

THE USE OF
VOLUNTEER PROBATION COUNSELORS
FOR MISDEMEANANTS

A SPECIAL DEMONSTRATION PROJECT



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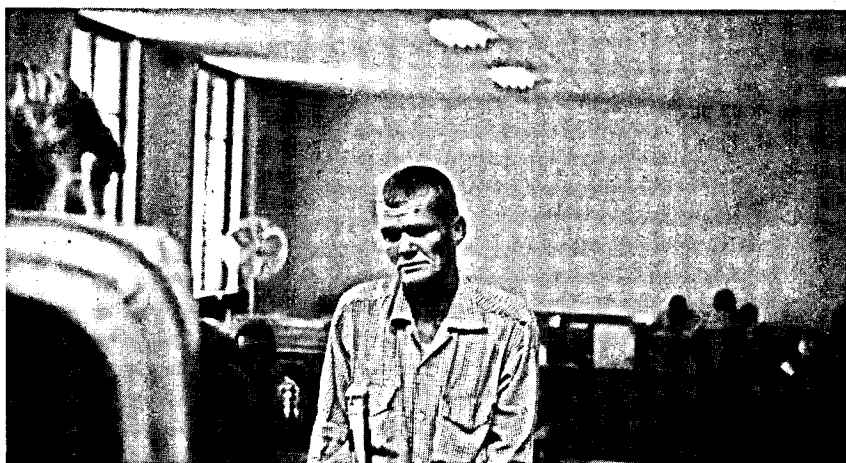
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SECTION I

A Need for this Program



Few can doubt that repeated encounters with enforcement officials and the courts are symptomatic of the fact that the offender is at least psycho-socially disordered.

"Psycho-social disorder", as the term is used here, refers to a general inability on the part of an individual to consistently function effectively and productively. This inability is not necessarily the result of a physical disability, or of a psychiatric disturbance - as that term is traditionally used. Rather, the disorder represents the individual's reaction to a variety of stresses which are imposed upon him by on-going anxieties and tensions and, perhaps, by repeated failure experiences.

Many psycho-socially disordered persons first reveal their problems by repeated acts of juvenile delinquency. In most instances, the efforts of juvenile probation and parole officials help these young people through the relatively temporary crises of adolescence which lead to the commission of serious crimes. Many of these persons as adults, however, become involved in a series of misdemeanors which indicate their inability to cope with the very real world of adulthood. If these people do not receive meaningful help at this point in their lives, the next symptoms of their personal inadequacies will most surely take the form of felonious offenses.

Courts, themselves, assist many persons in their personal voyage "downhill" through the courts' permissive perpetuation of the almost automatic process of transition from misdemeanor to felon. This occurs through the imposition of fines and jail sentences upon persons who are already problem-ridden and who are literally "crying-out" for assistance and rehabilitation - not for a further blow to their self-esteem and their sense of ability to make a positive contribution to the community.

Interestingly enough, in 1841, John Augustus, a Boston bookmaker acting as a volunteer, stood bail in a lower court for a "common drunkard". In the intervening years - between 1841 and 1858 - he served as a volunteer probation counselor to some 2,000 persons, mainly drunks and vagrants who appeared in Boston's Municipal Court.

Tragically, however, shortly after 1858 a transformation in judicial practice occurred, and only felons were granted probation; the practice of assigning misdemeanants to probation being virtually eliminated.

The National Council on Crime and Delinquency, in its report to the President's Commission on Law Enforcement and Administration of Justice, graphically described the dilemma encompassing the misdemeanor offender:

"Crime in our nation is likened to an iceberg. Its visible portion is the relatively small volume of serious felonies; its larger portion, the submerged section, is the misdemeanor mass. While petty crime does not always threaten our security as obviously as more serious crime does, it frequently masks the needs and cries of help to the poor, the mentally ill, the alcoholic, the displaced and the old; and in its mass is also to be found the potentially more dangerous offender.

As the study of misdemeanor sentencing shows, formal probation is used relatively infrequently in most jurisdictions with strong and well-administered probation services Apparently, judges in such jurisdictions choose to concentrate probation resources on a small proportion of offenders where they are most needed, using fines or suspended sentences in other cases.

In 11 states there are no probation services for misdemeanants in any county

About one-third of 250 counties in the national survey had no probation services for misdemeanants

Over the country, then, probation services to misdemeanants are sparse and spotty."¹

1. Task Force on Corrections, Task Force Report: Corrections (U.S. Government Printing Office, Washington: 1967), page 75.

