

A comparison of probation and parole

Law



A Comparison of Probation and Parole

There are specific terminologies used in the criminal justice system that require a closer analysis for ordinary layman to understand. Two of the commonly used terms are probation and parole. The official website of the Bureau of Justice Statistics (BJS) defined probation as period of time where “ adult offenders whom courts place on supervision in the community through a probation agency, generally in lieu of incarceration” (par. 1); while parole is defined, likewise, as period of time where “ criminal offenders ...are conditionally released from prison to serve the remaining portion of their sentence in the community” [Burnd]. From the definitions, it could be deduced that probation and parole share similarities in terms of serving time periods outside of incarceration, usually in the community; but differ in terms of time of application, where “ probation occurs prior to and often instead of jail or prison time, while parole is an early release from prison” [Adv142].

There are similarities between probation and parole in terms of influencing behavioral changes and serving the best interests of the community, to wit: “ both are concerned with a defendant breaking the bad habits or behaviors that caused them to break the law. Even though both probation and parole have a strong rehabilitation component, each process has the additional goal of protecting the community” [Adv142]. Likewise, both involved supervision statutes that require, either active or inactive supervision, depending on the severity of the offense and on other mitigating factors [Burnd].

On the other hand, the disparities between probation and parole are diverse. At the onset, through definition, the time of application spelled major difference where probation is recommended prior to incarceration; while parole is dispensed after some time has been served in jail. In addition, the <https://assignbuster.com/a-comparison-of-probation-and-parole/>

supervising officers are different: a probation officer for the former and a parole officer for the latter. Also, conditions or subsequent changes in probation are noted to be within the jurisdiction of the court [Adv142]; while parole changes and conditions were reportedly set by the parole board [Adv142].

Concurrently, in terms of purpose or function, although both were noted to share similarities in behavioral intent and aiming to reduce the impact as well as incidence of crime in society, offenders who were given parole would face challenges in terms of reintegration due to the social stigma associated with criminal offenders who had been incarcerated. Whereby criminal offenders perceive probation as an optimistic alternative to incarceration, those who were given opportunities for parole had already served a defined sentence in jail; as such, the outlook for immersion in the community would already contain the stigma of criminal conviction. Appendix 1 presents a tabular illustration of the comparative analysis between probation and parole in terms of function, goals, historical development, current challenges, and treatment theories.

Overall, the current discourse has clearly presented similarities between probation and parole in terms of application of serving time and behavioral intent as well as serving the interests of society. The disparities were noted to be varied from supervising officers, statutes, as well as governing changes and conditions. Despite their differences, both probation and parole are still seen as alternatives to incarceration, which, bring hope for a positive and productive life for the offenders.

Works Cited

Burnd: , (Bureau of Justice Statistics par. 1),

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Adv142: , (Advice Company par. 1),

Adv142: , (Advice Company par. 8),

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Ala15: , (Alarid 28),

Ala15: , (Alarid 55),

Appendix 1: Comparative Analysis – Probation versus Parole

Probation

Parole

Function

To “ assist in reducing the incidence and impact of crime” [Ala15]

For economic reasons; to reintegrate offender to society [Adv142].

Goals

Protect the interests of the public “ by reducing the incidence and impact of crime” [Ala15].

“ to ease crowded facilities, to save money, and to reintegrate offenders” [Ala15].

Historical development

Origins in 1700s and 1800s as alternatives to incarceration for children

“ work of penal reform-ers in Germany, Spain, and France as well as that of Alexander Maconochie on Norfolk Island” [Ala15]

Current challenges

Supervision statutes [Burnd]

Supervision statutes [Burnd]

Treatment theories

Casework model, brokerage of services model, community resource

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management team model, justice model, neighborhood based supervision
Medical model, “ indeterminate sentencing philosophies of the 1930s with
the justice model and determinate sentencing in the 1970s” [Ala15]