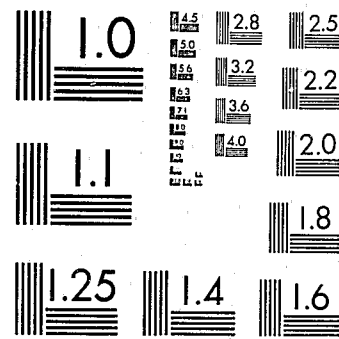


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4-8-82

~~PRE~~-SENTENCE INVESTIGATION REPORT
TRAINING MANUAL
~~TEXAS~~ ADULT PROBATION COMMISSION
JUNE, 1981

19953



TEXAS ADULT PROBATION COMMISSION

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To Whom It May Concern:

Enclosed is a copy of the Texas Adult Probation Commission's Pre-Sentence Investigation Report (P.S.I.R.) Training Manual. Funded by LEAA and sponsored by the American Justice Institute, the P.S.I.R. Project's goal was to provide training materials in the P.S.I.R. area for interested audiences.

You have our permission to reproduce this report in any manner useful to you.

Thank you.

Sincerely yours,

Karen E. McLane

Karen E. McLane
P.S.I.R. Project Director

KEMcL/lkc
Enclosure

NCJRS

AUG 20 1981

ACQUISITIONS

PRE-SENTENCE INVESTIGATION REPORT PROJECT TRAINING MANUAL

A PRODUCT OF THE
PRE-SENTENCE INVESTIGATION REPORT PROJECT

KAREN E. McLANE, PROJECT DIRECTOR
PROGRAM SERVICES DIVISION
TEXAS ADULT PROBATION COMMISSION

812 SAN ANTONIO, SUITE 400
AUSTIN, TEXAS 78701
JUNE, 1981

U.S. Department of Justice 79953
National Institute of Justice

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Karen E. McLane

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PREFACE

In November, 1979, the Texas Adult Probation Commission (TAPC) received one of nine national Pre-Sentence Investigation Report (P.S.I.R.) Project grants from the Law Enforcement Assistance Administration (LEAA), which was administered by the California-based American Justice Institute (AJI). One of the grant's goals has been the development of a Pre-Sentence Investigation Report training workshop and complimentary manual. This P.S.I.R. workshop manual was designed as a continuing manual to be updated through the duration of the P.S.I.R. Project which ended May, 1981. The manual was divided into two parts: a trainee's manual (Part I) and a trainer's manual (Part II) to be used as a set for departments which choose to use this manual as a training instrument.

In the four P.S.I.R. training workshops which were presented to 150 probation officers in fall, 1980, the training focused on these areas of interest:

- investigation techniques,
- interview skills,
- how to choose relevant information methods,
- confidentiality, and
- writing skills.

The training needs of adult probation departments in Texas were determined by several surveys before the training workshops and manual were completed. Every attempt was made to include exercises in the manual and workshop. Through these exercises we hoped that participants would gain skills which would improve the quality of P.S.I.R.s that they generated. The participants' feedback toward the exercise and workshop presentation was extremely helpful to us. Since this training package was developed as a model manual, we were interested in including material which represented the diversity of P.S.I.R. procedures in Texas.

Our appreciation to the workshop participants who "kept us on target" as well as TAPC's media and clerical support staff.

Karen McLane, P.S.I.R. Project Director

Summer, 1981

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WHY THE PRE-SENTENCE INVESTIGATION REPORT (P.S.I.R.)?

UTILITY:

The Pre-Sentence Investigation Report's utility is multifaceted. According to the Prescriptive Package--Pre-Sentence Report Handbook (PP-PRH), page 7, the following reasons support the use of the P.S.I.R.:

- Aids the court in determining the appropriate sentence;
- Assists correctional institution personnel in classification and program activities;
- Assists the parole authority when parole is considered;
- The report is the initial source of information utilized by the probation officer in his supervision of offenders placed on probation (including classification);
- Treatment agencies and appellate courts in their review of sentencing practices may use it; and
- The P.S.I.R. serves as a source of relevant information for systematic research about convicted offenders.

In 1910, William Healy, Director of the Juvenile Psychopathic Institute of Chicago, established the need for the "individual study of the young criminal." By 1965, the Administrative Office of the United States Courts commented on the P.S.I.R.:

"The primary objective of the pre-sentence report is to focus light on the character and personality of the defendant, to offer insight into his problems and needs, to help understand the world in which he lives, to learn about his relationships with people, and to discover those salient factors that underlie his specific offense and his conduct in general. Probation cannot succeed unless care is exercised in selecting those who are to receive its benefits. The presentence report is an essential aid in this selective process." (PP-PRH, p. 7).

At present, the use of P.S.I.R.s has gained support throughout the country. As of 1980, seven states mandate P.S.I.R.s for all cases, 28 states mandate P.S.I.R.s for all felony cases. One state mandates P.S.I.R.s for all juvenile offenders, 13 states (including Texas) use P.S.I.R.s on an optional basis. One state, Arkansas, did not respond to the survey from which this data was collected (Adult Probation in the U.S. by William Goldberg).

It is essential that probation officers/P.S.I.R. writer view the P.S.I.R. as a continuing product and process. The process allows jurisdiction with different requirements to develop P.S.I.R. formats

and content to meet their unique needs. At the same time:

"...the assessment of the offender to provide the court a rational basis for selecting the most appropriate correctional alternative for care disposition is essential.

The P.S.I.R. is another assisting tool for the probation officer to gain information about the offender, his community and how to best protect the community." (PP-PRH, p. ix.)

A balance must be struck between how much information is really used in decision-making and of what that information consists. To that end, the P.S.I.R. package is a beneficial process used by a large number of judicial jurisdictions nationwide. The report can be utilized at the juvenile or adult level as well with either the misdemeanor or felony offense. Its main function remains to provide decision-making audiences (judges, probation officers, corrections officials) with incisive information on a defendant and an offense in order that coherent decisions can be developed.

The legal issues surrounding the P.S.I.R. are discussed in two separate articles found in the appendix of the volume. The first is an address given by TAPC Commissioner Terry Jacks on his reaction to the P.S.I.R. state of the art (page 103). The second P.S.I.R. article is by U.T. Law Professor Robert Dawson, and is from the Texas Probation Law Manual (page 107).

PROJECT PRODUCTS:

Products drafted by the project staff and task force were utilized through March, 1981 on an experimental basis at the nine departmental sites. These products include an Information Sheet (English and Spanish versions), a Standard Operating Procedure, three uniform report formats (abbreviated, standard and comprehensive), a standardized cover sheet, an alcohol-related offense format, an assessment package (needs, risks and problem areas), an uniform worksheet and a sentencing guideline. The revised formats with explanations for their use are included at this point:

Why an Information Sheet?

To provide immediate initial information to the writer for use in the P.S.I.R.s sections about the defendant;

To organize basic information on the defendant for further verification and interviews by the writer;

To be used as a referral tool when immediate problems of the defendant are in need of resolution;

To be utilized as a comparison tool i.e., the information sheet can be entered in the files of the defendant and used as a reference to determine the defendant's progress if the defendant is placed on probation;

To be utilized as an easy-to-read format or oral format for the defendant or for probation officers who must analyze information gathered from illiterate defendants;

To be analyzed easily by interns, paraprofessionals, and volunteers for essential information; and

To provide the defendant a "connection" to the process vis-a-vis his input;

Why a Uniform Coversheet?

To serve as an identification tool for the P.S.I.R. as it goes through the criminal justice system and is read by various audiences;

In brief form, to provide offense data which is covered in greater detail in the narrative of the report;

To include the seventeen most common pieces of information found on cover sheets nationwide (see PP-PRH, p. 11);

To arrange data in a comprehensive modular format designed for potential computerization (for filing purposes); and

To be used as a uniform introduction to all P.S.I.R. formats.

Why the Abbreviated Format?

To be used in misdemeanor cases when time and data collection verification constraints exist;

To be helpful in selecting dispositions for special classes of offenders and minor offenses; and

To be utilized when personnel is scarce and the number of P.S.I.R.s to be completed is large.

Why the Standard Format?

To be used in misdemeanor or lesser felony cases;

To be utilized as a screening process to determine whether a longer report is needed and (like the abbreviated format yet the standard format allows for more time to complete);

To use the core data sections found in the standard form, i.e., offense, Personal History, Prior Record, Evaluation and Optional Recommendation which impact most directly on decision making. To quote:

"...there is little evidence that more extensive data are better for decision-makers than less, particularly if less amounts of data are deliberately (rather than irrationally) selected, are relevant and verified." (PP-PRH, p.15).

Why the Comprehensive Format?

- To be used when the court needs extensive information on the defendant;
- To be utilized when the offense committed is a serious one;
- To be possibly considered for use in all initial juvenile court matters with space allotted for updated progress reports;
- To be expanded when the standard format screening determines the need for more detailed information; and
- To be used when traditionally optional modules such as victim impact statements (including restitution) or military court history appear to be essential to an objective assessment of the client.

Why Specialized Formats (such as an Alcohol-Related Offense Format)?

- To analyze closely the impact of specific motivations or problems on an offense and the offender;
- To provide community referrals for those clients in immediate need of treatment;
- To assess long-range plans to be part of the probation strategy;
- To "red-flag" a specific case, so the individual is diverted to treatment or community-corrections institutions rather than "caught" in the criminal justice system--this is particularly important for mentally retarded offenders;
- To process/screen large numbers of offenses, quickly and efficiently, such as DWI offenders; and
- To provide the data variables which most closely determine the motivation for the offense and an appropriate reaction to the offense.

Why an Assessment Package?

- To provide the probation department with a preliminary needs, risks and problem areas assessment of the offender which can be used for diversion or future community referral;
- To provide "language" for the probation office writer who is having trouble phrasing at what level the offender is with particular problems; and

To provide a tie-in with the Case Classification project which could contribute the duplication.

Why a P.S.I.R. Uniform Worksheet Guideline?

To give the probation officer/report writer a list of optional questions to select from during the investigation or interview process;

To illustrate the questions under relevant sections which the P.S.I.R. thought most important; and

To code the questions for different P.S.I.R. audiences and purposes (such as Case Classification).

Why a Sentencing Guideline?

To be used as an optional guideline for judges.

To be utilized as predictive element in the P.S.I.R.

PROJECT PRODUCTS:

In order to assist the reader in locating the forms in the following section, an index has been constructed. The reader should look at the lower lefthand corner of the form page to determine to which form series the sheet belongs. Multiple part forms are alphabetized for easier access.

The Standard Operating Procedure Instructions for the package begins on page 149.

<u>Products</u>	<u>Form Series</u>
1. Information Sheet (English)	001a - 001c
2. Information Sheet (Información-Spanish)	002a - 002d
3. PSIR Uniform Cover Sheet	003
4. PSIR Abbreviated Format	004
5. PSIR Alcohol Related Offenses Format	005a - 005b
6. PSIR Standard Format	006a - 006c
7. PSIR Comprehensive Format	007a - 007e
8. Uniform Worksheet	008a - 008i
9. Assessment of Probationer Needs	009
10. Assessment of Probationer Risks	010
11. Problem Areas	011
12. Sentencing Guideline	012a - 012c

INFORMATION SHEET

(Print—Use ink or pen only)

Date _____

DEFENDANT'S INSTRUCTIONS: Please fill this form out as completely as possible. If you have any questions, ask the probation department staff member working with you for assistance. If the questions does not apply to you, write "N.A." If you need more space use back of page 2. THANK YOU.

Name

1. a. _____
(Last) (First) (Middle) (Maiden)

b. Other names you go by: _____

Criminal History

2. What are you charged with?: _____

3. a. Describe your version of current offense and how you were arrested: _____

b. Do you know the victim(s) of the crime you are charged with? ☐ Yes ☐ No

c. If "Yes," please describe your relationship in greater detail: _____

d. Have you ever been in jail? ☐ Yes ☐ No If "Yes," how long were you in jail? _____

4. Have you ever been arrested for a prior offense? ☐ Yes ☐ No

If "Yes," complete following:

Number of Arrests

Type of Offense

a. Juvenile: _____

b. Adult: _____

5. Have you ever been convicted of a prior offense? ☐ Yes ☐ No

If "Yes," complete following:

Number of Convictions

Type of Offense

a. Juvenile: _____

b. Adult: _____

References

6. a. List three different people who know where to locate you at all times:

	Name	Relationship	Address	Phone Number
1.				
2.				
3.				

b. List your parents, sisters and brothers:

	Name	Relationship	Address	Phone Number
1.				
2.				
3.				
4.				
5.				

Personal History

7. Age: _____ 8. Date of Birth: _____ 9. Place of Birth: _____

10. Sex: _____ 11. Race: _____ 12. U.S. Citizen? ☐ Yes ☐ No

13. Military Service: _____
(Please describe branch, type of discharge)

14. a. Permanent Address: _____
(Street) (City) (State) (Zip Code)

b. Time lived at Present Residence: _____ / _____ / _____ c. Do you ☐ rent or ☐ own your residence?
(years) (months) (weeks)

d. Mailing Address: _____
(If different from permanent address) (Street) (City) (State) (Zip Code)

15. Telephone Number(s): _____
(Home) (Work)

16. Social Security Number: _____

17. Living With: _____ / _____ / _____
(Name) (Address) (Relationship to Defendant)

18. a. Are you currently married? ☐ Yes ☐ No b. Have you been previously married? ☐ Yes ☐ No

c. If "Yes" to 18. b., how many times? _____ d. If you are not currently married, are you:

☐ Single
☐ Divorced
☐ Other (specify) _____

e. Information on Spouse: _____
(Name)

(Address) (Phone Number(s))

19. Number of people dependent on you (include children, self): _____

20. Describe your strengths and weaknesses: _____

21. Last grade completed: _____ Where?: _____ Last year attended: _____

22. What are your hobbies?: _____

Health

23. a. Describe your current physical health: _____

b. Have you ever sought mental health counseling? ☐ Yes ☐ No c. If yes, describe: _____

Employment/Financial History

24. List any job training you have had: _____

25. a. Current job description: _____ b. Take home pay: _____

c. Employed by: _____ / _____ / _____
(Name) (Address) (Phone Number)

d. For how long?: _____ e. Is your employer aware of any criminal charges against you? ☐ Yes ☐ No

f. Previous Employer _____ / _____ / _____
(Name) (Address) (Phone Number)

g. How long did you work there?: _____ / _____ / _____
(years) (months) (weeks)

26. Provide monthly dollar amounts for the following:

a. Rent/house payments	d. Transportation/gasoline	g. Other notes (besides car)
b. Utilities (water, gas, electric)	e. Credit card payments	h. Medical expenses
c. Telephone/cable	f. Food	i. Other payments
Total Monthly Wages/Income \$ _____ - Total Monthly Payments \$ _____ = Total Net Monthly Income \$ _____		

DEFENSE ATTORNEY:

Name Phone Number

DEFENDANT:

Name Phone Number

INFORMACIÓN

(Escriba con pluma en letra de molde)

Fecha _____

DEFENDIDO INSTRUCCIONES: Favor de completar la aplicación. Si tiene alguna pregunta favor de pedirle asistencia a la persona que esta para ayudarlo. Si la pregunta no es aplicable, marque "N.A." GRACIAS

NOTES

1. a. _____ / _____
(apellido) (primer nombre)

b. Apodo o otra nombre que usa: _____

Historia Criminal

2. ¿Que es la ofensa conque le cargan?:

3. a. Describa su versión de la que paso y como fue areestado: _____

1. The first step in the process of creating a business plan is to conduct a market analysis. This involves researching the industry, identifying potential customers, and understanding the competitive landscape. A thorough market analysis provides valuable insights into the viability of the business idea and helps to shape the overall strategy.

2. Once the market analysis is complete, the next step is to develop a clear and concise business model. This model should outline the core value proposition, the revenue streams, and the cost structure. It should also define the target market segments and the distribution channels. A well-defined business model is essential for attracting investors and securing financing.

3. The third step in the process is to create a detailed financial plan. This plan should include a budget, a cash flow statement, and a break-even analysis. It should also project the financial performance of the business over a period of three to five years. A comprehensive financial plan demonstrates the financial feasibility of the business and provides a clear picture of the expected returns.

4. The final step in the process is to write the business plan document. This document should be well-organized, easy to read, and free of errors. It should clearly articulate the business vision, the market analysis, the business model, and the financial plan. A professional business plan is a critical tool for communicating the business opportunity to potential investors and lenders.

b. ¿Conoce la(s) víctima(s) del crimen con que es ud. culpado? ☐ Sí ☐ No

c. Si las conoce, favor de describir su relacion en mas detalle: _____

B **1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19** **20** **21** **22** **23** **24** **25** **26** **27** **28** **29** **30** **31** **32** **33** **34** **35** **36** **37** **38** **39** **40** **41** **42** **43** **44** **45** **46** **47** **48** **49** **50** **51** **52** **53** **54** **55** **56** **57** **58** **59** **60** **61** **62** **63** **64** **65** **66** **67** **68** **69** **70** **71** **72** **73** **74** **75** **76** **77** **78** **79** **80** **81** **82** **83** **84** **85** **86** **87** **88** **89** **90** **91** **92** **93** **94** **95** **96** **97** **98** **99** **100**

d. ¿Ha sido encarcelado? ☐ Sí ☐ No Sí ha sido encarcelado, y cuanto tiempo estuvo en la carcel? ? _____

4. ¿Ha sido arrestado antes? ☐ Sí ☐ No

Si la respuesta es Sí, complete lo siguiente

Numero de Arestos

Tipo de Ofensas

a. Juvenil: _____

b. Adulto: _____

5. ¿Ha sido convicto de una ofensa? ☐ Sí ☐ No

Si la respuesta es **Sí**, complete lo siguiente

Numero de Convicciones

Tipo de Ofensas

a. Juvenil:

b. Adulto: _____

Referencias

6. a. Favor de dar los nombres de tres personas que siempre pueden colocarle:

	Nombre	Relación	Dirección	Numero de Teléfono
1.				
2.				
3.				

b. Favor de dar los nombres de sus padres, hermanas y hermanos:

	Nombre	Relación	Dirección	Numero de Teléfono
1.				
2.				
3.				
4.				
5.				

Historia Personal

7. Edad: _____ 8. Fecha de nacimiento: _____ 9. Lugar de nacimiento: _____

10. Sexo: _____ 11. Raza: _____ 12. ¿Es ciudadano de los Estados Unidos Norte Americano? ☐ Sí ☐ No

13. Servicio militar: _____
(Favor describa el ramo y tipo de despido)

14. a. Dirección permanente: _____ / _____ / _____ / _____
(Calle) (Ciudad) (Estado) (Zona Postal)

b. ¿Cuanta tiempo tiene de vivir en su domicilio?: _____ / _____ / _____
(años) (meses) (semanas)

c. ¿Es ☐ propio su domicilio o ☐ renta?

d. Dirección donde recibe correo: _____ / _____ / _____ / _____
(Si es diferente de donde vive) (Calle) (Ciudad) (Estado) (Zona Postal)

15. Numero de teléfono: _____ / _____
(Residencia) (Trabajo)

16. Numero de seguro social: _____

17. ¿Con quien vive?: _____ / _____ / _____
(Nombre) (Dirección) (Relacion al Defendio)

18. a. ¿Es casado? ☐ Sí ☐ No b. ¿Ha sido casado antes? ☐ Sí ☐ No

c. Si "Sí" a 18. b., ¿cuantas veces? _____ d. Si no es casado, es usted:

- ☐ Soltero
☐ Divorciado
☐ Viudo

c. Información tocante su esposa (o): _____
(Nombre)

(Dirección) / (Numero(s) de Telefono)

19. Numero de personas que depende de ud. (incluyendo hijos, tú mismo): _____

20. Favor de enumerar sus habilidades y debilidades: _____

21. Ultimo año escolar completado: _____ ¿Donde? _____

Ultimo año cuando atendio la escuela: _____

22. ¿Cuales son sus ocupaciones de recreo?: _____

Salud

23. a. Describa su salud: _____

b. ¿Ha buscado ayuda de pisiquria o psicológica? ☐ Sí ☐ No

c. Si ha buscado tal aylda favor de describir la: _____

Empleo/Historia Financiera

24. ¿Qué entrenamiento vocacional a recibido?: _____

25. a. Empleo: _____ b. Sueldo mensual neto: _____

c. ¿Quién lo emplea?: _____ / _____ / _____
(Nombre) (Dirección) (Numero de Telefono)

d. ¿Cuanto tiempo tiene de trabajar allí? _____

e. ¿Sabe su amo de los cargos criminales contra ud.? ☐ Sí ☐ No

f. ¿Quién le empleo antes?: _____ / _____ / _____
(Nombre) (Dirección) (Numero de Telefono)

g. ¿Cuanto tiempo trabajo allí?: _____ / _____ / _____
(años) (meses) (semanas)

26. Favor de proveer en dólares lo que gasta cada mes en lo siguiente:

- a. Alquiler/pagos de casa

b. Servicio publico (agua, gas, electricidad)

c. Teléfono/cable de televisión

d. Transportación/gasolina
- e. Pagos de tarje tas de credito

f. Alimentos

g. Otros pagos (No incluya pagos de automóvil)

h. Gastos medicos

i. Otros pagos

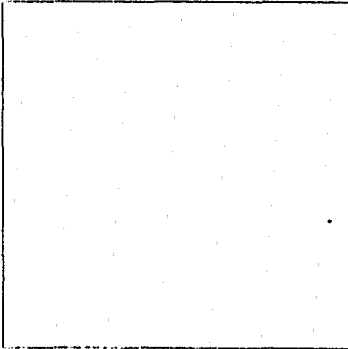
Sueldo/ingresos total \$ — Pagos totales \$ = Ingreso neto total \$

SU ABOGADO:

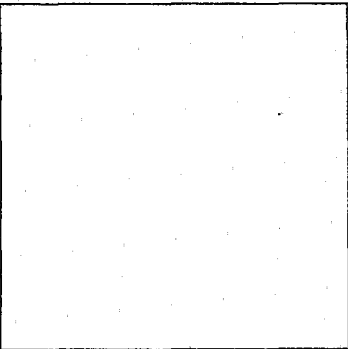
(Nombre) / (Numero de Telefono)

DEFENDIDO:

(Nombre) / (Numero de Telefono)



PHOTOGRAPH - optional



THUMBPRINT - optional

PSIR UNIFORM
COVER SHEET

NAME: / / / DATE: CAUSE NO.:

(Last) (First) (Middle) (Maiden)

Alias/Nickname: To: Court

Present Address: Judge

Date Referred: From: Adult Probation Department

Date PSIR Completed: Defense Attorney (Name) (Phone Number)

Scheduled Sentencing Date: Retained Appointed

Prosecutor (Name) (Phone Number)

Birthdate/ Age: Social Security Number:

Identification Numbers:

Sex: Height: Weight: Eyes: Hair: Complexion: Race: Citizenship: ID Marks:

Character References:

Name Relationship Address Phone Number(s)

1.

2.

3.

Offense as Charged: Offense Type: Range of Penalty:

Offense as Convicted: Detainers/Charges Pending:

Plea Jury Court

Co-defendants/Dispositions: Custodial Status/Disposition:

Respectfully Submitted,

Total Amount
Restitution: (Name) (Title) (Probation Officer Number)

PSIR ABBREVIATED FORMAT

NAME

(Last) / (First) / (Middle) / (Maiden) Date: Cause Number:

OFFENSE

PRIOR RECORD

PERSONAL HISTORY

EVALUATION/PROGNOSIS

SUPERVISION PLAN

RECOMMENDATION:
☐ FOR ☐ AGAINST

Disposition

PSIR ALCOHOL RELATED OFFENSES FORMAT

NAME

(Last) / (First) / (Middle) / (Maiden) Date: Cause Number:

OFFENSE

PRIOR RECORD

1. Blood alcohol content at arrest: _____
2. Past alcohol related arrests/convictions? ☐ Yes ☐ No
3. Past rehabilitative measures: _____
4. Alcohol agency contact: _____

PERSONAL HISTORY

EVALUATION/PROGNOSIS

SUPERVISION PLAN

RECOMMENDATION:
☐ FOR ☐ AGAINST

Disposition:

NAME

(Last) (First) (Middle) (Maiden)

I hereby certify that a screening test(s) (Mortimer – Filkins)_____/other
has been administered to the above named person, and combined with other relevant information
gained in the interview conducted on_____, the above named
(date)
person has been judged to be a_____, It is therefore recom-
(Social, Borderline, or Problem Drinker)
mended that as a condition of probation, this person attend the following:

	Activity	Number of Sessions	Start Date	Re-evaluation Date
1.	Alcohol Education	_____	_____	_____
2.	Outpatient Therapy at Clinic (Minimum of _____ sessions, then re-evaluation)	_____	_____	_____
3.	Inpatient Treatment (Detoxification, by agreement)	_____	_____	_____
4.	Private Counseling (by agreement, to be reported through personal physician)	_____	_____	_____
5.	Antabuse Therapy (_____ weeks by agreement)	_____	_____	_____
6.	Other	_____	_____	_____

PSIR STANDARD FORMAT

NAME

(Last) (First) (Middle) (Maiden) Date: _____ Cause Number: _____

OFFENSE

POLICE/COURT VERSION:

DEFENDANT'S VERSION:

STATEMENT OF INTERESTED PARTIES:

WEAPONS/VIOLENCE:

PRIOR RECORD

JUVENILE COURT HISTORY:

ADULT MISDEMEANOR COURT HISTORY:

ADULT FELONY COURT HISTORY:

MILITARY COURT HISTORY:

PERSONAL HISTORY

VICTIM IMPACT STATEMENT

EVALUATION/PROGNOSIS

SUPERVISION PLAN

REHABILITATIVE PLAN:

PAYMENT PLAN:

RECOMMENDATION:
☐ FOR ☐ AGAINST

Disposition:

PSIR COMPREHENSIVE FORMAT

NAME

(Last) / (First) / (Middle) / (Maiden) Date: _____ Cause Number: _____

LEGAL CHRONOLOGY

OFFENSE

POLICE/COURT VERSION:

DEFENDANT'S VERSION:

STATEMENT OF INTERESTED PARTIES:

WEAPONS/VIOLENCE:

PRIOR RECORD

JUVENILE COURT HISTORY:

ADULT MISDEMEANOR COURT HISTORY:

ADULT FELONY COURT HISTORY:

MILITARY COURT HISTORY:

PERSONAL HISTORY

HOME AND NEIGHBORHOOD

PRESENT INTERPERSONAL ENVIRONMENT

EDUCATION

ACADEMIC:

VOCATIONAL:

INTERESTS AND LEISURETIME ACTIVITIES

VICTIM IMPACT STATEMENT

PHYSICAL HEALTH HISTORY

MENTAL HEALTH HISTORY

EMPLOYMENT HISTORY

FINANCIAL STATUS

RESOURCES AVAILABLE

EVALUATION/PROGNOSIS

SUPERVISION PLAN

REHABILITATIVE PLAN:

PAYMENT PLAN:

RECOMMENDATION:

☐ FOR ☐ AGAINST

Disposition:

UNIFORM WORKSHEET

Date:_____

Cause Number:_____

NAME

1. _____

(Last) / (First) / (Middle) / (Maiden)

LEGAL CHRONOLOGY

1. Date/Place of Offense *	3. Date/Nature of Plea	5. Date of Sentence
2. Date/Place of Arrest	4. Date/Nature of Trial	6. Date/Nature of Verdict

7. Willingness of prosecutor/courts to take jurisdiction in lieu of disposition in present case*:

8. Jurisdictions of pending charges*:

9. Description of probation/parole status, if under supervision, and the date referred to the probation officer:

10. Additional/Sentence Terms:

OFFENSE

POLICE/COURT VERSION:

1. Brief summary of formal charge(s)*:
2. Aggravating/extenuating circumstances*:
3. Extent to which offense follows previous offense patterns*:
4. Relationship of defendant and/or offense to organized crime*:

5. Influence of alcohol, narcotic medicine, stress on action*: ☐ Yes ☐ No
6. Premeditated or impulsive involvement*:
7. Related offense(s) not included in formal charge(s)*:

DEFENDANT'S VERSION:

1. Discrepancies between police/court version and defendant version*:
2. Defendant's attitude toward offense*:
3. Defendant's explanation of reason for involvement with offense*:
4. Premeditated or impulsive involvement*:
5. Defendant's understanding of charge(s) and penalties:
6. Extent of defendant's cooperation with arresting, investigative, custodial, or probation officer(s)*:

STATEMENT OF INTERESTED PARTIES*

1. Co-defendants:
2. Witnesses:
3. Complainants:
4. Arresting Officers:

WEAPONS/VIOLENCE

1. Description of weapon carried at time of offense*:
2. Description of its use*:
3. Description of force/violence threatened or real in offense*:

PRIOR RECORD

JUVENILE COURT HISTORY

Nature of Offense	Pre-Trial Experience	Court Disposition	Date(s)	Place(s) (see attached page_____)
1.				
2.				
3.				
4.				

Evaluation of juvenile court history*:

ADULT MISDEMEANOR HISTORY

Nature of Offense	Pre-Trial Experience	Court Disposition	Date(s)	Place(s) (see attached page_____)
1.				
2.				
3.				
4.				

Evaluation of misdemeanor court history*:

ADULT FELONY COURT HISTORY

Nature of Offense	Pre-Trial Experience	Court Disposition	Date(s)	Place(s) (see attached page_____)
1.				
2.				
3.				
4.				

Evaluation of felony court history*:

MILITARY COURT HISTORY

Nature of Offense	Court Disposition	Date(s)	Place(s)	(See attached page _____)
1.				
2.				
3.				
4.				

Military/Institutional Summary:

PERSONAL HISTORY

Juvenile History: (Early developmental influences/relationship with parents and siblings).

Adult History:

Marriage Summary*:

Family Summary:

Other influences:

HOME AND NEIGHBORHOOD

Residential Stability:

PRESENT INTERPERSONAL ENVIRONMENT

Living Arrangement:

EDUCATION

Academic:

Vocational:

INTERESTS/LEISURE TIME ACTIVITIES

1. Defendant's talents/interests:

2. Defendant's associates and their reputations:

Name	Address	Relationship	Reputation
1.			
2.			
3.			

PHYSICAL HEALTH HISTORY

- 1. Current physical condition/description:
Height_____ Weight_____ Eyes_____ Hair_____ Complexion_____ Race_____
- 2. Current medical treatment:
- 3. Physical health problems relevant to sentence determination*:
- 4. Implications of defendant's physical health for home, community involvement, employment*:
- 5. Substance use/abuse*:

MENTAL HEALTH HISTORY

- 1. General social adjustment:
- 2. Findings of psychological/psychiatric tests; when administered; and by whom*:
- 3. a. History of psychological/psychiatric treatment: ☐ Yes ☐ No
b. If "yes", please specify:
- 4.a. Factors indicating immediate need for counseling/treatment*: ☐ Yes ☐ No
b. If "yes", please specify:
- 5. Required for immediate treatment*: ☐ Yes ☐ No
- 6. Extent of defendant's awareness of emotional problems:
- 7. Mental/emotional problems relevant to sentence determination*:

EMPLOYMENT HISTORY

- 1. Current employment status*:
- 2. Previous employment record:
- 3. Current employer's evaluation of defendant*:
- 4. Barriers to employment:

FINANCIAL STATUS

- 1. Statement of financial assets/liabilities:
- 2. Amount/source of public support:
- 3. Probation officer observation of defendant's living standard:

VICTIM IMPACT/
RESTITUTION STATEMENT

(see attachment page_____)

- | | |
|--|---|
| 1. Victim name:
a.
b. | 8. Loss to victims:
a.
b. |
| 2. Address and phone number:
a.
b. | 9. Properly recovered/restitution made:
a.
b. |
| 3. Relationship to defendant*:
a.
b. | 10. Insurance coverage:
a.
b. |

4. Vulnerability:

a.

b.

5. Injury type/severity/effect/information source*:

a.

b.
6. Medical treatment/cost/information source*:

a.

b.
7. Property loss/type/amount/information source*:
11. Total restitution claim:
- a.
- b.

12. Defendant liability:

a.

b.

13. Co-defendant liability:

a.

b.

