

The history of the probation process criminology essay



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There is not a single idea about what constitute probation, but there are clear indications about the idea that all probation practices and systems to match and adjust development of place and time in terms of economic, cultural, criminal justice and political philosophies while preserving some key elements of its origin and in virtually all cases, orientation and professional identity of probation officers.

Across the world, probation is in a state of state of flux or a state of crisis, although to varying reasons and varying degrees in some cases. An introduction of probation and further development, criminal justice system should be developed on existing social structure and it must also be supported by working to enhance what is already there. It should not be taken as external solution to internal criminal justice problems, (Hink, 1961) governance or penology, but it must be taken as a possible framework into which locally feasible and desirable solutions may be fitted.

For effective process of probation, there must be planned introduction of probation, as an effective, non custodial sanction and cost efficient, the following paper presents history of probation, in case of probation process, legal pre-conditions and legislative pre-conditions should either be established or exist either in law, procedure or policy in professional rules of practice, Process of probation, difference between formal, informal, misdemeanor and felony probation, and in the last it presents leading theories governing probation process and which alternatives can improve the process of probation.

Probation process and historical roots:

Origins of probation can be traced back to early English practices, and this practice gradually developed until 19th century. Several countries made significant contributions during 1880. Probation process began to receive acceptance in United States of America during 1870s. Essentially it developed from the beginning of twentieth century, while many reasons with varying degrees, throughout Europe and North America. The process of probation has its roots from two distinct origins, civil and common law, but the historical development of probation also influenced by the development of infantile justice system positivism in ideologies of control (Blumberg, 1979) outside of criminal justice system and criminology. As opposed to repression, from historical perspective evolution of probation reflects tension between control, care and custody, individualism and discretion versus legalism and reintegration. From 1800s to present time, probation process officers have been trying in different ways to remake, (Hink, 1961) reform, restructure and remould the lives of offenders into good, law bidding and honest citizens. After World War, II it was strides in majority that made that led to the development of modern and complex probation service structure that exist now. It was the optimistic views that exist at that time, in the efficiency of social work with offenders to achieve probation officers and perfectibility of man in 1960s that were part of a criminal justice system, which was moving toward the rehabilitative ideal. Method of social work, “casework” was used for rehabilitation of offenders was attempted. In the coming years, other techniques were used by probation officers, such as including group work, task centered work, community work, behavioral contracts, family therapy, behavior modification, reality therapy, and social

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skills etc. Probation service was standing at the very heart of penal practices and policy; twenty five years ago from now. The emphasis was on rehabilitation, resettlement, social case work and individualism, social work and reintegration approach to social problems. The prevailing problem of crime was understood as problem of families and individuals, and families in the need of help and support of communities that were disadvantaged and disorganized. The focus of attention was not only crime itself but the instant offence being a matter of mostly legal concern, instead the social and personal problems that underlay this criminal behavior. (Best, & Birzon, 1962). Crime was a trigger for intervention, a presenting symptom, rather than probation officer's focal point action. It was the probation service that led agency carrying forward a progressive program for controlling the crime, through social intervention. It was the vanguard of effort to humanize and rationalize practices of penal to use expertise, social work techniques, trained clinical judgment, and criminological knowledge to deal with crime. For instance, it was drew support and part of the project of welfare state, with its concerns for solidarity through state inclusiveness, (Blumberg, 1979) integration, provision etc. and with distinct rationality, a habit of thought that looked for social problems and solutions to deal with any emerging problem and a style of reasoning. The process of probation has also been a part of power relations and wider structure of organizations. This part of power relations gave the enormous prestige and authority to professional expertise. With the expansion of personalized social services, and creation of extensive social work, the professional society reached its halcyon days in 1960s. In the process of creation of extensive social work, network, probation service was featured as a long established and highly skilled agency, (Hink, 1961) <https://assignbuster.com/the-history-of-the-probation-process-criminology-essay/>

deriving authority from the court-based functions as well as its credentials of social work. In professionalized context, social problems including family breakdown and resettlement, crime and delinquency that required social solutions and trained professionals and social workers. At an accelerating pace over last five years and over last two decades, field of criminal justice and criminal control, has been reconfigured in important ways. Although its relation to process has been, problematic that transformation was deeply implicated by probation service. The philosophy and movement underpinning it that followed created a shift towards human containment and deterrence as motivation in sentencing. A justice model emerged in late 1970s and early 1980s, as did the concept of just deserts. (McEachern, & Newman, 1969)

