

44152

Utah Council on Criminal Justice Administration's
Project on Criminal Justice
Standards and Goals

CORRECTIONS

PROBATION

44152

Approved by
Utah Corrections Task Force and
Utah Council on Criminal Justice Administration
255 South 3rd East
Salt Lake City, Utah 84111



GALVIN L. RAMPTON
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY

NCJRS

DEC 13 1977

ACQUISITIONS

Dear Citizens:

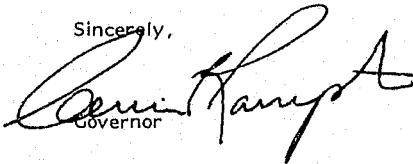
This pamphlet is one of a series of reports of the Utah Council on Criminal Justice Administration. The Council's five Task Forces: Police, Corrections, Judicial Systems, Community Crime Prevention, and Information Systems, were appointed on October 16, 1973 to formulate standards and goals for crime reduction and prevention at the state and local levels. Membership in the Task Forces was drawn from state and local government, industry, citizen groups, and the criminal justice profession.

The recommendations and standards contained in these reports are based largely on the work of the National Advisory Commission on Criminal Justice Standards and Goals established on October 20, 1971 by the Law Enforcement Assistance Administration. The Task Forces have sought to expand their work and build upon it to develop a unique methodology to reduce crime in Utah.

With the completion of the Council's work and the submission of its reports, it is hoped that the standards and recommendations will influence the shape of our state's criminal justice system for many years to come. Although these standards are not mandatory upon anyone, they are recommendations for reshaping the criminal justice system.

I would like to extend sincere gratitude to the Task Force members, staff, and advisors who contributed something unknown before--a comprehensive, inter-related, long-range set of operating standards and recommendations for all aspects of criminal justice in Utah.

Sincerely,


Governor

PROBATION

This report was published by the
Utah Council on Criminal Justice Administration with the
aid of Law Enforcement Assistance Administration funds.

Raymond A. Jackson
Chairman

Robert B. Andersen
Director

**Utah Council on
Criminal Justice Administration
(Membership)**

D. Gilbert Athay
Attorney at Law

Gerald Bonser
Moab City Councilman

Melvin J. Burke, Commissioner
Uintah County Commission

Mrs. Barbara Burnett
Citizen Representative

George Buzianis, Commissioner
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Box Elder County Commission

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City of Springville

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Dept. of Employment Security

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Marion Hazleton
Citizen Representative

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Sevier County Sheriff

Chief Joseph Hutchings
St. George Police Department

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Department of Public Safety

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Bountiful City Court

Paul C. Keller, Judge
Juvenile Court, District Five

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Citizen Representative

J. Duffy Palmer
Davis County Attorney

Dr. Sterling R. Provost
Utah State System of Higher Ed.

Paul S. Rose, Exec. Director
Department of Social Services

Walter D. Talbot, Superintendent
of Public Instruction

Robert B. Hansen
Deputy Attorney General

Ernest D. Wright, Director
Division of Corrections

James F. Yardley, Commissioner
Garfield County Commission

What is the Utah Council on Criminal Justice Administration (UCCJA)?

In 1968 the Omnibus Crime Control and Safe Streets Act was passed resulting in the creation of the Law Enforcement Assistance Administration (LEAA) in the U.S. Department of Justice. The act required the establishment of a planning mechanism for block grants for the reduction of crime and delinquency.

This precipitated the establishment of the Utah Law Enforcement Planning Council (ULEPC). The council was created by Executive Order of Governor Calvin Rampton in 1968. On October 1, 1975, the council was expanded in size and redesignated the Utah Council on Criminal Justice Administration (UCCJA).

The principle behind the council is based on the premise that comprehensive planning, focused on state and local evaluation of law-enforcement and criminal-justice problems, can result in preventing and controlling crime, increasing public safety, and effectively using federal and local funds.

The 27-member council directs the planning and funding activities of the LEAA program in Utah. Members are appointed by the governor to represent all interests and geographical areas of the state. The four major duties of the council are:

1. To develop a comprehensive, long-range plan for strengthening and improving law enforcement and the administration of justice . . .
2. To coordinate programs and projects for state and local governments for improvement in law enforcement.
3. To apply for and accept grants from the Law Enforcement Assistance Administration . . . and other government or private agencies, and to approve expenditure . . . of such funds . . . consistent with . . . the statewide comprehensive plan.
4. To establish goals and standards for Utah's criminal-justice system, and to relate these standards to a timetable for implementation.