14. Ability of either to pay:

15. Willingness of either to pay:

RESOURCES AVAILABLE

- Institution/Resources Identified:

1. Basic maintenance*:

2. Employment*

3. Institutional rehabilitation program

4. Vocational/guidance training*

5. Medical treatment

6. Academic training

7. Mental health services

8. Financial counseling

9. Residential services

EVALUATION/PROGNOSIS

1. Analysis of factors contributing to past/present offense(s)/conviction(s)*:
2. Evaluation of defendant's personality*:
3. Defendant's reputation in the community*:

4. Probation officer's assessment of defendant's criminal activity:

SUPERVISION PLAN(s)

1. Rehabilitative plan:

2. Payment plan :

RECOMMENDATION FOR:

☐ YES ☐ NO

Disposition:

ASSESSMENT OF PROBATIONER NEEDS
OPTIONAL FORM

NAME

(Last) (First) (Middle) (Maiden) Date: Cause Number:

(Please Check appropriate section)

ACADEMIC/VOCATIONAL SKILLS

- High School or above skill level
- Adequate skills; able to handle everyday requirements
- Low skill level causing minor adjustment problems
- Minimal skill level causing serious adjustment problems

EMPLOYMENT

- Satisfactory employment for one year or longer
- Secure employment; no difficulties reported; or homemaker, student or retired
- Unsatisfactory employment; or unemployed but has adequate job skills
- Unemployed and virtually unemployable; needs training

FINANCIAL MANAGEMENT

- Long-standing pattern of self-sufficiency; e.g., good credit
- No current difficulties
- Situational of minor difficulties
- Severe difficulties; may include overdrafts, bad checks or bankruptcy

MARITAL/FAMILY RELATIONSHIPS

- Relationships and support exceptionally strong
- Relatively stable relationships
- Some disorganization or stress but potential for improvement
- Major disorganization or stress

COMPANIONS

- Good support and influence
- No adverse relationships
- Associations with occasional negative results
- Associations almost completely negative

EMOTIONAL STABILITY

- Exceptionally well adjusted, accepts responsibility for actions
- No symptoms of emotional instability; appropriate emotional responses
- Symptoms limit but do not prohibit adequate functioning, e.g., excessive anxiety
- Symptoms prohibit adequate functioning; e.g., lashes out or retreats into self

ALCOHOL USAGE

- No interference with functioning
- Occasional abuse; some disruption of functioning
- Frequent abuse; serious disruption; needs treatment

OTHER DRUG USAGE

- No interference with functioning
- Occasional abuse; some disruption of functioning
- Frequent abuse; serious disruption; needs treatment

MENTAL ABILITY

- Able to function independently
- Some need for assistance; potential for adequate adjustment; possible retardation
- Deficiencies severely limit independent functioning; possible retardation

HEALTH

- Sound physical health; seldom ill
- Handicap or illness interferes with functioning on a recurring basis
- Serious handicap or chronic illness; needs frequent medical care

SEXUAL BEHAVIOR

- No apparent dysfunction
- Real or perceived situational or minor problems
- Real or perceived chronic or severe problems

P.O.'S IMPRESSION OF PROBATIONER NEEDS

- Well adjusted
- No needs
- Moderate needs
- High Needs

ASSESSMENT OF PROBATIONER RISKS
OPTIONAL FORM

NAME

(Last) (First) (Middle) (Maiden) Date: Cause Number:

PLEASE CHECK APPROPRIATE RESPONSE:

- Number of address changes in last 12 months: None, One, Two or more
- Percentage of time employed in last 12 months: 60% or more, 40% - 59%, Under 40%, Not Applicable
- Alcohol Usage Problems: No interference with functioning, Occasional abuse; some disruption of functioning, Frequent abuse; serious disruption needs treatment
- Other Drug Usage Problems: No interference with functioning, Occasional abuse; some disruption of functioning, Frequent abuse; serious disruption needs treatment
- Attitude: Motivated to change; receptive to assistance, Somewhat motivated but dependent or unwilling to accept responsibility, Rationalizes behavior; negative; not motivated to change
- Age at first adjudication of guilt (adult or juvenile): 24 or older, 20 - 23, 19 or younger
- Number of prior periods of probation/parole supervision (adult or juvenile): None, One or more
- Number of prior probation/parole revocations (adult or juvenile): None, One or more
- Number of prior felony adjudications of guilt (adult or juvenile): None, One, Two or more
- Adult or juvenile adjudications for (select applicable numbers include current offense): None, Burglary, theft, auto theft, or robbery, Worthless checks or forgery
- Adult or juvenile adjudication for assaultive offense within last five years (an offense which involves the use of a weapon, physical force or the threat of force): Yes, No

PROBLEM AREAS
OPTIONAL FORM

NAME

(Last) (First) (Middle) (Maiden)

Date: _____ Cause Number: _____

A. Check any of the following problem areas which apply to the client:

- | | |
|---|--|
| <input type="checkbox"/> Academic/vocational skills | <input type="checkbox"/> Alcohol usage |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Other drug usage |
| <input type="checkbox"/> Financial management | <input type="checkbox"/> Mental ability |
| <input type="checkbox"/> Marital/family relationships | <input type="checkbox"/> Health |
| <input type="checkbox"/> Companions | <input type="checkbox"/> Sexual behavior |
| <input type="checkbox"/> Emotional stability | <input type="checkbox"/> No identifiable problem |

B. Would the defendant be willing to voluntarily enter a referral program at the PSIR level or prior to sentencing?

- ☐ Yes ☐ No

If "yes", please specify why:

What is the client's attitude?

- ☐ Motivated to change, receptive to assistance.
☐ Somewhat motivated, but dependent or unwilling to accept responsibility.
☐ Rationalizes behavior; negative; not motivated to change.

C. Select service(s) needed by client:

- | | |
|--|--|
| <input type="checkbox"/> Mental health-mental retardation agency | <input type="checkbox"/> General Educational Development |
| <input type="checkbox"/> State hospital | <input type="checkbox"/> Adult Learning Program (ALP) |
| <input type="checkbox"/> Private non-profit/residential | <input type="checkbox"/> Alcohol education |
| <input type="checkbox"/> Private non-profit/non-residential | <input type="checkbox"/> Alcoholics Anonymous (AA) |
| <input type="checkbox"/> Texas Rehabilitation Commission | <input type="checkbox"/> Department of Human Resources (State welfare) |
| <input type="checkbox"/> Texas Employment Commission | <input type="checkbox"/> Local probation department |
| <input type="checkbox"/> Public health facility (clinic, VA, agency) | <input type="checkbox"/> Jail |
| <input type="checkbox"/> County welfare | <input type="checkbox"/> Court residential center |
| <input type="checkbox"/> Volunteers in Probation | <input type="checkbox"/> Other: _____
(please specify) |
| <input type="checkbox"/> Job services | <input type="checkbox"/> No agency available |

SENTENCING GUIDELINE
OPTIONAL FORM

Developed from Criminal District Courts of Jefferson County, Texas

Place appropriate ranking or score in "Points" column.

CRIME SCORE

POINTS:

1st Degree Felony15
2nd Degree Felony10
3rd Degree Felony5

Extent of Monetary Loss to Victim

Substantial3
Minimal1
None0

Extent of Defendant Profit

Substantial3
Minimal1
None0

Extent of Physical or Emotional Harm to Victim

Substantial4
Minimal1
None0

Aggravating Facts

Substantial3
Minimal1
None0

Extenuating Circumstances

Substantial-3
Minimal-2
None0

Relation of Defendant to Organized Crime

Substantial3
Minimal1
None0

Culpability

Premeditated3
Impulsive1
Under Influence-1

CRIME SCORE TOTAL _____
(Add all points in "Points column")

POINTS:

Mental and Emotional Health

Substantial.-2

Minimal.0

Unstable1.

Number of Pending Offenses

Substantial.3

Minimal.1

Unstable0.

Status Offense Data

On Probation, Parole, Bond.3

Nothing Pending.0.

OFFENDER SCORE TOTAL

(Add all points in "Points" column)

*PSIR Format Does Not Include This Element.

Match the corresponding Crime Score Total Points with Offender Score Total Points to arrive at appropriate sentence.

SENTENCING GUIDELINE MATRIX

		CRIME SCORE			
		(Less Serious) 0-5	(Serious) 6-14	(Aggravated) 15-20	(Terrible) 21-34
OFFENDER SCORE	TOTAL POINTS				
	0-5 (Good)	Probation	Probation	2-5 Years	5-20 Years
	6-14 (Fair)	Probation	Probation or 2-5 Years	5-10 Years	10-20 Years
	15-25 (Bad)	2-5 Years	5-10 Years	10-20 Years	15-25 Years
	26-37 (Terrible)	5-10 Years	10-20 Years	15-25 Years	20 Years to Life

INTRODUCTION MODULE OUTLINE:

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NOTES:

TRAINEE'S
MANUAL
(PART I)

INVESTIGATION TECHNIQUES MODULE OUTLINE:

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INVESTIGATION TECHNIQUES MODULE GOALS:

1. To analyze the P.S.I.R. investigation planning process by describing for participants the factors involved including: organization, actual investigation, arrangement, selectivity and objectivity.
2. To present a method of conducting the P.S.I.R. investigation process, describing the specific steps to follow when implementing the process.
3. To present a method for verification and documentation of information found during the investigation process.

INTRODUCTION:

The purpose of this module is to improve the investigatory skills of probation officers. It is an action-oriented package which provides guidelines for contacting criminal justice and outside agencies during the investigative process. It is essential that probation officers keep in mind that skills used throughout the P.S.I.R. process will aid an investigation. An awareness of a department's policies concerning investigations is particularly helpful to probation officers during this process.

The units which compose this module cover investigation techniques, the relationship of probation officers and the courts regarding the characteristics, the implementation of investigation techniques, and verification/documentation points of the investigation.

What is the investigation process? This is the inquiry or the probe into the background of the offender and the offense. This investigation produces information which is compiled and analyzed for use in the P.S.I.R. The investigation cannot be done in a haphazard manner since it must relay accurate and useful information to the judge in sentencing and to the probation department staff in supervision, as well as to secondary audiences. An incorrect investigation report could lead to legal problems for the department and officer involved.

An essential point to mention when considering how to use investigation techniques is that of the separation of investigation and supervision functions in probation. It is important to realize:

"The specialization brought about by this practice (the division of functions) can contribute significantly to the efficiency of the investigation process. P.S.I.R. training can be more concentrated...with more skilled investigators adept in preparing probation reports, relations between the courts and the probation departments using this strategy can be enhanced."

(Improving Probation Strategies by the National Criminal Justice Executive Training Package, p. 53).

The formal P.S.I.R. report must be credible since it is an integral part of the entire probation procedure and court action. A good

investigation for a P.S.I.R. is a sequential pattern with operations which insure the optimum service to client based upon existing staff resources and legal requirements.

PLANNING THE INVESTIGATION:

The purpose of planning an investigation is to prepare the most thorough and time-saving strategy in information collecting, analyzing and reporting. By planning the investigation, the probation officer can determine intrinsic knowledge needed in the P.S.I.R. such as what happened, what kind of person the offender is, what the physical, emotional, cultural, mental, financial and economic factors in the offender's background are and what the potentialities and limitations of the offender are. Time management is essential to the success of the P.S.I.R. process. Three planning principles include:

Organization

The probation officer can determine what information is needed by reviewing the information sheet, court records and prior probation records and put first things first. Making sure that an arrest report, intake information, complaints and other necessary written documents are obtained and are reviewed by contacting criminal justice agencies, in and out of state, from which information is needed is important. Items that will take the longest time to obtain as well as on items that are most vital to the case should be pursued early in the game. A case file or record-keeping system will help organize this data.

Diagnostic testing may be necessary thus initial organization of a diagnostic schedule with articulated results is useful. Above all else, setting specific deadlines to gather the necessary information is a must. These deadlines are most essential for difficult and/or unpleasant activities, since these activities are often allocated little time for completion. Appointments, deadlines, specific events, observations and the case's itinerary can be recorded in a scheduled manner. This procedure will help probation officers begin the sorting process on information to be assigned to various categories of the P.S.I.R. and it will provide a documentation instrument for such information.

The investigation should start immediately after the offender

first reports to the probation officer. The probation officer can start early on items which will take time (such as obtaining a copy of the offender's military history).

Selectivity

Selectivity is a very desirable trait when choosing material to be covered in the investigation and in the P.S.I.R. Without selectivity in an investigation, supervision and treatment of the offender may become difficult. This selection process helps to rehabilitate the offender; further, the public's safety is endangered when improper or imprecise background material is selected as the topic of investigation to be included in the P.S.I.R.

Probation officers should select significant information which can be analyzed easily and is of importance to the audiences for which the P.S.I.R. is intended. Probation officers can be overwhelmed by the amount of information to use in reports so it is important to include only crucial data -- factors which are essential to decision-makers. This data can change according to who is using the data. Thus, the standard format used in combination with the cover sheet appeared to provide the most "crucial" sections for the largest number of cases during the P.S.I.R. project.

Probation officers can pursue different leads in the investigation. Often, this method produces the essential information needed on which to base case decisions. A way of producing this essential information is to condense the selected material into succinct, concise and direct comments. Including the probation officer's personal observations only when these observations provide insights into previously selected material (and are documented as being one's own observations) is essential.

The selection process should choose material most useful to judges in their decision-making, the supervisory probation officers, and the defendant. Material selected which details a significant problem such as drug abuse should be noted within this selection process. Material important to corrections representatives, case lawyers and treatment agents should be selected as a secondary concern. By being selective with the information gathered, the

probation officers can save time and provide practical knowledge to their report audiences. The structure of the P.S.I.R. report used in the probation department with specific data sections may give probation officers a selection process to consider.

An example of how to differentiate in the selection process:

<u>Difference Between Secondary and Primary Data</u>	
<u>Secondary</u>	<u>Primary</u>
<u>Summary Data</u>	<u>Individual Case Data</u>
Currently available in easily usable form	Not currently available in easily usable form
Can be obtained:	Can be obtained:
*Victimization Surveys	*By developing a New Data Base from System Records
*Uniform Crime Reports	*Through Official Files
*Census Reports/Tapes	*From More Than One Agency
*Offender Tracking Reports	
*Expenditure Reports	
*National Crime Survey	

This selection method can be utilized at the "how to select relevant information" stage of the P.S.I.R. process as well.

Objectivity

Probation officers should recognize their own biases and stereotypes prior to embarking on an investigation or writing the P.S.I.R. By acknowledging their conflicts with the offender or offense, the probation officers can consciously avoid allowing their prejudices from influencing the way an investigation is conducted or a report is written. Professional effectiveness is impaired when probation officers become entirely subjective in their writing or investigation style. Probation officers must be objective when writing the report. The terminology within the P.S.I.R. assessment package drafted from the format provides unbiased language for the probation officers to utilize with the P.S.I.R.

If probation officers cannot separate their attitudes from an offender or offense, those probation officers should handle the situation by mentioning their biases or opinions within the report or by having the case transferred from their caseload to that of another officer. The officers' opinions should always be

identified as such. The concerned probation officers will take the time to determine why their attitudes are predisposed and will question the validity of those attitudes. The officers' abilities to diagnose internal prejudices are of key importance in the objectivity process.

CONDUCTING THE INVESTIGATION PROCESS:

After probation officers have planned their approach to the case, the actual investigation is conducted. Prior to implementing the investigation, the probation officers should be oriented to all records which affect the case and any confidentiality statutes which are important.

The probation officers should also be aware of their caseload management abilities. Enough time should be scheduled by officers to perform a complete investigation, review federal, state, county and city criminal justice data banks (NCIC, FBI, TCIC, DPS), note victim/witness and juvenile records, determine the exact court docket for the case and plan the geographic field work needed to complete a thorough investigation. Difficult cases may require additional planning and time allotment.

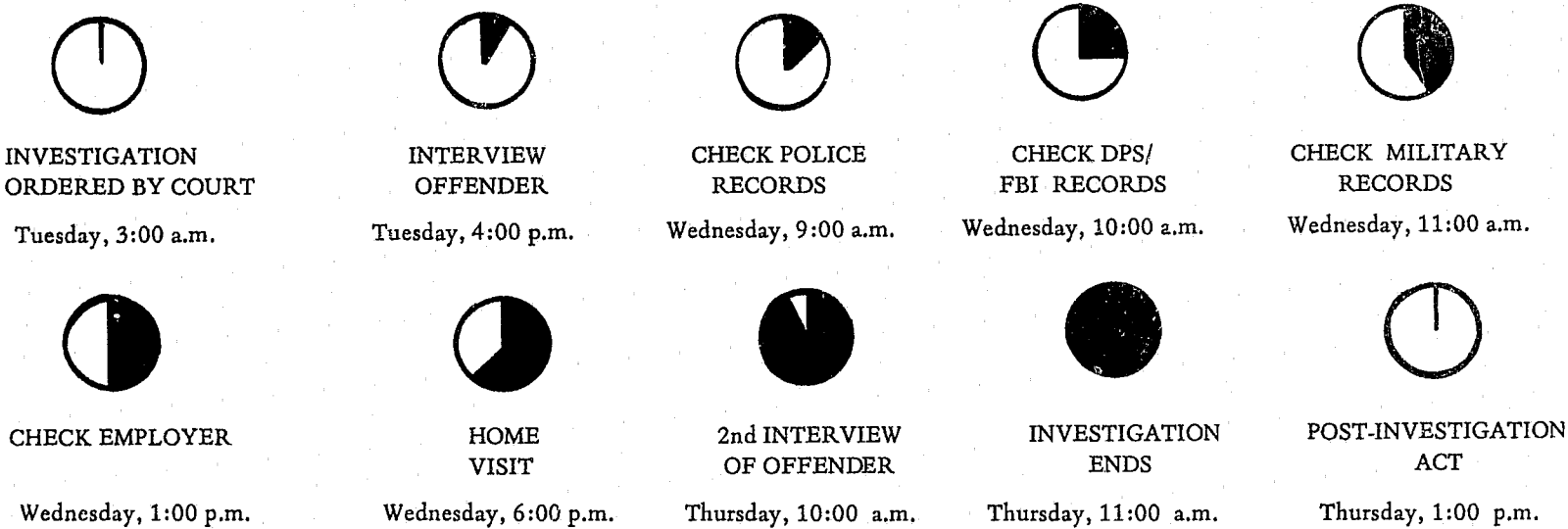
CRITICAL PATH:

When planning the P.S.I.R. and looking at the information gathered from the interview and the investigation, timing and precision are paramount. The probation officers must determine the actions which are necessary to gather and select information for the P.S.I.R. and estimate the time each action will take. Then, they can place the actions in sequence (with times noted above the action) in order to construct the time frame they are operating under and which actions are essential to completing the P.S.I.R. in a coherent and timely manner.

Diagramming these actions is helpful and will aid the probation officers in determining which actions in what sequence are critical to the end product (or P.S.I.R. completion). The following example provides an explanation of the diagram process and how float time or latitude time is constructed.

Along with diagramming the actions necessary to proceed in the investigation, the probation department personnel could consider using a checklist with these items outlined and with dates listed for completion.

“CRITICAL PATH”



WHERE TO START:

What specific tasks do probation officers need to do in an adequate investigation for the P.S.I.R.?

Files

The probation officer should check all available pertinent files and records, including those of the department conducting the investigation. The report writer court may decide to examine school, police department, juvenile court, referral agency, employer and military records.

Interview

The offender should be interviewed as quickly as possible after the case has been referred to the department. If time permits, a second interview often strengthens the cooperative relationship between offender and officer and provides additional insights into the offender's background. In lengthy or difficult cases, further interviews may be warranted and necessary.

The probation officer may cover these points in investigation interviews, with both defendants and other interested parties, postponing a direct discussion/interview may cause the offender more anxiety. To establish the defendant's role in the offense as leader, planner, follower or associate is also important as well as assessing the offender's physical appearance and health, including substance use/abuse by reviewing previous medical or law enforcement records. Also, the probation officer may look for symptoms such as needle tracks. When making judgments about the defendant's health, one should remember that officers are not doctors and such decisions should be made by health professionals.

Additional Interview Techniques

The probation officer may measure the influence of offender's employment background on his actions and the impact of the offense upon continued employment and can determine the scholastic/vocational aptitude and interest of offender while watching for any symptoms of mental retardation or learning disability---these signs

may be difficult to establish. Speech and writing difficulties in the defendant such as stuttering or misspelled words may indicate deficiencies which influenced criminal behavior. If these characteristics surface, then additional diagnostic testing may be warranted and administered by a staff psychologist or consultant. To ascertain the offender's leisure time activities may be helpful in deciding whether they can be incorporated into a supervision plan. The probation officer may try to determine whether organizational and/or religious support system exists for the offender and how he might be most easily incorporated into the system. Exploring relationships which could have influenced the defendant might help during rehabilitation phase. Finally, to interpret, to highlight and to clarify any of the previous items--body language and diagnostic tests for signs of dysfunction--can be included in the P.S.I.R. evaluation section. The probation officer may remember to successfully approach and interview agency representatives, families and clients, probation officers should review Records Confidentiality for Adult Probation Officers - A Guideline by James F. Jones (a TAPC publication) and/or make a concerted effort to learn the departments' confidentiality policies.

Close Associates

To interview parents, siblings, spouse, cohabital relations or close friends of the offender for additional background information is useful. To locate these persons, the probation officer can contact them by telephone or mail and make plans for follow-up visits.

The probation officer should be prepared to record the following from the interviewee: 1) hostility toward authority of probation officers; 2) expressed feelings of shame and/or guilt about the offense or offender; 3) child-relative difficulties with offender's action; 4) communication problems with relatives of the offender; and 5) changes in offender's marital status immediately prior to or following an offense (i.e., separation or divorce). These barriers may prevent probation officers from gaining insight into problems which preceded the offense. If information is revealed from family or friends, it can help establish whether the offense was part of a longer criminal pattern or if it was an unusual occurrence.

How To Cope With Family

Familial and associate resources may exist which could be used as rehabilitative tools by probation officers, but these individuals should be contacted only when absolutely needed.

Home Visit

If there is a home visit, the probation officer can determine: 1) the physical conditions of the home and neighborhood; 2) the family structure and tone; 3) the offender's developmental history; 4) any abrupt residential, family or school changes while the offender was growing up; and 5) the attitude of the family toward the offender. Personal biases should not influence the way the report writer reviews the living arrangement.

Agencies

To contact all law enforcement and social service agencies for interview or information collection purposes is essential. This is especially important if the offender has committed a previous felony offense. (See Jones reference, pp. 1-2).

Victims/Witnesses Impact Statements

The communication with victims and witnesses of the offense for their direct versions of the offender's conduct and their losses or injuries is instrumental when organizing a P.S.I.R. After contacting these parties, the probation officer can determine legal and restitution responsibilities. Such information is channelled to the victim/restitution section of the standard and comprehensive P.S.I.R. format. When an offender can pay should be established fairly. To be on guard against the victim's subjective version of events and to attribute all quotations to the victim are exercises which the probation officer can conduct when writing this section. Both witnesses and victims provide clarifying information to either verify or indicate discrepancies in the official or the defense versions of the offense. Regardless, agencies which provide services to victims should be contacted by the probation officer if an emergency situation so warrants.

When compiling information for a victim/witness statement or restitution section of the P.S.I.R., the report writer may want to include information from the District Attorney's office or police department on what restitution either office has determined is due the victim. These agencies and the probation office generally establish the guidelines used

in considering the amount of restitution due. The Uniform Worksheet, the standard and the comprehensive format of the P.S.I.R., also provides information on the victim such as: 1) amount of property/monetary loss; 2) victims to whom restitution is due and defendant's capacity to pay; 3) extent of harm/injury to victims or others; and 4) relationship of the defendant to victims.

At this point, the state Victim Compensation Program personnel may enter into the investigation process as resources to utilize in payment plans or the investigation process.

Employers

The probation officer exercises good judgment when contacting the offender's employer particularly by consulting the confidentiality manual since revealing information about the defendant to the given employer could jeopardize the defendant's job. Regardless of whether the employer is willing and legally able to keep the offender on the payroll, the probation officer can determine the defendant's skills, experience, habits, earnings and attitude levels. The probation officer can ask the employer to evaluate the offender by using these criteria and analyzing the relationship of the offender to his fellow workers. When reviewing the offender's work history, the types of jobs held, wages earned, hours worked/locations of jobs, length of time on various jobs and job mobility are factors of utmost importance.

Education

The defendant's educational background provides an excellent information source and the probation officer may wish to establish a good communication channel with school authorities. These are prime sources of diagnostic information and behavior evaluation especially if the defendant is young. To make allowances for the fact that these relationships may be tenuous -- and that the school authorities may not remember the offender -- is paramount.

According to Records Confidentiality For Adult Probation Officers - A Guideline:

"Disclosure by schools of educational records is governed by Title 20 of the United States Code, Section 1232g. Basically, this law prohibits disclosure by the school of other than directory information -- the type of in-

formation that normally appears in annuals, athletic event programs, school directories, and the like -- without parental permission for a student under 18, or the student's permission if 18 or over ... re-disclosure of the information by the probation officer requires specific consent by the parents, or if the student has reached 18.

Often your local school districts will have written policies based on the law and detailing local ground rules on disclosure of educational records. These should be consulted in dealing with such records." (p. V.8).

In addition, the age of the offender is important when determining whether or not to use school records since a younger defendant's profile might be accentuated by this information.

Religious Associations

If the offender has close church or associational ties, telephone contact to these organizations might provide additional information or support. These agency representatives could also serve as assistants to the defendant during the probation supervision phase. A directory of local churches regarding these services available that might benefit the defendant.

Clinical Resources

Reviewing previous psychiatric or psychological work is elementary to a defendant's referral process. If specific referrals or tests are thought to be necessary, a diagnostic unit within the department or outside the agency may administer them. Such tests may determine emotional disturbances and should be included in the evaluation section of the P.S.I.R. to highlight strengths and weaknesses.

Social Services

The probation officer may want to contact welfare, health agencies, and youth organization record keepers to discern whether the defendant has had contact with any of them, since these records might reveal significant information/insight about the offender. The Texas Youth Council, local Mental Health-Mental Retardation or local Department of Human Resources agencies are source examples.

Juvenile Background

Detention home or half-way house information if such exists

is a valuable addition to the P.S.I.R. and is most useful if the defendant is young. If this is accessible to law enforcement agencies it can be of great assistance in revealing more insights into the defendant behavior.

The sealing of juvenile files and records presents a dilemma to probation officers. A synopsis of Section 51.16 of the Texas Family Code notes the following:

A juvenile offender can make a motion or a juvenile court can make a motion of application to seal the juvenile's offense files and records after two years have elapsed since the final discharge of the offender or the last official court action was taken in the case;

The offender, to have this application accepted by the juvenile court, cannot commit a felony or a misdemeanor, any act of moral turpitude or any delinquent act, or have a pending conviction or adjudication against him;

When these conditions are met, a formal notice of a hearing to seal the juvenile court records is sent to the offender, prosecutor of the case, juvenile court administrators, the institution which granted the juvenile a discharge, and any law enforcement, private or public agency involved with the case;

If the hearing is held and the order for sealing the records is mandated, then all of the representatives contacted about the hearing are told to delete all index references about the offender from their records;

All of these agencies must reply to inquiries about the case by stating that no record exists; and

An inspection of the sealed record by the juvenile offender is a right permitted to the offender by the court.

Apparently, a method by which to gain access to material from unsealed juvenile records exists. The process is to gain a release letter from the court which processed the juvenile. This would release information protected by the Family Code. School information on juveniles is often gained in this manner.

For more information on how to gain access to juvenile files, probation officers should consult the Family Code, 51.14, the files and records section, which notes under (4) that:

". . . any other person, agency, or institution having a legitimate interest in the proceeding or work of the court. . ."

has access to and can inspect all files and records of a juvenile court, a clerk of the court, or a prosecuting attorney relating to a child who is a party to a proceeding. Regardless, the probation officer should conduct this part of the investigation with the utmost care.

If the offender is over 30, officers may choose not to include juvenile material since its importance may be questionable or secondary to later actions taken by the defendant.

Military Records

Often, gaining access to the defendant's military records in order to sort through pertinent information for P.S.I.R. inclusion, is an arduous task. It is, at best, time consuming. In the Appendix, on page 115, a copy of the Information Request Form for Military Records is available for a probation departments use. These forms can be ordered vis-a-vis the National Personnel Records Center, St. Louis, Missouri.

Analysis

After contacting all individuals and agencies connected with the offender, an analysis of the information and selection of what can be used in the report occurs. Tailoring the information to the specific case and specific problems which the client has allows the P.S.I.R. to be an individualized report as it should be.

TIME MANAGEMENT:

As information mounts and personnel resources dwindle, preparation of any report from probation departments is an expensive task. The Time Trap by Alex MacKenzie provides excellent aids to alleviate the worst of time management/problems a probation officer may encounter while organizing the P.S.I.R. To illustrate:

Time is irretrievable. A staff should identify individual and group "time wasters" (duties) and eliminate those activities. Time wasters include interruptions, not setting aside time for high priority tasks, or visitor intrusions. Regardless of the time waster, it should be identified as specifically as possible and eliminated.

Working over eight hours a day may be counterproductive. An individual's quality is generally impaired after the eight hour work day. If a worker has extra work it is more useful to start early rather than work later. Interestingly, more work of higher quality is accomplished during the morning than the afternoon hours.

The workaholic or the worker inflicted with the "buckets-of-sweat" syndrome may generate a lot of paper work of low quality.

Effective time management is enhanced when the following characteristics are balanced by the worker: 1) task achievement production level; 2) leadership (not too dominant or too passive); 3) personal energy level; 4) socializing ability; 5) knowledge of theoretical and practical aspects of the department's structure; 6) ability to cope with change; and 7) "followership" (the worker is able to follow directions without encountering problems).

Workers should take time to plan how they will use their time. Planning will actually save time, particularly if the worker distinguished between the high and low priority task and then allocates the appropriate amount of time to each.

Sticking to one project at a time and finishing it is an appropriate goal to strive for. Trying to work on several tasks at the same time, actually loses time.

Allocating time limits to meet daily goals and summarizing those losses weekly to determine how work can be streamlined further is a time saver. Setting daily, weekly and monthly task deadlines can ease the goal pressures.

When changing habits, deviation from the new standard should not be allowed until that standard is firmly entrenched.

The probation officer must work on the most vital tasks first.

Self and group discipline remain important factors in finishing all assigned tasks. Visitors and co-workers can be encouraged to interact with the worker at specifically scheduled times in order not to disturb the worker throughout the day. The worker should be clear to his fellows about his time capability priorities. Saying 'no' to a request is fairer to all concerned than taking essential time for a secondary concern.

The worker needs to organize his work space. This process includes having easy, immediate access to supplies, reducing all noise and interruption levels and only keeping objects necessary for the current project on the desk. A project should be transmitted from one desk to another as quickly as possible and waste-baskets filled immediately. Paper should be handled once.

A coordinated filing system for the department must be established. All workers who use file material should understand how to gain access to it and that key time is not spent "hunting" for important documents.

Every worker should have a pocket diary to record appointments and notes. This process will eliminate wasting large amounts of scrap paper.

Memos are often used to delay work. Short, fast questions and answers -- preferably verbal, are more effective than notes.

Make use of dictation equipment for routine tasks since handwriting wastes time.

Selective and speed reading are pertinent to easing time pressures.

Interruptions can masquerade as legitimate activities but should be exposed as the time wasters that they are. If the worker is a professional or a manager, his visitors and phone calls should be screened, particularly if the worker is in a meeting. If an emergency situation arises, a phone call should be transmitted to a worker while he is in the meeting. Otherwise, this should be avoided as much as possible. The worker should consider closing his door partially in order to discourage visits during work time.

Using a telephone rather than mail is a faster communication method. However, telephone expenses and chronic telephonitis are used when a worker wants to avoid tasks. Reading incoming mail and secondary pages can misappropriate a worker's time.

Frequent meetings with subordinates and superiors to determine if the processes are flowing well or whether procedures need to be altered can be helpful.

The worker may save time and improve the work project by using either a programmatic or cost innovation.

The higher the level at which a decision is arrived, the better the decision? This is not necessarily true. The probation officer can save time and headaches by delegating clerical tasks and secondary decisions.

All staff members should set personal and task deadlines for projects. Having a deadline gives the worker a goal to aim for.

If you have work for subordinates/superiors, batch it to them en masse at one time.

The worker should set appointments with himself to see if he is sticking to schedule.

VERIFICATION / DOCUMENTATION

Through the interview and record evaluation, probation officers can document and verify their sources. The two terms, "document" and "verify" are not synonymous. To document is to footnote or identify your source, in notes, worksheet or final report. To verify information is to evaluate whether or not the information is free of distortions, bias or falsehood.

Verification and documentation may be limited procedures when time constraints occur. It is essential to have information verified to make sure that the report is accurate. If time is limited, probation officers should verify as much material as possible and verify the remaining material prior to the report being entered into the client's permanent record.

If probation officers are given opinionated information by the offender and/or interested parties, the entire investigation result will be debatable. Distorted reports can damage departmental and individual reputations with the offenders, referral agencies, and most important, the sentencing judge. For this reason, probation officers should make direct contact (telephone, mail or in person) with information sources. Information which appears unreliable or unverifiable should be described as such in the P.S.I.R. Furthermore, probation officers may want to contact as many sources as

necessary to resolve conflicts within the report. Use of criminal justice data banks and personal interviews with interested parties (employers, family, school authorities and the military) analyzed in an objective manner may be the most essential verification tools that probation officers maintain. By presenting balanced, accurate reports probation officers can nurture important relationships with the judges they work with and can provide the proper start to the rehabilitative process for the offender if he is granted probation.

