I. The Development of Community-Based Corrections p57
   A. The agencies of community-based corrections consist of diversion programs, probation, intermediate sanctions, reentry programs, parole, and supervision of ex-offenders.
   B. History p58
      1. During the Middle Ages, judges willing to spare deserving offenders from the harsh punishments of the day used their power to grant clemency and stays of execution.
         a) This practice of judicial reprieve allowed judges to suspend punishment so that convicted offenders could seek a pardon or gather new evidence that they were now reformed.
         b) Recognizance was a practice that permitted convicted offenders to remain free if they agreed to take care of the debt obligation to the state.
         c) Sureties were occasionally required. Those were individuals who made themselves responsible for the behavior of offenders who had been released.

II. The Community Corrections Revolution
   A. Reintegrative Philosophy
      1. A correctional approach aims at returning offenders as soon as possible to the community. (reintegrating them back into society)
         a) Avoid stigma and dehumanization of the institution
   B. Community Corrections Act (CCA) p60
      1. State-based acts through which local governments that participate receive subsidies for diverting minor offenders from state prisons.
      2. Law passed by a state legislature in which a state grants funds to local units of government to plan, develop, and deliver correctional services and sanctions.
      3. Major purpose is to encourage local sentencing options in lieu of state imprisonment

III. Diversion
   A. Rationale for Diversion p62
      1. Help offenders avoid the stigma of a criminal conviction (labeling theory: if you call them a criminal, they will become one)
      2. Diversion can accomplish a variety of goals:
         a) Avoiding the harsh and criminogenic impacts of incarceration in prison
         b) Informing and providing a range of alternatives for decision makers to choose from
         c) Providing a more justifying justice for victims and communities
d) Dealing with the economic, social, and personal factors associated with crime, rather than the punitively oriented alternative

B. Diversion Programs

1. True Diversion
   a) This diversionary program is when the offender has his/her criminal prosecution dropped upon successful completion of this program
      (1) Example: if an offender is referred to a deferred prosecution program and he/she is willing to participate in the program, the court will be asked to defer formal charging

2. Minimization of System Penetration
   a) The purpose of this diversion is to minimize the offender’s contact with the justice process as much as possible.
   b) Drug treatment vs. jail time
      (1) Example: the convicted drug defendant may be given a choice of either going to prison or becoming part of a therapeutic community for drug offenders

3. Deferred Prosecution/Deferred Judgment p63
   a) Deferred Judgment
      (1) occurs after offenders admit to all or part of the charges against them but before the plea is entered on the record
      (2) defendants then serve a period of informal probation, in a sense of deferring judgment (called probation before judgment [pbj] in maryland)
   b) Deferred Prosecution
      (1) does not require a guilty plea or the admission of facts
      (2) offenders voluntarily serve a period of probation in lieu(instead) of court appearances and formal charges

C. Examples of Programs

1. Treatment Alternatives to Street Crimes (TASC)
   a) A treatment program designed to divert minor drug abusers away from the criminal justice system

2. Dispute Resolution Programs
   a) Most of these programs are based on mediation, and their purpose is to keep minor conflicts between criminals out of the criminal courts

IV. Probation

A. Probation

1. Defined as a form of punishment that permits a convicted offender to remain in the community, under the supervision of a probation officer and subject to certain conditions set by the court p64
   a) Most widely used correctional option
b) The basic goals are to promote law-abiding behavior by the offender; keep the adjudicated individual in the community and out of prison and avoid the stigma of incarceration; provide a less expensive sanction than institutionalization; provide a sanction that is as effective as confinement in reducing recidivism.

c) It's possible to require probationers to serve a portion of their sentence behind bars. Can be served on weekends or at night. Or a specified term in jail may be followed by a period of probation.

2. Financial Restitution
   a) Payment of a sum of money by an offender either to the victim or to a public fund for victims of crime.

3. Community Service
   a) Requires an offender to perform a certain number of work hours at a private nonprofit or government agency.

B. Probation Populations
   1. 4 million adults on probation in U.S. today.
   2. Concentrated in a few large states: Georgia, Texas, California, Ohio, Florida, Michigan, and Pennsylvania account for ⅓ of probationers.
   3. Contract = technical vs probation violation
      a) what violates the terms of an offender's probation?
         (1) missed meeting or positive for drugs.
   4. White males make up 55% of adult probationers.
   5. 50% convicted of felony offenses.
   6. 20% convicted of violent offenses. Figure 3.2
   7. Substance abuse a major issue p65-66
      a) Nearly 20%, or over 800,000, of all probationers have been convicted of a violent offense, such as assault, sexual assault, and domestic violence.
      b) Many of them have substance abuse problems.
      c) Surveys find rates of drug abuse and dependence among probationers are 2 to 3 times higher than rates among non probationers.
      d) Rates of any physical illness, serious mental illness, serious psychological distress, and depression are 2 to 3 times higher among probationers than the general population.
      e) Probationers are more likely than others to have received some mental health services and are also more likely to report an unmet need for mental health services.

C. Granting Probation
   1. Probation is granted by federal and state district court judges and state superior (felony) courts.

