toward each other? Significant material relative to developmental history, particularly symptomatic behavior such as enuresis, signs of nervousness, temper tantrums, truancy, etc., should be included here.

Note whether or not there are members of the family who may be willing and able to help the offender on probation or later on parole.

2.4.3 (3)

What is the offender's attitude toward his family as a whole, toward individual members, and toward his early life at home?

Marital History:

Start this section with a complete history of the offender's marriage (or marriages), with dates, places, name of wife (or wives), names and ages of the children in a manner similar to the "Family" section. Be sure to include addresses. List each wife and children separately. In case of divorce or separation, include the dates, reason for the marriage failure, custody of the children, support payments, and the like.

Include as complete a picture as you can of the total marriage situation. Give the attitude of the marriage partners toward each other, compatibility, health of children, family interference, and the degree to which the offender has been able to assume the role of husband and father. Include the description of the wife, or wives, her age, educational level, and an evaluation of her as either a help or hindrance to the offender.

Education:

This is a history of the offender's schooling and his adjustment while in school. Place particular emphasis on the section when the offender is youthful. Verify the young offender's school record, including any truancy record, participation in extracurricular activities and his basic intelligence. Is he interested in trade training? How did he get along with his teachers and his classmates? In some schools there will be health records. If the school system employs a visiting teacher, see him regarding the offender.

For the older offender it is difficult to verify school records, but an evaluation of his basic intelligence is important. Has he shown any interest in furthering his schooling? Can he read and write? For both the younger and older offender, the probation officer should determine if he has any ambition to improve himself educationally or vocationally.

Service Record:

2.4.3 (4)

Include here the branch of service, dates, type of discharge, rank, and where this information is available. Include a general picture of his adjustment while he was in the service and any benefits available to him under the G.I. Bill. Was he A.W.O.L. at any time, or several times, and for how long? Why was he A.W.O.L.? Did he spend any time in the disciplinary barracks? Was there a court martial? Did he ever have any ambition to make "the service" a career? Does he receive disability compensation? If so, how much per month?

Employment:

Give a general picture of his overall employment record. Be specific as to the job titles; his rate of pay; the shift on which he works; any advancement in the job, and his attitude toward his superiors. Indicate, for the last two or three places the offender has been employed, specific names, dates, reasons for separation, and the attitude of those employers and whether or not they would rehire. If

he has shifted rapidly from one employment to another, we should verify back far enough to one place where his employer knows something about him, and get that employer's attitude toward him. A chronological listing of all places worked is not necessary, but an accurate evaluation of the offender as a worker is important. Does he have any ambition to improve his skill? Did he have part-time jobs when he was going to school? Has he attended training classes while on the job?

Economic Situation:

Give an actual presentation of the man's assets and liabilities, listing the family income and indebtedness. In some cases much of this material may have been covered under the "Marital History." Look for the balance between the total income, the offender's indebtedness, and his rate of spending. Does he carry any insurance? If so, what? Who is the beneficiary? What is he buying on installment plan? Does he own a car? How much did he pay down, how much does he pay on the balance each week, each month? What make and year is the car? Does he have a driver's or chauffeur's license? Does he have any ambition to improve his economic status?

Health:

2.4.3 (5)

This section will include a history of both physical and mental health. A copy of the results of any psychiatric examination or significant physical examination that the offender may have had should be included. Use of narcotics, excessive use of alcohol, or any sexual deviation should be discussed here.

Habits and Recreation:

In this section describe the offender's pattern of living during his leisure time. Does he use his leisure time in a constructive manner? How much dependence does he have upon commercial forms of recreation? How does he get along with people in general? Is he gregarious or a lonely sort of fellow? More than just a listing of things he does or does not do is needed. Note the type of people with whom he usually associates, their cultural and economic level. To what organizations does the offender belong? What type of reading does he do? Are his family and wife included in his outside recreational activities?

It is better to emphasize a positive type of information than a long list of activities in which the offender does not engage.

Religion:

Note the denominational preference. The amount of religious training the offender received in the early part of his life, his attitude toward this training, and his present attitude toward church or religious matters must be searched for and described. Note any priest, minister, or rabbi to whom he can look for help.

G. Robe
Max Bit
Ernest
Florence
Diane L



CORRECTIONS
COMMISSION

WILLIAM G. MILLIKEN, GOVERNOR

DEPARTMENT OF CORRECTIONS

STEVENS T. MASON BUILDING, LANSING, MICHIGAN 48926

GUS HARRISON, Director

October , 1969

Robert Cotton, Ph.D., Chairman
Max Biber,
Ernest C. Brooks
Lawrence R. Crane
Dwaine L. Waters, M.D.

Dear

At the suggestion of the Bureau of Field Services we are evaluating the presentence report form and content as presently outlined in the Bureau of Field Services' Manual of Operations.

We have developed the enclosed questionnaire which is being sent to a representative sample of field agents, institutional counselors and courts. We would appreciate your taking the time to respond to this questionnaire. Space is provided for additional comments you may wish to make.

Your questionnaire is anonymous. Please do not put your name on it. Please answer the questions frankly, no one will know which answer sheet is yours.

Please do not use specific or extreme cases in responding to the questions. What we would like are your experiences and opinions generally.