INTERVIEW MODULE OUTLINE:

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NOTES:

INTERVIEW MODULE GOALS:

1. To discuss how participants conduct interview and appropriate techniques to utilize in P.S.I.R. interviews.
2. To provide a planning schedule for the P.S.I.R. interview process including how to: determine and accomplish interview objectives, discern client orientation, pose appropriate questions, set appointments, and prepare a successful interview setting.
3. To illustrate how to conduct a P.S.I.R. interview, analyzing the following elements: setting, attitudes, body language, open discussion, listening techniques, setting the client's goals and responsibilities, the analysis of the client's abilities, counseling, barriers to avoid, and successful techniques.
4. To describe how to record the P.S.I.R. interview in order to make a favorable transition from the interview to the P.S.I.R. format.

INTRODUCTION:

One of the most essential skills that the probation officer learns while fulfilling his position is the skill of interviewing clients. The interview sequence can assist the probation officer in collecting the appropriate data on a client. This data is then combined with the material assembled during the investigation process. When the investigation and interview segments of the P.S.I.R. process are finished, the information is analyzed for the select audience for which the P.S.I.R. is being prepared. Obviously, the interview method can furnish the probation officer with greater familiarity with the client and case.

PURPOSE:

The interview is a communication tool employed between the probation officer and the client. A good interview uses techniques which maximize the amount of information gained and minimize the amount of effort expended. Both officer and client transmit messages to each other and each interview participant then decodes or translates the intent of the message sent or received. The person who received the message then provides a response, which can be non-verbally known as feedback in reaction to the original statement. The original "transmitter" then interprets the feedback response and the communication begins again.

Thus, with communication established, a purpose or purposes of the interview should be determined. The purpose of the interview is determined by what type of interview is being conducted. Is the P.S.I.R. utilized to gain information, which can be used in sentencing, such as prior criminal history? Is the purpose to counsel with the client (also known as problem-solving; this type of interview occurs more often during the supervision period of probation rather than the P.S.I.R. sequence)?

Is a referral of the client to outside sources for emergency assistance in order? Are the interview answers factual, perhaps abrupt in nature -- such as the offender's age? Is the interview focused on the client's motives or background in which case in-depth questions would be pertinent?

PLANNING WHERE TO START:

Planning the interview sequence takes time and personal commitment for the probation officer who will conduct the interview.

The probation officer should determine the objective(s) of the interview and keep the interview in line with these objectives. To accomplish objective(s) by a specific interview method in a guided or directed interview, plan a series of questions to ask or fill out; in an unguided or non-directed interview the probation officer asks questions which don't follow a pattern. The unguided interview must have a high degree of skill and interviewer assistance behind it for it to be successful. Unguided interviews are based on "the flow" of the probationer's feelings, desires and problems. The probation officer can decide which methods to use prior to implementing the interview. Using a checklist such as the one listed in this manual can provide question guidelines for interviewing purposes.

The probation officer might learn as much as possible about the client prior to the first interview. This orientation would include reviewing the official charge version, indictment charge, prior criminal records and previous contact with criminal justice or referral agencies. In receiving this input the probation officer should remember that increased understanding of the defendant can occur by performing extra research, and the probation officer should strive to ask questions which will elucidate previously collected material rather than duplicate that material. When (and if) preparing questions, the probation officer should include specific as well as broad questions in the interview sequence.

Appointments with the probationer can be made for an advance date rather than holding them immediately after sentencing. By following this guideline, the probation officer has more time to plan and objectify his own preconceptions and biases. Arrangements for interview accommodations should reflect the relaxed mental and physical settings for conducting the interview.

When choosing where to have the interview, the probation officer might remember that the probation office allows for privacy, access to records, a confidential environment and easier control of the

interview by the officer. At the probationer's home the officer can observe the actual environment of the probationer, but the officer has less control or authority over what occurs during the interview. The probation officer should choose the most comfortable private setting available, since the client may be extremely reluctant to share personal facts with the officer. At home, the client may feel less hesitant to be interviewed. The officer has the advantage of observing the client in an interpersonal environment. This will encourage the officer to verify problems which the client may have, i.e., financial difficulties. The officer must remember, however, not to impose a personal value system on what is observed.

The interview should be limited to an hour, maximum. If the interview lasts longer than one hour, the parties may become too exhausted to continue an effective dialogue. The best plan is to stop the interview at a comfortable juncture, and reinstate the process at a later appointment. Probation officers should recall that the interview may number one, or the time may exist to do more than one interview. If flexibility exists, the probation officer should do whatever possible to accommodate a regularly scheduled interview interval.

The probation officer could remember that the relationship between officer and client is involuntary, thus the officer must emphasize the need for both the client and the officer to accomplish joint projects such as the interview.

CONDUCTING THE INTERVIEW:

The purpose of the interview is directly established by the probation officer, and articulated to the client at the beginning of the interview.

The probation officer sets the roles for the interview. The officer should remain in authority but be accessible to the client's needs. The limitations of the relationship must be stressed from the first day of the relationship. The probation officer-client relationship differs from a friendship in that it is time-limited and has a specific purpose. It is like a friendship in that it is based on mutual trust and respect. The probation officer should

counter resistance from the client with patience, persistence and goodwill.

On what role the probation officer should maintain during the interview, the officer's paradoxical position should be remembered. The officer must maintain an authoritative, supervisory role in order to guide the client's progress. At the same time, the officer may maintain a friendly posture toward a client. These two roles are intrinsically difficult to balance. In an excellent article by S. G. Dietrich entitled "Probation Officer as Therapist: Examination of Three Major Problem Areas" (Federal Probationer, June, 1979), the author warns the probation officer not to further complicate the interview roles by playing therapist (or doctor or insurance consultant) or any other role that a probation officer is not qualified to handle. In-depth therapeutic and referral work is the work of a qualified psychologist and is not appropriate at the pre-sentence level, unless a dire emergency occurs. If the client has a severe problem (medical, for example), the probation officer should contact appropriate personnel if an immediate decision needs to be made.

OTHER IDEAS:

The probation officer with a calm demeanor can make sure that the tone set is purposeful and cooperative. Again, the probation officer can encourage, influence and treat the client with a positive, unbiased attitude, thus setting the stage for the client to be motivated.

While interviewing the client, the probation officer might watch for non-verbal cues, i.e., body gestures/language, voice tone, speech inflection, eye contact and nervousness. The probation officer should check interpretation of these non-verbal cues by asking how the client feels. Non-verbal cues cannot always be relied upon so the probation officer should check his personal perception with the defendant when possible. An excellent publication to use with this interaction is Non-Verbal Communication in Human Communication by Mark Knapp. The probation officer should

monitor and record these physical cues during and after the interview.

Interpersonal distance or the physical distance between the client and probation officer can be established. A distance of 18" to 24" is fairly comfortable for both parties during the interview. This means "blocking" environmental distractions such as phone calls or visitors.

The probation officer should also be wary of being "conned" such as the client "glossing over" specific parts of a life story, or letting personal feelings about the client or the offense create a communication obstacle. Watching the client's reactions constantly is a good idea.

The probation officer should encourage the client to talk and to reflect characteristics to the officer such as honesty, respect and a basic liking for people. The probation officer should not dominate the conversation and can pose additional questions to the probationer if a silence occurs. The probation officer should be prepared to "wait out" a silence, however, since the client may open up to the officer following a long pause. If the client is angry or hostile, silence should not be used since this may not be a relaxant.

The probation officer acts as guide and counselor. This means acting as intermediary between client and outside world (i.e., landlord or employer at the time of the interview). The probation officer, however, should encourage the client to assume entire responsibility for his own actions.

Providing feedback to the client and actively listening to the client are especially important skills for the probation officer to develop. To illustrate: feedback can clarify to a client and officer whether the probation officer gathered appropriate and accurate information. Feedback is descriptive, not evaluative, thus providing the probation officer the chance to react non-analytically to the client's statements. Feedback is specific, solicited, well-timed and directed toward furnishing the client with the information profile the probation officer has

collected and will organize into the report known as the P.S.I.R.

The probation officer should not be a marginal listener; at the same time, a preaching, dominating or interrogating tone will fail to effectively convey the conditions of the probation plan at the initial interview stage. The probation officer and probationer at the first interview should establish goals to be met during their relationship. These goals were tentatively established by the probation officer during the planning stages of the P.S.I.R. interview process. The responsibilities of the probationer should be outlined at the interview stage and reviewed periodically if the client is granted probation.

The probation officer should revise, if necessary, the original analysis of the probationer's assets and liabilities, strengths and weaknesses so that the probationer can pay a reasonable restitution amount and probation plan. The probation officer can cover questions about court functions and what is expected by the department if the court grants probation. The probation officer should be sensitive enough to realize that the client may hint at specific problems, but will claim that the problem is not a problem. The probation officer should discern, with additional questions, when a problem area is hinted at by the client.

During the interview, the probation officer can avoid several techniques which may "derail" the interview. These "not to" factors include:

Asking complex questions which are difficult for the other person to understand:

Asking more than one question in a single breath, which can complicate communication with the client;

Asking leading questions;

Putting down the client by judging or blaming him. Ridiculing the client and lecturing the client;

Advice-giving: This activity may be premature since the probation officer and client may be able to resolve the problem within the interview process. Advice-giving by a probation officer may be useful if it is obvious that the client is open to new ideas.

Supportive messages/reassurance: By providing messages of support, the probation officer can cut off problem resolution. Supportive messages are often given as an attempt by the sender to note that the problem as now stated by the client is not accepted.

Questioning: Questioning by the probation officer of the client can be too extensive or too limited. Either way, the client is "turned off" to the process.

Evaluation: This can work to the advantage or disadvantage of the interview. The client may be resistant to self-evaluation at this early state in the probation officer-client relationship. An objective evaluation by a probation officer included within the P.S.I.R. may be the first evaluation that should be offered by a probation officer during the potential probation officer-client relationship.

Rational arguments/logic: When used by the probation officer during the interview, this approach may anger the client who will counter with another position. If the logical argument approach can be used for the client and officer to reach agreement on a point of contention, then it may be a valuable tool.

Guilt tripping, commanding, directing, using a hidden agenda or diverting the client are other unacceptable methods of communicating with the client.

The probation officer should be able to accept communication barriers which the client may have. These include: the inability to conceptualize or understand messages, illiteracy, learning disabilities, speech and hearing impediments, and environmental interference (interruptions, foreign language barriers). The probation officer should avoid barriers such as: using sarcasm, being too dominant or passive in the interview, not listening or selectively listening to the client, utilizing categorical statements to describe the client or the client's actions, a negative climate, be it evaluative, neutral (which creates an instant defense mechanism in many people), or controlling, a technique which oppresses an open expression between the client and probation officer.

In the probation officer's "role" as interviewer he can plan or alternate any of the following interview motifs: 1) communicator; 2) interpreter; 3) problem solver; 4) relater of problem-solving techniques; 5) detector; 6) power-broker; 7) advocate; 8) evaluator; 9) mobilizer (of resources); 10) enabler; 11) information manager; 12) mediator; 13) educator; 14) planner; and 15) enforcer. These roles fluctuate depending upon what the purpose of the interview is and what "type" of client the probation officer is working with.

Types of offenders can be identified as:

Saints (preaching, moralizing, lecturing) hook the interviewer by: authority figure need, hope, dependency need, guilt, fear and irresponsibility;

Accusers (blaming, accusing, making others wrong, threatening) hook the interviewer by: sense of fair play, guilt, unawareness, poor self-image, and self-doubt;

Pleasers (pacifying, compromising, over-pleasing, helping, placating) hook the interviewer by: ego, need to be important, weakness to flattery, autocratic nature, and gullibility;

Plotters (planning, conniving, scheming, deceiving) hook the interviewer by: naivete, unawareness, gullibility, and wanting something for nothing;

Evaders (excusing, confusing, denying, avoiding, deferring) hook the interviewer by: patience, fairness, hope, and desire to avoid conflict;

Reporters (informing, inferring, record-keeping, forecasting, advising) hook the interviewer by: need to know, availability to gossip, gullibility, and need to be one of the group; and

Showoffs (surprising, joking, clowning, distracting) hook the interviewer by: tolerance, need to be seen as one of the team, and desire to avoid conflict.

With the P.S.I.R. process, the probation officer may have a specific "agenda" to address. These purposes include: 1) gaining need-to-know information for the court and related audiences while learning as much as possible about the client's background in order to provide a complete picture of the client; 2) providing a realistic picture of the officer's and court's policies; 3) setting a pace, an under-

standing, and tone with which both the officer and client are comfortable for the duration of their contact; 4) anticipating any objections, to, or support for, specific sentences or diversion programs; 5) furnishing the client with support by expressing approval for any accomplishments or positive attitudinal changes; 6) providing necessary referral information to the client; and 7) initiating an exploration of areas for change in the client's life.

The purpose is part of several functions which are thought essential to the interview process. When determining what kind of interview to conduct, the interview's purpose, structure, boundaries (balance), content (specific questions), feedback (a debriefing response), and outcome (what has been learned and how can it be used in the P.S.I.R.) should be considered.

SUMMARIZING TECHNIQUES:

Techniques for the probation officer to emphasize while conducting the interview include: questioning the client to clarify a point or to probe further, active listening, paraphrasing, perception checking (the client is asked if statements/gestures are perceived correctly) and confronting the client when the probation officer has a question that the client is "holding back" on anything. The probation officer should attempt to stay as calm as possible and to anticipate the answer the client will give. The probation officer can set a climate which is descriptive, information and problem-oriented, spontaneous, empathetic, provincial and as equal as possible.

The probation officer can also emphasize genuine and honest concern for others, an attribute which can transcend the fact of not liking the client. The probation officer can express this concern without being saint-like in nature, which is a feigned gesture at best.

The probation officer should try to perceive the client without stereotypes hindering the process. Stereotypes which lead to bias can be deadly to the interview process. The probation officer should also suspend judgment of the individual and corresponding actions until all information is in and an evaluation is written.

The Racial Factor in the Interview found in the Appendix on page 118 gives insight to the bias dilemma.

ACTIVE LISTENING:

In order to establish a rapport with the client and gain the information necessary for the P.S.I.R., probation officers must be active listeners. According to "Listening Is a Ten-Part Skill" by Ralph Nichols, ten skills which improve listening skills, include: finding an area of interest in the client's replies which captures the probation officer's attention; judging the interview content and not the delivery by the client; not getting excited about a client's point until the probation officer is sure that it is understood...if the probation officer interjects a defensive statement it may complicate the interview process; listening for central ideas; having different systems for taking notes which can be applied to the different delivery styles of clients; working at listening by maintaining eye contact (not a constant stare or occasional glance

which is distracting), an open body and facial expression posture (not too rigid or relaxed), and an appropriate physical distance from the client; resisting outside distraction (phone calls, visitors); exercising the mind by listening to difficult material; keeping the mind open --- particularly when the client uses "buzz words" which are upsetting (buzz words are words which have an emotive quality to them) and working on applying spare time while listening to someone to thinking about what is being said, anticipating what will be discussed and summarized, analyzing whether the presentation is accurate and defining what the client's changing voice, facial or body expressions mean.

The movie The Power of Listening by McGraw-Hill (1976) notes that individuals don't really listen for several reasons. The material may be considered inherently boring, or assumed too complicated. The listener may be only listening for what is considered the most essential point of the message or may be daydreaming to an excess. In fact, the average listener has four times as much time as is needed to "absorb" the message during a communication interchange.

BODY LANGUAGE:

As discussed earlier, body language or non-verbal cues can provide the interviewer with a way of monitoring the feelings of the interviewee. The officer should be aware that interpretation of said body language must be checked (vis-a-vis questioning of the client) to determine whether the interpretation is accurate. The following points compile a list of fairly common non-verbal cues which can be used with discretion by the officer (from Body Language by Norma Slevidge Barr):

Gestures assert territorial/space rights.

Dominants use height for superiority, look loose, relaxed and in command of space and control from a distance by beckoning or pointing.

The gesture of hand to chest can be either protective or honest.

Disruption is used to show power against dominance while tightness in demeanor is body tension and means inferiority in power stature.

Dominants exercise more control over their time and others. The most powerful person controls the length of interaction and its nature.

Submissives use smiles to appease dominants.

Dominants expect subordinates to give them eye contact. The more dominant, the less one has to look. More eye contact is characteristic of those who seek approval of others. Two forms of eye dominance can demonstrate superiority; starting to assert dominance or ignoring the other peerer.

Dominants control greater territoriality, are free to move in the other's territory or common territory, are accorded greater personal space and occupy positions associated with desired resources. Furthermore, dominants approach and subordinates yield space when approached or in passing. In addition, high status people tend to take up more space with their signatures.

RECORDING:

When a probation officer takes note of what is being said during an interview, the officer or the client may be distracted from the interview. Writing when the memory is fresh, is an ideal technique to ease these technical recording problems.

The officer should be cautious in using tape recording equipment during the interview. Taping in secret should never be done. If the client is in any way hesitant, the probation officer should illustrate that the machine is not in use. The probation officer should never tape interviews over the telephone, since this is a violation of the client's privacy. An abbreviated checklist of questions either from the Uniform Worksheet or the department's own format can serve as a response tool.

TO WRAP UP:

The officer's questions can be direct (yes/no answers), directive (with quick, easy, expected responses), or non-directive (complete, thoughtful responses). The interview can be initiated by the use of non-directive open-ended questions and continued with direct and directive questions to reach specific interview points.

Listening should be active, using all the faculties, especially vision which can "pick up" cues for word meanings.

In the response sequence, the officer should avoid responding with his own values or bias, since bias can affect judgment adversely. The officer should answer with empathy, not sympathy, trying to put himself in the client's position. This empathetic climate can establish the proper climate for an individual to motivate or change his behavior. This is particularly important to establish when working with the occasional reluctant client.

Finally, the officer can use the C-A-R-E principle in interviewing: C - Control the Interview (the interview essentials), A - Active Listening, R - Right Question, Right Way, E - Empathetic Response. By using this principle, the probation officer has developed useful guidelines which will achieve the purpose(s) of the interview. The probation officer might recall that an interview held before an investigation may provide ideas of what to look at or who to contact in the information gathering search.

CONCLUDING REFERENCES:

Much of what has been written in this chapter is generalist in tone. Specific suggestions for the probation officer are introduced from Interviewing/the Washington State Probation and Parole Guideline:

The probation officer should not make threats or promises in order to obtain information. Clients should be advised that probation officers are required to report to the appropriate court or agency any alleged law violation which may come to their attention.

Information on a confidential basis should not be accepted unless the informant understands that alleged violations must be reported.

Promises regarding disposition or release should not be made as multiple factors can later influence such disposition.

Loyalty to the department, must be displayed, avoiding any suggestion or implication to clients that the probation officer may differ with established policies.

Impartiality is imperative. If clients express animosity toward staff members or other agencies, the probation officer should not take sides, and the interview should return to the subject

at hand.

Accepting and understanding the limitations of the department and referring matters beyond its scope to the appropriate agency or department should be a key task of the probation officer.

When explaining court recommendations, the probation officer may state that while the probation department may make a recommendation, the court alone makes the decision.

Meddling in a case being handled by another probation officer, is improper since primary responsibility for each case rests with the officer to whom it is assigned. Vital information, however, may be transmitted to the assigned officer by a probation officer through normal channels.

Bluffing or risking a wrong guess is not the way to go during an interview. When doubtful about an answer to a client's question concerning the law, police policy or similar matters, the client should be advised that the answer from the proper source will be sought and notified later.

Restricting questioning to the areas of responsibility, avoiding any questions to satisfy personal needs or curiosity is important.

When gathering information, fact from opinion should be separated carefully. Intuitive feelings may be valuable if they are deducted logically from objective data and are clearly recognized and labeled as personal conclusions.

Remaining objective: The probation officer must be cognizant of his own attitudes and biases.

Conciseness in statements and avoid ambiguity so that comments cannot be misconstrued is significant. It is human for clients to hear only what they want to hear or believe.

Offenders sometimes "play" family members and other against each other and the probation officer should not become personally involved in this misrepresentation when he recognizes it.

Should clients state that the court or another probation officer, for example, stated or ordered a different disposition plan or procedure, the probation officer should not argue or agree, but hold in abeyance his decision and course of action until the proper source can be contacted to clarify the issue.

Avoiding personal references such as "When I was your age..." is an absolute.

Contacts with probationers should be consistent with the probation officer.

HOW TO CHOOSE RELEVANT INFORMATION MODULE OUTLINE:

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NOTES:

HOW TO CHOOSE RELEVANT INFORMATION MODULE GOALS:

- I. To discuss approaches to choose relevant information while analyzing these factors: pertinent facts, attitudes, core material, additional material, extraneous material, summaries, use of narratives, information sources, and conflicting material.
- II. To present a model guideline for consideration and discussion.

INTRODUCTION:

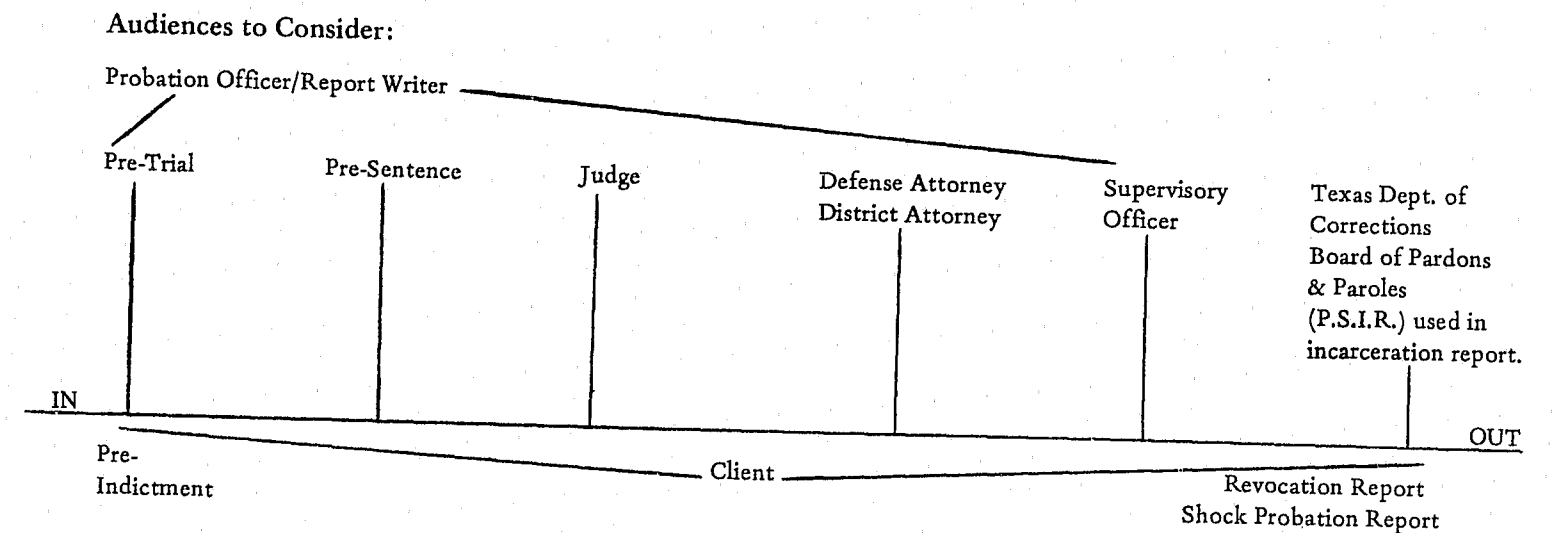
Once the probation officer has investigated the case and interviewed the client and interested parties, it is time to proceed with the data evaluation stage of the P.S.I.R. process. The evaluation is a conscious and disciplined process which allows for the organization and synthesis of data collected. Both the client and the client's background are evaluated by the information selected at this point. This stage, which is an editing process, allows the officer to review the material gathered, determine what information sources are accurate, decide what kind of material is essential/non-essential to the P.S.I.R., and how to organize said material.

When choosing relevant information the officer needs to define what information "bits" are core or pertinent (secondarily important) and what data elements are least important or insignificant to the report. In this module, the officer will first analyze the approaches the report can take and what information could be considered in editing material are offered. Third, a discussion on what constitutes core sections, pertinent information and less important information and data bits will be included. Finally, a model guideline, which was adopted from the Prescriptive Package - Presentence Report Handbook and the Federal Probation Office and is the basis for the standard format implemented by the P.S.I.R. project, is included.

APPROACHES:

Various methods exist to use in choosing what information is relevant in a P.S.I.R. These approaches include:

The Audience Approach: With this methodology the probation officer chooses to include information for specific audiences which will aid the audiences in decision-making. For example, the P.S.I.R. project checklist emphasizes the information wanted by personnel at the Texas Department of Corrections and the Board of Pardons and Paroles for defendant evaluation.



Criminal Justice System

These audiences should be noted when the report writer compiles and chooses the information to organized within the P.S.I.R. Additionally, the officer is often given the discretion to decide what these audiences do want (which sections and what data elements).

The M.O.C.R. Approach: This approach emphasizes the referral aspect of the P.S.I.R. Instead of focusing on the audience's perspectives, the probation officer analyzes the client's problem or problem cluster and writes the P.S.I.R. to accent the client's motivation (M), opportunity (O), capacity (C) and resources (R) to solve these problems. The M.O.C.R. section could be used in a separate evaluation section in the P.S.I.R. or could comprise the entire report. This approach would be particularly useful when the client has an immediate problem in need of solution. Preliminary assessment/referral functions utilized by the P.S.I.R. could be helpful at this point in the criminal justice sequence. Clients with substance use/abuse, mental retardation, emotional disturbance, job, financial or educational difficulties and/or physical health problems could benefit from this empathetic approach to developing the P.S.I.R. Kurt Lewin's force field theory can also be beneficial when combined with the M.O.C.R. approach.

Specialized P.S.I.R.s: This approach takes the M.O.C.R. approach a step further and asks the P.S.I.R. writer to take a specific problem the client has and write the report from that perspective.

Examples of this genre include a Alcohol-Offense P.S.I.R., a mental health P.S.I.R., a drug-oriented P.S.I.R., and education-oriented P.S.I.R., etc.

Offense-Oriented P.S.I.R.s: This method is utilized in the Northeast. The pre-sentence investigation report is written with the specific offense as the focal point. For example, a theft case and a marijuana possession case might have different causes behind them. Instead of maintaining a uniform format, the specialized offense format could provide sections which would be more relevant to the specific offense.

Point Systems: Point systems and matrices are gaining popularity as instruments to be used in assessing the amount of incarceration time and/or what sentence an individual should receive. Different sections of the P.S.I.R. are weighted and depending on the numerical outcome, a recommendation is made. This point scale has also been used at the pre-trial level. An advanced system has been developed at one of the AJI sites, Santa Clara County, California. In addition, the Judicial Committee of the State Bar has endorsed a sentencing recommendation point system devised by the Judicial Section of the State Bar and this system was developed into the P.S.I.R. package sentencing guideline.

The Format Approach: As discussed in the introduction, this strategy allows the report writer to consult with the appropriate judge/probation supervisor on which format is most useful.

GUIDELINES:

These are suggested tools, principles and ideas for how to choose relevant information for the P.S.I.R.:

The probation officer must research all pertinent facts about the defendant. The gathered information must be verified and checked for reliability, interpreted and evaluated in a complete, objective report.

Tangible facts should not be the only items within the report's framework.

Subjective elements such as attitudes and feelings may provide an insight into the offender that decision-makers need to be aware of and which are of extreme importance to the offender. The report should be balanced between being too objective (cold, sterile) and too subjective (unverified opinions, biased statements with no references). Using subjective material for highlighting purposes, i.e., in the prognosis/evaluation summary, supervision plan or recommendation, will provide the "mix" that the P.S.I.R. needs.

The probation officer may decide what information is absolutely essential for core sections and what additional material is also useful (pertinent) in building a section. A model should be flexible enough to add or delete material as a case warrants. The report results should primarily reflect the needs of the judge and probation department.

The amount of information which is essential and pertinent will determine the length and content of the report. The probation officer can leave out extraneous material or "left over" material so the report can be concise and relevant. Step-grandparents, past religious affiliation and honorable discharge may not be as significant as an employment flow chart. Short, germane reports are effective.

All reports use core categories. Secondary sections should be summarized unless the case demands elaboration on a certain format.

After consultation with the probation supervisor, a probation officer can determine to what extent secondary sections need additional probing.

Personal and family history sections may need to be described in a narrative manner, highlighting factors which contributed to the offender's problems such as difficulties with parents, spouse or children. If family problems have apparently afflicted the offender to a significant degree, the probation officer may wish to consult a tool known as the Beavers-Timberlawn Family Evaluation Scale. This scale illustrates the correlation between family structure and behavior difficulties which an individual may encounter (from "No Single Thread" by Jerry Lewis, W. Robert Beavers, John Gossett and Virginia Phillips). Using discretion when deciding whether

to summarize or to extend this section is helpful.

A file card system, a case progress file, or general information file might be possible tools to use for organization and documentation. Thus, two sources of information are valid, the probation officer needs to select the one obtained and verified earlier. The probation officer should emphasize sources which provide brief but accurate data.

To include sources which are likely to be objective and not "have a stake" in the case determination or follow-up is helpful.

The probation officer might outline reports to check for irrelevant or inaccurate or conflicting material.

Unusual environmental factors such as a community suffering a recession may influence why the client committed the crime or cannot get assistance. The probation officer might consider analyzing this information too.

WHAT TO INCLUDE:

No one in the probation field has ever tried to devise the superior P.S.I.R. which includes all the data elements necessary for decision-making in all cases at all times. Such a task would be impossible and work against the philosophy of a local jurisdiction's determining what information is useful to its P.S.I.R. operation.

Studies are now being completed, however, which indicate that some data elements are better than others for decision-making at the P.S.I.R. level, and for that matter, at the classification (risks/needs) level. These scales, used in Connecticut, are providing systematic offender profiles.

Historically, the P.S.I.R. has expanded from its first model, in 1910, when William Healy, Director of Chicago's Juvenile Psychopathic Institute, outlined "the need for a classification of offenders." By 1965, the Administrative Office of the United States Courts in its monograph The P.S.I.R. (1965) organized the report into 16 sections divided into essential and optional data. "Essential" data meant data included in all cases, while "optional" data meant data to be included in specific cases. Accordingly, essential

data under Military Service could be type of discharge, while type of foreign service would be indicative of optional data. The sections in this 1965 federal model include: Identifying Information, Offense, Defendant's Version of Offense, Prior Record, Family History, Marital History, Home and Neighborhood, Education, Religion, Interests and Leisure Time Activity, Health, Employment, Military Service, Financial Condition, Evaluative Summary and Recommendations.

Through the 1960s and into the 1970s, a lively debate arose as whether the P.S.I.R. contained a great deal of material of doubtful relevance to disposition in most cases. The inclusion of such information was time-consuming and could potentially confuse decision-making. In fact, shorter P.S.I.R.s with more relevant data sections might be more oriented to decision-making than the previous longer reports.

At the same time, probation practitioners were discovering the need to include but not duplicate information which could be of use to decision-makers outside of probation. Not only did formats need to be structured to meet the needs of various criminal justice communities but P.S.I.R. processes which impacted on these groups had to be considered when constructing the product.

The current status of P.S.I.R.s provides the probation field with an interesting analysis of what elements are being included on both the P.S.I.R. cover sheet and within the P.S.I.R. content areas. These cover sheet elements are outlined in Table I. The nationwide study included reports from 735 agencies; only 17 pieces of information appeared on 50% of the cover sheets, and only one item---the name of defendant---appeared on all of the cover sheets surveyed. The P.S.I.R. project cover sheet includes the 17 most common data elements as well as other identifying material.

