

A probation and parole criminology essay



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The idea of the corrections system has been around for a while. Within this system there lies several different types of programs that do not require an offender to be placed in a prison or jail. These programs to allow the offender to remain out in the community, while being closely monitored.

The earliest and most common programs are probation and parole. These two programs allow most offenders to be in their normal everyday setting, unless otherwise stated by the judge or probation or parole officer. Usually this is the sentence given to offenders who have a non-violent offense and are less likely to run away. These are the offenders who are seen to be harmful to society. Probation and parole are two of the easiest ways to help with problems within the jail such as overcrowding.

Background/History

Probation and parole are two of the oldest programs within the corrections system that takes care of non-violent offenders. Before the development of these programs, the offenders would be placed into the same facilities as all the other offenders. This wasn't fair to the offenders, nor was it helpful to the staff there. The actual goal of probation and parole was not to place these people into prisons or jails, but to rehabilitate them while in the care of their community.

Probation

John Augustus was the father of probation, although there were similar practices around 437 BC. Augustus was your average, everyday man.

However, his goal with probation was behavioral reform. He believed that if the system allowed the offender to stay within the community, they would

get sort of a second chance. Then, by providing support and guidance from probation officers, the officers may in fact be able to reach the goal of assisting the offender in becoming a law-abiding individual.

The word probation actually is a form of the Latin word *probatio* which mean to test or prove. The individuals who receive probation are called probationers. They are people who have been convicted of a crime and are given this sentence instead of going to jail. Probation officers are the people who supervise them. They are usually court-appointed and must make sure that their probationer follows the rules handed down to them by the court.

Parole

Parole was first used in Australia and Ireland. It was seen as an award for inmates who were on their best behavior. Parole is a privilege given to an individual when are eligible to parole. This happens after the prisoner receives a minimum or maximum sentence; then they become eligible with the decision of the parole board, which decides whether or not to put them on parole after a consideration hearing. Just like probation, this is a program that focuses on the rehabilitation of offenders and getting them back into the community and on the right track.

Parole was first introduced in the United States by Brockway Zebulon in 1876 as a way to reduce jail overcrowding. Zebulon also saw this as way to rehabilitate offenders by encouraging them to exhibit good behavior while incarcerated. This allows offenders to be let back into their community after serving a portion of their jail time and live, but under supervision from a Parole Officer. The parole period is based on a decision made by the board of

parole. If the offender violates their parole while out, they are then placed back into the prison system. Both Alexander Maconochie and Walter Crofton played important roles in the development of the parole program.

Literature Review

Probation

Evidence of probation goes all the way back to the Middle Ages (Ditton and Ford 1994). During that time, the court systems practiced suspended sentences. The first courts in America allowed these suspended sentences, but not every court used this (Young 1976). All of this occurred before John Augustus' idea of probation came about (Ditton and Ford 1994).

John Augustus was a local businessman who asked judges to allow him to pay the fines for offenders who had been convicted of minor or non-violent crimes and then allow him to supervise them (Ditton and Ford 1994). After bailing these individuals out, he helped them find jobs and monitored their changes (Young 1976). When it was time for the offender to return to court, Augustus went along and provided the judge with a report on how the offender was progressing. (Ditton and Ford 1994; Young 1976)

In 1780, thanks to the success of John Augustus, the first probation law was passed in Massachusetts (Ditton and Ford 1994). However, it wasn't until after Chicago established the first juvenile court that probation became a popular and useful sentencing method (Young 1976). In 1925, the National Probation Act was passed, which ultimately created a probation system for the federal government (Ditton and Ford 1994; Young 1976). By 1956, every

state had some form of probation as a sentencing method (Ditton and Ford 1994; Young 1976).

There are two main goals established by the probation program. The first is to protect society from additional crime by the offender (Ditton and Ford 1994). The achievement of this goal usually comes through the report of a presentence investigation that is done to determine whether or not the offender is a risk to society (Ditton and Ford 1994). If the information that comes from this report confirm that the offender is in fact not a risk to society then they are sentenced to probation. If the information confirms that the offender is a dangerous offender and may be harmful to their community, then they are usually sentenced to more harsh repercussions (Ditton and Ford 1994).

The second goal is to help the offenders (Ditton and Ford 1994). This is done through supervision and management (Ditton and Ford 1994). Probation officers are there to basically watch over the probationers and make sure that they stay away from things that could cause them to reoffend. They also monitor their actions and help keep them from violation rules that have been set as a result of their probation. As far as managing goes, the probation officer is there to lead the offender in the way that they need to go in order not to offend again (Ditton and Ford 1994; Young 1976). They are there to help and ultimately provide the offender with the resources that they need. This actually includes helping them to find employment which is a requirement when on probation.

