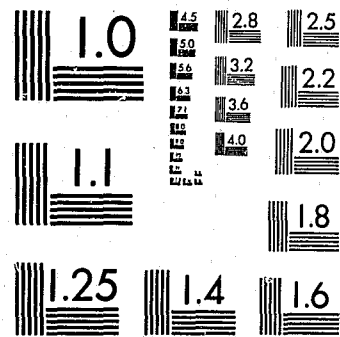


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REPORT ON STUDY TOUR
OF
PROBATION AND PAROLE
AND
ALLIED SERVICES
IN THE
UNITED STATES OF AMERICA
AUGUST-SEPTEMBER-1976

J.G. MACKAY
CHIEF PROBATION & PAROLE OFFICER
TASMANIA

NO 1RS

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ACQUISITIONS

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This Study Tour was made possible by generous grants from the Myer Foundation, the Australian Crime Prevention Council, and the Tasmanian Public Service Board. I gratefully acknowledge this most practical assistance and trust that the experience and knowledge I gained in America will prove to be of some value.

I especially wish to thank Mr J.D.Dwyer, Secretary, Attorney-General's Department, for his support and encouragement; Mr E. Mathews, Public Service Board Department, for his practical advice and assistance; and the Assistant Principal Probation and Parole Officer, Mr K.D.Dunkin, who so capably managed the Probation and Parole Service during my absence.

It would not be possible to thank all those people who made my visit to the United States so memorable but I feel I must make special mention of Mr Wayne P. Jackson, Chief of the Division of Federal Probation, who opened so many official doors for me, and without whose generous assistance my task would have been neither so easy nor so pleasurable.

John G. Mackay
(John G. Mackay)
Principal Probation and Parole Officer

Hobart, 1977

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1. INTRODUCTION

1:1 Objectives

The tour was undertaken with four broad objectives -

- (a) to examine the practice of Probation and Parole;
- (b) to study volunteer services in the Criminal Justice and allied fields;
- (c) to promote the Tasmanian Community Work Order Scheme, and to examine schemes of a similar nature;
- (d) to examine the functions of other agencies which might have bearing on the Criminal Justice System.

The tour covered a span of 44 days; 19 departments and agencies were visited in 11 States plus 2 in Vancouver, and upwards of 140 persons were contacted.

Prior to my leaving for America the bulk of my correspondence was with State Offices of the Federal Probation and Parole system and several non-government agencies. Soon after arrival, however, I realised that in order to gain a balanced view I would need to observe State and County Services. It will be appreciated that to examine the multitude of these Services would have been a task impossible to achieve within the time available to me. However, I was able to modify my schedule and encompass visits to several State and County Services.

1:2

Outline of Criminal Justice Services

Before discussing the objectives in detail it will be useful to outline some aspects of the American systems in Law Enforcement, Courts, and Probation and Parole, which differ from those in Australia.

(a) Law Enforcement

In most States three separate Services can be found, sometimes four and occasionally five:

Federal Bureau of Investigation
State Police Force
County Police Force
City Police Force
Sheriff and Peace Officers

A person might be apprehended as the result of committing a crime by any one of the latter four authorities, and the court in which the offender appears might well be contingent upon the Law Enforcement Agency of which the arresting officer is a member. However, it would be entirely feasible for a persistent law-breaker to be arrested by a variety of law enforcement agencies and thus appear in courts of different jurisdictions, and consequently, if released on probation, be under the supervision of different departments. In the case of the FBI, that agency is involved at the request of a State Police authority, more directly when an offence involves Federal property and/or statutes, or when the alleged offender crosses a State border.

(b) Courts

Courts in America operate in three distinct and separate jurisdictions, quite apart from those dictated by the nature of the offence.

(i) Federal Courts:

These courts deal with offences and crimes against Federal Statutes and/or property, in addition to any matters which might be referred to a Federal Grand Jury by a court of lesser authority.

(ii) State Courts:

These courts deal with a wide range of offences and crimes covering all areas not limited to the Federal Courts.

(iii) County Courts:

Deal with a smaller number of the less serious offences and crimes, but which would overlap with the State jurisdictions in some cases.