TABLE I. COVER SHEET IDENTIFYING INFORMATION (Arranged by frequency of six or more occurrences) (from Prescriptive Package-Presentence Report Handbook, p. 11):

<u>Information Element</u>	<u>Number of Occurrences</u>	<u>Percent</u>
Name of Defendant	105	100.0
Name of Jurisdiction or Agency	104	99.1
Offense	95	90.5
Name of Defense Counsel	94	89.5
Docket Number	90	85.7
Date of Birth	87	82.9
Defendant's Address	82	78.1
Name of Sentencing Judge	78	74.3
Defendant's Age	77	73.3
Plea	67	63.8
Date of the Report	65	61.9
Sex	64	61.1
Custody or Detention	58	55.2
Verdict	57	54.3
Date of Disposition	57	54.3
Marital Status	54	51.4
Other Identifying Numbers*	54	51.4
Social Security Number	51	48.6
Name of Prosecuting Attorney	51	48.6
Birthplace	51	48.6
Race	49	46.7
Name of Probation Officer	49	46.7
Other Names Used, Alias, AKA	47	44.8
Codefendants	47	44.8
Dependents	42	40.0
Education	39	37.1
Physical Description	37	35.2
Defendant's Telephone Number	37	35.2
Date of Arrest	35	33.3
Legal Residence	35	33.3
Disposition	35	33.3

<u>Information Elements</u>	<u>Number of Occurrences</u>	<u>Percent</u>
Citizenship	33	31.4
FBI Number	31	29.5
Occupation or Trade	31	29.5
Prior Record	30	28.6
Detainers or Charges Pending	30	28.6
Date of Offense	24	22.9
Employer Name and Address	22	21.0
Substance Use or Abuse	19	18.1
Penalty for Convicted Offense	18	17.2
Relatives	17	16.2
Date Referred to Probation	16	15.2
Date Complaint Filed or Certified	14	13.3
Military History	13	12.4
Plea Bargain Information	12	11.4
Salary or Income Information	12	11.4
Living With	11	10.5
Religion	10	9.5
Health	9	8.6
Restitution	9	8.6
Trial Date, Date Convicted, Adjudication Date	8	7.6
Arresting Agency or Officer	8	7.6
Force, Weapons or Violence	6	5.7
Sources of Information and Interviews	6	5.7
Legal Summary, Briefs, Transcripts	6	5.7

* Other than FBI and Social Security Numbers

CONTINUED

1 OF 3

One reason for limiting the amount of data on the P.S.I.R. was that the data was often duplicated in the narrative portion of the P.S.I.R. Further, the cover sheet data included a response of the criminal justice system to the offender rather than an accurate portrayal of the offender.

Sixty-three additional data elements were also identified in the nationwide survey as occasionally included on cover sheets. To note:

TABLE 2: OTHER COVER SHEET IDENTIFYING INFORMATION (from PP-PRH, p. 11). (Arranged by frequency of five or fewer occurrences: N-105; arbitrary subject headings):

Subject Area	Number of Occurrences	Percent
<u>Legal or Procedural Data</u>		
Date of Plea or Preliminary Hearing	5	4.8
Youthful Offender Status	4	3.8
Certificate of Relief from Disabilities	4	3.8
Place of Arrest	3	2.9
Date Report Due or Approved	3	2.9
Name of Complainant	3	2.9
Place of Offense	2	1.9
<u>Legal or Procedural Data</u>		
Registerable Offense	1	*
Booking Agency	1	*
Alternative Sentences	1	*
Eligible for Probation w/o Unusual Finding	1	*
Offenses to be Dismissed	1	*
Offender Class	1	*
Investigative Officer's Comments Re: Offense	1	*
<u>Offense Related Data</u>		
Co-defendant's Disposition	4	3.8
Name of Crime Partners	1	*
Names of Co-defendants	1	*

	Number of Occurrences	Percent
Victim	1	*
Number of Victims	1	*
Names and Addresses of Victims	1	*
Victim Acquainted w/Offender	1	*
<u>Offender Personal Data</u>		
Previous Addresses	3	2.9
Photography of Defendant	2	1.9
Number of Marriages	2	1.9
Time in Area	1	*
Adjustment While in Jail	1	*
Length of Marriage	1	*
Spouse's Name	1	*
Number of Siblings	1	*
Defendant Raised By	1	*
Type of Dwelling and Number of Rooms	1	*
Sanitary and Moral Conditions of Home	1	*
Rent	1	*
Residence Plans	1	*
Persons Interested in Defendant's Welfare	1	*
<u>Educational or Vocational Data</u>		
Union Membership	3	2.9
Age Left School	2	1.9
Highest Grade Completed	1	*
I.Q.	1	*
Illiterate	1	*
Special Training	1	*
Length of Time Employed	1	*
Job Readiness	1	*
<u>Financial Data</u>		
Financial Status	2	1.9
Debts	2	1.9
Public Assistance	2	1.9

	<u>Number of Occurrences</u>	<u>Percent</u>
Child Support Order and Amount	2	1.9
Defense Attorney's Fee	1	*
<u>Motor Vehicle Data</u>		
Automobile Description	3	2.9
<u>Military Data</u>		
Draft Board Number	1	*
Kind of Military Discharge	1	*
<u>Physical or Mental Problem Areas</u>		
Abnormal Behavior	2	1.9
Problem Areas	1	*
Method of Handling Stress	1	*
Medical or Behavior Problems	1	*
Problems of Adjustment	1	*
Physical Disability	1	*
Hospitalization for Addiction	1	*
<u>Recommendation or Prognosis</u>		
Probation Officer's Recommendation	3	2.9
Prognosis	3	2.9
General Informative Findings	3	2.9
Other Pertinent Information	1	*

* Less than 1%

After considering what narrative section headings were most common in the reports surveyed, 26 sections occurred on a frequent basis. Half of these sections were found in more than 50% of the reports -- yet no report contained all 26 of the sections. Many of the sections were utilized by the federal probation system, which adopted them for use in their reports.

TABLE 3: P.S.I.R. CONTENT (from PP-PRH, p. 12)

Arranged by frequency of occurrence of section headings:

<u>Section Heading</u>	<u>Number of Occurrences</u>	<u>Percent</u>
Offense: Official Version	113	91.9

<u>Section Heading</u>	<u>Number of Occurrences</u>	<u>Percent</u>
Offense: Official Version	113	91.9
Social and Family History	111	90.2
Prior Record	106	86.2
Evaluative Summary	106	86.2
Employment	105	85.4
Education	103	83.7
Offense: Defendant's Version	97	78.9
Health: Physical	97	78.9
Marital History	91	74.0
Military Service	89	72.4
Financial Assets and Obligations	84	68.3
Health: Mental and Emotional	83	67.5
Recommendation	79	64.2
Religion	60	48.8
Substance Use or Abuse	52	42.3
Home and Neighborhood	49	39.8
Interests and Leisure Time Activities	48	39.0
Collateral Contracts or References	42	34.2
Treatment Plan	21	17.1
Available Resources	19	15.5
Offense: Statement of Arresting Officer or Complainant	17	13.8
Offense: Statement of Victim(s)	16	13.0
Character Traits, Behavioral Adjustment, Socialization	16	13.0
Offense: Statement of Co-defendants	10	8.1
Present Attitude Toward Offense	10	8.1
Offense: State of Witnesses	4	3.3

The P.S.I.R. task force drafted three formats---abbreviated, standard and comprehensive---which address various sections. The checklist drafted by the task force lists what the task force considered essential data. Optional data was left to the discretion of the individual officer. According to PP-PRH, p. 13, the survey indicated that it was rare that a court would outline its data requirements for its probation officers, leaving the content up to the individual officer.

CONFIDENTIALITY MODULE OUTLINE:

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CONFIDENTIALITY MODULE GOALS:

1. To analyze the participant's use of confidentiality in the department.
2. To present the legal guidelines and state statutes which involve confidentiality.
3. To determine when information can be obtained, disclosed or released.
4. To describe protection methods to be taken to prevent the department or officer from being sued.

INTRODUCTION:

The confidentiality module of the pre-sentence investigation report training workbook is designed to give officers information to protect their rights and the rights of the defendant as well as provide ideas on how to obtain the information necessary to complete the P.S.I.R. report. This realm is really a delicate balance between the rights of several parties, on the other hand, and the completion of job responsibilities on the other. The investigating officer needs to be aware that it is possible to gather important information for the report while preserving intact the rights of all concerned even though some certain data may be considered confidential.

CONFIDENTIALITY CATEGORIES:

The Texas Code of Criminal Procedure, Article 42.12, Section 4 elaborates on the entirety of statutory law regarding the P.S.I.R.: the defendant and case attorneys are allowed to review the P.S.I.R. The law does not address the issue of how to obtain the information for the report. However, it cannot be asserted that the law places the P.S.I.R. in the category of open records. Judge Don Metcalfe points out in his monograph, "Development of the Pre-Sentence Investigation in Adult Probation" (March, 1979) that:

"... the fact that the attorneys are entitled to see the report does not classify such as a public record open to inspection by anyone. On the contrary, it is a confidential document, available after punishment is assessed, to the judge and the probation department. If any other person (other than the defendant, of course) asks to see the report, simply refer them to the judge and await his instructions."

Other than this reference in the Code of Criminal Procedure, the best current resource on confidentiality for probation officers in the state is a manual developed under the auspices of TAPC entitled, Records Confidentiality for Adult Probation Officers - A Guideline. While this is an extensive and, at times, complicated workbook, it does provide concise classifications of information and specific principles to follow when obtaining or releasing information.

In this confidentiality manual it separates out four classes of information with guidelines in each for the sharing of information as presented. The first kind of information is what is called FBI-furnished information. This is the criminal history type of information contained on an FBI rap sheet or specific out-of-state entries contained in a state or local rap sheet. The principle of obtaining/disclosing this kind of information stems from the fact that one, as a probation officer, working for a criminal justice agency, one can obtain this type of FBI-furnished information and one may disclose this information, without restriction, to another criminal justice agency -- but only to another criminal justice agency and to no one else unless the information is public information.

The second kind of information is what the confidentiality manual refers to as non-FBI conviction information. This is criminal history type of information about the defendant which has two characteristics. It is not provided through the FBI but it is information regarding arrests that resulted in state convictions. This type of information has no restrictions concerning either obtaining or disclosing it as far as the federal regulations are concerned but considerable confusion as to individual state practice exists. The Attorney General's Open Records Decision number 177 indicates that the disclosure of such information is up to the discretion of the custodian of the information. In April, 1976 the Supreme Court of Texas handed down what became known as the Houston Chronicle decision regarding the disclosure of criminal information. Various authorities have interpreted this decision in widely divergent ways; some think that this decision allows the disclosure while others, including the author of the confidentiality manual, thinks that no rap sheet information can be disclosed. While it may appear to be avoiding the issue, it does seem advisable for the probation officer to seek the advice of local counsel before disclosing such information.

The third kind of information is what is called non-conviction information. This information concerns arrests that did not result in a conviction of the defendant; the confidentiality manual indicates that this information category also includes "arrests more than a year past with no disposition indicated on the rap sheet." Regula-

tions regarding the disclosure of this type of information effectively apply to probation officers and stem from rules and guidelines of the Criminal Justice Division, Office of the Governor. In broad terms such information can be disclosed to other criminal justice agencies and certain other agencies which are involved in rehabilitative or research services with clients. Disclosure to other types of agencies or individuals is forbidden.

The fourth kind of information is information about an offense while the subject is proceeding within the criminal justice system, whether or not a conviction has resulted. As this applies to probation officers, no restrictions exist regarding the disclosure of offense information. Both the officer developing the P.S.I.R. as well as the supervising officer, however, need to be aware that this concerns basic information regarding the offense i.e., information that is already public record and available through media accounts or on file with the County Clerk's Office or a similar local custodian of information. Information that does not fall within the boundaries must be treated with special considerations before disclosure or acquisition can be accomplished.

CONSENT TO RELEASE CONFIDENTIAL INFORMATION;

One other basic principle to be used in the area of confidential information involves the use of an acceptable Consent to Release Confidential Information form, usually referred to simply as a consent form. In the past, a so-called "blanket" consent form, which authorized disclosure of information by anyone for any purpose was signed by the defendant (or probationer). However, with the increased concern over rights and liabilities, such a "blanket" consent has become less acceptable, even to the judiciary.

Consequently, officers doing investigative work for the P.S.I.R. are advised to use a consent form that will allow them to obtain confidential and necessary information without prejudicing themselves and at the same time to protect the defendant's rights. The suggested elements of a consent form are covered by federal law and the law applies to drug and alcohol/abuse primarily. The defendant knows the full extent of the disclosure when he signs the consent form.

The elements that the form should contain are the following:

Organization or individual to whom the request for information is addressed;

Identification of the individual who is the subject of the information;

Specific information to be disclosed;

Specific purpose for which the information is to be used;

Name (or names) or title(s) of individuals or organization(s) to whom the information will be disclosed;

Authority (where it exists) under which the information can be disclosed;

Statement by the individual that he has read and understood the consent, and that it was executed freely;

Signature of individual and date executed; and

The date of expiration or a statement that the consent may be revoked at any time; or the conditions or events under which the consent may automatically expire.

It is always good policy to follow these specific items for any kind of information release. A sample form is in the Appendix, page 133.

CONFIDENTIALITY TABLES:

The James Jones' manual on Records Confidentiality contains a series of tables which list types of information and principles to help officers make decisions regarding obtaining/disclosing information. The following paragraphs refer to the tables in the Records Confidentiality manual which make reference to the P.S.I.R.

Section Three, Acquiring Client Personal Information (p. III.1) notes that:

"During the pre-sentence investigation and in supervising probationers, you may encounter problems getting information that used to be readily available to you. In some cases, such information as drug and alcohol abuse treatment data may be difficult or impossible to get. On the other hand, your judge may look to you for such information, and may be surprised when you say you don't have it."

In Table One, under "Obtaining Information" (criminal history record information) for a P.S.I.R., a probation officer need not take

a consent form to the law enforcement agency sources. A compliance agreement is required, however, and restrictions exist on further disclosure of this information. A illustration of Table I is below:

OBTAINING INFORMATION

TABLE 1

CRIMINAL HISTORY
RECORD INFORMATION

SOURCE	CIRCUMSTANCES	CONSENT REQUIRED?	OTHER AGREEMENT REQUIRED?	RESTRICTIONS ON FURTHER DISCLOSURE?	APPLICABLE LAWS, REGULATIONS, POLICIES	AG OPINIONS, DECISIONS?	CASES
Law en- forcement agencies	Pre-sentence Investigation and probation supervision	No	Compliance Agreement (Note 1)	Yes	28 CFR Ch. 1, Part 20, Subpart C Governor's office Rules and Guidelines of the Criminal Justice Division 001.55.20.001-.016	None	None

Note 1- Compliance Agreement provides that receiving criminal justice agency will abide by the same rules in handling CHRI as apply to agency providing the CHRI.

CRIMINAL HISTORY
RECORD INFORMATION

In Table Seven, under "Obtaining Information" (drug abuse treatment information) from any treatment facility, the P.S.I.R. is mentioned again. The information can be identity records, prognosis records, diagnostic records, treatment records, attendance records, patient status information, and patient whereabouts information. A consent form is required which contains the name of the disclosing program, the name and title of the person/organization to receive the information, patient name, purpose of need for disclosure, extent or nature of information, statement that consent can be revoked (not retroactively), specific date(s), event(s) or condition(s) upon which consent will expire unless revoked earlier, date signed and (or authorized individual) signature. A restriction exists on further disclosure with the information going only to officials directly concerned with P.S.I.R. results.

Table Eight explains the position of the probation officer in regards to disclosing information as part of the P.S.I.R. In disclosing drug abuse treatment information, the disclosed information goes to officials directly concerned with the P.S.I.R. outcome. The information records include:

Identity; prognosis; diagnostic treatment; attendance; patient status; and patient whereabouts. A consent identical to the consent form in Table Seven is necessary in order to disclose.

In Table Nine, which concentrates on obtaining alcohol abuse treatment information, the source is any treatment facility. The records to be obtained and the consent required are identical to Tables Seven and Eight. This information is restricted on further disclosure only to officials directly concerned with P.S.I.R. results.

In disclosing alcohol abuse treatment information found in Table Ten, the information is disclosed to the official directly concerned with the P.S.I.R.

The information is disclosed as part of the P.S.I.R. when records come from any other record index than those records mentioned in Tables Seven, Eight and Nine. Consent is required in the same manner mentioned before, but no other agreement is required in

disclosing the information.

In Table Twelve, the probation officer can obtain mental examination results from a M.D. or licensed psychologist in Texas when the court has ordered a mental examination of the defendant as part of the P.S.I.R. The subject must be warned prior to examination that his communication with the M.D. or psychologist is not privileged. A court order can impose appropriate safeguards against unauthorized disclosure. This court order restricts further disclosure as specified; the disclosure must be consistent with the authorized purposes for which the information was first obtained.

Table Thirteen is concerned with the releasing of mental health counseling and treatment records (except drug and alcohol abuse information which restricts disclosures that have not yet been incorporated by the Texas Department of Mental Health - Mental Retardation rules local counsel should advise on the specific case). This information can be released to anyone under any circumstances although source consent is advisable and other agreements on re-disclosure restrictions may be imposed by the probation officer's source.

By no means have all the potential information cases occurred and caselaw is occasionally vague or non-existent. The probation officer should consult local counsel, if any case questions arise which the guideline does not address.

PROTECTION FROM BEING SUED:

According to the guideline if the probation officer has: acted in good faith; communicated only with persons sharing a valid interest in the client; and acted without malice; an offender's successful libel or slander suit is unlikely. For further clarification the probation officer should read VI and VI-8 of the guideline. The probation officer can be aware, however, that the frequency of suits in their area is low. Also note that prescriptions numbered 53 and 54 address confidentiality (PP-PRH, P. 28).

An officer who treads the confidentiality waters is not only concerned with his own liability. A recent trend, illustrated by

the Bell v. Wolfish case, indicates that not only the officer but the probation department can be sued in a breach of confidentiality suit.

It is also important to realize that building a defendant's trust, protecting a defendant's constitutional right to privacy and establishing an effective rehabilitation model for him---all of these goals are facilitated when an officer respects the defendant's confidentiality.

Other confidentiality sources to research, which are available from the TAPC Resource Center include:

Resource Guide to Confidentiality and Criminal Justice Interface (E.H. White and Co.).

Privacy (Council of State Governments).

Privacy, Personal Rate And The Law (Texas Attorney General).

Confidentiality Regulations: Health, Education and Welfare, Texas Rehabilitation Commission, Board of Pardons and Paroles and Texas Corrections Association.

P.S.I.R. WRITING SKILLS MODULE OUTLINE:

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I. ORGANIZATION, PREPARATION OF P.S.I.R.s	94
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P.S.I.R. WRITING SKILLS MODULE GOALS:

1. To review participant's P.S.I.R. writing samples and discuss improved methods.
2. To provide a stylistic checklist with basic grammar and syntax review to participants.
3. To cover phraseology problems such as idiomatic phrases, transitions, superfluous and troublesome words, and trite expressions.
4. To distribute punctuation P.S.I.R. section and legal terminology guidelines to participants for use in their departments.
5. To provide a writing exercise for participants to work through.

ORGANIZATION/PREPARATION OF P.S.I.R. GUIDELINES:

Some factors to consider when writing the P.S.I.R.:

SOURCES:

- A. Contact the primary information source.
- B. Disclose your information sources.

ORGANIZATION:

- C. Organize your material into specific categories.
- D. Select carefully what you include in a report.
- E. Offer objectivity in your report.
- F. Eliminate obvious and irrelevant statements in the P.S.I.R.
- G. Orderly sentence-paragraph structure must exist when constructing a report.
- H. Include an introduction and conclusion.
 - Use a dictionary.
 - Use a thesaurus.
 - Always prepare report for dictation.

PHRASEOLOGY:

- I. Use simple and lucid language.
- J. Avoid an excess of professional terms in your writing.
- K. Slang should be limited to quotations.
- L. Avoid cliches and colloquialisms.
- M. Use verbatim words.
- N. Use a conversational tone.
- O. Do not use absolutes.
- P. Don't use "he/she said."
- Q. Punctuate possessives correctly.
- R. Use 'will' for 'shall'.
- S. Differentiate between adverbs and adjectives.
- T. Avoid contractions.
- U. Use parallel nouns and verbs.
- V. 'Like' is different from 'as'.
- W. Don't begin sentences with 'and,' 'however', or 'but'.
- X. Avoid double negatives and foreign phrases in your writing.
- Y. Prepositions can be used to end sentences.
- Z. Use the active voice in your writing rather than the passive voice. Example: "He eats" rather than "the fish is eaten by him."

For sentence structure: keep sentences short and simple, yet vary the sentence length; alter the introductory work in subsequent sentences; and eliminate run-on sentences. In overall writing structure; one idea per paragraph should be used; only 25% of the words should have more than two syllables; paragraphs should be limited to 150 words; and transitional sentences between paragraphs are helpful.

A STYLISTIC CHECKLIST TO DETERMINE WHETHER THE P.S.I.R. IS INFORMATIVE TO THE READER. CONSIDER AND ANSWER THE FOLLOWING QUESTIONS WHEN WRITING A P.S.I.R.:

Who is involved? Do you have complete and accurate names and addresses for those involved?

What happened? Is the detail included relevant? If not, delete.

Where did the offense occur? Have you listed the date, time and day?

When was the offense discovered?

How was the offense accomplished? Were the co-defendants, witnesses, victims involved?

Why did the offense occur? Note incidents preceding the offense.

Is the P.S.I.R. clear with the style adapted to the reading audience?

Are the sentence and paragraph structures in the most logical order?

Is the P.S.I.R. correct with all the information accurate and verified?

Do the statements conform with department policy? Is the report free from grammatical, spelling and punctuation errors?

Is the P.S.I.R. appropriate in tone? Does it elicit a desired response? Is it free from antagonism or bias? Is it written in a trivial or pretentious manner?

How effective is the report as a whole?

Does it need revision? Is it weak, but will get through an evaluation? Is it a thorough, direct, fully satisfactory report?

PHRASEOLOGY:

Idiomatic phrases misused: accepted at or by (not to a college); adapted for (meaning suited to); adapted from (meaning changed from); adapted to (meaning adjusted to); arrive at or in (not to); at someone's home (rather than over, up, by); coincide with (not on); deals with (rather than about); deprived of (not from); destructive of (rather than to); different from (although than is coming up strong); discourage them from attacking (not to make an attack); forbid you to do this (not from doing this); meanwhile or in the meantime (not in the meanwhile); identical with (rather than to); in accordance with (not to); inferior to (not than); in my opinion (not to); in relation to (not with); in respect to (rather than of); in search of (rather than for); preferable to (not than); related to (not with); off (not off of); similar to (not with).

Avoid using 'as to', 'approves of' (instead, write 'about'), in connection with (instead, write 'on' or 'about'), or 'the fact that' or 'refers back' (why not use 'that'?).

Superfluous words in a sentence should be avoided. Example: This here book is great (incorrect); This book is great. (correct).

Troublesome words/phrases:

1. as (con't use when you mean 'that', 'whether', 'because', 'since' or 'like'.)
2. type (don't omit the 'of' after type).
3. anyways, anywheres, somewheres, everywhere (no 's').
4. being that/being as how (use 'since').
5. et cetera (etc. - don't use).
6. enlargen (use 'enlarge').
7. enthused (write 'enthusiastic').
8. with regards to (don't use when you mean 'in reference to').
9. irregardless (no such word; use 'regardless').
10. memento (the word is 'memento').
11. portentous (no such word; use 'portentous').
12. presumptuous (use 'presumptuous').
13. prophesize (no such word; the verb is 'prophecy').

14. second handed (drop the 'ed').
15. undoubtably (undoubtedly wrong).
16. unequivocal (unequivocally wrong).
17. Overworked words: Marvelous, groovy, neat, nice.

Trite expressions (a partial list): a battle royal, a good time was had by all, at this time, as luck would have it, begs description, better late than never, bolt from the blue, breathed a sigh of relief, busy as a bee, by hook or by crook, by leaps and bounds, checkered career, conspicuous by his absence, could go either way, cut to the quick, dance attendance on, do justice to the meal, doomed to disappointment, favor us with a song, few and far between, fill a longfelt want, from the ridiculous to the sublime, in the last analysis, in this day and age, irony of fate, it goes without saying, it's a small world after all, last but not least, life and limb, my better half, nipped in the bud, none the worse for wear, no sooner said than done, no time like the present, point with pride, poor but honest, proud possessor, reigns supreme, senses reeled, somehow or other, sticks out like a sore thumb, take a dim view of, the bottom line, the whole nine yards, tip of the iceberg, to all intents and purposes, too numerous to mention, trials and tribulations, various and sundry, view with alarm, wended our way home, worse: fail me.

PUNCTUATION:

- | | |
|---------------------|--------------------|
| . period | - dash |
| ? question mark | () parentheses |
| ! exclamation point | - hyphen |
| , comma | " "quotation marks |
| ; semicolon | capitalization |

Period

A period is used to mark the end of a sentence that is not a question and that is not an exclamation.

A period may be used following an abbreviation. U.S.A.

Periods usually follow common contractions formed by leaving out letters within a word. secy.; mfg.; recd.

A period is necessary before a decimal and between dollars and cents in figures. .72 pounds; 16.6 feet; \$12.95

Question Mark

A question mark is used at the end of an interrogative sentence. Will you be here Thursday?

A question mark, usually enclosed in parentheses, is often used after a word, phrase, or date to indicate uncertainty of its accuracy. John Doe, the new secretary (?); Bill Jones (1883-1918?)

A question mark is not used after a sentence expressed as a question out of courtesy. Will you kindly fill out the enclosed form and return it to this office.

Exclamation Point

An exclamation point follows an expression or statement that is an exclamation. Oh no! Not that! We need help!

Comma

Commas are used to set off words, phrases, and other sentence elements that are parenthetical or independent. Items of this sort are contrasting expressions, prefatory exclamations, the names of persons directly addressed, and expressions like he said in direct quotations. The monthly figures, though not entirely to our liking, are better than we expected.

A comma usually sets off appositional or modifying words, phrases, or clauses that do not limit or restrict the main idea of a sentence. George, his own brother, turned against him.

Commas set off transitional words and expressions when they are subordinate. Such words and expressions include: moreover, therefore, also.

Semicolon

A semicolon sometimes is used to separate items in lists of names with addresses, titles, or figures where a comma alone would not clearly separate the items. John Doe, treasurer; Richard Doe, secretary.

Colon

A colon is used to link two parts of a sentence. The second part,

after the colon, usually balances, supplements, defines, restates, sums up, enumerates, or lists the idea expressed in the first part. His ambition must be stirred: his interest must be aroused.

Colons function as dividers in set formulas such as those expressing ratios, time, volume and page references. We need a 3:5 ratio. It is 3:30.

A colon is used after a formal salutation in a letter. Dear Mr. Doe:

A colon is used to separate a title from a subtitle when the subtitle is not otherwise set off. Monthly report: June, 1980.

Dash

A dash usually marks an abrupt change or suspension in the thought or structure of a sentence. He was-how shall I put it-unhappy with it.

A dash often makes parenthetical or explanatory matter stand out clearly or emphatically. Two of our men-George and Dennis- made a good showing.

A dash often occurs before a summarizing statement. Oil, steel and transportation-these are the basis of development.

A dash is used to precede the name of an author or source at the end of a quotation. "Do it right."-FAC.

A long dash often indicates the omission of a word or of letters in a word. Mr. M---, our department head.

A dash is used to indicate extent or duration. See pages 127-129.

Parentheses

Parentheses set off supplementary material that is not part of the main statement or not a structural element of the sentence. Our goals (I think) are worthy.

Parentheses are used to enclose numbers in a series. We need (1) time, (2) talent, and (3) tools to work with.

Hyphen

A hyphen is used to indicate that two words not generally

linked are thus combined in order to modify a following noun. Beware the gift-bearing Greeks.

A hyphen is also utilized with any prefix when joined to a word beginning with a capital letter or when a word composed of an initial capital letter starts a word. Mid-Atlantic/X-ray.

Quotation Marks

Quotation marks are used to note conversation - the chief use of quotation marks is to record the exact words that were either written or spoken. Commas and periods are placed inside closing quotation marks. Semicolons, colons, exclamation marks and question marks, are placed after the closing punctuation marks.

Capitalization

A capital letter is used to begin a direct quote within a sentence. He said, "Now is the time."

A capital letter begins proper names and many of their derivatives. All employees there must learn Spanish. The style is French.

A capital letter begins titles placed before the name of the holder. It is not usually used when the title follows the name. Treasurer John Doe. John Doe, treasurer.

Capital letters begin all the words in a title, except for articles, conjunctions, and short prepositions. United States of America.

Capital letters are used throughout in the abbreviated form of the names of many organizations. TAPC. IBM. MHMR.

LEGAL TERMINOLOGY:

Legal phraseology utilized by the probation officer in the P.S.I.R. process is located in the Appendix, page 134.

APPENDIX:

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P.S.I.R. ADDRESS - by Texas Adult Probation Commissioner and District Judge Terry L. Jacks (as presented to the San Marcos P.S.I.R. Training Workshop, October 24, 1980)

The one and only reference to the P.S.I.R. in the Texas statutes is Article 42.12 Section 4 Code of Criminal Procedure "... report in writing the circumstances of the offense, criminal record, social history and present condition of the defendant" You will note that 42.12 is a probation statute. No mention is made as to punishment - other than consideration of probation.

The probation law was enacted in 1965 when the Code of Criminal Procedure was largely rewritten and replaced the old suspended sentence law. There have been several amendments.

The probation concept and the use of the P.S.I.R. has just developed without statutory structure. Each jurisdiction has developed its own common law.

After conversations with fellow judges, one gets the impression that the use of the P.S.I.R. is not restricted to probation consideration, but is utilized by the individual judges, along with the probation officers, for many other purposes.

PRETRIAL DIVERSION AND PRETRIAL INTERVENTION:

Pretrial diversion and pretrial intervention are basically similar. They may be initiated by the judge, the prosecutor, or the police. Both diversion and intervention are before trial and generally there is an agreed disposition of a case before adjudication.

In some jurisdictions, with or without judicial authority, the prosecutor will use the probation department to make a pretrial investigation and with the probation officer will place an accused under supervision of the probation department. If the period of supervision is satisfactory, the case will be dismissed.

Apparently in some jurisdictions, pretrial investigation by the probation department is at the direction of the trial judge. However, there is no Texas statute that permits such practice.

Article 42.12 Section 3d (a) provides for probation before an adjudication of guilt if the evidence "... substantiates the

defendant's guilt . . ." It is important to note that the defendant enters a plea before the court and evidence is heard. Deferred adjudication is a special provision authorizing use of probation personnel before a formal entry of judgment.

PRETRIAL INVESTIGATION BY "COP OUT MAN":

There are some spurious uses made of the probation officer throughout the state. Several years ago I had a conversation with an older judge and he employed what he termed a "cop out man." The probation officer, at the direction of the judge, would visit an inmate awaiting trial in the judge's court and encourage the defendant to plead guilty.

This may have been a practical procedure for moving the docket, but, it hardly complies with due process under anyone's standards.

The time and manner of the use of the P.S.I.R. is of current interest. There are signs that this subject could be of paramount interest in the near future. The Court of Criminal Appeals has addressed this problem several times in recent months.

The case: ". . . There is no bifurcated trial at a plea of guilty trial . . ." Odom, Jr. 3/29/78.

The case: ". . . The proper use of such reports (P.S.I.R.) is to enable the trial court to pass on the issue of probation, not to determine the punishment to be assessed . . ." Onion 4/5/78.

The case: ". . . Whenever an issue of proper punishment is present a presentence investigation and report may be utilized to assist the trial judge in the exercise of his discretion." Roberts 9/20/78.

The case: ". . . There is some division of thought . . . it is not error for the trial court . . . to obtain the presentence investigation report . . ." Dally, Jr. 5/2/79.

". . . The powers and duties of the Commission are all cast in terms of probation, which is a post-trial procedure." Attorney General Opinion H-1283 12/14/78.

How do these cases and opinions influence the functions of

the probation officer? The Mason case was a 5 to 4 decision. One of the judges who joined the dissent, that is critical of the use of the P.S.I.R. for punishment, wrote the opinion in the Angelle case, which upheld the use of the P.S.I.R. for punishment consideration.

The dissent in Mason is sound insofar as statutory law is employed. The P.S.I.R. was designed for probation consideration. If the trial judge is not to consider probation, then the use of the P.S.I.R. takes on serious constitutional dimensions if it contains hearsay or if information is obtained from the defendant without constitutional safeguards.

As the law now is interpreted, the P.S.I.R. may be utilized by the trial judge for punishment consideration.

The Attorney General has written. . . "The power and duties of the Commission are all cast in terms of probation, which is a post-trial procedure. . ." The Commission has used this opinion as a basis for disallowing a request for special funding for P.S.I.R.s before pleas of guilty. (Editorial Note: This status was in a state of fluctuation at the time of publication).

It would be desirable if the Legislature would amend the Code of Criminal Procedures to permit use of the P.S.I.R. by the trial judge to assess the punishment. The Federal Rules or the Model Sentencing Act could be utilized as a pattern for drafting; however, the federal courts and courts of most states assess punishments without the jury.

In the meantime, the contents of the P.S.I.R. should carefully avoid serious hearsay and undocumented extraneous offenses.

The trial judge and the probation officer should be keenly aware of the problems presented by improper use of the P.S.I.R. They should be discussed in meetings such as this and someone may suggest an acceptable answer. The power of a logical solution will surely prevail. Let us all work to that end.