In 1990s deprivation or incapacitation of liberty became the methodology followed by alternatives of alternatives to imprisonment, another correctional philosophy evolved, a combination of all previous philosophies but on that relies greatly on risk control techniques within crime reduction activities.

Process of Probation:

In the probation process, if a defendant pleads guilty, no contest, or is found guilty, the judge may request investigation for pre-sentence probation department. In the process of compiling the investigation, an interview of defendant is conducted by probation officer, moreover reviews the criminal history and personal background information, (Hink, 1961) contacts the victims if institutions are involved, after this recommendations for sentencing are made to judge. On the basis of this information, defendant may be sentenced by judge for up to one year. It is the responsibility of <https://assignbuster.com/the-history-of-the-probation-process-criminology-essay/>

probation officer to monitor and ensure the compliance with conditions orders by judge. If there is non-compliance with terms and conditions it will probably result in further actions by court. These actions may include imposition of suspended jail time or fines. Juveniles may be sentenced to detention for failing to comply with court orders. (McEachern, & Newman, 1969).

Probation sentence may include following conditions:

Costs of court or Fines:

The person who is facing the probation will be responsible for payments of fees, fines, court costs imposed on that specific case. Judge can impose \$999 as maximum fine, depending on the basis of type of offense. (Best, & Birzon, 1962) The probationers have the option of performing community service in lieu of payment of fine, fees and costs.

Detention / Jail

Judge has authority to order to probationer to serve a jail sentence, depending on the type of offence. Moreover probationers who failed to comply with terms or found in violation of probation terms and conditions of their sentence may found in contempt of court and sentenced to jail or detention.

Home detention:

In case of violation of probation, violating probationer may face home detention. He will wear electronic ankle bracelet that monitors and ensured the probationer's whereabouts. Probation officer will be notified immediately

if probationer moves outside the range of his home, in this case, probationer is subject to further court action.

Community Service:

For young and adult, probationers to comply with mandatory service hours of community and they must also have option to perform community services in lieu of payment of their fines, fees, and costs related to probation. This community service must be performed at charitable and non-profit agencies. All young probationers under age of 17, are required to perform related community service hours through department of probation that are supervising the community service program. Probationers with age of 18 years old, have option to select community service agency on their own. A list of city department and non-profit agencies that utilizes the community service work program is available online.

Life Choices Educational Classes:

Probationers are required to attend court mandated classes, who are under the age of 25, presented by Street Beat program and designed to help the adults and young people to set goals and gain success. These mandated classes encourage the probationers to examine decision-making process that led them to have positive life skills. Mandated classes are also offered in Spanish.

Counseling:

Probationers may be required to comply with court ordered treatment and counseling who are assessed to be experiencing substance abuse or mental health issues. Services of counseling are also available through county

agencies or privately. Adult probationers who present substance abuse issues. These issues of substance abuse can be referred to weekly substance education group, with which department currently contracts.

Restitution:

In case of victims except traffic violations, probationer may be ordered by court to compensate the victims for out of pocket losses. A total of \$8, 805 was collected in the form of restitution in 2011.

Breathalyzer Tests and Drug Urinalysis:

Probationers with substance abuse may be required to submit random alcohol breathalyzer tests and drug urinalysis test. This testing procedure is administered by several local vendors in Longmont.

