

# **CJ211**

## **Correctional Programs: Probation and Parole**

### **[Onsite]**

**Course Description:**

This introduction to the probation and parole system in the United States tracks the progress of an individual through each phase of the system.

**Prerequisite(s) and/or Corequisite(s):**

Prerequisite: CJ131 Introduction to Criminal Justice

**Credit hours: 4**

**Contact hours: 40 (40 Theory Hours)**

## I. MAJOR INSTRUCTIONAL AREAS

This course will analyze the essential elements of probation and parole by examining the history of sentencing and post sentence release from its beginnings to the contemporary institution to which it has evolved. Integrated within this study, a variety of topics will be examined. The juvenile justice system, probation administration, sentencing, community based corrections, the theory of rehabilitation, probation and parole officers, special programs, intermediate sanctions, and the future trends and issues related to probation and parole will all be considered.

## II. COURSE OBJECTIVES

### A. WEEK ONE: History and Administration of Probation

- 1. Trace the history of probation in the United States.**
  - a. Provide an overview of, and explain the similarities and differences between, probation and parole.
  - b. Discuss the efforts of John Augustus and the beginnings of probation.
  - c. Review early probation statutes.
  - d. Examine probation at the turn of the 20<sup>th</sup> century.
- 2. Identify the U.S. court environment and its effects on the conditions of probation.**
  - a. Identify the six categories of probation systems administration.
  - b. Discuss whether probation should be under municipal, country or state jurisdiction.
  - c. Discuss the probation violation procedure.
- 3. Examine the importance of probation in the criminal justice system.**
  - a. Examine how the judiciary is better suited to guarantee the rights of probationers, parolees, and others than the other branches of government.

- b. Identify and define the three theories that form the basis for imposing restrictions on a probationer's liberty and for punishing violations.
4. Compare and contrast the advantages and disadvantages of placing probation services under the supervision of either in the executive or the judicial branch of government.
5. Identify the variables that are considered in making a recommendation for or against a sentence of probation on the offender.
  - a. Identify acceptable and unacceptable conditions of probation. Provide examples to help illustrate the utility of each acceptable condition.
  - b. Debate the appropriate length of probationary supervision.
6. Articulate the advantages of a sentence of probation, and identify the conditions under which a sentence of imprisonment is to be preferred over a sentence of probation.
  - a. Review the American Bar Association (ABA) advantages of probation rather than imprisonment and discuss their merit.
  - b. Review the American Bar Association (ABA) conditions for sentence of imprisonment rather than probation and discuss their merit. Provide examples to help illustrate each condition.

#### B. WEEK TWO: Juvenile Probation

1. Explain the concept of probation in juvenile court, and illustrate the variety of dispositions available after a juvenile has been adjudicated in juvenile court.
  - a. Discuss the history of the juvenile court, including the houses of refuse and orphan asylums.
  - b. Define *parens patriae* and the effect of this concept on the juvenile court.
  - c. Review the child-saving movement.
  - d. Identify the difference between delinquents and status offenders.
  - e. Examine procedures in the juvenile court.
  - f. Compare and contrast the juvenile probation officers legal and social service functions.
  - g. Review the importance and function of the predisposition report.
  - h. Discuss the blended sentence juvenile offender.

- i. Review the juvenile cases decided by the Supreme Court affecting probation services.
  - i. *Kent v. United States*
  - ii. *In re Gault*
  - iii. *McKeiver v. Pennsylvania*
  - iv. *Breed v. Jones*
  - v. *Schall v. Martin*
- j. Discuss the concept of “least restrictive alternative” and its application to juvenile probation.
- k. Define the types of programs and services offered to juveniles, as described in the Model Programs Guide: Prevention, Immediate Sanctions, Intermediate Sanctions, Residential and Re-entry.

#### C. WEEK THREE: Sentencing and the Pre-Sentence Investigation

1. Discuss the purposes of a pre-sentence investigation report (PSI), and describe what is usually included in a PSI.
  - a. Review the requirements for a PSI report.
  - b. Identify and discuss the purposes of a PSI report.
  - c. Review the purpose of a victim impact statement.
  - d. Examine the content required in a PSI report.
  - e. Identify and describe the three basic types of PSI reports: short form, long form and classical.
  - f. Discuss the responsibilities of the U.S. Pretrial Services Officer
  - g. Discuss the relationship between plea bargaining and the pre-plea investigation.
  - h. Debate whether the PSI report should be disclosed to the defendant or his or her attorney.
  - i. Understand criticism of the PSI report.
  - j. Review the standards to improve the reliability of the report by the Massachusetts commissioner of probation.