THERE ARE A NUMBER OF UNRESOLVED P.S.I.R. PROBLEMS:

Unverified arrest reports in the arrest record. This may be

social history but such a record is highly prejudicial and outweighs the fairness of their use.

Should the P.S.I.R. make specific recommendations as to punishment? Opinions differ sharply. It is suggested that recommendations are subjective.

When should the P.S.I.R. be shown to defense counsel? It should be delivered to the judge and if accepted, it may be exhibited to defense counsel.

Please think of Article 42.12, Section 4 -- the only reference in the code to the P.S.I.R. There are no other guides -- only customs of the various district courts throughout the state. There are no right or wrong answers to these questions.

P.S.I.R. LEGAL ISSUES - Addressed by University of Texas Law Professor Robert Dawson (from the Texas Probation Law Manual).

THE PRE-SENTENCE INVESTIGATION REPORT:

Texas law authorizes the trial court to order a pre-sentence investigation report:

When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practical, such investigation shall include a physical and mental examination of the defendant. Defendant, if not represented by counsel, counsel for defendant and counsel for the state shall be afforded an opportunity to see a copy of the report upon request. If a defendant is committed to any institution, the probation officer shall send a report of such investigation to the institution at the time of commitment.

(Art. 42.12, § 4) Pre-sentence investigation reports were not mentioned in the misdemeanor probation statute until 1979, when a provision identical to the above was added as part of a comprehensive revision of the misdemeanor statute. (Art. 42.13, § 4)

Unlike in some other jurisdictions, there is no legal requirement in Texas that a pre-sentence report be prepared in each felony case. The trial judge has discretion to order a pre-sentence investigation or to sentence without one. The purpose of the pre-sentence report is to assist the trial judge in sentencing and it is not used when the defendant has elected jury punishment.

FUNCTIONS OF THE PRE-SENTENCE INVESTIGATION REPORT:

Until 1980, it was unclear whether a pre-sentence report could be utilized to assist the trial judge in assessing punishment or only in deciding whether to grant probation when punishment of ten years or less had already been assessed. In McNeese v. State, the court suggested the pre-sentence had only the latter function:

"The question of whether an accused is entitled to probation in a trial before the court is a matter solely

for the trial court's discretion . . . The trial court in such cases should use the probation officer's report and take into consideration all of the pertinent information to more intelligently determine if the person convicted is entitled to probation." (McNeese v. State, 468 S.W. 2d 800, 801 (1971)).

Later, presiding Judge Onion, in a concurring opinion, explicitly took the position that the pre-sentence should be used only to assist the court in deciding on probation and not for assessment of punishment:

"The use of pre-sentence investigation reports is to be commended . . . The proper use of such reports is to enable the trial court to pass on the issue of probation, not to determine the punishment to be assessed. These reports frequently contain heresay, information concerning inadmissible extraneous offenses, and other matters that would not be admissible at trial. (Bean v. State, 563 S.W. 2d 819, 821 (Panel 1978))."

Still later, a different panel of the court rejected Judge Onion's position and approved of the use of a pre-sentence report in a case in which probation was not an issue but length of the prison sentence was:

"We are not convinced that a pre-sentence investigation and report are appropriate only when the issue of whether a trial judge should grant a defendant probation is raised. Rather, whether an issue of the proper punishment is present a pre-sentence investigation and report may be utilized to assist the trial judge in the exercise of his discretion. (Angelle v. State, 571 S.W. 2d 301, 302 (Panel 1978))."

The issue was finally resolved in Mason v. State in which the defendant was convicted of two first-degree felonies, enhanced by proof of one prior felony, requiring a minimum sentence of 15 years and making him ineligible to receive probation. The trial court ordered a pre-sentence report to assist in assessing sentence, which the defendant claimed was in error since he was not eligible for probation. By a five to four vote, the court en banc rejected this contention and approved the use of a pre-sentence report when

the defendant is not eligible for probation. There was a dissent which took the position that punishment must be assessed on the basis of legally admissible evidence introduced at the guilt/innocence or penalty phase of the trial. (Mason v. State, ___ S.W. 2d ___, No. 60,777 & 60,778 (En Banc 4/2/80)).

THE CONTENT OF THE REPORT

The dispute within the Court of Criminal Appeals as to the function of the pre-sentence report is really occasioned by the fact that a pre-sentence report is a shortcut through the normal rules of evidence that govern criminal trials. As such, it does not provide the usual safeguards against the inclusion of inaccurate, incomplete or unfairly prejudicial statements that are provided by an adversarial hearing. Despite these dangers, the United States Supreme Court approved of the use of pre-sentence reports as long ago as 1949:

"Probation workers making reports of their investigations have not been trained to prosecute but to aid offenders. Their reports have been given a high value by conscientious judges who want to sentence persons on the best available information rather than on guess-work and inadequate information. To deprive sentencing judges of this kind of information would undermine modern penological procedural policies that have been cautiously adopted throughout the nation after careful consideration and experimentation. We must recognize that most of the information now relied upon by judges to guide them in the intelligent imposition of sentences would be unavailable if information were restricted to cross-examination. And the modern probation report draws on information concerning every aspect of a defendant's life. The type and extent of this information made totally impractical if not impossible open court testimony with cross-examination. Such a procedure could endlessly delay criminal administration in a retrial of collateral issues." (Williams v. New York, 337 U.S. 241, 249-50 (1949)).

To fully appreciate the freedom accorded by the law to the contents of a pre-sentence report, one should contrast the restrictions

placed on the information that may be provided to a jury to assist it in deciding what punishment to assess and whether to grant probation.

In terms of the defendant's prior record, a jury may be told only of prior convictions of the defendant, not of prior arrests or of pending cases. (Mullins v. State, 492 S.W. 2d 277, (1973)). And with respect to prior convictions, the state is not permitted to prove the details of the offenses but only their general nature. (Ramey v. State, 575 S.W. 2d 535 (Panel 1978)). Finally, the state may prove only adult convictions, not the defendant's juvenile record. (Slaton v. State, 418 S.W. 2d 508 (1967)). By contrast, when the defendant's prior record is included in a pre-sentence report for consideration by the judge it may include records of arrests that have not resulted in convictions (Valdez v. State, 491 S.W. 2d 415 (1973) and charges that are still pending in the courts against the defendant. (Clay v. State, 518 S.W. 550 (1975)). It may also include the defendant's juvenile court record. (Walker v. State, 493 S.W. 2d 239 (1973)).

In a trial in which the defendant has elected jury punishment, the law requires that hearsay statements -- reports of what others not in court have said -- be kept from the jury. (Porter v. State, 578 S.W. 2d 742 (En Banc 1979)). By contrast, the entire pre-sentence report is hearsay (and, therefore, inadmissible before a jury punishment) but it may be considered by the trial court. In the words of the court in Brown v. State, "to suggest that the judge should not use the information in the probation report because it contains 'hearsay statements' is to deny the obvious purpose of the statute authorizing pre-sentence reports." (Brown v. State, 478 S.W. 2d 550, 551 (1972)).

One of the reasons such an extraordinary liberality is granted to the contents of pre-sentence reports is that the law presumes that the probation officer who conducts the investigation and prepares the report is not a partisan to the dispute between the state and the defendant. He is presumed to be a neutral party, calling the shots as he sees them. This point was underscored by the court in Nunez v. State, in which the defendant contended that his plea bargain with

the State was breached when the probation officer recommended maximum imprisonment in the pre-sentence report. The court said,

"The assumption made by appellant that a probation officer is an agent of the prosecution is invalid. Probation officers are assigned or designated by the courts...The district attorney's office does not employ a probation officer nor do they have any authority over the probation officers. (Nunez v. State, 565 S.W. 2d 536, 537 (En Banc 1978)).

DISCLOSURE OF THE REPORT:

Before 1977, Texas law gave the trial court discretion whether to disclose a pre-sentence report to the defendant or his attorney. In Rodriguez v. State, the court noted that "Nothing in Article 42.12 ... requires that the pre-sentence report be disclosed to the accused. In fact, the statute is silent in regard to such matter. It would thus appear to be within the discretion of the trial court to disclose such report." (Rodriguez v. State, 502 S.W. 2d 13, 14-15 (1963)). The statute is no longer silent on the subject. In 1977, the Legislature added the following to the felony probation statute: "Defendant, if not represented by counsel, counsel for defendant and counsel for the state shall be afforded an opportunity to see a copy of the report upon request." (Art. 42.12, s 4). In 1979, the identical language was added to the misdemeanor probation statute. (Art. 42.13, s 4). While the trial court doubtless has authority to provide the state and the defense with a copy of the pre-sentence report, the statute merely requires that they be given an opportunity "to see a copy of the report." Although there are no appellate cases on this point, presumably the state and defense must be given an adequate opportunity to read the report, digest its contents and present contrary evidence and arguments to the court before it makes the sentencing decision. Unless these opportunities are afforded, the right to see a copy of the report is meaningless.

Texas law requiring disclosure of the report is much broader than federal law on disclosure of pre-sentence report prepared for use by United States District Courts. Federal law excludes the sentence

recommendation from disclosure and empowers a federal district judge to withhold portions of the report that contain "diagnostic opinion which might seriously disrupt a program of rehabilitation, sources of information obtained upon a promise of confidentiality, or any other information which, if disclosed, might result in harm, physical or otherwise, to the defendant or other persons." (Fed. R.Crim.P. 32(c) (3) (A)). The Texas statute contains no such exceptions or qualifications. Because of that, a Texas probation officer is in no position to assure a person contacted during the course of conducting a pre-sentence investigation that the information provided can or will be kept from the defendant. Indeed, candor with the source would indicate that the officer should state that the defendant may well be apprised of the entire contents of the report because the law requires disclosure to the defendant or his attorney.

LITIGATING DISPUTES CONCERNING THE REPORT:

Due process of law is violated when a criminal defendant is sentenced on the basis of false information when officials were careless in not learning the truth. In Townsend v. Burke, the United States Supreme Court reviewed the case of a defendant convicted in state court upon his pleas of guilty to burglary and robbery and sentenced to a term of 10 to 20 years in the penitentiary. At sentencing, the trial court discussed the defendant's criminal record with him:

By the Court (addressing Townsend):

Q. Townsend, how old are you?

A. 29.

Q. 1933, larceny of automobile. 1934, larceny of produce. 1930, larceny of bicycle. 1931, entering to steal and larceny. 1938, entering to steal and larceny in Doylestown. Were you tried up there? No, no. Arrested in Doylestown. That was up on Germantown Avenue, wasn't it? You robbed a paint store.

A. No. That was my brother.

Q. You were tried for it, weren't you?

A. Yes, but I was not guilty.

Q. And 1945, this. 1936, entering to steal and larceny, 1350 Ridge Avenue. Is that your brother too?

A. No.

Q. 1937, receiving stolen goods, a saxophone. What did you want with a saxophone? Didn't hope to play in the prison band then, did you?

The Court: Ten to twenty in the Penitentiary.

(Townsend v. Burke, 334 U.S. 736, 739-40 (1948)).

The Supreme Court reversed Townsend's conviction. Although it placed weight upon the fact that Townsend did not have an attorney when he plead guilty and was sentenced, the decision also laid down due process standards regarding the accuracy of information upon which sentencing is based:

"The trial court's facetiousness casts a somewhat somber reflection on the fairness of the proceedings when we learn from the record that actually the charge of receiving the stolen saxophone has been dismissed and the prisoner discharged by the magistrate. But it savors of foul play or of carelessness when we find from the record that, on two others of the charges which the court recited against the defendant, he had also been found not guilty. Both the 1933 charge of larceny of an automobile, and the 1938 charge of entry to steal and larceny, resulted in his discharge after he was adjudged not guilty. We are not at liberty to assume that items given such an emphasis by the sentencing court did not influence the sentence which the prisoner is now serving."

"We believe that on the record before us, it is evident that this uncounseled defendant was either overreached by the prosecution's submission of misinformation to the court or was prejudiced by the court's own misreading of the record. Counsel, had any been present, would have been under a duty to prevent the court from proceeding on such false assumptions and perhaps under a duty to seek remedy elsewhere if they persisted. Consequently, on this record we conclude that, while disadvantaged by lack of counsel, this prisoner was sentenced on the basis of assumptions concerning his criminal record which were materially untrue. Such a result, whether caused by carelessness or design, is inconsistent with due process of law, and such a conviction cannot stand." (Townsend v. Burke, 334 U.S. 736, 740-41 (1948)).

Although the case did not itself involve inaccuracies in a pre-sentence report, but rather the trial court's misinterpretation of defendant's rap sheet, the principle clearly applies to the accuracy of information contained in the pre-sentence report. Due process requires that reasonable care be taken in gathering the data, writing the report and utilization of the report by the trial judge.

In addition to the defendant's due process rights, there is a basis for the conclusion that he has a Texas statutory right to present evidence and arguments to dispute what he believes are inaccuracies in the pre-sentence report. A 1977 amendment to the felony probation statute requires disclosure of the pre-sentence report to the defendant's attorney. (Art. 42.12, § 4). Since disclosure without the right to present the defendant's version of inaccuracies in the report would be meaningless, it is reasonable to conclude that the disclosure provision implies a right to present evidence and arguments to the trial court concerning inaccuracies in the report. The misdemeanor probation statute contains the same provision (Art. 42.13, § 4) and the same arguments can be made concerning it.

REQUEST PERTAINING TO MILITARY RECORDS:

1. INFORMATION NEEDED TO LOCATE RECORDS

Certain identifying information is necessary to determine the location of an individual's record of military service. Please give careful consideration to, and answer each item of this form. If you do not have and cannot obtain the information for an item, show "NA" meaning the information is "not available." Include as much requested information as you can. This will help us give you the best possible service.

2. CHARGES FOR SERVICE

A nominal fee is charged for certain types of service. In most instances service fee costs cannot be determined in advance. If your request involves a service charge, you will be advised as soon as that determination is made.

3. RESTRICTIONS ON RELEASE OF INFORMATION

The Military Departments have restrictions regarding the release of information from records of military personnel. A service person can obtain almost any information contained in his own record. The next of kin, if the veteran is deceased, and federal offices for official purposes, are authorized to receive most types of information from a military service or medical record. Other requesters must have the Release Authorization in item six of the request signed by the veteran, or, if deceased, by the next of kin. Employers or others needing proof of military service should accept, as authentic, the information shown on documents issued by the Armed Forces at the time the service persons are separated.

LOCATION OF MILITARY PERSONNEL AND MEDICAL RECORDS:

The various categories of Military Personnel Records are described below. For each category there is a CODE number which indicates the address at the bottom of the page to which this request should be forwarded. For each military service there is a NOTE explaining approximately how long the records are held by the military services before they are transferred to the National Personnel Records Center, St. Louis. Please read these notes carefully and make sure you send your inquiry to the right address. (If the person has two or more periods of service within the same branch, send your request to the office having the record for the last period.)

CATEGORY OF RECORDS AND WHERE TO WRITE ADDRESS CODE :	CODE NO.
Active members (incl. Nat'l. Guard on active duty in Air Force); TDRL**; and general officers retired with pay	1
Reserve; retired reservists in non-pay status; and Nat'l Guard released from active duty and transferred to Reserve.	2
Current Nat'l Guard officers not on active duty in Air Force	12
Current Nat'l Guard enlisted not on active duty in Air Force	13
Discharged, deceased, and retired with pay (less general officers retired with pay).	14
NOTE: Air Force records are transferred to NPRC* as soon as processed - about 30 days after separation.	
Active, reserve and TDRL** members plus officers separated before 1-1-29	3
Discharged, deceased, and retired members, except officers separated before 1-1-29 -- see item above.	14

CATEGORY OF RECORDS AND WHERE TO WRITE ADDRESS CODE :	CODE NO.
NOTE: Coast Guard officer records are transferred to NPRC* 3 months after separation, enlisted records after 6 months.	
Officers separated before 7-1-17 and enlisted separated before 11-1-12.	6
Reserve; TDRL**; current Nat'l Guard members' records of active duty in U.S. Army; and living retired members less general officers.	7
Active officers (incl. Nat'l Guard on active duty in U.S. Army) and retired general officers.	8
Active enlisted (incl. Nat'l Guard on active duty in U.S. Army).	9
Current Nat'l Guard officers not on active duty in U.S. Army.	12
Current Nat'l. Guard enlisted not on active duty in U.S. Army.	13
Discharged and deceased members, except old records in Nat'l. Archives -- see first category under Army.	14
NOTE: Army records are transferred to NPRC* as soon as processed -- about 30 days after separation.	

Active and TDRL** members, reserve officers, and Class II enlisted reserve.	4
Class III Reservists (Inactive).	5
Discharged, deceased, and retired.	14
NOTE: Marine Corps records are transferred to NPRC* 4 months after separation.	
Active and TDRL** members, reserve officers, and enlisted reserve in drill status.	10
Discharged, deceased, retired, and enlisted reserve status pool.	14
NOTE: Navy officer records are transferred to NPRC* 1 year after separation; active enlisted after 6 months; and enlisted reserve status pool 18 months prior to discharge date.	

Medical records of Navy/Marine Corps active members.	
NOTE: Navy/Marine Corps medical records are transferred to NPRC* 3 months after separation.	

*NPRC: National Personnel Records Center **TDRL: Temporary Disability Retired List	

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ADDRESS LIST OF CUSTODIANS -- WHERE TO WRITE FOR EACH CATEGORY OF RECORDS:

- | | | |
|--|---|---|
| 1. USAF Military Personnel Center
Military Personnel Records Division
Randolph AFB, Texas 78148 | 2. A.F. Reserve Personnel Center
3800 York Street
Denver, Colorado 80205 | 3. Commandant
U.S. Coast Guard
Washington, D.C. 20590 |
| 4. Commandant of the Marine Corps
Headquarters, U.S. Marine Corps
Washington, D.C. 20380 | 5. Marine Corps Reserve Forces Class III
1500 E. Bannister Road
Kansas City, Missouri 64131 | 6. National Archives and Records Service
National Archives Building
Washington, D.C. 20408 |
| 7. Commanding Officer
U.S. Army Administration Center, TAGO
9700 Page Boulevard
St. Louis, Missouri 63132 | 8. The Adjutant General
ATTN: AGPF
Department of the Army
Washington, D.C. 20310 | 9. Commanding Officer
U. S. Army Enlisted Personnel Support Center
Ft. Benjamin Morrison, Indiana 46249 |
| 10. Chief of Naval Personnel
Department of the Navy
Washington, D.C. 20370 | 11. Bureau of Medicine and Surgery
Department of the Navy
Washington, D.C. 20390 | 12. National Guard Bureau
Washington, D.C. 20310 |
| 13. The Adjutant General of the
Appropriate State, D.C. or Puerto Rico | 14. National Personnel Records Center
(Military Personnel Records)
9700 Page Boulevard
St. Louis, Missouri 63132 | |

THE RACIAL FACTOR IN THE INTERVIEW* (Copyright 1972, National Association of Social Workers, Inc. Reprinted by permission of author and published from Social Work 17:3 (May 1972), pp. 88-98)

Ethnicity, broadly speaking, means membership in a group that is differentiated on the basis of some distinctive characteristic which may be cultural, religious, linguistic, or racial. The nonwhite experience in America is sufficiently differentiated so that race can be regarded as a specific kind of ethnicity. Although the term "non-white" includes Mexican-Americans, American Indians, Orientals, and blacks, this article on the racial factor in the interview is almost exclusively concerned with black-white differences, not only because blacks are the largest single nonwhite minority, but because most of the descriptive, clinical, and experimental literature concerned with this problem focuses on blacks.

The black client often presents the interviewer with the problem of socioeconomic background as well as differences in racial experience. Although the largest number of poor people are white, a disproportionate percentage of the black population is poor. Hence the racial barrier between the white worker and black client is frequently complicated further by the class barrier - white middle-class and black lower-class client.

However, the exclusive concern here is with the racial factor, that is, the differences that stem from the experiences of living white and living black.

THE PROBLEM:

Racial differences between worker and client is an ethnic factor that created problems in the relationship and the interview. Understanding and empathy are crucial ingredients for an effective interview. But how can the white worker imagine what it is like for black clients to live day after day in a society that grudgingly, half-heartedly, and belatedly accords them the self-respect, dignity, and acceptance that are their rights as people or, more often, refuses outright to grant them. How can the worker know what it is like to live on intimate terms with early rejection, discrimination, harassment, and exploitation?

A relaxed atmosphere and comfortable interaction are required for a good interview. But how can this be achieved when the black client feels accusatory and hostile as the oppressed and the white worker feels anxious and guilty about personal complicity with the oppressor? In such a situation the black client would tend to resort to concealment and disguise and respond with discretion or "accommodation" behavior (Duvina, 1939, p. 264). Concealment and "putting the white person on" have been institutionalized as a way of life - they are necessary weapons for survival, but antithetical to the requirements of an effective interview. Often the black client openly refuses to share, as expressed in the following poem, "Impasse," by Langston Hughes:

I could tell you,
If I wanted to,
What makes me
What I am

But I don't
Really want to--
And you don't
Give a damn¹

The attitude toward permeability of the racial barrier for the social work interview has changed over the last 20 years. In 1950 (Luna B.) Brown attempted to assess the importance of the racial factor in the casework relationship by distributing questionnaires to social agencies in Seattle, Washington. Eighty percent of the practitioners responded that the racial factor did intrude in the relationship, but it was not much of a problem for the experienced worker with some self-awareness.

By 1970 blacks' disillusionment with the integrationist stance and a great accentuation on their special separate identity from the white culture and the unique effects of their historical experience resulted in frequently repeated assertions that no white could understand what it is meant to be black. Consequently, it is said, an effective interview with a black client requires a black interviewer. Many who have studied this problem, although not ready to go this far, generally concede that currently the racial barrier in the interview makes rapport and understanding much more difficult than was previously imagined (Banks, 1971; Bowles, 1969; Gochros, 1966; Kincaid, 1969; Vontross, 1969, 1970, 1971).

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Obviously people who share similar backgrounds, values, experiences, and problems are more likely to feel comfortable with and understand each other. In sociology the principles of homophily (people who are alike like each other) and homogamy (like marries like) express these feelings. Synanon, Alcoholics Anonymous, and denominational agencies are organizational expressions of this idea.

Social workers tend to follow the same principles by selecting for continuing service those clients who are most like themselves and subtly discouraging or overtly rejecting those "who cannot effectively use the service." The rich research literature about differential access to mental health services by different class groups tends to confirm that this is a euphemism for people who are different from "us."

There is similar research with regard to agency selectivity relating to race. For example, a study of patients seen for ten or more individual psychotherapy interviews at a metropolitan psychiatric outpatient client found that "Caucasian women were seen proportionately longest, followed by Caucasian men" (Yamamoto et. al., 1967, pp. 630-636). Racial minority group patients had proportionately fewer contacts - black males had the lowest number of interviews. Nonwhites not only had fewer contacts, but their attrition rate was higher. All therapists, including psychiatric social workers, were Caucasian. Therapist ethnocentricity was measured with the Bogardus Social Distance Scale. Those who scored low in ethnocentrism were more likely to see black patients for six or more interviews; those who scored high treated black patients for this length of time much less often (differences were statistically significant). Worker ethnocentrism may help account for the higher attrition rate of black clients who apply for social services. It is certainly true for black clients in family service agencies and black applicants for adoption (Bradley, 1966; Family Service Highlights, 1964).

But the following statement by a black mental health worker, retrospectively analyzing her own personal experience, indicates that a therapeutic relationship with a white person, although difficult, is possible:

In answering the question of whether a white middle-class psychiatrist can treat a black family, I cannot help but think back over my own experiences. When I first came to New York and decided to go into psychotherapy I had two main thoughts: (1) that my problems were culturally determined, and (2) that they were related to my Catholic upbringing. I had grown up in an environment in which the Catholic Church had tremendous influence. With these factors in mind, I began to think in terms of the kind of therapist I could best relate to. In addition to being warm and sensitive, he had to be black and Catholic. Needless to say, that was like looking for a needle in a haystack. But after inquiring around, I was finally referred to a black Catholic psychiatrist.

...he turned out to be not so sensitive and not so warm. I terminated my treatment with him and began to see another therapist who was warm, friendly, sensitive, understanding, and very much involved with me. Interestingly enough, he was neither black nor Catholic. As a result of that personal experience, I have come to believe that it is not so much a question of whether the therapist is black or white but whether he is competent, warm, and understanding. Feelings, after all, are neither black nor white (as quoted in Sager, Brayboy, and Waxenbert, 1970, pp. 210-211).

Thus the question of whether a white worker can establish contact with a black client is more correctly stated as "How can such contact be established?"

WHITE WORKER-BLACK CLIENT:

What can be done to ease the real difficulties inherent in white worker-black client cross-racial integration? Because white workers are initially regarded as a potential enemy, they should carefully observe all the formalities that are overt indications of respect - for example, start the interview promptly, use Mr. and Mrs. rather than the client's surname or first name, shake hands and introduce themselves, listen seriously and sincerely. Rituals and forms are not empty gestures to people who have consistently been denied the elementary symbols of civility and courtesy.

Discussions about racism have left every white with the uneasy suspicion that as a child of this culture one has inbibed prejudices in a thousand different subtle ways in repeated small doses and that the symptoms of one's racism, although masked to oneself, are readily apparent to a black person. These suspicions may be true. Thus a worker must frankly acknowledge to oneself that one may have racist attitudes and make the effort to change. To paraphrase a Chinese maxim: The prospective white interviewer who says, "Other white interviewers are fools for being prejudiced, and when I am an interviewer I will not be such a fool," is already a fool.

To conduct a good interview, workers must be relatively confident that they know their subject matter. But how can they feel confident if they are aware that there is much about the black experience they do not and cannot know? Certainly they can dispel some of their ignorance by reading about and becoming familiar with black history, black culture, and black thinking and feeling. This is their professional responsibility. With workers lack knowledge about the client's situation, they appear "innocent." Thus they are less respected, more likely to be "cooned," and less likely to be a source of influence.

White workers may find it helpful to be explicitly aware of their reactions to racial differences. In making restitution for their felt or suspected racism, they may be over-indulgent. They may oversimplify the client's problems and attribute certain behavior to racial differences that should be ascribed to personal malfunctioning. When color is exploited as a defense rationalization, race is a weapon. Burns (1971, p. 93) points out that black children "have learned how to manipulate the guilt feelings of their white workers for their own ends. They have also learned to exploit the conceptions most white workers have about the anger of black people.

In interracial casework interviews, the participants are keenly aware of the difference between them. Yet, they rarely discuss the racial factor openly (Miller, 1970; Seligman, 1968, pp. 1-84). It is not clear whether this is because race is considered irrelevant to the work that needs to be done or because both participants agree to a conspiracy of

silence about a potentially touchy issue. Nevertheless, race - like any other significant factor that contaminates interaction - must be at least tentatively discussed because to be "color-blind" is to deny real differences (Bloch, 1968).

The presumption of ignorance, necessary in all interviews, is more necessary when interviewing a black client because the worker is more likely to be ignorant of the client's situation. Therefore, one must listen more carefully, be less ready to come to conclusions, and be more open to having one's presuppositions corrected by the client, that is, one must want to know what the situation is and be receptive to being taught.

It is frequently asserted that lower-class black clients lack the fluency and facility with language that are required for a good interview. Yet, studies of speech behavior in the ghetto suggest that blacks show great imaginativeness and skill with language (Kochman, 1969). Thus the worker has the obligation to learn the special language of the ghetto. The agency can help by hiring black clerical and professional staff. If black clients see members of their own group working at the agency, they have a greater sense of assurance that they will be accepted and understood.

BLACK WORKER-BLACK CLIENT:

If both worker and client are black, different problems may arise. The pervasiveness of the cultural definition of blackness does affect black clients. Thus they may feel that being assigned to a black worker is less desirable than being assigned to a white worker because the latter may have more influence and thus be in a better position to help them.

The fact that black social workers have achieved middle-class professional status suggests that they have accepted some of the principal mores of the dominant culture - for example, motivation to achieve, denial of gratification, the work ethic, punctuality. To get where they are, probably they were educated in white schools, read the white literature, and associated with white classmates - as they now associate with white colleagues.

Black middle-class workers may feel estranged not only from whites but

from their own blackness. The problem of establishing a clearly defined identification is more difficult for "oreos" - those who are black on the outside, but white on the inside because of their experiences while achieving middle-class status.

The black worker who returns to the ghetto after professional training may be viewed with suspicion (Townsend, 1970). Aliens returning from the outside world, where they have been "worked over" by the education enterprise to accept white assumptions, values, and language, they have supposedly lost contact with the fast changing ghetto subculture in the interim.

If black clients see white workers as representing the enemy, they may see black social workers as traitors to their race, collaborators with the establishment. Therefore, barriers to self-disclosure and openness may be as great between the black worker and black client as between the white worker and black client.

The black client is also a source of anxiety to the black worker in other ways. A black psychiatrist stated it as follows: "For the therapist who has fought the way out of the ghetto (the black patient) may awaken memories and fears the therapist would prefer to leave undisturbed" (Sager, Brayboy, Waxenberg, 1970, p.228). Thus Brown's finding (1950, pp. 92-97) that black workers were less sympathetic to black clients than to white clients is not surprising. They were made anxious by black clients' failure to live up to the standards of the dominant culture and felt that such deviations reflected on the race as a whole - thus decreasing the acceptability of all blacks, including themselves.

Calnek (1970, pp. 1-42) aptly defines over-identification in this context as a "felt bond with another black person who is seen as an extension of oneself because of common racial experience." A black AFDC client described it as follows: "Sometimes the ones that have had hard times don't make you feel good. They're always telling you how hard they had to work making you feel low and bad because you haven't done that they have done" (McIsaac and Wilinon, 1965, p.753). The black worker also may be the target of displacement, that is, the black client's hostility toward whites is expressed toward the black workers because they are less dangerous.

One clear advance in the black worker-black client situation, however, is that the black professional provides the client with a positive image that can be identified with. Kincaid (1969, p. 888) states that "a Black counselor who has not rejected one's own personal history may be most able to inspire a feeling of confidence and a sense of hope in the Black client."

When the worker is black and the client is white, other problems may arise. The client may be reluctant to concede that the black worker is competent and may feel assigned to the second best. Clients from the South may be especially sensitive to the reversal in usual status positions (Curry, 1964).

If the clients see themselves as lacking prejudice, they may welcome being assigned to black workers because it gives them a chance to parade their typical feelings. They may be gratified to have a black worker since only an unusually accomplished black could, in their view, achieve professional standing. On the other hand, because the white who turns to a social agency for help often feels inadequate and inferior, the white may more easily establish a positive identification with the "exploited" and "oppressed" black worker (Grier, 1967, pp. 1587-1592).

MATCHING:

Any discussion of the problems inherent in cross-cultural interviewing inevitably leads to the question of matching. On the whole, would it not be desirable to select a worker of the same race as the client? Would this not reduce social distance and the constraints in interactions that derive from differences in group affiliation, experiences, and lifestyle? If empathetic understanding is a necessary prerequisite for establishing a good relationship, would this not be enhanced by matching people who are culturally at home with each other?

Obviously, empathic understanding is most easily achieved if the worker shares the client's world. However, the difficulties of empathic understanding across subcultural barriers can be exaggerated and the disadvantages of matching worker and client can be underestimated.

The world's literature is a testimonial to the fact that people can understand and empathize with those whose backgrounds and living situations are different from their own. For example, an American Christian, John Hersey

(1950), demonstrated empathic understanding of a Polish Jew in The Wall; an American Jew, Elliott Liebow (1967), demonstrated his ability to understand ghetto blacks in Tally's Corner; and a white South African psychiatrist, Wulf Sachs (1947), showed his sensitive understanding of a Zulu in Black Hamlet.

If the worker's professional training enhances the ability to empathize with and understand different groups and provides the knowledge base for such understanding, the social and psychological distance between worker and client can be reduced. If the gap is sufficiently reduced, clients perceive workers as being capable of understanding them, even though they are products of a different life experience.

Some of the relative merits and disadvantages of close matching and distant matching are succinctly summarized in the following statement by Carson and Hein (1962, p. 68): "With very high similarity the therapist may be unable to maintain suitable distance and objectivity, whereas in the case of great dissimilarity the worker would not be able to empathize with, or understand, the patient's problems." Thus it is not surprising that relevant research suggests effective interviewing is not linearly related to rapport, that, is, it is not true that the more rapport is undesirable, but so is maximum rapport. The best combination is moderate closeness or moderate distance between participants. Weiss (1968), in a study of the validity of responses of a group of welfare mothers, found that socially desirable rather than valid responses were more likely to result under conditions of high similarity and high rapport.²

Clinical evidence also suggests that racial matching is not always a crucial variable in the interview. A study that tested the degree of distortion in responses to black and white psychiatrists by patients in a county psychiatric ward concluded that "the factor of race did not significantly affect the behavior of the subjects in the interview situation" (Womack, 1967, 690). The patients perceived and responded to black psychiatrists as psychiatrists rather than as members of a different race. In a California study AFDC recipients were asked to assess the help they received from their caseworkers. The study group was large enough so that

²See also Hyman (1954); Dohrenwend, Williams and Weiss (1969); and Dohrenwend, Colombotos, and Dohrenwend (1968).

black and white caseworkers were able to contact both black and white recipients. The general conclusion was that the "race of the worker, per se, did not make a significant contribution to the amount of 'help' recipients received from the social service" (California Legislature, 1969, p. 10).