(c) Probation and Parole Services

As in Australia, Probation and Parole Services are integrated and officers have a dual responsibility. For the sake of simplicity I shall generally refer to them as Probation Services in this report.

(i) Federal Probation Service:

This Service functions exclusively in the area of the Federal Courts and undertakes no duties whatsoever from courts of other jurisdictions.

(ii) State Services:

These Services operate exclusively in State jurisdictions and accept persons under supervision only from those courts. (See exception below).

(iii) County Services:

These operate in the same manner as the State Services, with a more limited jurisdiction.

The exception applying to both State and County Services is that, under certain circumstances (eg, when no Federal agency exists in a district), State or County Services would undertake supervision at the request of a Federal Court or Probation agency.

1:3 Funding

Federal and State Services are financed, of course, by the respective Governments. However, Federal funds are sometimes available to State and County Services for special projects and this is the cause of considerable activity - particularly in

facilities and are, therefore, able to suggest subject areas for examination.

2. PRACTICE OF PROBATION AND PAROLE

2:1 The Federal Service

The Act of Congress establishing a Federal Government Probation System in the United States Courts was signed by President Coolidge on 5th March 1925 and the first probation officers (three in number) were appointed in 1927. Since then its growth has continued and 1976 found the Service with 1,669 probation and parole officers, and more than 1,000 clerks and stenographers. Prior to 1940 the Probation System was administered by the Department of Justice, specifically the Bureau of Prisons. Following the creation of the Administrative Office of the United States Courts, which came into being late in 1939, the administration of probation was transferred to the judiciary and a Division of Probation was established within the Administrative Office. In the mid and late Sixties several efforts were made without success to return the Probation Service to the Justice Department to place the three major components of Federal Corrections under the same roof.

Much can be said in favour of a wholly unified criminal justice system, but the view has prevailed in America that the Probation Service should continue to be insulated from any possible influence of the prosecutive arm of government.

2:2 State Services

All American States have some form of probation and parole and, in many cases, were on the scene much earlier than their Federal counterparts. However, the standard of professional service varies considerably. As in Australia, they are autonomous, but specific programmes may attract

Federal funding. For all practical purposes, however, probation and parole officers in State jurisdictions function in all ways as do officers in Australia.

Generally, I was most impressed by the flexibility of the State Services. There is a willingness to embark on new and untried programmes with great enthusiasm, and yet to accept philosophically massive problems, and even defeat. When I spoke of this attitude to one Chief Officer, he laughed and said, "Well, we just pick ourselves up, brush off the dust, and start all over again".

Great emphasis is placed on bringing Probation Services into community areas where the need is greatest, and offering a wide range of general aid projects not only to probationers and parolees but to their families and members of the general public. The shop-front probation office is a common sight in many cities and towns, and accommodation and facilities are frequently provided to voluntary agencies such as Citizen Advice Bureaux and Family Counselling Services. These agencies are encouraged to work in co-operation with the probation office, and, with the help of volunteers and honorary probation officers, suburban offices are able to remain open during weekends and evenings.

Some very innovative programmes are operated by State Services and some of these will be described under Section 5 - Specific Projects.

2:3 County Services

I will not go into any great detail to describe the many and varied services provided by a number of County Probation Departments. In addition to the main function of probation supervision a wide range of community welfare needs is met, including assistance to Family

Courts, operating family counselling services, Work Release programmes for prisoners, and many others.

A point of interest is, that by concentrating a number of activities in the one organisation, the situation of having innumerable small agencies battling for funds and staff is avoided. Officers having special interests and skills are sent for training, and the Service is thus able to offer a considerable number of facilities more effectively, and at lower cost.

County, State, and Federal Services can be complementary and seem to be particularly valuable in large States. I have thought that in the Australian States of Western Australia, Queensland, and New South Wales, a three-tiered system would not be altogether out of place.

2:4 Support Services

In all of the three Services I was impressed by the ratio of clerical and typing personnel to field and administrative staff. It is clear that great care is taken to ensure the field officers' involvement in clerical tasks is kept to a minimum, and I was in many offices where systems were operating which required no clerical activity at all on the part of the field officers. As a result of this type of administrative organisation probation and parole officers are able to devote much more, or all, of their time to their casework duties, and have more time for review and evaluation of their work.