#### D. WEEK FOUR: History of Parole

- 1. Trace the history of parole in the United States.**
  - a. Define parole.
  - b. Compare and contrast the indentured servants during colonial America with modern-day parole process.
  - c. Discuss the contribution of Alexander Maconochie to the history of penology.
  - d. Examine the four stages of Crofton's Irish System.
  - e. Discuss the Elmira Reformatory and its contributions to modern-day parole.
  
- 2. Identify the U.S. court environment and its effects on the conditions of parole.**
  - a. Examine the relationship between parole and the indeterminate sentence.
  - b. Discuss the emergence of positivism in the Medical Model.
  - c. Compare and contrast the Medical Model with the Justice Model.
  - d. Review the concept of Just Desserts.
  - e. Define presumptive sentencing.
  - f. Discuss the concept of "truth-in-sentencing" and its relationship to parole.
  - g. Compare and contrast indeterminate and determinate sentencing.
  - h. Examine the relationship between determinate sentencing, prosecutorial discretion and disparate justice.
  
- 3. Examine the importance of parole in the criminal justice system.**
  - a. Discuss the reasons for and against parole.
  
- 4. Analyze the status of parole in various states, including your own state.**

#### **E. WEEK FIVE: Parole Administration and Services**

- 1. Examine the basic services of a parole agency.**
  - a. Identify the three basic services and categories of a parole agency.
  - b. Define Conditional Release and its relationship to parole.

- c. Examine the composition of the parole board and its functions and criticism.
- d. Review parole board procedures.
- e. Compare and contrast parole board procedures in Maryland, Missouri, Nebraska, Pennsylvania, Vermont, and Wisconsin.
- f. Consider the rights of victims to participate in the parole process.
- g. Discuss Parole Board guidelines.
- h. Review the responsibility of the institutional parole staff.
- i. Review the responsibility of the field services staff.
- j. Generally, discuss conditions of parole.
- k. Debate the appropriate length of parole.
- l. Examine the violation of parole or conditional release procedures.
- m. Examine the role of parole services in requests for clemency.
- n. Identify the three aspects of clemency: reprieve, commutation and pardon.
- o. Discuss legal decisions affecting parole:
  - i. *Morrissey v. Brewer*
  - ii. *Menechino v. Oswald*
  - iii. *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex.*
- p. Discuss the three theories of parole: Grace, Contract and Custody.
- q. Examine parole board liability for its actions and decisions.

**2. Compare and contrast the advantages and disadvantages of the independent and consolidated models of administering Parole Services.**

**3. Analyze the status of parole in various states, including your own state.**

**F. WEEK SIX: Project #1 Presentation**

**G. WEEK SEVEN: Probation and Parole Officers**

**1. Describe the three basic roles of probation/parole officers.**

- a. Identify and summarize the tasks of probation and parole officers
  - b. Define the three basic roles of a probation and parole officer and their relationship to agency models.
  - c. Discuss the role of the probation and parole officer as an agent of rehabilitation.
  - d. Discuss the role of the probation and parole officer as a broker or advocate.
  - e. Discuss the role of the probation and parole officer as a law enforcement agent.
- 2. Evaluate the liability of probation and parole officers for wrong actions such as negligence.**
- 3. Examine the ethical issues associated with the administration of justice in correctional systems and propose solutions to resolve them.**
- a. Review the selection criteria and process for probation and parole officers.
  - b. Identify four basic categories of personal qualities generally considered desirable for probation and parole officers to possess.
  - c. Examine the use of volunteers in probation and parole agencies.
- 4. Explain the three basic categories with respect to agency policy regarding probation and parole officers making arrests and carrying firearms.**
- a. Compare and contrast agency policies with respect to carrying firearms.
  - b. Debate whether probation and parole officers should be authorized to make arrests and carry firearms.
  - c. Examine the powers of probation and parole officers to search and seize.

#### H. WEEK EIGHT: Supervision

- 1. Discuss how you would utilize a risk/needs assessment system.**
  - a. Examine purpose of classification in probation and parole.
  - b. Review classification movement and resulting Risk/Needs Assessment inventories.