PARAPROFESSIONALS:

The shortcomings of matching have become more apparent as a result of experience with indigenous paraprofessionals in the human services. In efforts to find new careers for the poor during the last few years, many social agencies have hired case aides from the area they serve. These indigenous case aides live in the same neighborhood as the client group, generally have the same racial background, and often struggle with the same kinds of problems. Therefore, they are in an excellent position to empathize with and understand the problems of the poor, blacks, and poor blacks - and in fact they often do.

In a study of agency executives' and supervisors' evaluations of paraprofessional performance, it was found that these workers were rated high on their ability to establish rapport with clients. One agency administrator described this ability as follows:

In intake interviewing, paraprofessionals are very good at picking up clues and cues from the clients. They have a good ear for false leads and 'put-ons.' Their maturity and accumulated life experience, combined with firsthand knowledge of the client population, assists the agency in establishing communication with clients rapidly...The new client is more comfortable with a paraprofessional because he or she is someone like the client (Gould, 1969, pp. 5-6).

Reissman (1969, p. 154), however, notes the following difficulties:

Frequently professionals assume that NPs (non-professionals) identify with the poor and possess great warmth and feeling for the neighborhood of their origin. While many NPs exhibit some of these characteristics, they simultaneously possess a number of other characteristics. Often, they see themselves as quite different from the other members of the poor community, whom they may view with pity, annoyance, or anger. Moreover, there are many different "types" of nonprofessionals; some are earthy, some are tough, some are angry, some are surprisingly articulate, some are sick, clever wheeler-dealers, and nearly all

are greatly concerned about their new roles and their relationship to professionals.

Much of the research on nonprofessionals confirms the fact that with close matching, the problems of overidentification and activation or reactivation of problems faced by the worker are similar to those that concern the client. Clients, feeling a deep rapport with workers and anxious to maintain their friendship, may give responses that they think will make them more acceptable. They have an investment in the relationship and do not want to risk it by saying or doing anything that would alienate the worker (Grosser, 1969; Riessman, 1969, p. 154; Sobey, 1970).

If the effects of matching are not invariably advantageous, the effects of difference in cultural background between worker and client are not always disadvantageous. The problem that is created when a worker is identified with one subculture (for example, sex, race, age, color, or class) and the client is affiliated with another is one specific aspect of in-group-out-group relations generally. The worker, because of higher status, may encourage communications from the client. In addition, because of being an outsider, the worker does not reflect in-group judgments. If the client has violated or disagrees with in-group values, this is an advantage. Currently, for instance, a middle-class white-oriented accommodative black client might find it more difficult to talk to a black worker than a white worker.

If clients with upwardly mobile aspirations are looking for sources of identification outside their own groups, contact with a nonmatched worker is desirable. Thus lower-class clients anxious to learn middle-class ways would seek such workers. The fact that workers do not initially understand them may be helpful. In trying to make their situation clear, clients may be forced to look at it more explicitly than before--that is, in explaining it to an outsider, they may explain it better to themselves. Further, clients may feel that white workers have more influence in the community. Thus they may feel more hopeful.

In contrast, however, numerous studies indicate that in most instances some disadvantages derive from racial difference between interviewer and interviewee (Sattler, 1970, pp. 157-60). With white interviewers blacks

are more likely to make acceptable public responses; with black interviewers they give more private answers.

For example, blacks are less ready to share their feelings about discrimination with white interviewers. Carkhuff in a study in which black and white therapists from middle-and lower-class backgrounds interviewed white and black patients from various class backgrounds, found that both class background and race affected the readiness with which patients shared intimate material. They were most open to therapists of similar race and class (Bryant, Gardner, and Goldman, 1966; Carkhuff and Pierce, 1967).

CLIENT PREFERENCE:

Research on client preference does not uniformly support the contention that clients invariably select professionals from their own group. Dubey (1970), for example, offers empirical support for the contention that blacks do not overwhelmingly prefer black workers. Using black interviewers, he asked some 500 ghetto residents questions such as "would you rather go to an agency where the director is Negro or to one where the director is white?" About 78 percent of the respondents said they had no preference. Only 10-11 percent said they strongly preferred a black worker or agency director.

Backner (1970) encountered this problem over a three-year period as a counselor in the City College of New York's SEEK program, established to help high school graduates from poverty areas with problems encountered in college. Eighty percent of the students in the program were black and 15 percent were Puerto Rican. Backner was constantly admonished by students that "A white counselor can never really understand the black experience" and the "No black brother or black sister is really going to talk to whitey." However, the results of a questionnaire completed by about half of the 325 students in the program tended to substantiate the staff's impression that although the students responded negatively to white counselors in general, they reacted differently to their own white counselors. One item asked, "What quality in your counselor would make you feel most comfortable?" Only 12.7 percent of the respondents said that a counselor of the same racial background was the most important consideration. In response to the question "Which SEEK teachers, counselors, and tutors are most effective and helpful to you?" 4.9 percent of the students checked

"teacher, counselor, or student with the same ethnic and racial background," whereas 42 percent checked "those whose ability as teachers, counselors, tutors seems good."

In a subsequent survey all SEEK students, using a mail questionnaire that was completed anonymously and returned by 45 percent of the students, the relevant question was "your own counselor's ethnic background (a) should be the same as yours, (b) doesn't matter." Although 25.3 percent of the respondents answered that their counselors should have the same background, 68.4 percent said it did not matter. Subsequent studies indicated that when students felt ethnicity was important, they were often expressing their feelings about the counselor as a person rather than a white person. However, in another study in which respondents had the opportunity to view racially different counselors via video tapes in a standard interview based on a script, blacks selected black counselors and whites selected whites (Stranges and Riccio, 1970).

Brieland (1969) showed that client preference was dependent on certain conditions. Black and white social work students asked black ghetto residents the following question: "If both were equally good, would you prefer that the (doctor, caseworker, teacher, lawyer, parents' group leader) be Negro (black, colored) or white?" One interesting result demonstrated the important effects of similarity or dissimilarity between interviewer-interviewee pairs. The white interviewers had a significantly larger percentage of respondents who said they had no preference as compared with black interviewers to whom respondents confessed they preferred a black doctor, caseworker, teacher, and so forth. However, only 55 percent of the respondents interviewed by black interviewers said they preferred a black caseworker, and 45 percent had no preference or preferred a white caseworker. The basis for respondents' preference for a black caseworker, other factors being equal, was that a black interviewer was more likely to be interested in their problems, less likely to talk down to them or make them feel worthless, more likely to give them a feeling of hope, and more likely to know the meaning of poverty.

A second question, which introduced the factor of competence, asked respondents to state their preference for a black or white worker if the white worker was better qualified. A large percentage of those who preferred

"equally good" black caseworkers preferred white caseworkers if their qualifications were better. Competence, then, proved to be more important than race in determining black respondents' caseworker preferences.

Barrett's and Perlmutter's study (1972) of black clients' responses to black and white counselors at the Philadelphia Opportunities Industrialization Center - which offers training, placement, and vocational guidance services - supports Brieland's findings. Although black clients preferred black counselors in the abstract (the interviewers in the study were black), actual ongoing client-counselor contact indicated that competence was a more crucial and significant variable than race. However, Barrett and Perlmutter suggest that the importance of matching may be greater when the problems discussed focus on personal concerns rather than on concrete services and when the client initially contacts the agency.

CONCLUSION:

After making the usual cautious provisos about the contradictory nature of the findings, the tentativeness of conclusions, the deficiencies in methodology, the dangers of extrapolation, and so forth, what do all these findings seem to say? They seem to say that although nonwhite workers may be necessary for nonwhite clients in some instances and therapeutically desirable in others, white workers can work and have worked effectively with nonwhite clients. They seem to say that although race is important, the nature of the interpersonal relationship established between two people is more important than skin color and that although there are advantages. Conversely, there are special advantages to racial similarity and there are countervailing disadvantages. In other words, the problem is not as clear-cut as might be supposed.

Not only is the situation equivocal, it is complex. To talk in terms of white and nonwhite is to simplify dichotomously a variegated situation that includes many kinds of whites and nonwhites. For example, interview interaction with a lower-class black male militant is quite different from interview interaction with a middle-class female black integrationist.

Findings like the ones reviewed here are understandably resisted, resented, and likely to be rejected because of the political implications that can be drawn from them. Nonwhite community leaders, in fighting for control of social service institutions in their communities, point to the special advantages to community residents of nonwhite staff and administration. Some studies tend to suggest that the need for nonwhite staff and administration is not that urgent. However, this ignores the current underrepresentation in social agencies of nonwhite workers and administrators, the clear preference of some nonwhite clients for a worker of similar racial background, the fact that many clients need workers of similar racial background as sources of identification for change, and the fact that although white workers may be able to understand and empathize with the nonwhite experience, nonwhite workers achieve this sooner, more thoroughly, and at less cost to the relationship.

CONSENT FOR THE RELEASE
OF CONFIDENTIAL INFORMATION

I, _____ authorize _____
(name of patient or participant) (name of the program)
_____ to disclose to _____
making the disclosure) (name of person or organization)
_____ the following information _____
to which disclosure is to be made)

(nature of information)

Purpose for which information is to be used: _____

I understand that my records are protected under the Federal Confidentiality Regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it (e.g. probation, parole, etc.) and that in any event this consent expires automatically as described below.

Specification of the date, event, or condition upon which this consent expires:

Executed this _____ day of _____, 19____.

Signature of patient or participant

Signature of witness

Signature of parent, guardian, or
authorized representative (when re-
quired, see Book 1, pp. 17 & 20,
Minor and Incompetent Patients)

GLOSSARY OF LEGAL TERMS:

ACCUSATION	the formal statement of the alleged offense filed against the person suspected of a crime. The term "accusation" is often used interchangeably with "charge."
ACQUITTAL	in a criminal case, a decision that the defendant is not guilty.
ADMISSIBLE	describes evidence that is allowed in court.
AFFIDAVIT	a written or printed declaration or statement of facts voluntarily, and confirmed by the oath of affirmation of the party making it, taken before an office having authority to administer such oath.
ALIAS	"otherwise called"; indicating one called by one or the other of two names.
APPEAL	a proceeding by which a case is brought from a lower to a superior court for reexamination or review and reversal.
APPELLANT	the party who makes an appeal from one court or jurisdiction to another.
APPELLATE COURT	higher court which reviews decision of trial courts.
ARRAIGNMENT	the bringing into court of a person accused of a crime so that he can be told what he is accused of. If he pleads guilty, he is sentenced by the judge. If he pleads not guilty, his case is set for trial.
ARREST	taking a suspect into physical custody by authorized persons.
ARREST WARRANT	a legal document issued to make an arrest.
ATTORNEY	another name for lawyer or counsel.
BAIL	money (or a guarantee to pay money) given to a court to obtain the release of a person accused of a crime. If the accused person does not appear for trial, the money is forfeited.
BAILIFF	the uniformed personnel in the courtroom; the court police, so to speak, who are responsible for maintaining order, summoning the jury, giving the oath, and taking custody of the jury during the deliberations. There can be both male and female bailiffs.

BENCH WARRANT	Process issued by the court itself, or from the bench, for the attachment or arrest of a person either in case of contempt, or where an indictment has been found, or to bring in a witness who does not obey the subpoena.
BOND	an instrument which stipulates a sum fixed as a penalty, binding a person to pay same if he does not perform the acts stated in the instrument.
BOOKING	making a record of an arrest at the police station, the suspect is fingerprinted and photographed.
CAPIAS	a writ of execution which commands the sheriff to take the party named and keep him safely so that he may be brought before the court.
CAPITAL CRIME	a crime punishable by life imprisonment or death.
CAPITAL FELONY	a felony offense which the penalty is imprisonment of death.
CHANGE OF VENUE	the removal of a suit begun in one county or district to another county or district for trial, though the term is also sometimes applied to the removal of a suit from one court to another court of the same county or district.
CIRCUMSTANTIAL EVIDENCE	all evidence of an indirect nature. Evidence of facts or circumstances from which the existence or non-existence of fact in issue may be inferred.
CIVIL CASE	a non-criminal case brought by private individuals regarding a legal dispute between them.
CLERK OF COURT	an officer of a court of justice who has charge of the clerical part of its business, who keeps its records and seal, issues process, enters judgment and others, gives certified copies from the records.
CLIENT	one who employs the services of any professional man, such as a lawyer.
CLOSING ARGUMENT	a summary of the facts of the case presented to the jury by the attorneys for both sides.
COMPLAINT	an instrument which charges a particular person of having committed a specified offense.

CONFESSION	a voluntary statement made by a person charged with the commission of a crime, wherein he acknowledges himself to be guilty of the offense charged.
CONTEMPT OF COURT	any act which is calculated to embarrass, hinder or obstruct the court in administration of justice, or which is calculated to lessen its authority or its dignity.
CONVICTION	the term used for a verdict of "guilty."
COUNSEL	another word for lawyer or attorney.
CRIME	the commission or omission of an act specifically forbidden or enjoined by public law.
CRIMINAL CASE	an action against a defendant, brought by the state, charging or alleging a violation of a law, defined as a crime.
CROSS EXAMINATION	the examination of a witness by the attorney representing the opposing side.
DAMAGES	the money awarded to a person because of a loss he has suffered through somebody else's fault. For instance, a court may award damages for a personal injury, for destruction of property, or for the breaking of a contract.
DEED	a signed paper that transfers title to a piece of property from one person to another person.
DEFENDANT	the person or persons against whom a lawsuit has been filed. The term applied in both civil and criminal cases.
DEPOSITION	a written declaration under oath made upon notice to the adverse party for the purpose of enabling him to attend and cross examine.
DIRECT EVIDENCE	that means of proof which tends to show the existence of the fact in question without the intervention of the proof of any other fact.
DOCKET	list of cases waiting their turn to be tried in court.
DOCUMENTARY EVIDENCE	evidence supplied by books and papers that which is legally presented before a court as a statement by a witness; an object or exhibit which helps to establish the point in question.

EXTRADITION	the surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which being competent to try and punish him, demands the surrender.
FELONY	offense punishable by death or imprisonment.
FUGITIVE	one who flees, evades, or escapes from some duty or penalty or from the consequences of a misdeed.
GRAND JURY	a group of citizens that inquires into crimes and makes indictments. Unlike a trial before an ordinary jury, the hearings of a grand jury are secret.
HABEAS CORPUS	generally, a writ requiring that a person be detained or held until brought before a court to determine the legality of his detention.
HEARSAY EVIDENCE	evidence not proceedings from the personal knowledge of the witness, but from the mere repetition of what he had heard others say.
INDICTMENT	an accusation in written form, presented by a Grand Jury to the court in which it is impaneled, charging that a person therein names has done some act, or been guilty of some omission, which by law is a public offense punishable on conviction.
INDIRECT EVIDENCE	evidence which does not actually prove the fact but from which the fact may be presumed.
INITIAL APPEARANCE	at this time the magistrate decides whether the suspect should be jailed until trial or whether he should be released on bail.
INJUNCTION	a judicial process requiring a person to whom it is directed to do or refrain from doing a particular thing.
IN RE	in the matter of.
INTENT	design, resolve, or determination.
JUDGMENT	declaration of the results of the trial entered on record and pronouncement of the legal consequences of the facts thus judicially ascertained.
JURISDICTION	the lawful and statutory right to exercise official authority.
MANDATE	a command order, or direction, written or oral, which a court is authorized to give and a person is bound to obey.

MISDEMEANOR	offenses lower than felonies and generally punishable by a fine and/or imprisonment other than in a penitentiary.
MISTRIAL	a trial that has no legal effect because there has been an error in the proceedings.
MOTION	primarily an application for a ruling or order made orally or written to a court or judge.
MORAL TURPITUDE	conduct contrary to justice, honesty, modesty or good morals.
NARCOTICS	refers to opium or opiate derivatives and pain relieving drugs such as morphine, paregoric, and codeine, or other precursors.
NO BILL	the finding made by a grand jury upon a bill of indictment on the evidence presented before them that there exists no probable cause and dismissing the charge.
OVERRULE	to supersede; annul; make void; reject by subsequent action or decision.
PARAPHERNALIA	in the context of controlled substances, refers to a hypodermic syringe, syringe, needle, or other instrument that has on it any quantity, including a traceable amount, of a controlled substance with the intent to use it for administration of the controlled substance by subcutaneous injection into a human being.
PENALTY	a punishment imposed by statute as a consequence of the commission or omission of an offense.
PERJURY	the willful telling of a lie under oath.
PLEA	a defendant's answer to a legal declaration or charge.
PLEADING	the formal allegations by the parties of their respective claims and for the judgment of the court.
POWER OF ATTORNEY	an instrument authorizing another to act as one's agent.
PRECEDENCE	a prior case decision or a prior legal authority that guides a court in deciding a current case.
PRELIMINARY HEARING	at this time the magistrate decides whether or not there is enough evidence to hold the suspect.

PRIMA FACIE	a fact presumed to be true unless disproved by some evidence to the contrary.
PROBATION	the serving of a sentence outside of prison, requiring the probationer to report to probation officers under such conditions as the court may state.
PROSECUTE	to start legal action against a person.
PROSECUTING ATTORNEY	the lawyer who conducts the government's case against the person accused of crime. He is often called the district attorney or the state attorney.
PUBLIC DEFENDER	the lawyer appointed by the court to defend a person who cannot afford to pay a defense counsel.
REBUTTAL	final arguments between the prosecution and the defense in a trial.
RES GESTAE	declaration uttered simultaneously, or almost simultaneously, with the occurrence of the act; and the explanation of the act by what is said when it happened.
SENTENCING	the formal accounting by the court of the punishment to be suffered by a defendant following his conviction by the jury.
STATUTE	an act of a legislative body; a law.
SUBPOENA	an order directing a witness to appear in court.
SUIT	any civil action.
SUMMONS	to cite a defendant to appear in court to answer a suit which has been initiated against him.
TERM	a fixed period; determined or prescribed duration.
TESTIFY	to make a solemn declaration, under oath or affirmation, in a judicial inquiry for the purpose of establishing or proving some facts.
TORT	a private or civil wrong or injury.
TRIAL	the formal examination of facts before a jury for the purpose of determining guilt or innocence.
TRIAL JURY	sometimes called PETIT-JURY - a group of persons, twelve in a district court and six in a county and Justice of the Peace courts, who are chosen from the local community to hear a trial and then to give a true verdict.

TRUE BILL	the endorsement made by a Grand Jury upon a bill of indictment when they find it substantiated by the evidence laid before them.
VERDICT	the formal decision or finding of a jury following the trial.
WARRANT	a legal document issued by a jury allowing an officer to make an arrest.

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TRAINER'S
MANUAL
(PART II)

INTRODUCTION MODULE

INSTRUCTIONS FOR THE TRAINER:

The introductory section of the manual contains an overview of the P.S.I.R. Project, the history and development of the project state-wide and significant statistical information. The statistics were complete and up-to-date at the time of this writing; they may be up-dated periodically as new information is gathered.

The trainer may wish to add this new information as well as local, regional or departmental statistics to make this training more personalized for the participants.

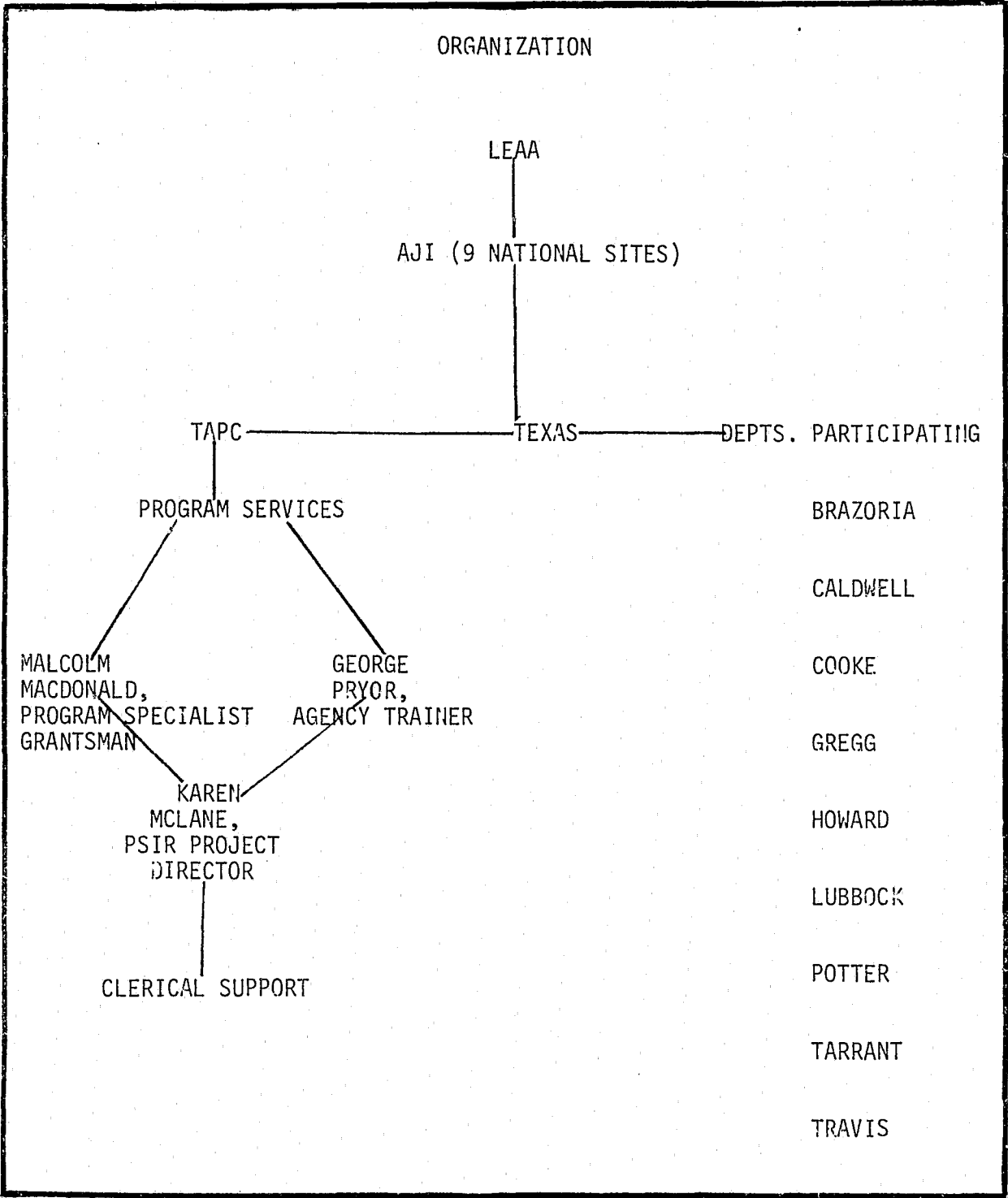
INTRODUCTION:

The Pre-sentence Investigation Report training manual has been written as a model manual. The writers viewed this document as a test product to be continuously revised and evaluated during training sessions. The manual was tailored to meet the needs of local jurisdictions.

The P.S.I.R. Project staff was responsible for the creation of this manual and workshop package. This 18-month project, initiated in November 1979, and sponsored by the Texas Adult Probation Commission, is one of nine national projects funded by the Law Enforcement Administrative Agency (LEAA) and administered by the California based American Justice Institute. The following schematic illustrates how the project was organized within TAPC and which nine adult probation departments participated (Insert I).

The project's purposes included researching the status of P.S.I.R.s in the state, developing and testing experimental products and policies in nine project sites in the state, and most important, improving the quality of P.S.I.R.s in the state. Surveys utilized by TAPC in August 1979 and January 1980, established which departments desired training. A high level of interest issued by probation departments concerning the P.S.I.R. process was discerned. In fall 1980, four regional workshops were held, with over 130 participants from 44 departments evaluating this training package. Evaluations of the training package will be included in a final report to be issued by the American Justice Institute in summer 1981.

INSERT I:



In summer 1979, TAPC Program Specialist Malcolm MacDonald established contact with LEAA and the American Justice Institute. The latter was operating as the monitor of P.S.I.R. grants which LEAA funded. The TAPC, representing the State of Texas, along with eight other national sites (Connecticut; Delaware Co., Pennsylvania; Los Angeles Co., California; Multnomah Co., Oregon; New Jersey; Pima Co., Arizona; Santa Clara Co., California; and Washington, D.C.) was selected as a grant recipient. In fact, the Texas site was one of three state systems selected and TAPC received the largest grant of the nine sites.

In November 1979, a project director and clerical staff were selected to plan and implement the project. A task force representing a wide range of individuals in the criminal justice system plus the chief probation officers and selected district judges from the nine participating sites in Texas met three times during spring 1980. That task force drafted new formats to be tested by the nine departments and recommended P.S.I.R. policy changes. The task force meetings created a forum for the airing of many views on the role P.S.I.R.s play throughout the system. Additionally, the task force members were consulted on format revisions to be made prior to the project's completion. Task force members also assisted the TAPC staff by suggesting training topics, an initial training schedule and additional training.

Throughout the entire project, the project staff has collected data on the use of P.S.I.R.s in the state. In February 1979, a preliminary report was written and a summary presented to the TAPC commissioners. Subsequent statistical reports (including time and cost studies) have been developed as well. In June 1980, the TAPC Information Services division had gathered a year's worth of data on P.S.I.R.s in the state and the following tract is from that work (a supplementary section which is part of the final report was in progress during the publication of this training manual).

SURVEY OVERVIEW/HISTORY:

One of the major functions of the P.S.I.R. project has been to define the accurate survey profile of P.S.I.R. use in Texas.

1979 Results (Pre-Implementation)

Corrections personnel were concerned with rarely receiving the P.S.I.R.s in a timely manner and the wide disparity in P.S.I.R. quality.

District judges felt that P.S.I.R.s significantly affect their sentencing decisions and usually contain the information needed to make sentencing decisions.

District judges were divided on how much detail should be in the report.

The judges ranked P.S.I.R. quality as a average to good.

The majority of judges (80%) felt that P.S.I.R.s should not include sentencing recommendations (an opinion differing from that of probation officers).

The judges were divided (50% to 50%) on whether P.S.I.R. recommendations were consistent.

80% of the judges felt that probation officers should not be involved in the pre-plea negotiations (this differs from the probation officers survey response).

Judges ranked substance use/abuse, prior record, employment, education, physical and mental health, social history, and legal chronology as the most significant P.S.I.R. areas.

When the results are tabulated from district judges, probation officers and corrections personnel, the following P.S.I.R. item areas are ranked most important: prior record, employment, legal chronology, physical health, official offense and substance use and abuse. Ranked as least important are: religion, witness statement, military history, offender's interest and neighborhood.

1981 Results (Post Implementation)

In spring 1981, AJI issued questionnaires to both project task force members and user audiences (probation officers) to measure their responses to the PSIR Project implementation phase. Their comments follow:

When asked whether any specific changes had been observed in presentence reports or in the process since the inception of the project, 65% of the judiciary, 58% of the probation officers, 33% of the prosecutors and 100% of corrections personnel responded "yes".

Fewer judges (100% to 75%) but more probation officers (67% to 68%), more prosecutors (67%) and defenders (60%) thought that PSIRs affect sentencing decisions than those polled last year.

When compared to a year ago fewer judges (29% to 10%) and fewer probation officers (22% to 8%) thought that PSIRs contained extraneous information.

The judiciary, prosecutors, defenders, and corrections personnel ranked the quality of presentation in the PSIR higher than the previous survey with 70% of judiciary, 33% of the prosecutors and 40% of defenders ranking the quality of the reports as good (highest level).

Selection of content material was reviewed by all consumers as better than before the project implementation phase.

The reliability of information was ranked as higher than the year before.

A larger number of all groups except probation officers (75% to 68%) expressed that PSIRs should include sentence recommendations.

1981 Results (Continued)

All of the consumer groups rated timely submission of PSIRs as good (80% to 100%).

Fewer judges (25% to 8%) and fewer probation officers (56% to 28%) thought that probation officers should be involved in the pre-plea negotiation than the year before.

Six problem areas in preparing PSIRs were considered less serious in spring, 1981 when compared to spring, 1980 (pre-trial information, obtaining prosecutor cooperation, organizing report information, writing the P.S.I.R., interviewing skills and arriving at a suitable recommendation). Two areas, juvenile record access and limited preparation time, were ranked as identically serious to the previous year. Only three areas, police report access, criminal history access and offender data verification, were ranked as more serious problems in 1981 and 1980.

The four most serious problem areas encountered by probation officers in preparation of the PSIRs remained: limited preparation time, juvenile record access, offender data verification and criminal history access.

Task force members were given an additional questionnaire which posed points about the incorporation of the task force. The response rate was 70%.

The majority of task force members (75%) perceived the role of the advisory committee. Five percent of the respondents ranked it as both of these responses. Ten percent viewed the committee as either an absolute decision maker or passive advisor. Five percent of the members saw it as both decision-making with absolute and consensual power and five percent did not respond.

A high interest level in the outcome of the project was reflected by 52% of the respondents. Thirty-eight percent had a moderate interest.

The system-wide committee as a vehicle for effecting change was viewed as essential by 19% of the respondents and desirable by 48%.

Forty-three percent of the respondents felt that their agency needs were considered to a maximum degree in product development, while 29% felt that these needs were considered to a moderate degree.

If the final products had been designed by staff without an advisory committee, 24% of the respondents felt that the products would have been significantly different and 43% somewhat different.

Thirty-eight (38%) percent of the advisory committee members were highly satisfied with the experience of being a member of the task force, 43% were moderately satisfied, 10% minimally satisfied; 10% did not respond, and 0% percent were dissatisfied.

A high increase (57%) in the degree to which the committee increased cooperation among represented agencies was recorded. Twenty-nine percent of the respondents noted a moderate increase in this cooperation.

INSTRUCTIONS FOR THE TRAINER:

Refer to Pages 6-31
in trainee's manual

This section of the forms and instructions is also reproduced in the manual for the participants. The instructions on how to fill out are provided so the trainer may go through the items on each of the forms and be prepared to answer any questions or handle difficulties of the participants.

PROJECT PRODUCTS:

Products drafted by the project staff and task force were utilized through March 1981 on an experimental basis at the nine sites. These products include an Information Sheet, (English and Spanish versions), a Standard Operation Procedure guideline, three uniform reports formats, (abbreviated,

standard and comprehensive), a standardized cover sheet, an alcohol-offense P.S.I.R., an assessment package, and a uniform worksheet. The revised copies of these formats with explanations for their use are included at this point.

STANDARD OPERATING PROCEDURE

FOR

THE PRE-SENTENCE INVESTIGATION REPORT (P.S.I.R.)

PACKAGE

INTRODUCTION:

The P.S.I.R. task force members with the support of the TAPC staff developed and endorsed this package for a nine-month testing period at nine adult probation departments located in the state. Each test jurisdiction had the option of selecting which instruments to use and each site provided useful feedback to the project director and TAPC media staff who drafted this package. The following sections will elaborate on how to utilize these formats which have been revised during spring 1981.

INSTRUMENTS DEVELOPED:

Twelve P.S.I.R. tools were created for the total package. These instruments included:

- Information Sheet
- Information Sheet in Spanish
- Uniform Cover Sheet
- Abbreviated Format
- Alcohol Related Offense Format
- Standard Format
- Comprehensive Format
- Uniform Worksheet
- Problem Areas - Optional Form
- Assessment of Probationer Needs - Optional Form
- Assessment of Probationer Risks - Optional Form
- Sentence Guideline - Optional Form

These forms were created in order to be used in a manner the probation officer finds most appropriate. For example, an officer could utilize the Information Sheet (which collects basic data about the defendant), the Uniform Cover Sheet, the Standard Format, a Uniform Worksheet and a Problems Areas Form together. The combinations allow for flexibility and individuality in the treatment of each case for which a P.S.I.R. is completed.

PURPOSE OF EACH & HOW TO COMPLETE:

Information Sheet - The Information Sheet is a data collection sheet to be utilized at the intake stage of the probation process. Once the decision has been made to order a P.S.I.R., the Information Sheet is the first data gathering/analysis option that the officer can use. In conjunction with reviewing pertinent records and interviewing the offender, the Information Sheet can provide the P.S.I.R. reading audience with a more balanced profile of the offender.

The form has been developed as a bilingual form to ease the communication difficulty for the Spanish-speaking offender.