CORRECTIONS TASK FORCE

Mrs. Barbara Burnett (Chairperson)

Judge Merrill Hermansen
Third District Juvenile Court

Ernest D. Wright, Director
Division of Corrections

John McNamara, Administrator
Utah State Juvenile Court

David Hughes
Board of Corrections

Judge Don Tibbs
Sixth Judicial District

Jim Massey, Attorney
S.L. County Bar Legal Services

Joel Millard
Project Reality

Mrs. Beverly White
Utah State Representative

Lt. Gary DeLand
S.L. County Sheriff's Office

Claude Pratt, Superintendent
State Industrial School

Michael Leavitt
Citizen Representative

Ms. Ruth Ann Jefferies
State Planning Office

Joe Bogaty, District Agent
Adult Probation & Parole

Willard Malmstrom, Director
Office of Youth Development

Mrs. Sheila Gelman
Citizen Representative

Ms. Carmen L. Boutet
Department of Social Services

A.O. Archuleta, Chief
Clearfield Police Department

Mrs. Janet Andersen
Citizen Representative

Earl Dorius
Office of the Attorney General

Utah Council on Criminal Justice Administration Staff Members

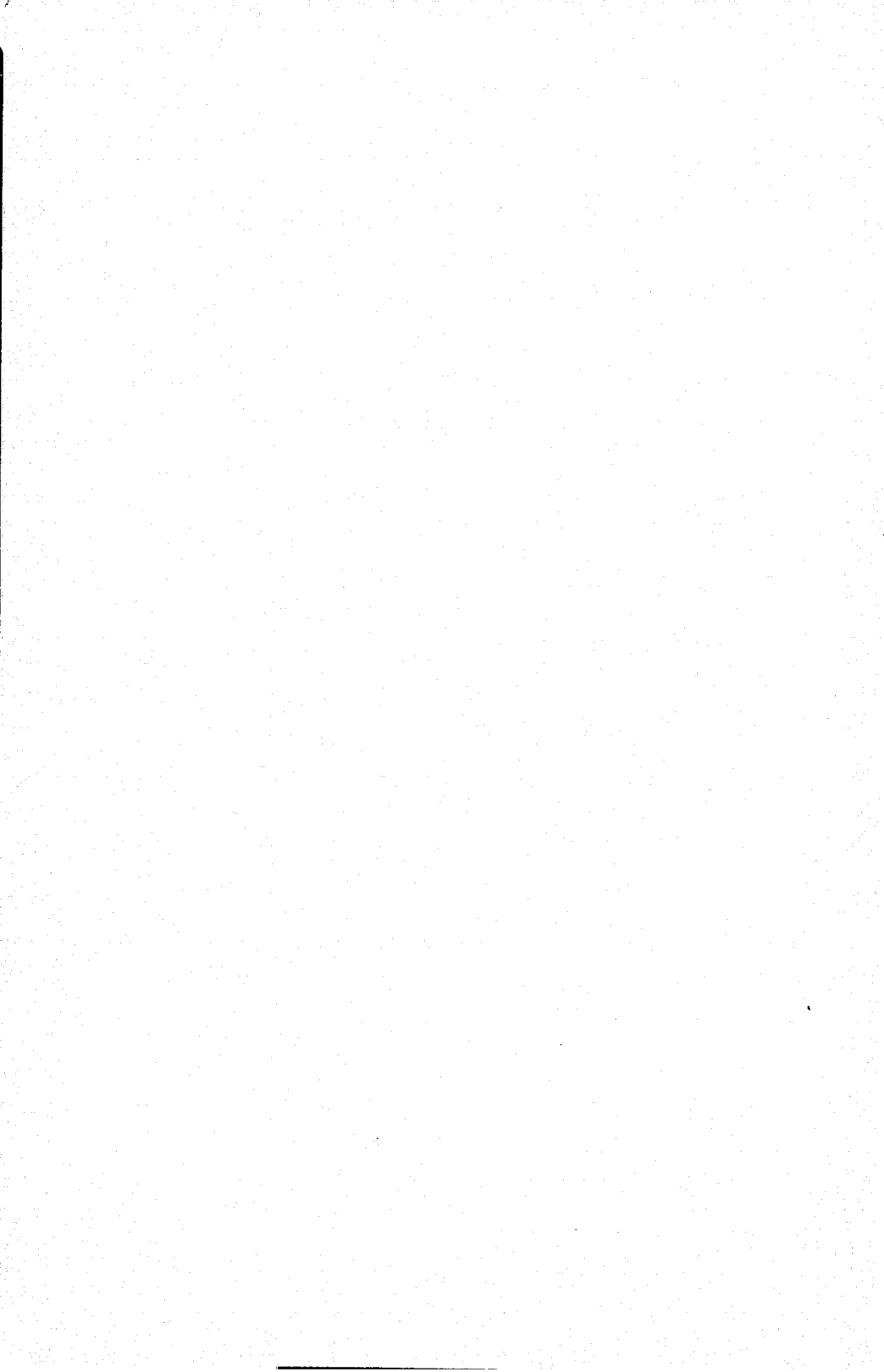
Gary L. Webster

Kathleen Hardy

Stephen V. Love

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INTRODUCTION

Extensive use of institutions has been giving way to expanded use of community-based programs during the past decade. One of the earliest community-based programs was probation. It is being used more and more, and even greater use can be projected for the future. Probation can refer to a disposition, a status, a system or subsystem, or a process.

Probation as a court disposition was first used as a suspension of sentence. Currently, a shift is being made toward using probation as the sentence. Utah's laws specify probation as a possible sentence.

Probation as a status reflects the position of an offender sentenced to probation. It has implications for the client different from the status of either free citizen or confined offender.

Corrections is a subsystem of the criminal justice system, and probation is a subsystem of corrections. The standards in this pamphlet generally address the probation subsystem as the agency or organization that administers the probation process for adults.

The probation process refers to the set of functions, activities, and services that characterize the system's transactions with the courts, the offender, and the community. It includes preparation of reports for the court, supervision of probationers, and obtaining or providing services for them.

There are five standards in this pamphlet:

Standard 6.1, "Organization of Probation," suggests a way to provide a statewide coordinated system of probation services and eliminate splintered county and municipal probation programs. A state system should provide additional training, planning, and statistical monitoring of services. Fiscal and personnel control which has been removed from the state corrections agency should, in part, be restored.

Standard 6.2, "Services to Probationers," suggests that probation staff give more attention to reducing the barriers confronting probationers and providing access to established community resources (i.e., employment, training, school, health services, and other related services). Probation staff should place less emphasis on counseling and surveillance. The standard