If a probationer violate their probation orders they will have their probation revoked. Their violations fall under one of two types. The first is technical, which is usually defined by minor violations (Ditton and Ford 1994). The second is a re-arrest or new offense (Ditton and Ford 1994). This is serious violation of probation rules. Another offense committed by the offender shows that the individual is not likely to adhere to the probation rules and not prepared to cooperate. These individuals tend to have their probation revoked and end up back in the jail or prison facilities (Ditton and Ford 1994).

Over the years, the number of probationers has fluctuated. From 1995 to 2004, the number of individuals on probation rose from 3, 077, 861 to 4, 151, 125. This is about a 0. 2% change in 2004, the smallest annual growth rate since 1979. In twenty-one states, the adult probation population decreased with Washington State being the only one who saw a double digit decrease. Kentucky, Mississippi, New Mexico, and New Jersey were among the four states who saw an increase of more than 10% in probation population. Since 1990, probationers have accounted for about half the growth of the entire prison population. (Glaze and Palla 2005; Burrell 2005)

As with anything, there are problems that occur with probation (Paparozzi and DeMichele 2008). When placed on probation, offenders are expected to follow the guidelines provided to them through the courts (Ditton and Ford 1994). However, we find that they don't always follow the rules and sometimes never get caught or charged. In 2004, in a certain area of Florida, 199, 215 individuals were supposed to be on probation in particular month. About one of five offenders had disappeared; out of those left, close to one of

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four had an active violation report. Nothing was done because a judge stated that it would be hard to do something with each person that had violated their parole.

Another problem with probation is that the officers experience heavy caseloads (Paparozzi and DeMichele 2008). They often have to pull overtime in order to keep up. It's hard for the officers to manage all their cases and be sure to keep up with supervising the offenders (Paparozzi and DeMichele 2008). This also tends to be an issue when it comes to parole officers.

Parole

The parole system goes back to the 1800s when Sir Walter Crofton introduced tickets of leave (Schuessler 1954). He used these to give to prisoners who experienced good behavior in exchange for an early release from prison. Crofton also introduced the idea of intermediate prisons (Schuessler 1954). Inmates could live and work in a supervised manner while carrying out their prison sentence (Schuessler 1954).

As for the United States, Brockway Zebulon introduced the idea of the first parole system (Schuessler 1954). Zebulon used the help of volunteer community members to monitor the behavior of the inmates who were released. He wasn't focused on the help of police officers, as he believed they had enough on their plate. As time went on, he used the help of volunteer members who were concerned with the well-being of the individual. By the 1900s this idea had spread and become popular in every state except Virginia, Mississippi, and Florida. (Schuessler 1954; Dressler 1951; Abadinsky 1982)

The parole board was established in 1902 (Schuessler 1954). This took the parolees out from under the control of the officers in prisons and allowed the parole board to define the rules and regulations for them (Abadinsky 1982). The board was made of three members; the deputy warden would sit in as the chair person (Abadinsky 1982). Prisoners would come before the board as their behavior was analyzed and the board would determine whether the convict deserved a parole (Schuessler 1954).

The parole board established to manage paroles based on the convict's behavior (Virginia General Assembly 1992). However they also had to observe the convict's criminal history, prior supervision opportunities in the community, behavior in the prison during their jail time, and the convicts' plans after being released (Abadinsky 1982). During this time, parole officers were introduced into the system. Their job was to monitor parolees once they are released from prison (Virginia General Assembly 1992).

In 1910, inmates who were in any US prison received an automatic and equal chance to parole. No parole would be sentenced until the attorney general approves it. For prisoners who were sentenced to a life sentence would be able to go up for parole after 15 years. As a result of all of this, each prison had to hire a parole officer who would supervise the convict and help the parolees get a job. (Schuessler 1954; Dressler 1951; Abadinsky 1982)

Within the time of being paroled, just like with probation, the parolee must abide by a set of rules (Schuessler 1954). The must meet with their parole officer at meetings established by the office. The must adhere to all other rules and regulations of being on parole. In the case of any new arrests, the

parolee must report this to their parole officer (Schuessler 1954). If the parolee moves, they must make the parole officer aware. This also goes for any change in employment. During this time the officer cannot have any control substances in their possession nor be in the possession of a firearm (Schuessler 1954). It's also recommended that the parolee refrain from associating with individuals that may cause them to reoffend or could possibly get them in trouble in any way (Schuessler 1954).