D. How Common is Probation?
   1. Rates can vary from 30% to 75% depending on jurisdiction p67

V. Risk Assessment and Increased Surveillance Models.
A. Risk Management System
   1. Focused more on regulating and controlling offenders than on providing treatment or services for them

B. New Penology
   1. This approach focuses more on administrative control and regulation than on treatment and offering services p67-68
      a) Malcolm Feeley and Jonathan Simon have identified 3 features of the new penology:
         (1) The language is anchored in the discourse of system analysis and operations research. It conceives of crime as a systemic phenomenon and crime policy as a problem of actuarial risk management
         (2) New objective of risk management and the management of the system itself
         (3) The administrative techniques are adapted from the world of insurance, financial management, and even retailing

VI. Administration of Probation
   1. Locally Administered Probation Departments
      a) Where probation is a local responsibility, financial support, setting standards and arranging training courses is provided by the state
      b) Accounts for nearly ⅔ of all probationers
      c) Focus on local needs
      d) Less bureaucratic
   2. State, or Executive, Administrated Probation Departments
      a) Assignment to executive branch
      b) Uniform standards of policy making, recruitment, training, and personnel management
      c) Issues with bureaucracy in many probation operations
   3. Combined Probation and Parole Departments p68-69
      a) Critics argue that probationers, especially first time offenders, should be kept separate from parolees.
      b) That probation is a service to judges and should be under their control
      c) It is argued that a combined system conserves scarce resources and has greater public acceptance
      d) A combined system requires only one office, one set of directives, and one supervisory hierarchy
      e) In both probation and parole, the same goals are sought and the same skills are required for supervision of offenders
   4. Felony Probation
      a) District judges of the U.S. courts control federal probation
   5. Privatizing Probation
      a) Salvation Army’s supervisions of misdemeanor probationers program (SAMP)
6. Table 3.1

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Size</th>
<th>Advantages</th>
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<tbody>
<tr>
<td>Locally administered</td>
<td>⅔ of all U.S. probationers</td>
<td>Citizens and agencies of the community respond to local needs and problems</td>
</tr>
<tr>
<td>State or executive</td>
<td>Over half the states</td>
<td>Allows uniform standards of policy making, recruitment, training, and personnel management</td>
</tr>
<tr>
<td>Combining probation and parole</td>
<td>About 30 states</td>
<td>Requires only one office, one set of directives, and one supervisory hierarchy</td>
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<tr>
<td>U.S. federal probation</td>
<td>94 U.S. district courts</td>
<td>Restricted to those sentenced by district courts</td>
</tr>
<tr>
<td>Privatizing</td>
<td>A few states</td>
<td>Efficient use of resources for low risk probationers</td>
</tr>
</tbody>
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A. Basic Functions of a Probation Officer - CPO p71
   a) The chief probation officer supervises hiring, sets policy, determines training needs, and may be involved with the sentencing decision with the judge
   b) In state-controlled departments, some of the CPO’s duties are mandated at the state level
   c) In locally controlled probation departments, the CPO has great discretion in his/her management, as long as there is judicial approval

2. Supervision of adult and juvenile offenders
3. Casework Management and other Administrative Duties
   a) Minimum supervision: mail in reports
   b) Medium supervision: visit PO at least once per month
   c) Maximum/intensive supervision: visit PO several times per month
   d) Research: caseloads and recidivism p72
      (1) 3 of 5 studies found evidence supporting the contention that smaller caseloads were related to lower recidivism rates
      (2) John Worrall and colleagues’ macro-level analysis of the relationship between probation caseloads and property crime rates in California counties found over a 9yr period that as probation loads increased, so did property crime

4. Supervision, Investigation, and Surveillance
   a) drug testing
   b) employment
c) community service  
d) restitution  
e) liability p72-73  
5. Presentence Investigation Reports (PSI) - Helps the court determine:  
a) whether to grant probation  
b) conditions of probation  
c) length of time  
d) placement if necessary  
e) p73  
6. Violation of probation if terms of probation are not followed  

VII. What are Probationers’ Legal Rights?  
1. Disclosure of PSI Reports - Court Cases p73-74  
2. Civil Rights Court cases p73-74  
3. Revocation of Probation  
a) Revocation due to rule violation: technical violation  
b) Revocation due to commitment of a new crime  
c) Court cases p 74-75  
(1) Disclosure of the Presentence (PSI)  
(a) Williams v. New York (1949) - Void  
(b) Gardner v. Florida (1977) - remanded/vacant  
(c) Booth v. Maryland (1987) - VIS apart of it? Not evidence  
(d) PSI will be made available to the defense attorney in death penalty cases without the victim impact statements  
d) Civil Rights  
(1) Minnesota v. Murphy - The relationship and communication with a probation officer is not confidential  
(2) Griffin v. Wisconsin - Search of a probationer’s house can be made without a warrant  
(3) United States v. Knights - Upheld the warrantless searches of a probationer’s house  

VIII. Is Probation Effective p75  
A. Improving Probation Effectiveness  
1. Increase in Financial resources  
2. Credibility with the public  
3. Establishment of innovative programs Exhibit 3.1  
B. Contemporary Probation Programs  
1. Deferred Sentence  
a) A sentence that delays conviction on a guilty plea until the sentenced offender has successfully served his/her probation term at which time the record of conviction is cleared  
2. Shock Probation
a) The offender, his/her attorney, or the sentencing judge can submit a motion to suspend the remainder of a sentence after a felon has served a period of time in prison

3. Bench or Unsupervised Probation
   a) A type of probation in which probationers are not subject to supervision

4. Split Sentence
   a) A sentence requiring an offender to spend a period of time in jail before being placed on probation in the community

5. Intensive Probation
   a) Supervision that is far stricter than standard probationary supervision

C. Future Probation Services
   1. Attention paid to substance abusers
   2. Screening and classification
   3. Efficiency and accountability
   4. Probationers to pay fees
   5. Performance indicators for the effectiveness of probation
   6. Community service based treatment
   7. Probation Automated Management (PAM)
   8. Strategic Anti-Violence Unit (SAV-U)
   9. Good Lives Model (GLM) for sex offenders