We hope to use the results to simplify and/or improve the presentence report format. For your response to be included we should have it back within days if at all possible. Your assistance is greatly appreciated. Thank you in advance for your observations.

Return the questionnaire to the Program Bureau, Central Office.

Gratefully,

Henry B. Risley, Jr.
Program Bureau
Graduate Student Intern

Approved:

Roy Nelson
Deputy Director

HBR:mv



APPENDIX B

THE QUESTIONNAIRE

Note: Page 112 was sent to probation agents,
page 113 was sent to parole agents
and counselors, both pages
were sent to rural agents.

- (1) How many years have you been employed in the field of corrections? _____
- (2) How many years have you been employed at your present job? _____
- (3) What is the extent of your formal education? Give your major field of study.

Associate Degree

B.A. or B.S. _____; or 2 yrs. of college _____;

M.A., M.S., M.S.W. _____; Other _____.

- (4) The following is a brief outline of the presentence report as presented in the Bureau of Field Services' Manual of Operations. Please rank the three major subdivisions as to which you consider to be the most important, (1); second most important, (2); and least important, (3).

_____ Part I, the probation agent's summary and recommendations.

_____ Part II, the face sheet and identifying data.

_____ Part III, the body of the presentence report.

- (5) The following is a list of the thirteen subdivisions of Part III of the presentence report. Please check (✓) each item on a scale of one to three, (1-3).

- (1) Valuable information and important part of the report.
- (2) Usable but not of major value or importance to you.
- (3) Of little value to you, rarely need.

One Two Three

_____	_____	_____	Sources of Information
_____	_____	_____	Investigator's Version of the Offense
_____	_____	_____	Offender's Version of the Offense
_____	_____	_____	Previous Criminal Record
_____	_____	_____	Offender's Personal History
_____	_____	_____	Marital History
_____	_____	_____	Education

One Two Three

___	___	___	Service Record
___	___	___	Employment
___	___	___	Economic Situation
___	___	___	Health
___	___	___	Habits and Recreation
___	___	___	Religion

- (6) The following is a list of twenty-four items of information common to most presentence reports. In your role as program planner or in the decision making process concerning whether to grant, deny or revoke probation or parole, please rate each piece of information on a five point scale as to whether you consider it necessary information. (Make a (✓) mark in the appropriate space.)

- (1) need to know in all cases
- (2) need to know in most cases
- (3) nice to know in most cases
- (4) nice to know in some cases
- (5) not needed in most cases

The category nice to know means that the information is helpful but it is not really necessary for making the decisions.

One Two Three Four Five

___	___	___	___	___	(a) Place of Birth
___	___	___	___	___	(b) Family History
___	___	___	___	___	(c) Offense
___	___	___	___	___	(d) Prior Record
___	___	___	___	___	(e) Interests and Activities
___	___	___	___	___	(f) Drug Usage
___	___	___	___	___	(g) Religion
___	___	___	___	___	(h) Defendant's Statement

One Two Three Four Five

___	___	___	___	___	(i) Age
___	___	___	___	___	(j) Marital Status
___	___	___	___	___	(k) Alcoholic Involvement
___	___	___	___	___	(l) Plea
___	___	___	___	___	(m) Residence Data
___	___	___	___	___	(n) Psychological/Psychiatric Data
___	___	___	___	___	(o) Defendant's Attitude (at time of sentencing)
___	___	___	___	___	(p) Education
___	___	___	___	___	(q) Family Criminality
___	___	___	___	___	(r) Confinement Status (at the time of sentencing)
___	___	___	___	___	(s) Military History
___	___	___	___	___	(t) Homosexuality
___	___	___	___	___	(u) Employment History
___	___	___	___	___	(v) Medical History
___	___	___	___	___	(w) Legal Representation
___	___	___	___	___	(x) Race

- (1) Estimate the average length of the presentence reports you prepare: (Number of pages) _____.
- (2) Estimate the average number of reports you prepare per month: _____.
- (3) On the average, how many cases have you had on supervision at any one time recently (during the last six months) _____?
- (4) Do you feel you know the preferences on presentence content of the judges for whom you prepare presentence reports, yes/no _____? Please explain your answer

- (5) Do you feel the guidelines of the Manual of Operations are unrealistic in allowing you to meet these preferences, yes/no _____? Please explain your answer

- (6) With the exception of police records and the offender himself, which sources do you most frequently refer to for verifying data about the man? _____

- (7) Would you be in favor of a new presentence report form which excluded Part III but had an expanded face sheet and a more extensive probation agent's summary of the case? (Yes/No) _____.

Additional comments you feel to be important may be added in the space below and on the back of this sheet.

Check the appropriate response.

- (1) Do you review the entire presentence report in:
all cases ____; most ____; some ____; none ____.
- (2) Do you review the probation agent's summary and recommendations (Part I) in:
all cases ____; most ____; some ____; none ____.
- (3) Do you review the Face Sheet (Part II) in:
all cases ____; most ____; some ____; none ____.
- (4) Do you review the entire body of the report (Part III) in:
all cases ____; most ____; some ____; none ____.
- (5) Would you be in favor of a new presentence report form which excluded Part III but had an expanded face sheet and a more extensive probation agent's summary of the case? (Yes/No) _____.

Additional comments you feel to be important may be included in the space below.

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