To complete the Information Sheet (page 1): The block to the far right is for coding purposes for each individual department. The block assures a flexibility for matching forms which the department has developed independently. The date and name sections have been standardized throughout the forms for consistency. It should also be noted that the instructions can be read to the offender to clarify any questions which might "crop up."

Each major section of the Information Sheet is patterned to work with the abbreviated, standard, comprehensive formats and the Uniform Worksheet. Blocked sections are exhibited throughout the Information Sheet to signal what section is following - this meshes with the same headings on the aforementioned formats.

Under "1.a. Name" the offender lists the last, first, middle and maiden names. With "1.b." any nicknames or aliases which the offender goes by should be included.

With the criminal history section, the offender should note what offense that he has been charged with. The rest of the section is self-explanatory. Under numbers 4 and 5 the type of offense should be confirmed on the back of page 2 if the list is too long.

Under the reference section, no reference to reputation should be made in either 6.a. or 6.b. - this section needs to remain as objective as possible.

The personal history section is also self-evident. A permanent address (14.a.) is an address at which the offender can always be contacted. Under health, a division of questions has been made. The offender is asked to describe both mental and physical health dilemmas.

With "present offense" the offense as charged is the original charge. The offense type refers to misdemeanor/felony crime type while range of penalty speaks to the issue of type/amount of punishment for specific offense (2-5 years incarceration).

Example:

Co-defendants and dispositions allow the probation officer to outline the "fate" of defendants involved with the offense while the offender's current custodial status is listed at the time of sentencing. The disposition section is left blank until the sentence is handed down, then this section and the like section on the last page of the report form is completed once the report has been used by the judge and specific sentence allocated.

The "comments" section is a section in which the probation officer can list various attachments (such as the Problem Areas Form) which are included in the probation officer's report.

The Abbreviated Format - The Abbreviated Format was used primarily by one site during the implementation phase of the P.S.I.R. project. Its greatest utility was in misdemeanor cases where the turn-around time was limited.

Organized like the longer forms, the Uniform Worksheet and the Information Sheet, the Abbreviated Format divides headings into five sections: Offense, Prior Record, Personal History, Evaluation/Prognosis and Supervision Plan. If an element, e.g. "Employment History" is intrinsic to analyzing an offender's background, then this section should be included under Personal History.

Where the Information Sheet primarily provides material for the Cover Sheet, (except in demographic data) the Uniform Worksheet has all the questions listed that the task force deemed important for P.S.I.R. audiences under each subheading. These items act as a guide for the probation officer in selecting questions during the interview process. It is left to the probation officer to choose the most appropriate questions under these headings.

Alcohol-Related Offense Format - This format except for a subsection under Prior Record which outlines the offender's BAC at time of arrest, past arrests/convictions (which the probation officer can outline on the back of page if answer is "yes"), past rehabilitative measures and

a prime alcohol agency contact person who has previously worked with the offender is identical to the Abbreviated format.

A secondary page is an extension of the supervision plan and it provides the testing documentation that illustrates the level of difficulty the offender has with alcohol.

The Standard Format - The most popular format used by the nine sites was a format entitled the Short Format. This format, now named the Standard Format, has been shortened to three pages and it incorporates the items listed by the P.S.I.R. Prescriptive Package as most vital for decision makers. Personal History and Evaluation/Prognosis are left as the sections to include headings included from the Comprehensive (formerly long) format which might be applicable in a specific circumstance, (such as Education or Employment). Where to place this information and what items to include are left to the discretion of the probation officer depending on what the judge and other P.S.I.R. audiences want.

An addition to this format and the Comprehensive format is the Victim Impact Statement. With recent emphasis in the criminal justice field on the mistreatment of the victim by the criminal justice process, the sites agreed that inclusion of a Victim Impact Statement was mandatory.

The Evaluation/Prognosis section as with the test format is a place to analyze offender strengths/weaknesses and needs/risks. Comments outlined in this area can be footnoted with the comments and attachments.

The standard format, which seven departments used with the most success, has the flexibility to be used in both misdemeanor and felony cases.

The Comprehensive Format - This format, tested primarily at two sites, is the longest of the formats devised. Sections included in it which are not found in the other formats include: Legal Chronology, Home and Neighborhood, Present Interpersonal Environment, Education, Interests and Leisure-Time Activities, Physical Health History, Mental Health History, Employment History, Financial Status, and Resources Available. The Uniform Worksheet is used as the major analytical tool with this format.

The Comprehensive Format is most effective when used in felony cases or in i.e., complicated cases the offender has an extensive psychiatric background.

With employment/financial history the offender can list job training and current job held as well as the offender's previous employment histories. Financial obligations/assets can be listed in the end section of this heading.

A prosecutor's name and phone number was not added to the page since it was obvious that a defendant would not always have access to this information.

The Spanish language version of this form asks the identical questions that the English edition requests. An English-speaking probation officer would have minimum amount of trouble collating information from the Spanish form for this reason.

Uniform Cover Sheet - The Cover Sheet accompanies every P.S.I.R. format which is completed. Its primary function is to operate as an identifying sheet for the P.S.I.R. package. The sheet is organized in such a fashion that all audiences which review and use the P.S.I.R. are capable of identifying significant items such as identification numbers.

The Cover Sheet allows for an optional photograph and an optional thumbprint to be used as identifiers. These were specific suggestions made by the task force members.

The Cover Sheet is organized in such a fashion as to be computer programmed if a department chose to assign an appropriate numbering system. It is also organized in specific blocks similar to the block system used in the Information Sheet, report formats and Uniform Worksheet.

The Cover Sheet is divided into essential court data, defendant description, present offense data, disposition data, and comments section. An attempt is made to use only items of maximum use.

Under "court data" the officer needs to specify which court (221st?) and which judge (county?, district?) is receiving the P.S.I.R. The adult probation department listed should be the central adult probation department in multi-county departments with the satellite department listed in parenthesis. Example:

FROM: Potter (Randall) Adult Probation Department

Date referred and date completed are "timing devised" to discern the speed with which a department complete the P.S.I.R.

Under "defendant description," room has been left to enumerate all the identification numbers a department has for an offender. Character references refer to the same item found on the Information Sheet.

With the Comprehensive Format the probation officer can choose to delineate or expand a particular section or leave a section(s) out entirely as the case is deemed fit.

Uniform Worksheet - With this worksheet, the probation officer can devise any number of variable P.S.I.R.s. Starred questions throughout the worksheet are of special interest to the Texas Department of Corrections and the Board of Pardons and Paroles. The worksheet serves as a checklist for the interview and record check.

Additionally, by asking the most essential questions that the task force posed, the questions and sections are organized in a coherent manner; the worksheet provides equal space to sections like the Defendant's Version and the Police/Court Version so an oversight or lack of objectivity does not occur. It is not absolute that the probation officer fill out every blank or answer every question.

Legal Chronology and Offense are fairly obvious sections. The Prior Record division allows for pre-trial experiences to be noted whereas, in the past, this was not always the case.

Personal History is easily explainable. In many jurisdictions, the juvenile history will not be of as great consequence as the adult history but both have been included in the Worksheet.

Under Home and Neighborhood, residential stability outlines how long and how successfully the offender has existed in a particular neighborhood. "Living arrangement" under Present Interpersonal Environment refers to what kind of relationship/familial constellation the offender is involved in (include family, cohabiting, separation, etc.)

With Education, the subsections ask for detail on both academic and vocational pursuits. Defendant's associates and their reputations allow the probation officer to make judgment calls if so inclined.

Under Physical Health History remains the physical condition/description which is included on the cover sheet. A subsection on substance use/abuse is also described.

An entailed Mental Health History section is included so a psychological attachment can be used for documentation purposes.

Employment History and Financial Status are to the point. Numbers three under both headings ask for subjective opinions, one from the employer, the other from the probation officer. In such a case, the probation officer must document the opinion as his own or whom-ever's. It is not professional or ethical to write "John Doe is a shiftless bum," unless said statement is verified and documented. The Victim Impact Statement allows for two victims to be listed and issues an attachment page for additional victims. Numbers 12-15 deal directly with a defendant's or co-defendant's ability/willingness or liability to pay.

Resources Available is a guideline for the probation officer when preparing the supervision plan and potential recommendations for probation. It can be used as a guide of whom to refer the offender to (MH/MR) in the future or in extreme cases, immediately.

The Evaluation/Prognosis section is the most subjective section of the worksheet and, thus, for the entire P.S.I.R. package. Weaknesses and strengths are noted here with the probation officer given room to make judgment calls (as long as they are "backed up").

Finally, the Supervision plan devises an approach for corrections or rehabilitation and an adequate restitution package (payment plan). The Recommendation section remains optional.

Problem Areas (Optional Form) - This form with needs form and the risks form developed the basis for an attachment package to be utilized optionally as the probation officer or judge sees fit. The forms were inspired by the revised Case Classification formats and an interface between the two services, Case Classification and P.S.I.R. is a probability for departments which deserve to simplify the data collection.

The Problem Areas form exacts what problems the offender is experiencing, whether the offender should be referred to a resource at this point, how constant is the offender's attitude toward the problem(s) and which services are appropriate for the defendant. This serves as a sounding board for the judge, personnel, TDC or BPP staff when each designs a treatment scheme.

Assessment of Probationer Needs Form is used in conjunction with the Risks Assessment form and the Problem Areas attachments. No scoring is done but the probation officer is given the chance to discern at what level ranging needs of the offender exist.

These needs are broken into specific categories with gradations in order that the probation officer can judge the levels of need the offender has along a continuum.

The assessment of probation risk form outlines the potential of risk found in the offender. Again, this form is not plotted along a numerical line but allows the probation officer the discretion to make preliminary decisions vis-a-vis the Supervision Plan and Recommendation sections.

This form like the Problem Areas Form and the Reassessment of Needs form can be utilized as the initial assessments prior to Case Classification. Information gathered at this point in the criminal justice process can be used for the P.S.I.R. and supervision referral decisions if the offender is placed on probation.

The concluding optional form was endorsed by the State Bar as a sentencing guideline for judges in the state to implement. It can be used as a blank attachment for the judge to complete after the P.S.I.R. is read and evaluated. The crime score and offender score are combined in a matrix in order to determine the type of sentence. It should be noted that the P.S.I.R. task force did not endorse the religious component which is found on the guideline but a department which wanted to include this element on the P.S.I.R. could easily do so.

Obviously, the P.S.I.R. package as it is now designed can be processed in a number of innovative ways which provide organized answers to the multitude of questions which the P.S.I.R. audiences pose during sentencing and including sentencing alternatives.

INSTRUCTIONS FOR THE TRAINER:

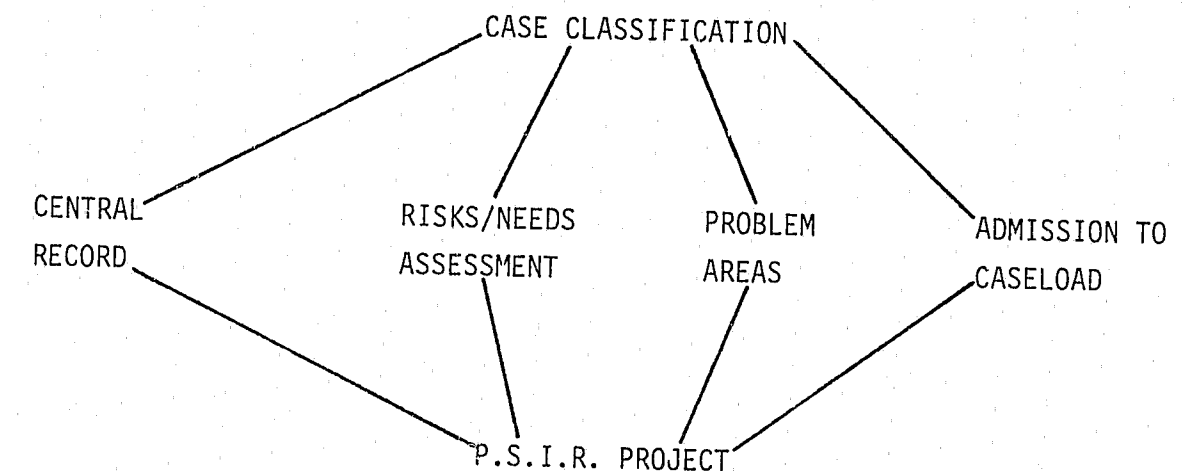
The section to Case Classification Linkages is included as one of the optional aspects of the P.S.I.R. training. If the trainer elects to cover this material, he should be familiar with both the PSIR and Case Classification Projects. The trainer is also cautioned not to approach this linking process as a mandate or command for either project. The module says quite clearly that there are similarities and connectors between the two, but one does not replace the other; however, one can be accomplished without the other. The trainer should convey the concept that P.S.I.R. work can be aided with the assessment instruments of Case Classification.

Finally, the trainer should be sure that the participants, if they are going to use both systems, be thoroughly familiar with Case Classification and its purposes.

CASE CLASSIFICATION LINKAGES:

Another goal of the P.S.I.R. Project was to explore the linkages between this project and the Case Classification Project (also sponsored by TAPC). This linkage approach was connected directly to the hypothesis that one system of products/forms was better than two when analyzing the amount of paperwork a probation officer generates.

INSERT II:



INTRODUCTION:

The interconnections between the P.S.I.R. process and Case Classification Project are apparent. Obvious linkages exist between the systems. It is the opinion, however, of TAPC and the American Justice Institute, that the two programs should be kept separate at this time.

The goals of the P.S.I.R. and Case Classification are different. The P.S.I.R. deals directly with sentencing while Case Classification assumes sentencing has occurred and supervision is the main goal. To distinguish:

The Case Classification is used in 28 adult probation departments in Texas as a centralized information gathering system for the Texas Adult Probation Commission and participating departments. The project is utilized by several probation departments but its usage is not as widespread as the use of P.S.I.R.s by departments in the state.

The P.S.I.R. is an in-depth analysis of an offender which combines factual and subjective information into a report format for sentencing purposes used by 50 adult probation departments in the state. Whereas, the P.S.I.R. can be a narrative and/or fill-in-the-blank format, Case Classification forms are designed for computer processing. Narrative summaries as found in P.S.I.R.s (especially personal histories) are difficult if not impossible to place on a computer program.

The Case Classification format cannot completely replace the P.S.I.R. or vice versa, although material can be borrowed between the sources, as will be illustrated.

Thus, the following section is to be applied as a guideline. If a probation department is part of the Case Classification pilot project and that department performs Pre-Sentence Investigation Reports, these suggestions may be of extreme relevance.

GUIDELINES:

The Central Record contains factual material which can serve as the basis for the uniform P.S.I.R. cover sheet. Although not all of the Case Classification Central Record material is appropriate to the P.S.I.R. cover sheet (supervision level, for example), pertinent information is available in that form.

The Central Record can also be used for general P.S.I.R. statistics kept and analyzed by the individual probation department. The number of P.S.I.R.s done monthly can be categorized according to recommendation suggested, probation officer doing the report, crime type and disposition. By analyzing these categories a department can determine the impact of the P.S.I.R. on cases over time.

The Assessment of Probationer Risks and Assessment of Probationer Needs can be attachments to the P.S.I.R. when a treatment plan is described. These sheets which objectify areas where bias may occur can also be used as a resource base when composing the report. A Reassessment of Probationer Needs sheet could be attached or utilized as a resource base if the probation was revoked. This is significant to the P.S.I.R. in that this attachment could be added to the P.S.I.R. which is sent as part of the Incarceration Report at time of revocation. The Assessment of Probationer Needs at Termination sheet would be irrelevant to the P.S.I.R. unless the probationer committed another offense and the earlier P.S.I.R. was consulted.

The Problems Area sheet could be used as an attachment sheet or resource base when the probation officer seeks specific referral assistance or is determining a plausible treatment plan.

The Admission to Adult Field Caseload coding sheet has material within it which could be used as an immediate coding sheet when the initial client interview occurs. Living arrangement, number of dependents, support payment status, veteran status, amount of time employed, current job status, last grade completed, number of final convictions, probationers and incarcerations -- all of these categories could be part of the interview segment of P.S.I.R. process. The results could be integrated into the specific sections of the P.S.I.R.

CONCLUSION:

A final admonition, however: it takes hard work to master P.S.I.R. writing and to correctly finish the Case Classification package. Before an individual embarks on a journey to mix and match the two, he must be well versed in both procedures. The content of one can supplement the other or can aid the probation officer in completing a form. Such work can provide an awareness of areas to investigate further.

INSTRUCTIONS FOR THE TRAINER:

The LEAA Prescriptions are included to make the participants in the training familiar with the recommendations developed nationwide for P.S.I.R. work. The trainer should allow time, during or after hours of training, for the participants to read through the prescriptions.

During the actual training time, the trainer should engage the participants in a "comment/reaction" type of discussion. Keep the discussion within the larger group and be especially aware of negative opinions, particular local contradictory practices, and local judicial commands which may make a particular prescription to fulfill.

There is no general answer to these difficulties but the trainer should be particularly sensitive not to impose a prescription as a command. The negative opinions which may be expressed can be used by the trainer to develop an in-depth discussion and draw out most of the participants in the training.

PRESCRIPTIONS:

In addition, the task force and the project sites reviewed the recommendations concerning P.S.I.R.s in the Prescriptive Package Handbook-PreSentence Report (PPH-PR), funded by LEAA, and authored specific P.S.I.R. policies found on page .

Fifty-six of sixty-four LEAA prescriptions were endorsed without question by the P.S.I.R. task force. The fifty-six endorsed recommendations are listed, with the eight non-endorsed prescriptions and the task force's explanations on page 19.

These 64 prescriptions were divided into several categories by the author. Categorizing the prescriptions as follows is helpful:

Categories:

Multiple Pre-Sentence Report Formats & Content: Nos. 1-15 (12, 13 not endorsed by task force).
The Conditions of Probation: Nos. 16 and 17.
A Plan for Probation Supervision: No. 18 (No. 19 not endorsed by task force).
Purpose of P.S.I.R.: No. 20
Cases requiring P.S.I.R.s: No. 22 (No. 21 not endorsed by task force).
Resources: Nos. 23-28.
Organizational Administration: Nos. 29-40 (No. 41 not endorsed by task force).
Management of P.S.I.R. activities: Nos. 42-47 (No. 44 not endorsed).
Timing for Investigations and Reports: Nos. 49-50 (No. 48 not endorsed).
The Use of Non-Professionals: No. 52 (No. 51 not endorsed).
Confidentiality: Nos. 53 and 54.
Case Records: Nos. 55-60.
Standard Operating Procedure: Nos. 61-63.
Code of Ethics: (No. 64 not endorsed).

These recommendations are thought-provoking, and more important, of some use to departmental staff in organizing the department's P.S.I.R. functions.

EXERCISE I:

The trainer and participants review several prescriptions for questions and discussion (15 minutes).
The trainer asks workshop participants to look over all prescriptions by the second day in order that the participant can discuss additional points of interest.

Accepted: LEAA Prescriptive Package Recommendations endorsed by task force:

1. Individual criminal justice jurisdictions should design several gradations or varieties of pre-sentence report formats and contents to meet the explicit needs within the jurisdiction and to respond to varying needs for data about different offenses and/or offenders. These different reports must meet the specific needs of the court and, where possible, the needs of correctional agencies and other criminal justice organizations should collaborate in the design of pre-sentence reports formats.
2. The design of multiple pre-sentence report formats and content is primarily a module building exercise. A standard report which includes "x" major area of interest and "y" levels of detail should be created for the jurisdiction. This standard report should be used most of the time. For a variety of explicit reasons (most likely centering upon unusual offense, offender or circumstances surrounding the case), additional areas of interest or levels of detail may be specified for inclusion in an expanded report.
3. In designing multiple pre-sentence report formats, criminal justice jurisdictions should determine the general areas of unforeseen as essential about the offense and the offender, and the amount of detail required in each of those areas. Thus, there is a requirement for identifying subject areas of interest and the levels of detail about those subject areas.
4. Although pre-sentence reports are tailored to meet the needs of the individual criminal justice jurisdiction, they normally should include some comment about the following areas: description of the offense, prior criminal record, personal history, evaluation, and recommendation.

5. The narrative portion of the pre-sentence report should be arranged topically.
6. The sentencing court, in collaboration with the probation organization, should set guidelines specifying which pre-sentence report format is to be used in particular types of cases.
7. At the discretion of the probation organization or the direction of the court, the pre-sentence report should be expanded to address unusual circumstances surrounding the offense, the offender or community reaction and concern.
8. The sentencing court, in collaboration with the probation organization, should set guidelines specifying the conditions or circumstances which warrant expansion of a pre-sentence report.
9. Data presented in the pre-sentence report should be verified; unverified information should be identified as such.
10. Pre-sentence reports should contain those data which are relevant to judicial dispositional decision-making. "Nice-to-know" information should not be included in pre-sentence reports. The information provided the court both in terms of format and detail should be tailored to meet the sentencing alternative available.
11. One standardized cover sheet (or fact sheet) should be designed by the criminal justice jurisdiction. It should contain a minimum amount of data--primarily information for identification or quick reference such as docket number, offense and date of sentencing. The data included should be agreed upon by the Court and the probation organization. The cover sheet is not a substitute for the pre-sentence report; cover sheet data generally should not be repeated in the report itself.
14. When the probation organization recommends to the sentencing court that probation be granted a conviction offender, it should be with the understanding that probation is a sentencing disposition which places an offender in the community under supervision.
15. In making a recommendation for or against probation, the probation organization should not be influenced by plea or sentence bargaining commitments.
16. The conditions of probation should be definite, few in number, realistic, and phrased in positive rather than negative terms.

- The conditions are neither vague nor ambiguous.
17. As part of a pre-sentence report, recommend the need for special conditions of probation, if any, and recommend that these special conditions be appended to the conditions of probation.
 18. A plan for supervision of individuals selected for probation should be developed during the pre-sentence investigation and included as part of the pre-sentence report.
 20. The primary purpose of the pre-sentence report should be to provide the sentencing court with relevant and accurate data in a timely fashion so that it may select the most appropriate sentencing alternative.
 22. For cases other than those involving incarceration, the court should have discretion to request that the probation organization prepare and present a pre-sentence report to the court.
 23. All sentencing courts should be provided with probation resources which permit accomplishment of pre-sentence investigations and written reports.
 24. An adequate number of qualified probation staff or proportion of staff time should be assigned to the pre-sentence function.
 25. Adequate support staff and related resources should be allocated to the pre-sentence function.
 26. The probation organization should have a space management program which insures adequate facilities for all its operations.
 27. The facilities and the space management program of the probation organization should insure that pre-sentence activities are conducted at locations that are readily accessible to the subjects of these activities.
 28. Probation personnel should be reimbursed for all necessary expenses incurred in the performance of their duties.
 29. The operations of the probation organization should be free from improper political influence.
 30. Responsibilities and functions of the probation organization should be specified by statute, rules of the court, the parent correctional agency or, in their absence, by the organization itself.

31. The authority and responsibilities of the administrator of the probation organization should be specified by statute, rules of the court, the parent correctional agency or, in their absence, by the organization itself.
32. The administrator of the probation organization ultimately should be held responsible for all that his organization does or fails to do. This responsibility cannot be delegated to subordinates.
33. The administrator of the probation organization should be responsible for coordinating the development and formulating the goals of the organization, establishing policies and priorities related to them, and translating the goals into measurable objectives for accomplishment by probation staff.
34. All operations of the probation organization should be assessed for results by the administrator of the organization or his designated representatives. Assessments should be done through inspections and reviews of policies, procedures and data.
35. Assignments and duties in the probation organization should carry with them the commensurate authority to fulfill the responsibilities. Persons in the probation organization to whom authority is delegated should be held accountable both for the use made of it and for the failure to use it.
36. Tasks, similar or related in purpose, process, method, geographic location or clientele, should be grouped together in the probation organization in one or more units under the control of one person.
37. Specialized units should be created in the probation organization only when overall capability would be increased significantly.
38. The span of control of a supervisor in the probation organization should be large enough to provide cost effective supervision; however, it should not be so large that the supervisor cannot manage the units or personnel under his direct control.
39. Effective supervision should be provided for every member of the probation organization and for every function or activity.
40. The probation organization should have legal counsel available.
41. The probation organization should have a public information/relations

- program which includes the development and distribution of information about the department, its philosophy and operations.
42. The administrator of the probation organization should be responsible for the organization and management of the investigation and reporting functions so as to effectively and efficiently provide pre-sentence services to the court.
 43. The administrator of the probation organization should insure that appropriate priority is assigned to the timely completion of pre-sentence investigations and reports with minimal adverse effect upon the delivery of other probation services.
 45. The conduct of pre-sentence investigations, report preparation and selection of sentencing recommendations for the court should be subject to ongoing supervision and review by the administrator of the probation organization.
 46. The probation organization should insure that effective coordination and communication exist with agencies in the criminal justice system and with other public and private agencies and organizations which can impact upon the organization's delivery of services to the court and to probationers. These agencies and organizations include but are not limited to, labor unions, churches, schools, civic groups, social service agencies, and employment services.
 47. In those cases where confinement of the adjudicated offender or special community treatment is ordered, probation organization procedures should insure the timely transmittal of pre-sentence report data to the institution or community treatment agency.
 49. The probation organization should be given sufficient time by the court to conduct an adequate pre-sentence investigation and prepare an appropriate report.
 52. Probation officers should be released from routine clerical and record keeping duties through assignment of clerical personnel, paraprofessionals and volunteers.
 53. Sentencing courts should have the discretionary power to permit inspection of the pre-sentence report by the defendant and his counsel, the prosecution, and others who have a legitimate and

proper interest in its contents.

55. The probation organization should have written policies and procedures concerning case record management.
56. The probation organization should maintain a single master index system identifying active, inactive, transferred and destroyed case records.
57. The probation organization should insure that the contents of case records are appropriately separated and identified according to an established format.
58. The confidentiality of pre-sentence reports and case records should be safeguarded from unauthorized and improper disclosure. Written procedures should be developed to prevent unauthorized disclosure.
59. The probation organization should have policies concerning the security of, accessibility to, and destruction of case records.
60. The probation organization should insure that the materials and equipment utilized for the maintenance of case records are efficient and economical.
61. The administrator of the probation organization should be responsible for the development and maintenance of an administrative manual or "standard operating procedure." The manual should be available to all staff and include the rules, regulations, policies and procedures which govern the conduct of probation operations and staff activities and behavior.
62. All policies and procedures of the probation organization should be written and be reviewed at least annually, or more frequently, as appropriate.
63. Policies and procedures of the probation organization should be known by employees and controls should be established to insure compliance.

Not Endorsed:

12. The probation officer should make a recommendation for/against probation to the court on every case. The recommendation should be in accord with general probation organization guidelines and policies.

13. Probation organization guidelines for P.S.I.R. recommendations should discourage imprisonment and encourage probation as the recommended disposition.
Task Force Reaction: Guidelines should not be for/against probation. Depending on the type of offense and what number offense (1st, 2nd, 3rd, etc.)
19. Innovative alternatives to traditional sentencing dispositions should be sought during PSIR.
Task Force Reaction: Are funds available? Resources should be identified and given to judge for consideration. Could be used in supervision plan suggestion.
21. A P.S.I.R. should be prepared by probation organization and presented to court in every case in which there is potential sentencing disposition involving incarceration for one year or longer.
Task Force Reaction: Not economical to prepare in every case. Waste of time for minor offenses. Perhaps, a form could be filled out for all felony cases.
44. The probation organization should be help responsible for P.S.I.R. conduct. Written guidelines should be provided for staff. A clear policy indicating who signs the P.S.I.R. should be articulated.
Task Force Reaction: Individual officer is responsible but department also takes responsibility. A uniform pattern should be set by the probation director and adhered to.
48. A P.S.I.R. should not be conducted nor prepared until the defendant has been adjudicated guilty of an offense unless the defendant allows it before adjudication, the defendant is incarcerated pending trial, adequate precautions are taken to assure that information disclosed by P.S.I.R. is not released prior to adjudication.
Task Force Reaction: Didn't feel comfortable requesting P.S.I.R. before defendant adjudication. P.S.I.R. should be a pre-report and not a plea bargaining tool. Number one point acceptable to part of the task force.
51. The probation organization should use other than probation officers to collect the basic, factual information during P.S.I.R.
Task Force Reaction: The probation officer should do all the work and be held accountable. Depends on size of department.

64. The probation organization should have a code of ethics developed by those personnel who are subject to its provisions.

Task Force Reaction: The Code of Ethics might be more objective if written by an outside party.

In addition to working with the LEAA P.S.I.R. recommendations, the task force suggested specific policy and procedure ideas which departments might implement with departmental operation surrounding P.S.I.R. usage. The list of those policies follows:

P.S.I.R. Policy Recommendations

The Texas Pre-Sentence Investigation Report Project task force endorsed the following policy recommendations:

- Use an objective evaluation worksheet with P.S.I.R.;
- On the docket, separate the P.S.I.R. from probation/state file and place it in a separate basket in the responsible court;
- Establish an intern/volunteer program for P.S.I.R.s and have a written policy about it;
- Victim program/community service program; a written policy on how to integrate this program with P.S.I.R. procedures should be available;
- Have a staff or consulting psychiatrist/psychologist to work with P.S.I.R. development;
- Supervision plan policy with P.S.I.R.s should be written i.e., if a specific supervision option is selected in the P.S.I.R. for defendant, is there a written administrative policy for what steps to take;
- A written policy on what criminal justice and treatment agencies to contact during P.S.I.R. process should be available in the probation department;
- A written policy should be available on which individuals/institutions to contact for P.S.I.R. interview purposes;
- A separate unit for P.S.I.R.s should be established if possible; if not, experiment with team approach or rotation;
- Maintain consistent written policy on the P.S.I.R.s that are sent to Texas Department of Corrections/Board of Pardons and Paroles;
- A consistent transfer policy for P.S.I.R.s should be available from the probation office (the Texas Probation Association adopted a similar proposition in spring 1980);
- A P.S.I.R. form distribution check-off list and investigation task check-off list should be made available to officers;
- The job description of officer personnel should reflect P.S.I.R. role(s);
- A training curriculum for newcomers and tenured personnel should include P.S.I.R. modules;
- A packet of P.S.I.R. related forms should be shown and explained to new personnel. Tenured personnel should be made aware of any change;
- A flow chart/diagram of P.S.I.R. process should be in the office and a narrative of that flow chart should also be available on obtaining disclosing information in P.S.I.R.;
- Written restitution policy should be available in the probation offices to offender and to staff;
- A Client Information Sheet should be available in the office in bilingual form, if it is useful.

CONTINUED

2 OF 3

INVESTIGATION MODULE

INSTRUCTIONS FOR THE TRAINER:

The exercise designed for the Investigative Strategies module uses the Tarrant County strategies as an aid for the participants to build their own step-by step process of the path for the P.S.I.R. and to do this within the training session.

The trainer should point out to the participants the origin of the module strategies (from Tarrant County, used with their permission) and point out that it is a model to serve as a basis and guide for discussion. Divide the participants in manageable groups, three to six participants in each group depending on the size of the whole group, and instruct each small group to develop their own model strategy within a time limit of approximately 20 to 30 minutes. Encourage them to share their experiences, state what their own process may be within their home departments or to be creative based on an ideal they would like to see in setting the steps for the P.S.I.R. process.

Examples of the products from other training sessions are included in the manual as further aids to the small group discussion.

The trainer should provide space within the training session for the small groups to meet and circulate among the groups to insure that discussion is on target and be available to answer any questions the participants of the small groups may have regarding the purpose or product of the discussion.

GROUP EXERCISE:

Small probation officer groups (three-five people) review the Tarrant document and devise their own investigation process. This exercise allows the participants a chance to compare the process as it differs between jurisdictions and, specifically how the management organization and the rural or urban inclination of the department can determine how an investigation process occurs.

TARRANT COUNTY FORM PROCEDURE FOR INVESTIGATION

1. During the pre-trial calling of the docket, the judge advises all present that if the defendant will be requesting a probated sentence, he must first complete an Application for Probated Sentence form.
2. At this stage, the attorney for the defendant signs a DC-143 form, Application for Probated Sentence, which is obtained from the court clerk. The attorney is then given a form AP-128, Defendant's Personal Data Sheet (or a Client Information Sheet) by the Adult Probation Department court officer and is requested to complete it.