The number of individuals on parole went from 679, 421 in 1995 to 765, 355 in 2004. Therefore, the Nation's parole population grew about 2. 7%. This is a huge difference compared to the small growth of probation. A total of about ten states had double-digit increases in their parole population and as few as nine states saw decreases in their parole population. (Glaze and Palla 2005; Burrell 2005)

There are numerous problems with the parole system (Paparozzi and DeMichele 2008; DeMichele and Payne 2007). One being the amount of caseload being given to parole officers (Schuessler 1954). The system seems to have a shortage of parole officers leading the ones that there are to have more cases, making it hard for them to keep control of what they have (Paparozzi and DeMichele 2008; DeMichele and Payne 2007). Another problem is the fact that if the individual is a reoffender, the chances of them reoffending is greater than those of a first-time offender (Schuessler 1954). This is true because the US has seen a high rate in recidivism over time. There is not much that can be done due to the lack of personnel.

Probation and Parole Officers

Basically, probation and parole officers serve the same duties. They are supposed to supervise and manage the offenders. This allows them to be case workers as well as law enforcers because they have to make sure the offenders don't break any laws. Some will argue that supervision is the most important aspect of the job. (DeMichele and Payne 2007)

Probation and parole officer have several duties they must attend to. They conduct home visits, perform curfew checks and verify with the employer of the offender is actually employed. They also help the offender get into treatment facilities if they need it. That's just a few of the duties that these officers accomplish. (Dressler 1951; Schuessler 1954)

In order to become a probation or parole officer you must go through specialized training at a Peace Officer Standards and Training facility. Once this training is completed, they become POST certified peace officers. These officers must take part in quarterly training classes in a variety of areas concerning their job.

Difference between probation and parole

Most people think that probation and parole are the same thing. They have the same goal as to rehabilitate offenders, but they play two different roles. Probation is basically an extension to the offender's sentence, while parole is a reward given to prisoners for good behavior (Dressler 1951). Parole lessens the amount of time the individuals serve in prison (Dressler 1951).

Probation is a sentence handed directly to the offender from the judge, but a parole board is in charge of the decision to grant an offender with parole

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(Dressler 1951). When it comes to parole, the judge has no say, the decision is left up to the parole board in the prison facility (Dressler 1951; Abadinsky 1982).

Parolees are eligible for parole after they have served the minimum prison sentence that has been handed down to them (Abadinsky 1982). The board at this point determines whether or not the individual receives parole (Dressler 1951). As far as probation goes, this is based on the judge's decision after determining the seriousness of the crime and whether or not the individual is likely to reoffend within the probationary period (Dressler 1951).

Society on Probation and Parole

Those within the community have mixed reactions about these programs. Most feel as if it is a good thing to try and rehabilitate these offenders. However, they are unsure how they feel about this individuals having contact within the community. They feel as if these individuals have already offended, that there is not much to keep them from offending again.

As far as offenders are concerned, those who serve jail time are able sort of network within the prison walls. They develop these relationships with other prisoners that lead them back where they began. These relationships allow them to establish other relationships out in the community with other criminals or deviant individuals. This is not the case all the time, but for a majority of the time, this is the case. Some members of society realize this and begin to worry what could come of these relationships and networks that have been made.

When an offender is released back into society, they have to learn how to control what happens as a result of being labeled. As an offender enters the prison system, they become labeled as an offender. This label then makes it hard for them to find employment, as well as make changes that lead and keep them on the right path.

There are individuals who are willing to help these offenders, but most fear their past. This is when the help of the parole or probation officer comes into play. It's their job to help these individual get jobs or get into rehab or even continue with their education. More than likely, if an offender reoffends, it's because they are unable to establish a place in society that keeps them busy. Idle hands are the devils workshop which means anyone who has free time to waste is more likely to offend than someone who is constantly doing something.

Conclusion

The jobs of being a probation or parole officer is not easy. On a day to day basis they have to deal with keeping track and supervising individual, as well as possibly receiving more individuals. Their job is already hard enough with making sure their probationers and parolees are following the rules, but when you have multiple things tend to get tricky.

These officers are underappreciated. They are also often taken advantage of. These people come into these positions to help people. That's why they choose this career, to try and make a difference in one's life.

These two programs are very useful within our correction system. They provide for means of rehabilitation just as their founders wished they would.

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They also save tax payers a great deal of money. Prison overcrowding cause the tax payers of America to have to fork over more money to support the funding of prison and jail facilities. With probation and parole programs having been founded, we are able to save money and alleviate the crowding in these correctional facilities. Although they are not all fail proof, they do help.