suggests specialization of probation staff, where possible, to provide services to the court and probationers with special problems.

The intent of **Standard 6.3, "Misdemeanant Probation"** is to provide misdemeanor probation services on a statewide basis to all misdemeanor offenders when the court determines that probation is appropriate.

Standard 6.4, "Probation Manpower" proposes the development of a manpower and training program to increase staff and training. This can be accomplished through effective job classification; recruitment; promotion of young persons, minorities and women; and employment of part-time and voluntary personnel. After recruitment staff must be given training and educational experiences with the opportunity to advance based upon acquired knowledge and skills.

Standard 6.5, "Probation in Release on Recognizance Program" suggests the implementation of a pre-trial investigation service for possible release of adult offenders on their own recognizance while awaiting trial. Background information including residence, employment, prior record, and family status would be made available to the court in determining who would be released under a recognizance status.

Each standard is stated as passed with a brief description of the current Utah status and suggested methods to implement the standard.

STANDARD 6.1 ORGANIZATION OF PROBATION

Each state with locally or judicially administered probation should take action in implementing Standard 1.1, "Unifying Correctional Programs," to place probation organizationally in the executive branch of state government with the court expressing ultimate control over the probationer. The Division of Corrections should be given responsibility for:

1. Establishing statewide goals, policies and priorities that can be translated into measurable objectives by those delivering services.
2. Program planning and development and innovative service strategies.

3. Staff development and training.
4. Planning for manpower needs and recruitment.
5. Collecting statistics, monitoring services, and conducting research and evaluation.
6. Offering consultation to courts, legislative bodies, and local executives.

During the period when probation is being placed under direct state operation, the Division of Corrections should be given authority to supervise local probation and operate regional units in rural areas where population does not justify creation or continuation of local probation. In addition to the responsibilities previously listed, the Division of Corrections should be given responsibility for:

1. Establishing standards relating to personnel, services to courts, services to probationers, and records to be maintained, including format of reports to courts, statistics, and fiscal controls.

2. Consultation to local probation agencies, including evaluation of services with recommendations for improvement; assisting local systems to develop uniform record and statistical reporting procedures conforming to state standards; and aiding in local staff development efforts.

3. Assistance in evaluating the number and types of staff needed in each jurisdiction.

4. Financial assistance through reimbursement or subsidy to those probation agencies meeting standards set forth in this chapter.

UTAH STATUS AND COMMENTS

The Adult Probation and Parole Section of the State Division of Corrections was created by statute (Section 77-62-50) in 1937, with the intent of providing adult probation and parole services on a statewide basis to felony offenders and district courts. These services have continued to date and have been expanded to include misdemeanor services. Because of Utah's present organizational structure for probation, there is little need for change to

comply with the standard as set forth. If the standard is followed completely, the real need is for fiscal backing to improve presently funded programs.

METHOD OF IMPLEMENTATION

A statewide corrections system is already in effect in the state of Utah. This corrections system appears to be meeting the suggested program. However, there is need for improvement in existing programs. This improvement can occur with additional financing through federal grants and legislative appropriations. The legislature should revise the current laws to conform to this standard.

STANDARD 6.2 SERVICES TO PROBATIONERS

The Division of Corrections should develop a goal-oriented service delivery system that seeks to remove or reduce barriers confronting probationers. The needs of probationers should be identified, priorities established, and resources allocated based on established goals of the probation system. (See National Advisory Commission Standards 5.14 and 5.15 and the narrative of Chapter 16 for probation's services to the courts.)

1. In urban areas, services provided directly should be limited to activities defined as belonging directly to probation. Other needed services should be procured from other agencies that have primary responsibility for them. It is essential that funds be provided for purchase of services.

2. The staff working with probationers in urban areas should be separate and distinct from the staff providing services to the courts, although they may be part of the same agency.

3. The probation system should be organized to deliver the probationers a range of services by appropriate referral to community and private agencies. Where staff is available, case-loads should be differentiated based upon offender typologies and needs.

4. The responsibility of the probation officers is to utilize and assure the delivery of services to the probationers.

UTAH STATUS AND COMMENTS

In urban areas staff has specialized responsibilities. Specialists with no supervisory caseloads provide statutorily mandated pre-sentence reports to the court. Probation and parole caseloads have been separated and assigned to different staff. Attempts to assign probation officers caseloads with similar backgrounds and problems (i.e., drugs, alcohol, and sexual problems) have been made. Utah's probation staff refer their clients to public and private agencies which provide needed services.

Although the standard suggests a worthwhile goal, the limitations of probation services to the rural areas of this state cannot be ignored. Regional offices of the Adult Probation and Parole section are being established as funds become available. These offices are being staffed by one professional staff member who provides all probation services required by the courts and his clientele through resources made available by other community agencies. This standard cannot be met in the rural areas in the foreseeable future.

METHOD OF IMPLEMENTATION

Where the Division of Corrections is not meeting the Standard, additional research should be provided in order to develop specialized caseloads. This would not necessarily require an increase in manpower since a number of probationers require minimal supervision and services. As a result, large caseloads could easily be handled. The reverse is true in problem cases. Drug and alcohol offenders in many instances have special needs, and a very small caseload is required.

STANDARD 6.3 MISDEMEANANT PROBATION

Utah should develop additional probation manpower and resources to assure that the courts may use probation for persons convicted of misdemeanors in all cases for which this disposition may be appropriate. All standards of this report that apply to probation are intended to cover both misdemeanor and felony probation. Other than the possible length of probation terms, there should be no distinction between misdemeanor and felony probation as to organization, manpower, or services.

UTAH STATUS AND COMMENTS

Until the last several years, the Utah State Division of Corrections provided little service to the lower courts. The services provided were selected misdemeanor pre-sentence investigation reports and infrequent supervision, usually upon the request of the court. More recently, however, a coordinated statewide effort has been made to provide probation services to many lower courts. This effort was originally made in the Salt Lake, Weber, and Utah county areas through funding provided by UCCJA. District offices have now been opened, or will be opened in the near future, in Logan, Farmington, Cedar City, Price, Vernal, Richfield, and Moab, all of which will provide probation services to local courts.

Utah statute (Section 77-62-28) provides, "The Division of Corrections shall establish such parole and probation districts in the State as may be expedient and necessary to the effective and economical administration of the Adult Probation and Parole Section; and the director of the Division of Corrections shall appoint such district agents as may be necessary to serve in the district, subject to the advice of the judicial district judges or judges within the district." It appears from this provision that the Division of Corrections has a statutory responsibility to provide probation services to misdemeanor courts upon the request of that court.