3. VOLUNTEER SERVICES IN CRIMINAL JUSTICE & ALLIED FIELDS

3:1 General Volunteers

The citizen volunteer movement in America is very strong, with immense amounts of money involved. As a personal observation, I think it a matter for regret that there is a tendency to try and 'professionalise' many of the tried and true voluntary agencies by suggesting that they would do better work under the guidance of social workers.

There is still evidence of some jealousy on the part of many graduate social workers and I can only conclude that, as in Australia, these people are very insecure and feel threatened by the intrusion of the lay worker into some areas of community welfare.

The point to be emphasised is that in the United States there is an enormous amount of vital work being done by voluntary organisations which simply could not be undertaken by statutory authorities except at frightening cost. Community acceptance of, and support for, voluntary services is very evident, and I was interested in the support given to a 1-day (10am to 10pm) recruiting drive I observed in Seattle, Washington State. Advertisers and city business houses donated time and the Seattle Volunteer Bureau provided staff to make appeals. The Bureau confidently expected that the programme would result in 2,000 people coming forward to offer their services, and the Bureau would then face the task of interviewing each person and allocating them to specific agencies.

The Seattle Bureau is typical of many such organisations throughout America; it has a full-time paid secretariat and some field staff. Its job is to co-ordinate the activities of all the voluntary groups, assign to them

volunteers seeking work, arrange agency meetings and conferences, arrange for publication of material, and act as a general-purpose public relations office.

In some ways the functions of these bureaux could be aligned with the Australian Council of Social Services and its State branches, but the American bureaux are more deeply involved with volunteer action.

Although I did not come across anything quite the same as the Tasmanian Community Work Order Scheme, American State and County Courts frequently order some form of community work to be carried out by an offender as a condition of probation. In such a case the relevant probation office would instruct the probationer to report to a Volunteer Bureau, which would then refer him or her on to an agency where the actual work would be carried out. This seems a rather cumbersome method of dealing with a court order, but it does at least have the merit of preserving the anonymity of the offender, who becomes simply another volunteer.

Special mention must be made of the very broad range of community work undertaken by offenders in the United States. There seems to be no problem in having them employed in hospitals, and in fire and emergency services, for example. With high unemployment rates and union opposition it is to be doubted whether such activities could be undertaken in Australia.

It seemed to me that the value of the voluntary agencies and the contribution they make in a community receive much greater recognition in America than is the case in Australia. The Federal Government and State Governments were clearly very willing to give financial support to a voluntary agency which had demonstrated its worth. Well-structured and soundly based

voluntary agencies which have clearly defined aims are an asset in a community, and can operate effectively at a much lower cost than could a statutory body.

I was greatly rewarded as the result of contact with a wide range of volunteer services throughout the country. I believe it would be worthwhile for a national body such as the Australian Council of Social Services to send a representative to some American cities and study in some detail the methods of Volunteer Bureaux. I am sure some of their principles could be successfully applied in Australia to the advantage of all concerned.

3:2 Honorary Probation Officers

I put these volunteers under a separate heading as there is a clear distinction between their work and that of their general-purpose colleagues. Honorary probation officers have a more specialised task to perform; they work in much closer relationship to the professional probation officer, and are generally seen as part of the team rather than aids or supporters of the system. In many of the State Services honorary probation officers prepare pre-sentence reports, carry parole as well as probation cases, and take a much more active part in the activities of the Probation Service. In Australia, the States of Victoria, Western Australia, and Tasmania, have adopted these practices, and I am convinced that these State Probation Services are the better as a result. There is one area which is common in America and into which I believe we could move with advantage, and that is the establishment of Probation Committees. In my opinion, the general public has some basic misconceptions about the true role and functions of a Probation Service. This problem has been recognised in America and the establishment of Probation Committees proved to be

the solution, or at least to go a long way towards easing the situation. These Committees comprise the Chief Probation Officer and two or three senior staff, the District Attorney or his nominee, and the remainder, usually not more than four or five, are drawn from the community. The Committees perform several very useful functions, including promoting community/departmental relationships, significantly moulding community attitudes, influencing government policy, and so on. From what I saw of them, nothing but good has come out of their establishment, although many Services recalled much trepidation being felt when they were first proposed.

4. WORK ORDERS

It was my intention to make known as widely as possible the Tasmanian Community Work Order Scheme, and I am confident I succeeded. Additionally, I was keen to study American schemes of a similar nature, but in this I was disappointed.

The American Services were universally interested in the Tasmanian Scheme, the more so because of the heavy involvement of voluntary workers. The financial benefits of the scheme also appealed, and I was able to point out that there had been an estimated saving to Tasmania of \$1,750,000 in the 1975 financial year. The third influencing factor was the attitude of service clubs such as Rotary International, Lions, and Apex. These clubs have given strong support to the scheme and have, themselves, benefitted substantially.

Community work projects can be seen in operation in a large proportion of the American States, but they are invariably run by a prisons department and should more properly be called "Work Release" schemes as they are usually a prelude to conditional liberty. Members of the community do not always participate,

in concert with a citizen volunteer is lost. It is my opinion that the volunteer/offender relationship produces far-reaching results and can materially improve an offender's social attitudes and behaviour.

I must say I felt proud of our programme, and as a result of my engagement in discussion groups and lectures I was able to impart some very useful information to several of the American Services, and I received a number of requests for my report on the Tasmanian Scheme.

5. SPECIAL PROJECTS IN CRIMINAL JUSTICE FIELD

5:1 Albuquerque Technical College/Police Department

The growing anti-police attitude amongst young people is causing great concern to community leaders, and youthful motorists can often be singled out as one of the most aggressive and vocal groups.

As the result of co-operation between the Albuquerque City Police Department and the Technical College all police vehicles are now serviced, maintained, and repaired by student motor mechanics in the College workshop. Naturally, there were problems and complaints, but these were generally overcome and the Commissioner said that the Department's vehicles and cycles had never been in better condition. The Principal of the College stressed the dramatic improvement in relations between police officers and students, pointing out that officers frequently dropped in for a chat with the students who were now eager to discuss a whole range of subjects with those who had often been seen as the enemy. I think projects such as this are worthy of serious consideration in Australia.

5:2 Pay Probation

A startling concept of "Pay Probation" has

Any offender who is offered probation as an alternative to imprisonment is invited to pay \$1.00 per week for the privilege. It is expected that approximately 30% of all probationers will pay for about 30% of the period of probation. It is pointed out that the real intention of the scheme is not a money-making exercise but rather to impress on offenders that something worth having is worth paying for. It also gives the probationer a stronger base for discussion and argument should it be felt that the probation officer is being unreasonable or unfair. The financial value of the project really merits little discussion as individual circumstances would clearly dictate the overall results. However, a Service with, say, 2,000 persons under supervision could show a return of around \$10,000. Of course, in America this money would be retained by the Service and not paid into consolidated revenue as could be expected in Australia. The money is used to develop new or extend existing programmes, and is not taken into account when departmental budgets are being prepared.

5:3 Pre-Court Diversion

This is a programme designed to divert from court young and/or first offenders who have been arrested for committing minor breaches of the law. At the request of the arresting officer, and with the approval of a senior police officer, the case is referred to the District Attorney who, if satisfied, may then request the Probation Service to undertake supervision of the offender. Persons can be released upon signing an order consenting to probation and supervision for a period usually not exceeding 12 months, and the acceptance of certain conditions.

Legal safeguards have been built into the American system, which has merit in at least two areas - it keeps out of the already over-burdened courts a number of minor offenders, and avoids the often traumatic experience of a court appearance and subsequent publicity otherwise faced by persons who may well never offend again. Although perhaps too early for accurate assessment, the programme appears to be working effectively.

5:4 Court Assessment Units

These are now a well-established feature of courts throughout America and Canada. They came into existence largely because Probation Services were unable to cope with requests for pre-sentence reports and maintain effective supervision of probationers.