- c. Compare and contrast methods in Wisconsin, Texas, Pennsylvania, Georgia, and Nebraska to assess risk and needs of clients.
- d. Compare and contrast the supervision process in probation and parole cases.
- e. Compare and contrast parolees and probationers.
- f. Examine the case assignment process.
- g. Discuss the importance of the initial interview.
- h. Review pretrial supervision policies and procedures.
- i. Discuss the benefits of ongoing supervision and the role of the supervising probation or parole officer.
- j. Examine the relationship between offender employment and success on probation or parole.
- k. Discuss the stigma of conviction probationers and parolees face.
- l. Debate whether all employers should have access to the entire criminal record of all job applicants.
- m. Review the theory of Restorative Justice and its application in probation and parole supervision.
- n. Examine the theory of Community Justice and its application in probation and parole supervision.

#### **I. WEEK NINE: Special Problems and Programs**

##### **1. Explain the various types of specialized units in probation and parole.**

- a. Examine the problems posed by substance-abusing clients.
- b. Discuss the benefits and disadvantages of methadone treatment.
- c. Consider the use of behavior modification as a treatment method for substance abuse.
- d. Examine the structure and services offered by residential treatment to assist substance-abusing clients.
- e. Compare and contrast residential treatment services with chemical dependency programs and Alcoholics/Narcotics Anonymous.
- f. Review the function and types of drug testing and its benefits and limitations in supervision.

- g. Examine the problems posed by HIV/AIDS clients.
- h. Examine the problems posed by sex offender clients.
- i. Compare and contrast the approaches in sex offender supervision in Texas, Hunt County, Maricopa County, Jefferson County, New Haven, and Orange County.
- j. Examine the problems posed by intoxicated drivers under probation or parole supervision.
- k. Examine the problems posed by mentally retarded clients.
- l. Examine the problems posed by gang members under probation or parole supervision.
- m. Examine the issue of restitution in the context of supervision.
- n. Discuss the requirement of community service in the context of supervision.
- o. Discuss the imposition of probation and parole fees upon the client.
- p. Examine the appropriateness and criteria for admission to work release programs.
- q. Examine the concept of halfway houses and their use as a tool of supervision.
- r. Review Interstate Compacts and their impact on supervision.

#### **J. WEEK TEN: Intermediate Punishments**

- 1. Compare the two types of Intensive Probation/Parole Supervision programs.**
  - a. Define Intermediate Punishments.
  - b. Discuss the need for Intermediate Punishments.
  - c. Examine Intensive Supervision as an alternative to incarceration.
  - d. Identify and distinguish between the two primary types of Intensive Supervision.
  - e. Compare and contrast the Intensive Supervision programs in Florida, Georgia, Cook County, New York and Colorado, Somerset County, Lucas County, Dauphin County and Texas.
  - f. Examine the research findings concerning the effectiveness of Intensive Supervision in California, Georgia, Louisiana, Minnesota, New Jersey, New York, Washington State, and Wisconsin.

- g. Discuss whether the goal of diverting offenders is accomplished with the current practice and use of Intensive Supervision.
- h. Discuss whether “more” equates to “better” with the current practice and use of Intensive Supervision.
- i. Debate effectiveness of electronic monitoring as a supervision strategy.
- j. Debate the effectiveness of shock probation or parole as a supervision strategy.
- k. Debate the effectiveness of shock incarceration and boot camp as a supervision strategy.
- l. Examine the use of the day reporting center as an alternative to traditional incarceration.

**K. WEEK ELEVEN: The Future of Probation and Parole**

- 1. Discuss why the abolition of parole would lead to greater use of probation, and provide examples of American states where the abolition of parole has resulted in an increase in probation.**
  - a. Examine the degree to which probation and parole is considered “successful.”
  - b. Examine recidivism and its measurement difficulties
  - c. Review the goals of probation and parole.
  - d. Examine the past, present and future of probation and parole.

**RELATED SCANS OBJECTIVES:**

SCANS is an acronym for Secretaries' Commission on Achieving Necessary Skills. The committee, created by the National Secretary of Labor in the early 1990s, created a list of skills and competencies that the committee feels are necessary for employees to function in a high technology job market.

This course meets the following SCANS objectives:

1. Reinforce the ability to locate, understand, and interpret written information in a variety of documents such as textbooks, manuals, graphs, and schedules.
2. Enhance the ability to communicate thoughts, ideas, information, and messages in writing by creating documents such as directions, manuals, reports, graphs, and flow charts.
3. Refine the listening process by enabling the student to receive, attend to, interpret, and respond to verbal messages and other cues.
4. Develop oral communication by encouraging the student to organize ideas and communicate them effectively.
5. Develop creative thinking strategies by encouraging the generation of new ideas.
6. Build self esteem via the decision making process - specifically enabling the student to identify goals and constraints and allowing them to consider alternatives including the respective risks, and subsequently evaluating and choosing best and appropriate alternative.

7. Enhance problem solving skills by enabling the student to recognize potential problems encountered during the implementation of an action plan.
8. Refine reasoning abilities by determining the inherent principles underlying the relationship between two or more objects and subsequently applying them upon solving a problem.
9. Stimulate leadership qualities by communicating ideas to justify position, persuading and convincing others, and challenging existing procedures and policies
10. Develop effective negotiation techniques by involving the exchange of resources and the resolution of divergent interests via a non-confrontational manner.
11. Apply and manage technology effectively, using computer, Internet, and library resources to meet goals.
12. Allocate time and energy in completing projects in a consistent and timely manner.
13. Develop tolerance by supporting and acknowledging diversity.

### III. STUDENT TEXT and SUPPLIES

Abadinsky, Howard. *Probation and Parole - Theory and Practice*. Upper Saddle River, NJ: Pearson Education, 2006.

### IV. EVALUATION

**A. COURSE REQUIREMENTS**

1. Attendance and Participation - Regular attendance and participation are essential for satisfactory progress in this course.
2. Completed Assignments - Each student is responsible for completing all assignments on time.

**B. WEIGHTED VALUES**

In this course, there will be ten homework assignments, six quizzes, and two projects. The quizzes, class activities, and various other exercises will be given an overall grading weight as follows:

CATEGORY	PERCENT
Quizzes	20%
Assignments (Homework)	25%
Participation	10%
Project #1	20%
Project #2	25%
Total	100%

Final grades will be calculated from the percentages earned in class as follows:

A	90 - 100%	4.0
B+	85 - 89%	3.5
B	80 - 84%	3.0
C+	75 - 79%	2.5
C	70 - 74%	2.0
D+	65 - 69%	1.5
D	60 - 64%	1.0
F	<60%	0.0

## V. REFERENCES and RESOURCES

### a. REQUIRED MATERIALS

Abadinsky, Howard. *Probation and Parole - Theory and Practice*. Upper Saddle River, NJ: Pearson Education, 2006.

### b. ITT TECH VIRTUAL LIBRARY

<http://www.library.itt-tech.edu>

A large number of online books, journals, and other reference resources are available at the ITT Tech Virtual Library that can supplement to this course.

The Link Library for this course has an extensive collection of web sites related to probation and parole as well as the prison system, rehabilitation, and the courts. Access the Link Library from the main menu of the Virtual Library by selecting Program Links.

### c. OTHER RESOURCES

Numerous other books, journals, literature, web sites, and organizations offer information regarding probation, parole, the theory and practice of the profession, related legal issues, and the associated court system. One excellent online resource is [www.lineofduty.com](http://www.lineofduty.com) for video training.

Many other publications relevant to probation and parole are also available. Some of these include:

- *Federal Probation, A Journal of Correctional Philosophy and Practice, published by the Administrative Office of the United States Courts and available online at [www.uscourts.gov](http://www.uscourts.gov)*
- *Justice Quarterly, the official journal of the Academy of Criminal Justice Sciences ([www.acjs.org](http://www.acjs.org)), available by subscription.*
- *Crime and Delinquency, published quarterly in cooperation with the National Council on Crime and Delinquency ([www.nccd-crc.org](http://www.nccd-crc.org)), available by subscription.*
- *Journal of Criminal Justice and Popular Culture, published by the School of Criminal Justice, University of Albany, available online at <http://www.albany.edu/scj/jcipc/>*
- *Corrections Today, the professional membership publication of the American Correctional Association (ACA), available online at <http://www.aca.org/publications/ctarchives.asp>*
- *Perspectives, the professional journal of the American Probation and Parole Association ([www.appa-net.org](http://www.appa-net.org)), available by subscription*

## VI. TEACHING ENVIRONMENT

This course will be delivered in a traditional classroom setting. A computer with a projection system and a projection screen should be utilized for class activities - i.e., utilized in conjunction with discussion questions. Internet access may be necessary.

## VII. INTENT/ INTERFACE

The intent of the course is to provide students with a solid foundation in the theory and practice of probation and parole. This course will act as a bridge between Criminal Justice 131 - Introduction to Criminal Justice and other more advanced courses such as Criminal Justice 312 - Correctional Operation and Administration, Criminal Justice 335 - Victimology, Criminal Justice 436 - Substance Abuse and Crime in America, Criminal Justice 437 - Gangs and Juvenile Justice, Criminal Justice 438 - Special Topics and Final Project, and Criminal Justice 456 - Controversial Issues in Law Enforcement.