

Some Aspect of Probation and Parole in the United States of America

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During the latter part of 1976 I visited the United States of America and studied some aspects of probation and parole and the work of community organisations in the criminal justice system.

Probation and Parole Services operate at three levels — Federal, State and County — and of these the Federal Service is the easiest to study as it has a standard core system common to all the States.

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 mounted 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.

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Probation and Parole officers are appointed by district court judges and thus are integral with judicial staff. I have some difficulty in seeing this situation as ideal as the officers are well and truly judges' men. Many judges whom I met spoke of "my officers", and sometimes assigned to them tasks which are far outside the scope of their Australian and English counterparts. For example, should a judge not be satisfied with facts or evidence presented by the prosecutor he may well instruct the probation and parole officer to carry out further investigations and thus assume the role of a judicial investigator.

All American States have some form of probation and parole and, in many cases, were on the scene very much earlier than their Federal counterparts. As in Australia, they are autonomous but specific programmes may attract Federal funding. For all practical purposes, however, Probation and Parole Services in State jurisdictions function in all ways as do Services in Australia. It is worth noting that State officers are not members of a Public Service as this is understood in Australia and their term of office may be determined by the State Governor.



Some very innovative programmes are operated by State Services and I was most impressed by their flexibility. There is a willingness to embark on new and untried programmes with great enthusiasm and yet to accept philosophically massive problems and even defeat.

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 paroles 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, Family Counselling and Family Planning Services. These agencies are encouraged to work in co-operation with the probation office, and with the help of volunteers and honorary probation officers many

suburban offices are able to remain open during weekends and evenings.

The services provided by the County Probation Departments are many and varied. 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, staff, and a place in the sun 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.

In one sense I have been mildly critical of the American Probation and Parole structure with its three-tiered system. On the other hand, County and State Services can be complementary and are particularly valuable in large States and I have thought that in some Australian States a two-level system would not be altogether out of place.

At all three levels 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 that the field officers involvement in clerical tasks is kept to a minimum and I was in many offices in which 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.

There is an enormous amount of vital work being done in the United States 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 one day — 10 a.m. to 10 p.m. — recruiting drive which 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 weeking 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 Service and its State branches, but the American bureaux are more deeply involved with volunteer action.

It seems to me that the value of the voluntary agencies and the contribution they make in a community receives 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.

As a distinct category of citizen volunteer the Honorary Probation Officer has a more specialised task to perform, works in much closer relationship to the professional probation officer, and is generally seen as part of the team rather than an aid or supporter of the system. In many of the State Services, honorary probation officers prepare pre-sentence reports and take a much more active part in the activities of the Service. There is one area into which I believe we in Australia could move with advantage and which is common in America, and that is the establishment of Probation Committees. I believe 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 seems to have provided a solution, or at least to have gone 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, drawn from the community. The Committees perform several very useful functions including the promotion of community/departmental relationships, significantly moulding community attitudes, influencing Government, policy, and so on.

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