Pre-sentence reporting forms a very large part of the business of a probation office in almost any country of the Western world; in fact, it may approach 50% of a probation officer's time. In an endeavour to equate this most necessary function to other aspects of the work it has been unavoidable to have extended time set aside for the investigation and preparation of reports, and periods of up to one month are not unusual in America. However, very frequently courts are in need of specific information which could be speedily obtained were probation staff available. In order to avoid the continued build-up of staff and at the same time offer to courts a quick and effective service, the idea of providing Court Assessment Units was conceived.

Essentially, these units comprise men and women who have an aptitude for investigation, are perceptive, and can translate a mass of information into a concise but comprehensive statement in a very short space of time.

In practice, the Units can often give a court the required information during the day of session or the next day. Should investigation disclose aspects of the case which would seem to warrant closer and more detailed examination, then the officer suggests that a full pre-sentence report be obtained.

There are many advantages inherent in a Court Assessment Unit, perhaps the most important being that summary justice can be given to an offender, avoiding traumatic delays and general inconvenience, and backlogs of hearings are reduced to a minimum. Having observed several of these Units in action and seen the results and discussed their features with officers of the criminal justice systems, including judges and magistrates, I can see nothing but merit and great advantage in their establishment and use.

5:5 The Ten District Pre-Trial Project

This project is funded exclusively by the Federal Government to the extent of \$10,000,000. It takes its name from the 10 districts in 6 States deemed to be experiencing the greatest difficulty in dealing expeditiously with persons awaiting trial. Some examples were given indicating that delays of up to three years were not uncommon, and that 12 months was unremarked.

Following consultation with Law Enforcement and Probation and Parole Agencies, Bar Associations and Judges, the United States Congress passed an Act called "The Speedy Trial Act", the principal purpose of which was to ensure offenders should be dealt with within a space of time not longer than 120 days from the time of the first appearance in court. I understand there was considerable opposition

to the proposal, mainly from the more professional criminals to whom the prospect of bail supervision was anathema and a threat to their illicit activities. There was also opposition from some of the less ethical members of the legal profession who feared a loss or lowering of income as a result of early trials. However, the Act is now law and bears on courts of all jurisdictions, and in order to give practical effect to its intent Congress made special provision for this project to be put into operation.

As a result of the consultations already mentioned it was clear that a very large number of persons released on bail were unable, for a variety of reasons, to maintain themselves in the community free of further clashes with the law. It was equally clear that determined offenders frequently used the bail period to continue their unlawful and predatory behaviour. In an attempt to combat these problems the concept of "supervised bail" was introduced, requiring offenders released on bail to accept supervision as a condition.

The project is divided into two divisions, one being run by a government agency, the other by a citizens' committee. In practice, there is little to choose between the two, the main difference being that the citizens' committee has two of the five members chosen from the local community, the others being a judge, a lawyer, and the district Chief Probation Officer. The agency committee has a judge, a lawyer, and the Chief Probation Officer, and, instead of lay members, the District Attorney and two other Government nominees to make up the whole.

Each division of the project has its own director together with administrative and

field staff; the project money is split evenly between them, and indications are that the present allocation will be insufficient to cover the four-year period intended as the time span for the pilot scheme.

During the "pre-trial" period the bailee is required to co-operate with a project counsellor, who works in much the same way as a Probation Officer. Medical, psychiatric, psychological, and other examination and testing may be required of the offender, and counselling, group and individual, is offered at the same time, both to the offender and his family. Within the period of three months a comprehensive case file is built up which is ultimately presented to the trial judge who, when sentence is passed, decrees what is to be done with it. Should a probation order be made, the case file would pass on to the relevant probation office and become the basis of its documentation. Similarly, the file would accompany the offender to prison, from whence it might ultimately move to a parole office. In the event of discharge, the file would remain in the court records.

I was assured that the scheme is working well, and my own observations support that view. Full statistics are not yet available, but early indications are that there has been a discernible drop in the "breakdown" rate in a majority of the districts in which the project is operating.