3. The AP-128 is completed by the defendant and submitted to the court officer who schedules an appointment for the defendant to be interviewed by the court officer. Once the DC-143 is completed, it is filed with the court clerk.
4. The court officer then requests a copy of the related offense report(s) from the secretary assigned by the District Attorney's office to the court. While this is being done, the officer enters the defendant's name in the computer, using information contained in the Data Sheet, to pull up information concerning the defendant; i.e., IDX1/, ID01, CLST, CASE.
5. Federal Bureau of Investigation (FBI) and Department of Public Safety (DPS) rap sheets are next requested through the Identification Bureau of the Sheriff's Department.
6. Depending on the information supplied by the Identification Bureau, the officer would request the District Attorney's Office to teletype the DPS, Austin, for a computerized listing of all known offenses committed by the defendant.
7. If the defendant has a record not reflected by the rap sheets, but the teletype information indicates an arrest, a telephone call is made to Austin to learn the particulars of the defendant's prior criminal activity.
8. A local check with area Police Department Identification Sections is made to obtain information concerning the defendant.
9. It is preferable to schedule the defendant interview after the criminal records have been obtained; i.e., offense report(s), FBI and DPS rap sheets, NCIC and TCIC teletype information and other law enforcement agency inquiries.

INVESTIGATION EXERCISE STRATEGIES FROM PSIR WORKSHOPS:

I.

1. Order from the court.
2. Defendant and attorney consent to P.S.I.R.
3. Compile required data - application, personal data, copy of TCIC, NCIC, offense report, information sheet.
4. Make appointment with defendant.
5. Interview defendant.
6. Verify information obtained.
7. Write report and submit it.

II.

1. P.S.I.R. is assigned by court.
2. Interview defendant immediately after court - collect statistical material; defendant's version of offense.
3. Complete data sheet on defendant. Make collateral contacts: relatives, attorneys, neighbors, etc.
4. Obtain all offense material (medical information, any other reports needed), i.e., rap sheets, DPS, school records, juvenile records, testing.
5. Second interview - to discuss information obtained thus far (can be home visit) - go over all information obtained.
6. Organize pertinent information.
7. Prepare written report. Use the form ordered by judge, i.e., long or short P.S.I.R.

III.

1. Obtain release of information.
2. Have an interview/information sheet filled out.
3. Send for all information that will take the most time to obtain.
4. Obtain records from law enforcement agencies.
5. Interview client.
6. Interview all family, victim(s), neighbors, and all interested parties.
7. Interview and verify employer/places of employment.
8. See client again.

IV.

1. Remain the same as the Tarrant Co. outline - some departments are involved, others are not in the completion of forms, etc.
2. P.S.I.R. ordered by judge with time limit given.
3. Defendant taken immediately for preliminary interview - release of confidential information form - in-depth interview scheduled.
4. Collect rap sheets and other written reports from whatever sources are available.

5. Secondary interview appointment. Obtain in-depth information.
6. Verification of defendant's information - home visit interviews - telephone calls.
7. Any scheduling of additional tests and inquiries, i.e., psychological and educational or vocational.
8. In the instance the services are needed, set up a third appointment.

V.

1. Judicial request P.S.I.R. following the adjudication process. An application is made by the defendant for probation, release form signed.
2. An appointment is set for P.S.I.R. in office, police department, or other office. Interview.
3. Obtain rap sheet, offense reports, etc.
4. Follow up main interview in office.
5. Immediately get all pertinent records such as military, school, medical, etc.
6. Rough draft - discussed with supervisor/judge.
7. Final report - proofread and have it approved.

VI.

1. Obtain basic face sheet/data sheet.
Initial general information interview.
Release forms signed.
Set up appointment for in-depth interview.
2. Gather prior arrest information: Sheriff's Office, DPS, FBI.
3. Second interview - in-depth.
His version of offense.
Family
School
Employment
4. Verification of information.
Contact with victim
Contact with family
Contact with employers
Contact with school
Contact with law enforcement agencies
Home visit
DA and defense attorney

VII.

1. Complete form for probation.
2. Found guilty.
3. Judge requests P.S.I.R.
4. Review offense report.
5. Obtain criminal history record.
6. Interview defendant.
7. Follow-up for documentation and verification (e.g., school, employment, military, etc.) Schedule testing.

8. Compile information.
9. Case conference.
10. Final report.

VIII.

1. Docket call.
2. Fill in client information sheet after plea.
3. Court information from DA's file and/or District Clerk's file - planning.
4. Criminal information - as much as possible as soon as possible.
5. Initial interview - could be immediately.
6. Second interview - depending on county.

IX.

1. After the defendant is adjudicated, the judge orders the probation department to prepare a P.S.I.R., with a few exceptions of being asked by the judge to prepare a P.S.I.R. prior to adjudication.
2. Defendant will then go to the probation department and fill out necessary forms and sign necessary papers.
3. Set appointment for initial interview.
4. Interview.
5. Mail out request for information to DPS, FBI, VA, etc.
6. Contact law enforcement agencies, witnesses, victim(s), character referenced.
7. Second interview.

X.

1. Probation officer has no prior contact with defendant before adjudication.
2. Prior to adjudication, all forms and applications are signed by defendant and his attorney and state's attorney.
3. After adjudication and judge's request for P.S.I.R., the defendant is turned over to the probation officer or court officer.
4. Request that defendant fill out data sheet to get data for interviews.
5. Prior to initial interview obtain criminal history information (DPS, FBI, etc.).
6. Initial interview.

XI.

1. Judges order the District Attorney to take defendant to police department.
From there an appointment is set up for later date for pre-sentence.
If judge sends a defendant down, automatic P.S.I.R.
2. Release to get medical, psychological evaluation prior to interview.

3. Probation office should keep application as opposed to having it filed in clerk's office.
4. Automatically obtain the file from District Attorney after adjudication.

XII.

1. Application.
2. Trial - determination of guilt - after found guilty contacts with probation officer for data sheet.
3. Judge may assign Pre-sentence Investigation.
4. Request information first, then interview defendant.

XIII.

1. Application for probation.
2. Attorney given data sheets and aids in completion thereof prior to initial interview.
3. Appointment scheduled with probation.
4. Obtain District Attorney's folder and xerox pertinent information.
5. Follow-up on supplements to NCIC, TCIC and DPS/FBI rap sheets.

XIV.

1. Begin by monitoring the trial docket list by gathering criminal histories, victim information and communication with District Attorney's Office.
2. At the point the District Attorney indicates a pleas of probation, a client information sheet will be issued to be completed and returned to the probation department.
3. Contact the defense attorney for interview with client.
4. Follow-up all information.
5. Prepare actual document.

XV.

1. Form is filled out during pre-trial requesting probation.
2. Informed from judge that a P.S.I.R. is requested by a letter and gives the defense attorney's name.
3. Either go see him in jail or call his attorney to set up an interview in the office.
4. An interview is conducted and all information on personal background is taken.
5. Letters are sent out if out-of-town information is needed to be verified as to employment, character witnesses, schooling and military/health records.
6. A check is run on the person through NCIC, DPS, Probation Department and local police department and FBI and rap sheets are requested. Offense report is acquired.
7. Verify all in-town information on schools, employment, character references, etc.

8. Information is compiled and written up; if any major discrepancies or questions needing more information arise, have another interview with person and write up the P.S.I.R.
9. Submit for approval to court officer and then submit to judge.

XVI. COMBINATION STRATEGY:

Any of the above strategies can be combined with each other in order to devise a strategy most appropriate to a particular judicial district and probation department.

For example:

1. P.S.I.R. is assigned by court.
2. The defendant applies for probation.
3. The defendant and attorneys provide consent forms for release of information.
4. An appointment for interview or data collection (Client Information Sheet) is set with the defendant by a member of the probation department.
5. Defendant fills out information/data sheet.
6. Specific probation officer is assigned to write the P.S.I.R..
7. The probation officer contacts resources such as military records center which will take time to get information from.
8. The probation officer obtains records from DPS, NCIC, TCIC and other law enforcement agencies.
9. The probation officer interviews family, friends, victims, neighbors, employers, co-workers, and offense witnesses as pertinent to the case.
10. Defendant is interviewed by probation officer who is familiar with records and interviews.
11. If appropriate, test or counselor appointments are made by the probation officer for the defendant. These appointments are concerned with vocational, educational, health or psychological needs of the defendant.
12. The material collected is organized and verified.
13. Rough draft of the P.S.I.R. is written.
14. A second interview with the defendant is held to check the rough draft for accuracy or to obtain additional information from the defendant to resolve discrepancies.
15. A final P.S.I.R. copy is prepared and given to the probation/court supervisor for sign-off.
16. The judge receives the P.S.I.R..

INTERVIEW MODULE

INSTRUCTIONS FOR THE TRAINER:

The Interview Module is designed to allow the participants to view video tapes of interviews (if they are available to the trainer) or role play interview situations so that they may critique and discuss interview. The rating scale for each of these five aspects of the interview is taken from George Thorman's work in the social work interview. The decision of the participants on the rating scale from 1 (poor) to 5 (excellent) is included to facilitate the discussion after decisions are made on all the scales of the five elements of the interview.

If the trainer is familiar with other teaching aids for the interview process, he should feel free to use these. If there is time during the training session, it may be possible to build an actual practice in the interview process and engage the participants in role play situations in which they may practice and critique their own interview skills.

EXERCISE I:

The participants will watch four interview tapes and rate the interview according to the essentials explained within the body of Social Work Interview - A Rating Scale.

INSTRUCTIONS FOR THE TRAINER:

The Time Management module of training is designed to handle specific questions the participants may have regarding this problem of a minimal amount of training time. It has been the experience of the trainers up to the point that most probation officers have had sufficient theories of time management in basic training workshops but may need some help with specific questions, especially as these relate to P.S.I.R. work.

The trainer should distribute three-by-five note cards to the participants and ask them to write down the most important or most difficult problem they have in terms of time management. It is usually most convenient to do this after a break in the training and immediately before the beginning of a session in the training.

After ten to fifteen minutes, the trainer should collect the cards during a break review and collate the questions into logical groups. The trainer should then list these groups on a blackboard or flip chart and discuss possible solutions to the problems for the participants. The trainer should pay particular attention to those problems and questions that can be solved by the participants and encourage the participants to work with their supervisors or Chief Probation Officers to solve problems which may be more departmental than personal.

TIME MANAGEMENT:

Time management problems were mentioned at the beginning of this module.

At the four P.S.I.R. project workshops conducted, these time management problems were identified as the most troublesome: phone interruptions, "drop-in" clients, staff interruptions, court appearances, heavy caseload, verification of information, procrastination, conflicts of schedule, home visits, necessary to do clerical tasks, paper work, outside noises, idle chatter, waiting for judge's decision, and emergencies.

SOCIAL WORK INTERVIEW - A RATING SCALE

PURPOSE:

The purpose of the interview should be clear in the interviewer's mind and should be explained to the client in the early stages of the session. In evaluating the interview, keep in mind the following points:

Was the purpose of the interview explained to the client?

Did the client indicate that he or she understood the purpose?

Was the content of the interview relevant to the announced purpose of the interview?

Did the client perceive the purpose to be the same as that of the interviewer?

Was the purpose stated in specific terms or general terms?

Was the purpose sufficiently clear and specific to give guidelines to the client as to what to expect during the course of the interview?

RATING:

Tape 1: _____
Tape 2: _____

Tape 3: _____
Tape 4: _____

STRUCTURE:

The structure of the interview may fall at two extremes: highly structured or very loosely structured. Structure refers to boundaries placed upon the content to be elicited by interviewer and the constraints placed upon the client's behavior and responses. In evaluating the structure, keep the following points in mind:

Did the structure of the interview flow naturally from the stated purpose of the interview?

Did the structure allow the client to present significant and useful information?

Did the structure maintain the interaction between the worker and the client?

Did the structure seem to provide guidelines for the client's purposes?

Did it help the client to clearly understand his role in the interview and in the problem solving process?

RATING:

Tape 1: _____
Tape 2: _____

Tape 3: _____
Tape 4: _____

BALANCE:

The structure of an interview also involves a sense of balance of control over the interview between the client and the worker.

Again, two extremes may be present: the client dominates the worker or the worker dominates the client. In evaluating an interview, note the following points:

Who seems to do most of the talking - the client or worker?

Who has control of the direction which the interview takes?

Did the balance in control shift frequently during the interview?

Was the balance appropriate in the light of the purpose of the interview?

Did the balance in control help or hinder the problem solving process?

RATING:

Tape 1: _____
Tape 2: _____

Tape 3: _____
Tape 4: _____

FEEDBACK:

Refers to the worker's efforts directed toward clarifying the client's statements or messages and reflecting an understanding of the client's feelings through verbal and non-verbal communication. In evaluating feedback, keep the following points in mind:

Did the worker indicate that he understood what the client was trying to convey?

Did the worker attempt to clarify meanings by re-stating the client's communication?

Did the worker indicate a recognition of the client's feelings such as worry, confusion, anxiety, depression?

Did the worker provide expression of warmth and empathy?

Was the worker aware of unspoken messages and did he deal with them appropriately?

Did the worker give feedback through body language such as facial expression, tone of voice, bodily posture and gestures?

Effective feedback is specific, solicited, focused on behavior (not the person), is receiver-oriented, is focused on behavior which can be changed, involves useful information sharing, is well-timed,

concerns what is said (and not why), and is checked to make sure it is accurate.

RATING:

Tape 1: _____
Tape 2: _____

Tape 3: _____
Tape 4: _____

OUTCOME:

Refers to the outcome of the interview in relation to the purpose of the interview. In evaluating the outcome, please keep the following points in mind:

Was the client helped to solve the problem?

Was the worker aware of any inconsistencies between outcome and purpose?

Did the interview reduce the client's anxiety?

Did the worker help the client to determine what steps needed to be taken at the end of the interview?

Did the worker offer additional help or suggest that the client maintain further contact?

Did the interview result in a contract between client and worker?

RATING:

Tape 1: _____
Tape 2: _____

Tape 3: _____
Tape 4: _____

INSTRUCTIONS FOR THE TRAINER:

This exercise is designed to orient the probation officer to his attitude toward and participation of active listening. A self-learning exercise - it is helpful to have the participants take the test prior to the active listening section. Length: Five minutes.

ATTITUDES:	Almost Always	Usually	Occasion- ally	Seldom	Never
1. Do you listen regardless of your personal feelings toward him?	5	4	3	2	1
2. Are you willing to listen to him?	5	4	3	2	1
3. Do you try to put him at ease?	5	4	3	2	1
4. Are you interested in him?	5	4	3	2	1
5. Are you sensitive to his feelings?	5	4	3	2	1
6. Do you accept him as a person?	5	4	3	2	1
ACTIONS:					
7. Do you put what you have been doing out of sight and out of mind?	5	4	3	2	1
8. Do you look at him?	5	4	3	2	1
9. Do you ignore the distractions about you?	5	4	3	2	1
10. Do you smile, nod your head, and otherwise encourage him to talk?	5	4	3	2	1
11. Do you try to understand him?	5	4	3	2	1
12. Do you try to figure out why he is saying it?	5	4	3	2	1
13. Do you try to figure out what he means?	5	4	3	2	1
14. Do you let him finish what he is saying?	5	4	3	2	1
15. If he hesitates, do you encourage him to go on?	5	4	3	2	1

	Almost Always	Usually	Occasion- ally	Seldom	Never
16. Do you re-state what he has said and ask him if you got it right?	5	4	3	2	1
17. Do you withhold judgment about him and his idea until he has finished?	5	4	3	2	1
18. Do you listen patiently regardless of his manner of speaking and choice of words?	5	4	3	2	1
19. Do you listen even though you anticipate what he is going to say next?	5	4	3	2	1
20. Do you question him in order to get him to explain his idea more fully?	5	4	3	2	1

TOTAL SCORE _____

If your score is 80 or better, you are a GOOD LISTENER.

If your score is 60-80, you are an AVERAGE LISTENER.

If you score is below 60, you are a POOR LISTENER.

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HOW TO CHOOSE RELEVANT INFORMATION MODULE

INSTRUCTIONS FOR THE TRAINER:

The instructions for the trainer to conduct the exercise on the Core Elements of the P.S.I.R. are similar to the instructions for the Investigative Strategies module. Select small group participants and ask them to develop a listing of the core or most essential elements of the P.S.I.R. from their own experience or through discussion within the small group.

The sample included is from the Prescriptive Package and other representative listings of the Core elements taken from previous workshops are also reproduced. The participants may have particular difficulty with this exercise so it is important the trainer be available to discuss any questions or problems with each small group. At first the participants may object to the exercise and simply accept the listing from the Prescriptive Package. The trainer should take the time to explain that the exercise is designed not only to come out with a product but also to engage all the participants in the decision making process about the P.S.I.R.

Exercise 1:

The participants are asked to divide into small groups and organize a P.S.I.R. guideline which reflects the needs of their departments. This provides the participants with an opportunity to consider new approaches on how to compile a P.S.I.R. and why and how urban/rural differences affect these changes. Sample P.S.I.R. guidelines from previous workshops follow.

MODEL GUIDELINE:

1. Offense (Core)

Official Version - essential
Defendant's Version - essential
Co-defendant's Information - pertinent (could summarize)
Statement of Witnesses, Complainants, Victims - pertinent (could summarize)

2. Prior Record (Core)

Juvenile Adjudications - pertinent (could summarize)
Adult Arrests - pertinent (could summarize)
Adult Convictions - pertinent (could summarize)

3. Personal and Family Data (Core)

Defendant - essential
Parents and Siblings - pertinent (could summarize)
Marital - (could summarize)
Education - (could summarize)
Employment - (could summarize)
Mental, Physical, Emotional Health - (could summarize)
Military Service - (could summarize)
Financial Condition - (could summarize)

4. Evaluations (Core)

Alternative Plans - pertinent (could summarize)
This section is based on the realistic assessment of client needs.
Sentencing Data - pertinent (could summarize, especially if already included on cover sheet)

5. Recommendation and/or Supervision Plan (Core)

I.

1. Statistical Data.
2. Face Sheet - Restitution, Disposition of Companion Cases.
3. Official Version (Socio-Economic/Personal).
4. Defendant's Version.
5. Criminal History - Juvenile, Misdemeanor, Felony.
6. Include Driving Record (if it is outstanding) According to Offender.
7. Socio-Economic/Residence.
 - Transient/Stable
 - Financial Stability
 - Education
 - Military
 - Employment
8. Character Reference.
 - Good Standing
9. Drugs.
 - Substance Abuse
10. Summary and Recommendation.
 - Treatment Plan
 - If Texas Department of Corrections recommended, alternative plan

II.

1. Heading (or face sheet).
2. Present Offense (officer's report) paraphrased.
3. Defendant's Version.
4. Victim's Version (if needed).
5. Criminal History (prior and pending).

6. Social History.
 - family and personal
 - marital
 - employment (financial statement)
 - military
 - education
 - drug/alcohol
 - medical
7. Evaluation and Analysis.
8. Positive and Negative Factors Considered in Sentencing.
9. Rehabilitative Needs.
10. Recommendation.

III.

1. Face Sheet with Personal Data.
2. Official Version.
3. Defendant's Version of Offense.
4. Prior Record.
5. Family History.
6. School/Education History.
7. Work History.
8. Marital History.
9. Health/Drug Use.
10. Financial History.
11. Evaluation and Summary (positive and negative).
12. Recommendation (if any) (could include rehabilitation needs).
13. List of Contacts.

IV.

1. Statement of Indictment (Address to the Court).
2. Official Version.
3. Defendant's Version.
4. Statement of Witness/Victim.
5. Outcome of Co-Defendants.
6. Personal History: Family Background.
7. Personal History: Educational Background.
8. Personal History: Military History.
9. Personal History: Employment History.
10. Economic - Financial.
11. Criminal History, Attitude of Defendant to Society.
12. Psychological and Medical History.
13. District Attorney's Recommendation - Restitution.
Recommendation of Probation Officer

V.

1. Personal Data.
2. Offense - Defendant's Version, Etc.
3. Criminal History - Rap Sheets and Past, Etc., (Juvenile*).
4. Family Background.
5. Employment History.
6. School History.
- *7. Medical/Mental and Physical History.

* Optional Item.

- *8. Any Military History.
9. Social and Personal Life and Interests.
10. Financial Background.
11. Summary and Evaluation.
- *12. Recommendation.

* Optional Item

P.S.I.R. WRITING MODULE

INSTRUCTIONS FOR THE TRAINER:

The Writing Module of the Pre-Sentence training has several purposes. The first part of the module is designed to present actual samples of writing taken from Pre-Sentence Investigation reports submitted by various departments from around the state. These samples should be presented by the trainer through the use of an overhead projector or photocopies so that each participant may see the sample and offer criticisms for discussion. In this section, "before" and "after" samples are offered to give the trainer some ideas for improvement of the submitted sample from officers.

In the training session, the trainer should attempt to have the participants develop an improved version of the sample before them. The trainer should be familiar with the samples, be able to direct the attention of the participants to sentences or phrases of the samples that can be improved and guide the discussion along the lines of the rules of writing composition. There is no one "right" or "correct" way to improve the samples; various suggestions from the participants may be acceptable. The idea is to engage their attention with the sample writing and be able to learn how to improve their own writing with the sample writing and be able to learn how to improve their own writing technique with a better understanding of the rules which apply to written English.

INTRODUCTION:

Writing the P.S.I.R. is the end product/result of the P.S.I.R. process. After the data has been collected, verified and analyzed, the report is ready to be written and documented.

A wide disparity exists to the quality of reports written by P.S.I.R. officers. Some reports are of high quality and their writers would be comfortable teaching technical English. Other reports are disorganized and lack any grammatical sense of correctness. The majority of P.S.I.R.s fall in between these two extremes.

The P.S.I.R. is the written product which most represents the probation officer's work. It may be read by a large number of individuals who can ill afford to be confused by the idiosyncracies of an officer's writing skills.

Included in this module is a review of writing style techniques and grammatical and syntax guidelines. A writing exercise is produced at the end of the module along with a list of writing problems encountered most often by probation officers.

PROBATION OFFICER WRITING SAMPLES -BEFORE AND AFTER:

The following is a list of samples produced at the four workshops during the fall, 1980. Learning by example can be useful to writers, but primary writing improvement techniques include taking remedial or advanced technical English courses or practicing writing on a consistent basis.

BEFORE:

JoAnna is a 20 year old Caucasian married to a Spanish American. They have 2 girls, 3½ years and the other is 8 months old. JoAnna's only strength that I could tell by talking to her a short time lies in her desire to be a good mother and wife, she said.

JoAnna is from a poor environment in that she has not had any religious training, her parents were separated when she was a baby and her father had custody of the children and he and a step-mother raised them. She said that all her family had been in trouble with the law, two sisters had been arrested for drugs, and a brother had been arrested for stealing and they had all been in trouble for "hot-checking".

JoAnna would benefit from more schooling as she only went to the 8th grade, if she could be motivated. She said that she had never liked school.

AFTER:

JoAnna is a 20 year old white female. She is married to a Mexican-American. They have two daughters, ages three and a half and eight months. Her family history is very unstable; her parents were separated when she was a baby, and the children were raised by her father and a step-mother. She states that two of her sisters were arrested for drugs, a brother was arrested for stealing, and all siblings had been in trouble for writing "hot" checks. Additionally, she has no background of religious training. JoAnna completed only eight grades of school.

It is my view that JoAnna does have a desire to be a good mother and wife -- this is her greatest strength. I believe that JoAnna could benefit from additional education. Although she says that

she never liked school, it is my hope that she could be motivated in this direction.

BEFORE:

Several months ago you and your brother Milton came very close to getting your probation revoked. However, some of us benefit from our mistakes whereas others don't. You in particular seem to have chosen to press your luck. To see how far you can push people and how much you can get away with.

AFTER:

Several months ago you and your brother Milton nearly had your probation revoked. Some of us benefit from our mistakes and others do not. You especially seem to have chosen to press your luck, that is, to see how far you can push people and how much you can get away with.

BEFORE:

According to Ms. Jackson, two males contacted her in regard to robbing the station where she was employed on 5/15/80. She told them she would not be an active part of the crime, however, on 5/27/80 after the burglary occurred, one of the co-defendants came to her residence and gave her \$800.00 to keep her mouth shut. She accepted the money, which she used to make a down payment on a car.

Ms. Jackson was born and reared in Kilgore, Texas. She was born on 5/27/80, the third child of five in the family. She is a Negro, female of average height and weight. While in school she was a member of the Varsity Volleyball Team, drill team, FHA and an honor student. She has a high school education and one year at Business School, where she trained to be a secretary. She still resides at the home of her parents and their relationship is reported to be satisfactory. It appears that Ms. Jackson experienced a normal upbringing with no adverse conditions from her environment.

Ms. Jackson appears to be in excellent physical health.

Ms. Jackson appears to be in excellent mental health.

Ms. Jackson does not have an extensive past record. She has had one misdemeanor probation which she successfully completed. However, it is the opinion of this officer that she was more involved in the actual burglary than she admits to.

AFTER:

Ms. Jackson was born on May 27, 1980 and has four siblings. She grew up in Kilgore, Texas. Ms. Jackson is a Negro female of average height and weight. She lives with her parents and has a satisfactory relationship with them. I could find nothing adverse in her home environment, either now or in the past. Ms. Jackson completed high school and was a member of the Varsity Volleyball Team, drill team, FHA and also was a honor student. She also attended business school for one year to acquire secretarial training.

Ms. Jackson appears to be in good health, both physically and mentally. She has had only one misdemeanor probation, and she did complete that term successfully.

It is the opinion of this officer, however, that Ms. Jackson might have been more involved in the burglary than she has admitted.

BEFORE:

Joyce has an average chance of completing probation. She has two sons and a large family in Arkansas. This is her first offense. She has some religious background and some financial supports.

Joyce is a tense person who tends to panic. The situational crisis is a pending divorce with her limited work background. She appears to suffer from depression for which she has been treated.

We would recommend probation be granted with close supervision by the Arkansas probation officer and continued counseling at the free clinic there.

AFTER:

Joyce is a female who is in the process of a divorce. This is her first offense. She has two sons and a large family in Arkansas. She has some degree of religious background.

Currently Joyce is depressed and tense, and appears to panic easily. Her depression has been clinically treated in the past. Her emotional problems seem to be related to the pending divorce and the fact that she has limited work experience.

Joyce does have some financial support. I recommend probation on the following conditions: close supervision by the Arkansas probation offices and continued counseling at the free clinic in Arkansas.

BEFORE:

Robert was born on February 14, 1961, in Merced, California. He was one of six children born to Mr. and Mrs. Alexander Smith. The Smith family moved around quite a bit before finally settling in Gainesville, approximately six years ago. Robert states that he gets along well with all the members of his family, except his father. He claims that his father is an alcoholic and this has been a source of conflict in the home. Robert moved out of his parent's house approximately one month ago. He is currently renting an apartment with a friend at 811 Broadway, in Gainesville.

AFTER:

Robert was born February 14, 1961 in Merced, California; he has five siblings. Since Robert was born his family moved frequently until settling in Gainesville about six years ago. Robert states that he gets along well with all family members except his father, whom Robert believes is an alcoholic. He also says that his father's alcoholism has been the cause of considerable conflict in the home. Approximately one month ago, Robert moved from his parent's home to an apartment at 811 Broadway in Gainesville which he shares with a friend.

BEFORE:

Terry Lynn is a well-developed white male of twenty-one (21) years. Terry describes his general physical health as "good" and presents no apparent contradictions. Terry has suffered no debilitating injury or illnesses. Terry is one of three children, all living at home, all supported by their parents. Terry has had his girlfriend living with him for about one year and is not certain of his marital status.

Terry completed the tenth (10) grade in local public schools and has been "employed" by his family since quitting school. Terry describes his father as a "large landowner who dabbles in oil wells."

A record check through local police agencies reveals at least eight arrests for Terry. All arrests were for disorderly conduct, fighting, and/or public intoxication.

In discussing this offense, Terry defines his role as the "victim". He assumes no responsibility for any action. His description of the offense in no way follows the description given by five (5) witnesses. Terry displays no emotion, remorse, or regret when discussing the offense. When asked which leg was broken, he could not remember; nor could he explain how he was able to run on a broken leg and sprained ankle.

There is no reason to expect Terry to successfully complete a probated sentence.

AFTER:

Terry is 21 years old, in good health, and has no history of serious illness or injury. He lives with his parents, who support him and the other two children.

His girlfriend has been living with him for about a year, and Terry is unclear as to his marital status.

Terry completed tenth grade in public school, and has since been employed by his father, whom he describes as a "large landowner who dabbles in oil wells." Local police files show at least eight arrests for disorderly conduct, fighting and/or public intoxication. Terry sees himself as the victim in the instant offense and appears to assume no responsibility for his actions. His description of the offense differs greatly from that of five witnesses. He displays no remorse, regret or other emotion when discussing the offense. For example, he was unable to remember which leg was broken and could not explain how he was able to run on a broken leg and sprained ankle.

It is this officer's opinion that Terry cannot successfully complete probation.

INSTRUCTIONS FOR THE TRAINER:

The second part of the Writing Module of the P.S.I.R. Training is designed to give the participants actual writing practice with immediate feedback and criticism. The trainer should have available either a videotape of the "Bill Burke" case or be prepared to present a role play situation of the facts of the Bill Burke case.

The training has developed a Client Fact Sheet of the Burke case which is comparable to a face sheet on this defendant. To supplement this fact sheet information, the trainer should be able to present the circumstances of the current offense, the defendant's history and involvement with substance abuse, Mr. Burke's employment history and his version of the offense.

The participants should then take this information and complete these sections of the P.S.I.R. following the Client Fact Sheet. When they have accomplished this task, the trainer should review their writing and other criticism for discussion with all the participants.

The trainer has several options to handle this discussion period. If the group is small and the trainer has developed good rapport with the group, he may take individual samples of writing, identify the writer and offer suggestions for improvement. On the other hand, it may be more effective to group common writing errors and mistakes and present these for discussion in an anonymous fashion. The basis for selecting one option or the other may be the degree of familiarity and trust that has built up in the training session balanced against the possible offense some participants may take if they perceive that they are being publicly criticized for their writing skills. In either case, the trainer should accomplish the purpose of the writing practice: a critique of actual, real writing exercises within the training.

INSTRUCTIONS FOR "BILL BURKE" EXERCISE

The participants should review the following points prior to watching the "Bill Burke" videotape and writing the sample P.S.I.R.

EVALUATION SECTION

Should:

- Interpret total material;
- Identify conflicting information;
- Resolve contradictions;
- Discuss offense and cause;
- Relate offense/personality/background;
- Contain a supervision plan;
- Be brief, logical, precise and
- Focus on problems.

Shouldn't:

- Summarize preceding facts or
- Be a place for left overs.

SUPERVISION PLAN

- Discuss one or two logical plans explicitly;
- Connect cause/offense/supervision;
- Be realistic;
- Be brief, logical, precise; and
- Focus on problems.

Finally Consider These Points:

- Organize material;
- Eliminate irrelevant statements;
- Avoid bias and slang;
- Quote verbatim; and
- Use active voice.

EXERCISE I:

CLIENT FACT SHEET

NARRATIVE SUMMARY OF "BILL BURKE" CASE
DEPARTMENT OF PROBATION

Initial Information

NAME: William C. ("Bill") Burke
OFFENSE: DWI, Subsequent
MARITAL STATUS: Married (2nd Time)
RACE: Caucasian

Age: 35
Citizenship: U.S.
Birthplace: Alexandria, Va.
Educational Status: B.A.
College: University of Virginia,
(1965), Education
1 year graduate school
University of Virginia (1966)
Education

PRIOR RECORD

<u>Date</u>	<u>Place</u>	<u>Offense</u>	<u>Disposition</u>
5/6/72	Washington, D.C.	DWI	Probation-6 months- \$100.00 Fine
6/22/76	Washington, D.C.	Speeding	\$ 80.00 Fine
7/4/77	Arlington, Va.	Speeding	\$150.00 Fine
11/11/78	Alexandria, Va.	Speeding	\$300.00 Fine

EMPLOYMENT HISTORY

<u>Date</u>	<u>Place</u>	<u>Offense</u>	<u>Job</u>	<u>Disposition</u>
1966	Alexandria, Va.		High School teacher	
1967-69	San Diego, Ca.		Joined the U.S.	
	Saigon, South Vietnam		Navy; worked as	
	Alexandria, Va.		language translator	
			High School instructor-	
			English/Government	
			at local high school	
			High School instructor-	
			Government at high	
			school/teaches one	
			course at	
			community college.	
1975-80	Fort Worth, Texas			
(current)				

DEFENDANT'S VERSION

Refer to interview

SUBSTANCE USE/ABUSE

SUBSTANCE USE/ABUSE
No medical or psychological records to that effect.

MILITARY HISTORY

Two-year tour duty during Vietnam War. Honorable discharge as petty officer.

FAMILY AND SOCIAL HISTORY

Second marriage. Two children with first wife in Virginia. No children with second wife. Wife is now employed as part-time secretary at local insurance company. Parents reside in Virginia and are retired civil servants.

WRITING EXERCISE FORM

(USE OF VIDEOTAPE WITH CLIENT FACT SHEET)

CLIENT SUBSTANCE USE/ABUSE SUMMARY:

DEFENDANT'S VERSION:

EMPLOYMENT HISTORY:

EVALUATION/PROGNOSIS:

SUPERVISION PLAN: