**Question 1:** What are some views on criminal punishment?

**Answer 1:** John DiIulio (1993) notes that Americans want "a criminal justice system that apprehends and visits harm upon the guilty (punishment); makes offenders more virtuous (rehabilitation); dissuades would-be offenders from criminal pursuits (deterrence); protects innocent citizens from being victimized by convicted criminals (incapacitation); and enables most criminals to return as productive citizens to the bosom of the free community (reintegration)" (pp. 1–16). These contradictory goals, of course, must be accomplished "without violating the public conscience (humane treatment), jeopardizing the public law (constitutional rights)" (pp. 1–16), or imposing too great a cost on the taxpayer.

**Question 2:** What are the differences between probation, parole, and community corrections?

**Answer 2:** Probation is a sentence in which conditional freedom is granted to a convicted offender, as long as the offender meets certain behavioral requirements. Parole is the status of an offender who has been conditionally released from prison by a paroling authority prior to the expiration of his or her sentence, is placed under the supervision of a parole agency, and is required to observe conditions of that parole. The easiest way to remember the difference is that probation occurs before incarceration, and parole occurs after. If an offender violates one of the conditions for probation or parole, then a revocation procedure is instituted. A revocation procedure is used to ascertain whether an offender should be incarcerated for the original offense. If the revocation is granted, then the offender must be incarcerated as if the parole or probation did not occur. In other words, if the probation or parole is revoked, then the offender must start to serve the sentence from day one, and the time spent on probation or parole does not count to shorten the sentence. It is as if that time did not exist prior to the start of the sentence. Community Corrections were developed to reduce the population in jails and prisons by returning offenders to the community under specific restrictions.

**Question 3:** Do you believe that a person who commits a crime should be allowed to serve all or part of his or her sentence in the community?

**Answer 3:** Community-based sentencing makes good sense for many non-violent and less serious offenses. Probation allows offenders to maintain contact with family, hold a job, and pursue education to improve their opportunities for withdrawal from the criminal lifestyle. Additionally, the costs
of supervising offenders in the community are significantly lower than the costs of incarceration.

The imposition of appropriate conditions serves to enhance the effectiveness of a probation sentence. Traditional conditions include requirements to maintain contact with one's supervisory agent, to maintain employment, and to participate in appropriate counseling for such conditions as drug or alcohol abuse and spousal violence. In recent years, innovative practices have included requirements to participate in community-service activities and to pay restitution to their victims. Technological advances also permit electronic monitoring of offenders' whereabouts, thus enabling supervisory agents to restrain offenders' movement to minimize opportunities for participating in new crimes.

**Question 4:** Is home confinement a good idea?

**Answer 4:** Supporters of home confinement argue that it is a sensible approach to reducing incarceration levels in already overcrowded prisons and jails. Home confinement reduces the costs of supervision, because imprisonment is not required. Supporters also cite the maintenance of family ties as an additional benefit.

Others oppose home confinement as lacking true punitive value, likening it to sending a child to his or her room for misbehavior. Opponents cite cases of offenders continuing to conduct criminal activity from the comfort of their homes as proof of the folly of such programs.

Most home-confinement programs require the offender to pay daily fees to offset the costs of monitoring. This is inherently discriminatory against offenders lacking the financial capability to meet such costs. Other than an outright waiver of the fees—thus placing the costs squarely on the taxpayer—little can be done to resolve the conflict.

**Question 5:** What is sentencing and the presentence investigation?

**Answer 5:** Sentencing is the imposition of punishment or penalty on convicted offenders. Judges make most sentencing decisions, although in some cases, especially where a death sentence is involved, the jury decides the sentence. Several options are available to judges during sentencing. Traditionally, these have included fines, probation, incarceration, and even death. Today, new sentencing options enable convicted offenders to avoid the
criminal taint of imprisonment by allowing them the freedom of living in their communities under some form of supervision. No matter which form of sentencing imposed, however, the five main goals of contemporary sentencing are retribution, deterrence, incapacitation, rehabilitation, and restitution.

**Question 6:** What is a presentence investigation (PSI) report, and what information does it usually contain?

**Answer 6:** According to Bohn, Carbonel, and Megargee (1997), a presentence investigation is a document, usually prepared by a probation agency, which provides background information about the convicted offender. The primary purpose of a PSI is to provide the sentencing court with information upon which to base a rational sentencing decision.

A presentence report is prepared from the facts gathered during presentence investigation, and although it varies considerably in scope and focus from jurisdiction to jurisdiction, a full PSI report should generally contain the following items: name, address or residence, date and place of birth of the defendant; a full description of the offense and the circumstances surrounding the commission of the offense; the offender's educational background, military record, if any, employment status, social history, including family relationships, marital status, dependents, interests, activities, religious practices, residence history, prior criminal history, medical, psychological, and psychiatric history, if any; victim's statement, including the affect on the victim and losses suffered by the victim, reports from clinics, institutions, and other agencies with which the offender was involved; information about environments, to which the offender might return; information about resources, which might be available to assist the offender, such as substance abuse treatment programs; a summary of the report and specific recommendations as to the sentence.

The sentencing decision is one of the most difficult made by any judge or jury. Courts therefore rely on presentence investigation (or PSI) reports for information during sentencing. PSIs are summaries of information obtained by the probation department, which provides background and other information about the convicted offender. The primary purpose is to provide the sentencing court with precise information upon which to base a rational sentencing decision.
Question 7: What is the theory and practice of rehabilitation?

Answer 7: To many people, a theory is something abstract, a fanciful idea that has little to do with real-life situations and applications. This is a misleading idea of a theory, especially in criminology and rehabilitation. Simply defined, a theory is an explanation. It tells us why or how things are related to each other. A rehabilitation theory, therefore, is an explanation of why or how certain principles are related to rehabilitation. Rehabilitation theories are studied to explain, understand, analyze, and predict why or how certain principles and practices are related to rehabilitation. The ultimate aim is to get a holistic understanding of what works in rehabilitation, why and how they work, and then apply those principles to rehabilitation therapy. Given this, probation and parole officers require a good knowledge and understanding of the theory, principles, and practices of rehabilitation.

Question 8: What are intermediate punishments?

Answer 8: Intermediate punishments (also known as community corrections or alternative sentencing) refer to community-based offender programs involving non-incarcerative sanctions, which are designed to closely control or monitor offender behavior. These sentencing options are called intermediate punishments, because they utilize sentencing alternatives that fall somewhere between outright incarceration and simple probation.

To many people, criminal punishment is synonymous with incarceration. In reality, a majority of convicted offenders are not incarcerated, but sentenced to a whole range of intermediate punishments or community corrections not involving incarceration. Community corrections utilize structured, safe, low-cost, community-based programs as an alternative to incarceration to promote an efficient, integrated criminal justice system. The main purposes of community corrections include enabling offenders to avoid the criminal taint of imprisonment, allowing convicts to participate in potentially ameliorative community programs while being supervised in the community, cost saving strategies, and helping to reduce jail and prison overcrowding without jeopardizing public safety.

Intermediate punishment alternatives include programs like intensive probation or parole supervision, home confinement, electronic monitoring, half-way houses, narcotics and drug deterrence, work furlough programs or work release, study release, day reporting centers, and probationer violation
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and restitution residential centers.

**Question 9:** Do probation and parole have any drawbacks?

**Answer 9:** One of the policy implications of the classical school of criminology is that punishment deters people from committing crimes. According to this school of criminology, a meaningful form of punishment is, therefore, expected to be punitive enough to deter people from further committing crimes. Given this, a relevant concern here includes the relative deterrent effect of probation and parole.

Most honest or unbiased evaluations of probation and parole come to the conclusion that they share a number of disadvantages or strategic drawbacks. Many citizens view probation as practically no punishment at all. It is usually referred to as a “slap on the wrist,” which is devoid of any meaningful form of punishment. Probationers in some jurisdictions have been known to mail completed forms as the only or main means of contact with their probation officers. Similarly, parole is criticized of unhinging the scales of justice because it releases some offenders early, even when they have been convicted of serious crime, while some relatively minor offenders may remain in prison. Furthermore, some people regard parole as dishonest since it does not require the offender to serve his full sentence in prison or jail.

Probation and parole deal with convicted offenders in the community. The release of such convicted offenders into the community increases the risk that they may commit additional crimes. According to the Bureau of Justice Statistics, only about 25% of parolees successfully completed the terms of their parole in 2001. The grim results of the nation’s largest follow-up study of felons on probation found that 43% of probationers were re-arrested for a felony within three years of being placed on probation and/or while still on probation. Half of the arrests were for a violent crime or a drug offense. The study also found that an even higher percentage of probationers (46%) were either sent to prison or jail because of committing additional offenses while on probation, or they had absconded.

**Question 10:** What are some types of drug-related offenses, and what are the corresponding punishments?

**Answer 10:** Any judge, attorney, or law enforcement officer would likely agree with the premise that drug-related offenses are the direct or indirect cause of most crimes committed in our country. Aside from the drug-offenses
themselves, many drug users and dealers commit crimes of larceny, violence, prostitution, and so on to obtain money to buy drugs. Societal woes are further compounded by crimes of violence arising out of "turf wars" and violent and abusive acts committed by persons under the influence of drugs that are not in full control of their faculties.

Nearly all drug-related offenses are felonies in either state or federal jurisdictions. Possession of less than one ounce of marijuana and possession of drug paraphernalia (pipes, bongs, rolling papers, needles, razor blades, etc.) are misdemeanors in most jurisdictions. In a few jurisdictions (e.g., Florida), possession of a minute quantity of cocaine (less than an ounce) may be a misdemeanor. All other drug offenses are generally felonies.

Persons convicted of felonies may not vote or receive federal benefits for a period of time after their conviction. In addition, unless a special permit from the Federal Bureau of Alcohol, Tobacco, and Firearms is obtained, these individuals may NEVER possess any type of firearm off the premises of their home for any reason. These permits are theoretically provided for in the law, but never granted. A convicted felon in possession of a firearm is subject to a mandatory five year federal prison sentence. This statute also prohibits persons convicted of child abuse or domestic violence crimes from lawfully possessing firearms anywhere at any time. A criminal conviction obtained as an adult remains on one’s record for life and can significantly limit employment and other opportunities.

Question 11: How are crimes involving prescription drugs treated?

Answer 11: Prescription drug fraud and illegal usage is a felony. The courts treat prescription drug offenses as crimes and punish offenders accordingly while many in society may view it as not being as bad as using illicit street drugs like ecstasy and cocaine. Many jurisdictions have diversion programs for first-time drug offenders who are in illegal possession of “personal use” quantities of prescription or illicit drugs. These diversion programs allow offenders to complete an extensive treatment program in lieu of prosecution. Upon successful completion of the recommended treatment program and performance of community service, the criminal charge is dismissed and may be expunged from the offender’s record.

Question 12: What are the guidelines for possession with intent to sell or deliver drugs, and how is this crime punished?
**Answer 12:** In addition to possession and fraud offenses, there are three other broad categories of drug offenses: possession with the intent to sell and/or deliver (PWISD), trafficking, and conspiracy. Street-level dealers not in possession of the statutory minimum quantity for trafficking, but in possession of more than a "personal use" quantity of a drug, are often charged with PWISD, sale, and/or delivery of drugs. The punishment for these offenses can range from two to ten years in prison depending on the drug involved, the offender’s criminal conviction record, level of cooperation with law enforcement, and the jurisdiction. Probation or a combination of probation following a short jail sentence is often allowed for offenders with minimal criminal records.

Trafficing involves the manufacture, transportation, sale, delivery, or possession of a "large" quantity of drugs, as defined by statute, which varies by jurisdiction. Trafficking offenses may be punished by state or federal authorities or both—there is no violation of "double jeopardy" laws because the state and federal governments are separate sovereign authorities. Trafficking always carries with it a mandatory prison term. This term is based on the offender’s prior criminal record and the type and quantity of the drug involved. The term of imprisonment for trafficking can range from three years to life imprisonment.

**References**