5:6 The Institute for Court Management

This rather unique organisation is a joint venture between the American Bar Association, the American Judicature Society, and the

Institute of Judicial Administration. It is located in Denver, Colorado, and I spent some time with the Assistant Executive Director, Mr H.T. Rubin. Prior to this appointment Mr Rubin had been a judge in Family and Juvenile Courts, and a lawyer for many years before that. The Institute was established to provide formal training for barristers and other professional workers who were desirous of obtaining the special skills it was felt were needed in this jurisdiction. Training is by way of workshops and seminars, the venue for the latter often being in a retreat setting in the foothills of the Rocky Mountains. A study of seminar papers and discussion topics indicates that a very high professional standard is required of participants, and I was pleased to note that several Chief Probation Officers had attended these courses.

Interest in Juvenile and Family Courts and concern as to their management is increasing in America. There is a growing body of opinion which believes that the philosophy and function of these two jurisdictions is interlocked and they should become one. There is much to be said in favour of this proposal, but the need is much more apparent in the United States than would be the case in Australia where courts of all jurisdictions have direct access to appeal built into the system. However, my interest lay in the Institute itself, and I would respectfully commend it for study by the Australian Institute of Family Studies which, hopefully, will soon be established.

6. COMMENTARIES

6:1 Academic Qualifications

This area is worthy of special mention, especially in the Federal Service, as in recent years great emphasis has been placed on academic achievement. Obtaining graduate qualifications in America is greatly facilitated by the large number of Universities and Colleges, and I was much impressed by the lengths to which administrators go to tailor courses to students' needs. This is particularly marked in the case of the mature age and/or part-time student, and it seems to me our own Universities and Colleges are only just entering into this situation which has clearly been a feature of American campus life for some time.

Many of the courses are highly specialised. Masters Degrees, for example, are available in Criminal Justice Administration, and for students wishing to become probation and parole officers there are degree courses in social work having a large forensic component.

6:2 Additional Community Service Roles

The Safer Foundation

This is a non-profit corporation founded in 1972 by a group of Chicago business and professional people dedicated to the rehabilitation of offenders, and to crime prevention. Safer tries to achieve its objectives through three on-going programmes -

DARE (Direct Action for Rehabilitation and Employment)

This programme originated through the joint efforts of the Portland Cement Association and the Illinois Department of Corrections. It provides job counselling,

job development and placement, and is used extensively by adult parolees in the State of Illinois, and particularly in the City of Chicago.

CHALLENGE:

The concern here is with the main-stream of community life. Extensive use is made of citizen volunteers who are trained to work on a one-to-one basis with offenders. The administration of this project contains some full-time personnel who have the expertise in law and psychology.

PREP (Probation Rehabilitation and Employment Programme)

PREP is designed to help professional probation officers and currently assists more than 600 young offenders in the 17-23 years age range. Here again, a corps of lay officers offer counselling and practical assistance in locating worthwhile employment and job training.

The DARE programme is located in the offices of the Chicago Federal Probation Service but is quite independent, although it attracts a Federal Government grant which helps in meeting administration costs.

I was tremendously impressed with these three programmes which represent a true community spirit and are a splendid example of volunteers working in harmony with a statutory service. DARE, in particular, has made a substantial and valuable contribution in re-location of offenders in employment and guiding them into vocational training. The records indicate that of all the offenders who have participated in the programme only 7 per cent have returned to prison, compared with a National recidivism

The SAIFER Foundation would be of particular interest to any Australian businessmen interested in working towards a more secure community.

The Indian Schools

These were somewhat outside the scope of my tour but, because they are designed specifically for young offenders, I decided to visit one of them to see if it had any relevance to probation, and particularly to the problem of Australian Aboriginal offenders.

The school I visited is located at Flandreau in South Dakota and has an enrolment of some 400 students, boys and girls whose ages range from 16 to 20 years. The building was a State High School but, with the drift of population to the nearby city of Sioux Falls, it was sold to the Federal Government, which has a number of similar schools in several States. Residential facilities are provided and there is a well-equipped gymnasium, theatre, tennis courts, and other recreational amenities. All the students have some history of delinquency, and some abscond quite regularly, but most of them seem to return eventually. The other prerequisite for entry, of course, is that students be of Indian stock.

Stress is laid on Indian culture and students are encouraged to be proud of their background. A school magazine of good standard is produced, and contains literary efforts indicating that the teachers' work in this area is not unrewarded. Apart from a normal academic curriculum, emphasis is laid on obtaining practical and technical skills such as shorthand, typing, metalcraft, woodwork, and so on. Some contract work has been undertaken for local industry, and I saw several excellent examples - timber and steel

The standard of teaching is of a very high order, the staff clearly being a most dedicated group of men and women. The unfortunate aspect of this particular school is its location in a rural environment and some distance from the nearest Indian reservation, which reduces contact between family and friends. There is a marked degree of isolation from the local citizens who tend to view the youngsters with some suspicion, and there is an obvious need for three or four welfare officers who could open up a good public relations programme.

Regrettably, I feel bound to say I think the scheme, good as it is, has a built-in failure expectancy, and this occurs when these young people eventually return to their reservations. As with the schools, the reservations are often located in rural areas holding few employment opportunities, so that all the skills learned in the school are virtually wasted. A great deal more thought needs to be given to this school system, although the basic concept is very good indeed.

There is relevance to probation and parole as many of these youngsters are potential offenders on a more serious scale. State Probation Services are working hard on this problem as there are many ways in which support can be given at this stage and follow-up work done later.

I believe the Australian Government could learn much from a study of these schools which, with some modifications, could be adapted to serve our own Aboriginal population.

6:3 Pre-Sentence Reports

American courts request and receive reports of the type which is standard in Australian State courts. The format used necessarily results in an extremely detailed document which, however, is of undoubted value to sentencers. Unfortunately it is a time-consuming process and usually results in the adjournment of a case for at least 14 days, and sometimes up to 1 month. In an endeavour to overcome this problem the Vera Institute of Justice undertook extensive research on the subject and the result is the Short Form Pre-Sentence Report. An entirely new style of report, this is now in use in many American jurisdictions. The time factor has been markedly reduced, and the report still contains all available significant information.

6:4 Judges' Councils

Several District Court judges were kind enough to give me interview time. They impressed me as forthright and plain-speaking men and, without exception, gave unstinting praise to the work of the probation staff. The judges hold regular district meetings, generally monthly, and, at these, special cases, attitudes, and experiences are discussed. I was told by the judges that these council meetings are useful and instructive, and are an indispensable feature of their professional work. Each third or fourth meeting is set aside for special purposes and the local Chief Probation Officer and the District Attorney are often invited. Again, I was informed that the judges have come to look upon these special discussions as informative and enlightening, and they now form part of the regular pattern of the Probation Service.

6:5 General Remarks

I was frequently asked to describe the probation practices of Australia and was hard put to point to any great differences. An exchange of officers could well take place, with no difficulties except those of geography. I met several officers who, although British by birth, were now American citizens and working happily in the country of their adoption. A number of Australian Services have American nationals working as probation officers, and I know of no problems arising out of this situation.

It is in the areas of institutions and facilities where the great distinctions lie, and these are a fairly direct reflection of programme funding. All the Chief Officers with whom I spoke agreed that of the many problems confronting them, money was not one.

Additionally, it is not unusual to find "special purpose" projects with separate funding operating out of a probation office, but not being a part of the system. Indeed, on one occasion I came across one of these projects which was funded from private and community sources, and had I not enquired it would not have been brought to my notice as being anything unusual. It is just such a situation which highlights the greater degree of programme flexibility so apparent in the American Services. The Chief of an American State Service is responsible to only one man, the senior District Court Judge, and if a programme is put forward which appeals and funds are available immediate action is possible.

written proposals and submissions to an administrative body which frequently faces the Australian chief officer.

I found the whole experience rewarding, fascinating, and instructive. The Americans with whom I came into contact professionally, socially, and casually, were friendly, courteous, and extremely helpful.

Whilst not denying that America has a serious crime problem, I came to the conclusion that the media frequently over-dramatised and exaggerated many incidents and, on some occasions, were downright untruthful simply in order to arouse public opinion. The Federal Probation Service seems to be under constant attack from some of the more radical commentators. At first I was somewhat astonished, but then deduced that it drew the fire, so to speak, because it is the biggest and best paid, and because it is looked to as the innovator and experimenter.

