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pt. 7

PENNSYLVANIA ADULT CORRECTIONAL TRAINING INSTITUTES (P.A.C.T.)

Developed by the
Center for Law Enforcement and Corrections
College of Human Development
The Pennsylvania State University
University Park, Pennsylvania

**A Training Module for Trainers of Personnel
in the Administration of Criminal Justice**

**Designed as Part of the Statewide Training Program for
Executive and Managerial Correctional Personnel**

**PROBATION AND PAROLE
Training Module 6907
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A FOREWORD TO THE INSTRUCTOR

The training module, "Probation and Parole," was developed into a course outline from material originally brought together by Superintendent Joseph R. Brierley of the State Correctional Institution at Pittsburgh. The Center for Law Enforcement and Corrections wishes to express its deep gratitude to Superintendent Brierley for both his generosity and assistance in making this material available.

All of the material has been edited, updated, and incorporated into a series of training modules developed by the Pennsylvania Adult Correctional Training (P.A.C.T) project. The entire series are intended to provide participants with the following:

1. An understanding of the administration of justice as a system, the interdependence of its elements, and the implications of their role performance for the successful operation of the system;
2. An understanding of the goals of the system and the role-relevancy of universally applicable principles, concepts, and procedures in providing protection for the community and rehabilitative services to the offender;
3. An understanding of the ways in which they may improve role performance consistent with the system's needs for increased understanding, cooperation, coordination, and improved service capabilities.

This training module on probation and parole can be used independently as a short course of several hours' duration or it can be incorporated into the full series which P.A.C.T. has produced. This module would be the seventh course presented when the entire series is used. The series would begin with "History of Law Enforcement and Correction in Pennsylvania" (T.M.No. 6901), followed by "The Administration

of Justice"(T.M. No. 6902), and then "Criminal Law, The Laws of Arrest, and Detention"(T.M. No. 6903), "The Police--Its History and Contemporary Place in Society"(T.M. No. 6904), "Pennsylvania Judicial System: The Courts, The Judge, The Jury"(T.M. No. 6905), "Sentencing--Two Views"(T.M. No. 6906), "Probation and Parole"(T.M. No. 6907), "Jails and Prisons"(T.M. No. 6908), "Capital Punishment"(T.M. No. 6909), and finally, "The Dynamics of Human Behavior"(T.M. No. 6910). Following this suggested order a cohesive picture of the offender, the arrest, sentencing, punishment, and corrections would be presented.

In order that each module be utilized to its fullest potential, the trainer or instructor first should have a sound background, preferably with field experience in the area in which he will be instructing. Secondly, he should have in-depth knowledge of the bibliographical material listed at the end of the training module, as well as other literature sources. With this basic preparation, the trainer can be in a position to employ the training module as a "road map" for the direction and substance of the course. Throughout the preparation and presentation of the course, the trainer should keep in mind the general objectives of the course as set forth at the outset of the outline.

As the course is presented, each heading and subheading should be treated by the instructor as a theme for expansion. The headings are meant only to provide the structure to the trainer, who should then build on them, expanding and enlarging as the needs of the class are demonstrated and his time and ability permit. Many examples and illustrations should be provided to the class. An abundance of case materials and other examples carefully prepared by the instructor is essential. It is the illustrative material that

concretize concepts and enhance learning. The trainer should draw upon his own professional experience as well as the bibliographical material for much of this expansion. Obviously, the trainer should capitalize on the experiences of his class in order to make the material more viable.

While the trainer is preparing for the course, certain chapters and sections of the readings will suggest themselves to him as so basic or important that he will want to assign them to the class. Therefore, the bibliography will serve two purposes: preparation of material for the instructor, and training material for the class. No attempt was made on the part of those developing the training modules to dictate what, if any, the class assignment should be. The trainer will know his class and its needs better than anyone else, and should have full discretionary power on assignments, drawing from the bibliographical references or any other sources which he deems relevant.

We of the staff of the Center for Law Enforcement and Corrections hope that these training modules can serve an effective role in providing assistance to those who have the responsibility for training operating personnel. If the material has the potential to serve as a catalyst, it is, nevertheless, the instructor who stands before the class who carries the burden of teaching success. It is to him that we say, "Good luck."

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Training Module 6907

PROBATION AND PAROLE

- Course Objectives: (1) To explore the concept of probation and ramifications for effective operation;
- (2) To investigate the development of the related area of parole.

1. Probation defined.

- A. Probation-Placement of convicted offender (or adjudicated delinquent) under supervision in the community in lieu of incarceration, under conditions prescribed by the court and under the control of a probation officer.
- B. The suspension of a penalty, usually imprisonment.
1. Substitutes non-punitive forms of treatment.
 2. Supervision is required during the probation period.
- C. Probation can be applied after conviction of adult offenders.
1. In the case of juveniles it can be applied after a finding of delinquency by the court.
 2. Cooperative offenders in non-support cases are frequently put on probation.
- D. Suspended sentence does not provide for supervision.
- E. Probation is a form of conditional release.
1. Requires actual supervision.
 2. Court may appoint an interested citizen on a volunteer basis.
 3. Probation granted not as final act by the court but as a tentative decision which can be revoked by court if conditions are not fulfilled.

