

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

PROBATION OFFICE

NEWT SCOTT
CHIEF PROBATION OFFICER

July 3, 1986

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The Honorable William W. Wilkins, Jr.
Chairman
United States Sentencing Commission
1331 Pennsylvania Avenue, N. W.
Suite 1400
Washington, D. C. 20004

Dear Mr. Chairman:

Enclosed find notes I have made on the subjects
to be before the Commission at its hearing scheduled
for July 15, 1986.

I am honored by the invitation to testify and
look forward to being with you that day.

Sincerely,



Newt Scott
Chief U. S. Probation Officer

NS:sk

Enclosure

Notes regarding the Sentencing Commission
Hearing on July 15, 1986

Question:

Should some form of intensive supervised probation be imposed on certain types of federal offenders?

Answer:

Yes.

Question:

What kind of offenders should be placed on intensive supervised probation?

Answer:

1. Persons with various addictions, i.e., drugs, alcohol and gambling.
2. Some who need close surveillance, i.e., cooperating criminals, etc. This idea will also apply to organized crime figures and other professional criminals during periods of conditional release following incarceration.
3. For public relation reasons some persons whose offense was highly publicized might be placed under intensive supervision.

Question:

What forms of control and supervision should be imposed?

Answer:

"No Nonsense" - "Thou Shalt Not" conditions that advise the probationer his life will be closely monitored and penalties for violations will be promptly administered. In addition to the normal requirements of good citizenship the probationer's physical movement (travel), physical health (urine sampling), financial condition (mandated disclosure upon request) or associations may have to be closely watched and documented.

Question:

What role should the Commission have in determining which offenders are placed on intensive supervised probation?

Answer:

The Commission should set wide parameters for ordering intensive supervision.

Question:

What role should the Probation Office have in determining which offenders are placed on intensive supervised probation?

Answer:

Probation officers should (as they traditionally have) recommend conditions of intensive supervision in appropriate individual cases based on their knowledge of the offender and the offense. Those recommendations should be realistic considering the probationer's ability to perform and the system's ability to police intensive supervision orders.

Question:

What role should the sentencing court have in determining which offenders are placed on intensive supervised probation?

Answer:

Sentencing courts should have a great range of choice in ordering such supervision. They are the authority which must take corrective action if noncompliance occurs and therefore must have the strongest voice in deciding exactly what intensive supervision should entail in given cases.

Question:

What type of probation conditions not expressly listed in T. 18, U.S.C., 3563(b)(1-19) should the Commission consider in drafting the guidelines?

Answer:

The Commission may want to list house arrest as a possible condition of probation. Otherwise conditions 1-19, plus T. 18, U.S.C., 3653(b)(20) which states, "Satisfy such other conditions as the court may impose," are sufficient. The Commission should leave the courts (in sentencing) and probation officers (in supervision) enough discretionary latitude to carry out their statutory duties.

Comments on Certain ConceptsCommunity Service:

I think community service should never be the determining factor in deciding to incarcerate or not, but rather it is a form of restitution and should be used accordingly.

In ordering community service courts need to consider who will receive services, liability and documentation of services rendered. It seems appropriate as a tool in the supervision of white collar and organization offenders.

House Arrest:

A problem in outlying areas but may have a growing use in population centers. It should be closely monitored.

Fine and Restitution Collection:

We have had good success in policing the payment of fines and restitution. Probation offices should not be responsible for the actual handling of monies and the record-keeping that goes with it. We have no history of performing such accounting tasks.

Electronic Monitoring:

Mixed feelings. May be a cost-effective way to keep track of some people under supervision (house arrest cases and professional criminals). On the other hand, it has a "clockwork orange" flavor to it.



Newt Scott
Chief U. S. Probation Officer
Northern District of Oklahoma