I gained the strong feeling that a more conservative attitude is growing in America which could result in tougher treatment of offenders. This is a pity, as there is much yet to be done and new methods of non-custodial treatment to be explored which in no way will infringe the right of individuals to have their persons and property protected.

7. RECOMMENDATIONS

These are projects and programmes which I felt were of special interest and could be applied to Australian situations, even if in a modified form. Legislative amendment would be necessary

in some cases, and in others some public relations work would need to be carried out. The recommendations are put forward in the hope that some consideration will be given to them. They are not listed in any order of merit.

Pre-Court Diversion (pl2 - 5:3)

State legislation could easily accommodate this scheme, and I believe it has great merit. When applied to the Juvenile Court it seems to be superior to the Tribunal and Panel System currently in use in some Australian States.

Highly recommended.

Court Assessment Units (pl3 - 5:4)

These impressed me as being a particularly helpful and practical means of dealing with pre-sentence reporting. Trained honorary probation officers could be used to advantage.

Highly recommended.

Pay Probation (pl1 - 5:2)

There could be valid objection to this scheme and it would need to be examined carefully. There are some almost hidden values however, and I do not think it should be lightly dismissed.

Worthy of consideration.

Short Form Reports (p22 - 6:3)

A valuable adjunct to the standard method of reporting to courts; could be used by a Court Assessment Unit in special cases.

Highly recommended.

SAFER Foundation (p18 - 6:2)

This is a very meritorious scheme and could be easily adopted in its entirety by any Australian Probation and Parole Service. Action could be initiated in discussions with business and community leaders.

Recommended for examination.

Indian Schools (p20 - 6:2)

Well worth study by Aborigine Welfare Departments and could, I believe, benefit the whole community.

The Institute for Court Management (p16 - 5:6)

With all due respect, I believe there are few judges or magistrates who would not welcome or benefit from the establishment in Australia of this Institute. Being a barrister does not automatically result in a good judge any more than being a medical doctor results in a good hospital superintendent. A move to establish an Australian Institute would have to emanate from a Law Society or Bar Association.

Recommended for consideration.

Probation Committees (p9 - 3:2)

These could be established with a minimum of trouble and would, in my opinion, be a very worthy adjunct to any Probation Service.

I strongly recommend early consideration.

Volunteer Bureaux (p7 - 3:1)

I do not believe that such Bureaux would cut across or in any way interfere with the aims and objectives of the Australian Council of Social Services. The American Bureaux have a clearly defined operational

area and their primary, almost sole, task is to recruit citizens for voluntary agencies. It would be necessary to have a paid secretariat, but the return on this investment would be manifold. I hasten to add that the Bureaux are not fund-raising organisations, but will assist upon request.

My recommendation is for an ACOSS representative to visit the United States and study the Bureaux at first hand.

Automotive Student - Police Department Project (p11 - 5:1)

Although I am aware of only one such scheme I was impressed with the way it functions and the results it was producing. However, there may well be great problems standing in the way of the introduction of an Australian equivalent. I can imagine that Police Associations, and perhaps Trades and Labour Councils, could well raise objections. Nevertheless, any scheme which results in a lessening of friction between young people and the Police Forces is worthy of unemotional examination and evaluation.

Recommended for consideration.

8. RESOURCE INFORMATION:

The author can supply many addresses of United States agencies and departments, and names of personnel. However, should interested persons wish to make a more direct contact I give the following short list.

National Centre for Voluntary Action
1785 Massachusetts Avenue NW
Washington DC 20036
U.S.A.

American Bar Association
1800 M Street
Washington DC 20036
U.S.A.

Administrative Office of the US Courts
Division of Probation
Supreme Court Building
Washington DC 20544
U.S.A.

The Institute for Court Management
Executive Tower Inn
Suite 1800
1405 Curtis Street
Denver
Colorado 80202
U.S.A.

National Information Centre on Volunteerism
1221 University Street
Boulder
Colorado 80302
U.S.A.

Office of Community Development
1057 Capitol Way
South Olympia
Washington State 98504
U.S.A.

National Council on Crime & Delinquency
Continental Plaza
411 Hackensack Avenue
Hackensack 07601
New Jersey
U.S.A.

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