II. Conditions for probation.

- A. Stated in Pennsylvania law.
- B. Character of defendant and circumstances of the case must be such that:
 - 1. Offender not likely to engage in similar conduct.
 - 2. Public good does not require offender be shut away from society.

III. Advantages of probation.

- A. More economical for community to place offender on probation rather than in prison.
- B. Offender can continue to support his family.
- C. Family separations and disruptions are prevented.
- D. Personal and social dangers connected with imprisonment are avoided.
- E. Allows for treatment in the context of the reality of community living.

IV. History of probation.

- A. The practice of suspended sentence and release on recognizance goes far back into Anglo Saxon history and was brought to the colonies as part of the common law.
- B. Massachusetts--John Augustus.
 - 1. First state to establish probation.
 - 2. 1841--informal use of probation began when John Augustus volunteered his services to the court.
 - a. Befriended young offenders.
 - b. Statutory recognition was given in 1869.
 - 3. 1878--first law passed to make probation a legal service.

- a. Empowered mayor of Boston to appoint a probation officer.
 - b. Later the power to appoint probation officers was transferred to the judiciary.
4. In 1898 the service was extended to all Massachusetts courts.
- C. The federal probation service which applies to the U.S. courts was established in 1925.
1. Juvenile field has had a direct influence on the development of probation.
 2. Has emphasized paternalistic care for the welfare of children together with careful case study.
 3. The probation officer is a logical aid to the court.
 4. In the federal courts offenses punishable by death or life imprisonment do not allow for the possibility of probation.
 - a. The same holds for several of the states.
 - b. In at least eleven states, the courts are permitted to suspend sentence or employ probation for any form of offense.
- D. Pennsylvania.
1. Juvenile probation introduced in 1903.
 2. Adult probation introduced in 1909 as part of the act establishing parole and indeterminate sentences.
 3. Amendment of 1911 authorized the court to suspend sentences and place a defendant on probation for a definite period with terms and conditions entered on the record as a part of the judgment of the court.

- a. Act allows for arrest and return to the court _
for imposition of sentence if terms of probation
have been violated.
- b. Court discharges an offender when terms of probation
have been successfully fulfilled.
- c. Period of probation cannot exceed the maximum term
for which the defendant might have been imprisoned.
4. Prior to 1941 there were numerous exceptions regarding
the eligibility for probation in Pennsylvania.
5. The Parole Act of 1941. (Also relates to probation.)
 - a. Section 25 removed most of the statutory limitations.
 - b. Cases of murder in the first degree are excepted
from probation.
 - c. The emphasis is on the offender rather than the act.
6. Factors considered for probation.
 - a. Character of the offender.
 - b. Circumstances of the case.
 - c. Likelihood of repetition of crime.
 - d. Public safety and protection.
 - e. Age.
 - f. Family situation.
 - g. Physical and mental makeup.
 - h. First offender.
7. Jurisdiction to grant probation.
 - a. 1941 Parole Act provides that any court having
criminal jurisdiction may by special order direct
the State Board of Probation and Parole to super-
vise any person which the judge of the court places
on probation.

- b. Discharge from probation may be made at any time and may be based on petition to the court.

8. Probation violations.

- a. Usual procedure is through arrest by bench warrant.
- b. Offender is brought before court which released him on probation.
- c. Receives such sentence as prescribed by law.
- d. Period of time to serve not affected by the time spent on probation.

V. Organization and operation of probation in Pennsylvania.

A. Organized on the basis of county units.

- 1. Officers are appointed by the judges in the county courts.
- 2. The officers are paid by the county.
- 3. No qualifications stated in Pennsylvania statutes except that he be a "discreet person."
- 4. If county probation department subsidized by certain state funds to employ probation officers under Grant in Aid, officers must meet qualifications prescribed by the state.
- 5. Duties not specified in law but designated in general terms as "the performance of such duties as the court shall direct."
 - a. Result is wide variation in methods.
 - b. Range from intensive case study and supervision to a mere interview.
 - c. In some cases probation amounts to a suspension of sentence, full release, no supervision.

6. In correctional field the term probation designates supervision of offender in the community and his readjustment by means of case work techniques.

B. Roles of the probation officer.

1. Investigative.
 - a. Pre-sentence investigation made by the probation officer.
 - b. Report goes to the court before disposition of the case.
2. Supervisory.
 - a. Providing social protection for the community.
 - b. Providing help to persons under supervision in the form of counseling, support, re-direction, constructive use of authority, listening.
3. Liason.
 - a. Between agency and court.
 - b. Between court and community.
 - c. Between other agencies encountering offender.
4. Development and use of community resources
 - a. Determines needs of probationers and contacts appropriate supporting services.
 - b. Perseverance of probation officers has resulted in increasing availability of community resources.
5. Public education.
 - a. Understanding of community necessary both for financial support (taxes) and cooperation in the restorative process of the offender (employment opportunities of the probationer must exist).
 - b. Recruitment of qualified personnel to staff agencies.