METHOD OF IMPLEMENTATION

Although the Division of Corrections is providing misdemeanor services to many courts, additional funding shall be made available, preferably from state sources, to provide misdemeanor services to all misdemeanor courts on a statewide basis. This same funding could make misdemeanor services comparable to felony services as dictated by need.

STANDARD 6.4 PROBATION MANPOWER

Utah should immediately develop a comprehensive manpower development and training program to recruit, screen, utilize, train, educate, and evaluate a full range of probation personnel, including volunteers, women, and ex-offenders. The program should range from entry level to top level positions and should include

the following:

1. Provision should be made for effective utilization of a range of manpower on a full- or part-time basis by using a systems approach to identify service objectives and by specifying job tasks and range of personnel necessary to meet the objectives. Jobs should be reexamined periodically to insure that organizational objectives are being met.
2. In addition to probation officers, there should be new career lines in probation, all built into career ladders.
3. Advancement (salary and status) should be along two tracks: service delivery and administration.
4. Educational qualification for probation officers should be graduation from an accredited four-year college or judged qualified by experience or background.
5. State personnel policies and regulations should be more responsive to the needs of the probation system.

UTAH STATUS AND COMMENTS

Utah meets part of the standard, but much of the control needed to meet the standard is vested in the State Personnel Division and not with the Division of Corrections. They cannot recruit and are limited as far as the selection of personnel, professional as well as paraprofessional.

They operate, and will continue to operate, entry level training. There is a need for continued education and training programs for experienced staff. They have developed a career ladder program providing all qualified staff the opportunity for continued advancement, both on a service delivery and administrative level. All vacated administrative slots have recently been filled by service-delivery staff that are products of the career ladder program. State merit requires graduation from a four-year accredited college as entry requirement for probation officer positions.

METHOD OF IMPLEMENTATION

Most of the standard is already implemented. The State Division of Corrections must provide continued education and

training, most of which can be accomplished through the passage of COST (Correctional Officers Standards and Training) legislation. Other parts can be implemented through in-service training. It is further recommended that federal grants and legislative appropriations be pursued to provide a realistic stipend program encouraging line and administrative staff to continue with educational endeavors on a university level. State personnel policies and regulations should be more responsive to the needs of the probation system.

STANDARD 6.5 PROBATION IN RELEASE ON RECOGNIZANCE PROGRAMS

Every probation officer serving a community or metropolitan area that does not already have an effective release on recognizance program should immediately develop, in cooperation with the court, additional staff and procedures to investigate arrested adult defendants for possible release on recognizance (ROR) while awaiting trial, to avoid unnecessary use of detention in jail.

1. The staff should collect information relating to defendant's residence, past and present; employment status; financial condition; prior record if any; and family, relatives, or others, particularly those living in the immediate area who may assist him in attending court at the proper time.

2. Where appropriate, staff making the investigation should recommend to the court any conditions that should be imposed on the defendant if released on recognizance.

3. The probation agency should provide pre-trial intervention services to persons released on recognizance.

UTAH STATUS AND COMMENTS

There are formal recognizance programs operated largely for misdemeanants in Salt Lake and Weber counties through funding from federal sources; Provo City, on the other hand, uses city money. For all intents and purposes, no program now exists for the release on recognizance for the adult felon offender. The court has occasionally released felon offenders on their own recognizance; however, this is done with little background investigation and largely with the individuals who are known in the community.

METHOD OF IMPLEMENTATION

Utah statute (Section 76-8-312) provides adequate protection for the court and society to develop a realistic recognizance program. The statute provides that:

1. A person is guilty of an offense if, having been released on bail or on his own recognizance, fails without just cause to appear at the scheduled hearing.

2. An offense under this section is a felony in the third degree when the offense charged is a felony, a misdemeanor of the second degree when the offense charged is a misdemeanor, and an infraction when the offense charged is an infraction.

With this statute and adequate funding through federal and state sources, a recognizance program could be developed through the existing facilities of the Adult Probation and Parole Section of the Division of Corrections. This service could be provided on a statewide basis to all district courts. Those agents in metropolitan areas now performing pre-sentence investigation reports would provide supervision and rehabilitation services to accused offenders released on their own recognizance. In rural areas, probation agents servicing those areas will provide investigation and supervisory services to accused offenders released on recognizance. The only needed requirement is to provide an increase in staff to meet the increased volume in clientele.

END