Probation Officers:

Role of supervision is to supervise defendants while remaining in the community. Standard size of caseload may vary from 45 to 300 individuals according to locale. Caseload sizes are increasing depending on financial considerations, as departments leave some probation officer position vacant. Some specific caseload sizes are legislated but cannot surpass those limits.

Supervised Probation:

Supervised probation is also known as formal probation. Supervised probation is granted to an offender who must report in a person to his or her probation officer. Formal probation is used in case of more serious offenses. Under the jurisdiction of probation department, all adults placed on formal probation. (Stalans, Yarnold, Seng, Olson, & Repp, 2004) Probationers under <https://assignbuster.com/the-history-of-the-probation-process-criminology-essay/>

supervised probation are required to check in with an officer, strict conditions of probation and subject to home visit. Supervised probation is also searchable type of probation.

Non-supervised probation:

Non-supervised probation also known as summary probation, court probation or called summary court probation. Both federal and state government place formal probation on individuals, to determine if a defendant will be placed on formal or informal probation, Sentencing guidelines may apply to some extent, the judge has some sentencing leeway. Offenders will receive informal probation on acts such as violation of traffic rules or certain misdemeanors. Traditionally, informal probation does not include searchable probation; the person having the condition of searchable probation may have their home, person and car searched by law enforcement. (Best, & Birzon, 1962) People on non-supervised probation, do not assign with a probation officer and also they are not monitored. Probationers under informal probation are asked to report to judge periodically. Informal probation has terms such as attending any drug or alcohol treatment program, or to complete community service requirements. This type of probation is of short duration may be of one month. After the probation is over, it means that offender has fulfilled the terms of sentence.

The differences between felony and misdemeanor probation:

The difference always does not clear between felony and misdemeanor probation from state to state in different countries and U. S as well. If we wish to define the misdemeanor probation, it can be defined as maximum length of time a person can be imprisoned for the committed crime, this <https://assignbuster.com/the-history-of-the-probation-process-criminology-essay/>

period usually no more than one year, whereas in case of felony, minimum time of imprisonment is one year. So it can be said that any crime that is not felony, is a misdemeanor by nature. (Stalans, Yarnold, Seng, Olson, & Repp, 2004) In case, if property is stolen or purposeful damage has been done to property, charge of misdemeanor or felony will be decided on the basis on the basis of dollar amount of damage or missing property. For instance, if any person incurs purposeful damage in Arizona, that costs under \$250 dollars or charged with misdemeanor. If however, the damage is between \$250 - \$2000 USD, the charge is generally a class 6 felony. Higher amounts of damage may up the class of the felony and result in more time in a penitentiary.

Leading theories governing the probationary process:

From the past three decades, the principal for effective application of parole and probation process have received favorable mention in practitioner circles. By zero tolerance for behaviors that are better characterized as nuisances than as precursors of criminal acts and desire to appear tough on crime via harsh punishment, implementation of probation and parole has been fragmented or nonexistent and also subject to political sentiments. Some practitioners and policy makers market increased violations as a public safety enhancement even though there is no evidence to support this belief.

The role of probation officer is very critical in effective process of probation; he is the one who makes sure the successful implementation of policies, procedures and laws about probation. There are different categories of probation officers and have different duties according to their roles, but some general duties are commonly shared by all categories. From start till <https://assignbuster.com/the-history-of-the-probation-process-criminology-essay/>

the end of process of probation, probation officer remains critical in the process. He must conclude the probation case while including all the key information and details of probation process, causes and implications on that case by law and their implementation in an effective way.

Conclusion:

Probation process is an effective element to reduce criminal activities in a society. Probation process aimed at not only punishing the offenders but it also delivers policies that are concerned about correction of society and individuals who are causing disturbance in the society. There are also different categories of penalties and imprisonment (Whitehead, 1987) depending on the age of the offender, and this so good, as imprisonments have been decided about while keeping in view its psychological impact on the offender. Probation process is necessary for affective implementation of laws and policies about sound and safe functioning of societal process.