6. Administration .

- a. Office management.
- b. Supervision of probation officers.
- c. Compilation of records on offenders.
- d. Caseload management .

C. Future trends in probation.

- 1. Although originally a local and decentralized function connected with county or city courts, probation is developing toward state supervision.
 - a. In some instances complete state control is a reality.
 - b. Quality probation service can best be provided through participation of the state.
- 2. Tendency to combine probation and parole administratively.
 - a. Both operate in the community.
 - b. Both use supervision on a case work basis.
 - c. The same objective for both--successful readjustment of the offender.
- 3. Greatest need in field of probation is for uniform standards of procedure.

VI. Parole--history and development.

- A. Parole: Release of a sentenced offender (or adjudicated delinquent) from an institution prior to the expiration of his sentence for supervision in the community under conditions prescribed by the releasing authority and under the control of a parole officer.
- B. Prior to the establishment of parole.
 - 1. All sentences to penal institutions were for a definite fixed period.

2. No way to terminate sentence (prior to expiration) except through pardon by the executive.
 3. Resulted in an unwarranted extension of the pardoning power in order to relieve congestion in the institutions.
- C. The first working system of parole.
1. Credited to Alexander Maconochie in the penal colony on Norfolk island in New South Wales in 1840.
 - a. Convicts were passed through a series of stages, which graded degrees of freedom.
 - b. A system of marks governed promotion from one stage to another.
 2. The Irish System.
 - a. Mark system was borrowed a decade later by Sir Walter Crofton in the Irish Prisons.
 - b. Influence still evident in juvenile institutions, especially in the marks, grades, and honors.
 - c. There were three stages of Crofton's Irish System.
 1. Imprisonment with training and employment.
 2. Employment on public works.
 3. Release made conditional on good behavior and monthly reports.
- D. Introduction of parole into United States.
1. 1869, creation of reformatory at Elmira, New York, which introduced parole system.
 2. In 1884 parole was extended to prisoners in Ohio.
- E. Parole in Pennsylvania.
1. 1887, first use of the indeterminate sentence for adults came with the introduction of the reformatory system at Huntingdon.

- a. Basic act specified that every sentence should be a general sentence to imprisonment in the Pennsylvania Industrial Reformatory at Huntingdon.
 - b. The courts imposing such sentence were not to fix the limit or duration.
 - c. The sentence could be terminated by the board of managers, but it could not exceed the maximum term provided by law for the crime.
 - d. The board could make rules for absolute, temporary, or conditional release of all convicts.
 - e. Board was directed to fix a system of marks or credits as a basis for release.
2. In 1893 provisions for the arrest and return of violators were enacted.
 3. This principle was extended to the penitentiaries with the act of 1909.
 - a. This act introduced parole and probation into the state.
 - b. It also provided that in the cases of offenders sentenced to the Eastern and Western State Penitentiaries the court pronounce a sentence of imprisonment for an indefinite term.
 4. Pennsylvania is one of several which has a system of county parole.
 - a. Court may parole offenders committed to the county jail or workhouse.
 - b. They are placed under the supervision of a probation officer.
 - c. Under the Parole Act of 1941 the courts have parole

power only over those sentenced to a county institution for a maximum of less than two years.

5. State Board of Probation and Parole has exclusive power.
 - a. To parole and reparole.
 - b. Commit and recommit for parole violation
 - c. Discharge from parole.
6. The board's jurisdiction extends to all adult offenders, whether committed to state or county prison, sentenced for a maximum term of two years or more.

VII. Summary.

- A. Probation is a form of conditional release whereby sentence is suspended.
- B. Parole is also a form of conditional release but it occurs after a period of the sentence has been served.
- C. Identical goals of probation and parole--reintegration of the offender into the community as a productive and law abiding citizen.

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the Presentence Report. University of Minnesota Press, 1960.

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FILMS*

The Price of a Life. (AFIC) 1967, 29 min., 31261. \$6.10

Trace the entire probation process from the pre-sentence investigation of 25-year old offender on his way to becoming a habitual criminal to the means and methods by which probation can be strengthened with the more than 400,000 probationers now in the community.

The Revolving Door. (AFIC) 1968, 30 min., 31337. \$6.10.

The minor offender in a cycle of arrest-detention-trial-jail-release. Scenes in lower court and jail; trials in groups; visiting, eating, and recreational conditions; need to reform jails, probation, and rehabilitation; pilot programs to ease the court's burdens and to provide pre-sentencing information. Citizens aid in reform and group work.

Odds Against. (AFIC) 32 min., 30975. \$6.60.

Typical procedures in arrest, detention, trial, sentencing, imprisonment, and parole; best and worst in existing institutions and programs; advantages of and necessity for alternatives to imprisonment; essentiality of integration and coordination of efforts.

*Films available from Audio-Visual Services. The Pennsylvania State University, 6 Willard Bldg., University Park, Pa. 16802. (Phone 814-865-6315). Prices refer to rental as of 1969.