SECTION II

A n I d e a i s B o r n a n d F i n a n c e d

Some years prior to the Federal Task Force on Corrections' report, the Judges of the Denver County Court had begun exploring the problem of the misdemeanor and overloaded courts.

After studying the renowned Royal Oak Michigan Probation Program, which used citizen counselors in a Detroit suburb's Municipal Court, the Denver Judges added to the idea of volunteer citizen counselors the concept of:

1. A Court diagnostic clinic capable of completing a large number of psycho-social evaluations within one day;
2. A short, intensive training program for citizen counselors to be conducted by the Graduate School of Social Work of the University of Denver;
3. A research program, including a coordinating director of research and programming, and the facilities of the Department of Sociology of the University of Colorado; and
4. Involvement of the Metropolitan Council for Community Service in order to assure full cooperation of all health and welfare agencies throughout the Metropolitan community.

In May, 1966, application was made to the Law Enforcement Assistance Administration of the United States Department of Justice for Federal funding of a demonstration project.

The following are some highlights of that application:

It is herein proposed that the Denver County Court receive financial assistance in order that a probation department may be established within this court.

As will be seen, the probation department proposed will utilize the services of professional counselors and therapists, and will also mobilize and utilize community resources, including lay persons acting as probation counselors. This approach will make it possible to provide intensive probation services for a large number of persons at relatively little cost. The successful

demonstration of the unique approach will have national implications; for, one reason that most lower courts do not provide probation service is the relatively high cost of such service. Courts throughout the nation, which operate on a limited budget, will be able to adapt this plan to their own community needs.

Goals of Probation Services

1. The goals of probation counseling for all probationers will be:

- a. To help the probationer gain insight into the reasons for his deviant behavior. It must be pointed out that it is not the intent of this program to help each probationer gain psycho-therapeutically-oriented insight into deep-seated problems. Although this may be necessary for a few persons and provided by psychiatrists or psychologists, lay counselors will deal at the level of reality based counseling.
 - (1) The probationer will be helped to more clearly define and functionally understand the reasons behind such day-to-day problems as: marginal employment, indebtedness, frictions within his home.
 - (2) The probationer will be helped to more clearly define and functionally understand the manner in which he sought to either relieve his problems, or to escape from them, which resulted in his appearing in the County Court.
- b. The probationer must be helped to more clearly and meaningfully understand those steps which must be taken, and those steps which must be avoided, in order to reduce the need for committing acts of deviant behavior. In this phase of counseling, the probationer must come to understand that there are alternatives to his previous pattern of acting out and he must be trained to carefully and systematically evaluate each possible alternative before reacting in a "traditional" manner to a stressful situation.
- c. When indicated, counseling will be provided the spouse of the probationer. After several counseling sessions with the spouse alone, the counselor will hold several sessions with both marriage partners jointly. In these joint sessions, the counselor will concentrate on getting each partner to recognize and meaningfully evaluate his own failings, and how these shortcomings motivate the other partner to act out. Success in this area of counseling is crucial for all married probationers.

2. Other probation services for all probationers will include:

- a. Arranging "priority referrals" to agencies which can provide a service which is needed by the probationer or his family.
 - b. When appropriate, interceding on behalf of the probationer when he is attempting to obtain work or a better job, when he is applying for a loan, etc.
 - c. Being available for "crisis-counseling" in time of real or imagined emergencies. The knowledge that the counselor is available when he is needed will provide an automatic alternative to acting out during periods of stress.
3. It is our current thinking that a person be kept on probation for a period of one year. It is quite possible that admittance to probation will follow a short period of time in the county jail, if the offense was severe enough to warrant a jail sentence.

The Selection Process for Project Participants

Two groups of defendants will be included in this project:

The Experimental Group which will undergo the entire battery of testing prior to being placed on probation, and which will again be given the battery of tests at the end of one year - at which time each member of this group will be released from probation. In the event that some members of the experimental group have probation revoked prior to one-year's time, for repeated violation of the terms of probation, those persons will be brought back into court, where possible, one year from the time they were placed on probation, and given the battery of tests at that time.

The Control Group will be given the entire battery of tests at the time that they are chosen for inclusion into the Control Group. As members of the Control Group, these persons will not be placed on probation but, rather, will be given customary jail sentences, fines, etc. One year after being placed in the Control Group, these persons will be located, interviewed and, where possible, given the entire battery of tests for the second time. Records of the police department, welfare agencies, and other organizations to which these persons are known, will be researched in order to determine what these persons have been doing during the past one-year's time.

The Control Group will consist of all persons (except as noted below) brought before any judge in the Denver County Court system during the first two months of the project - July and August, 1966; a second Control Group will consist of all persons appearing in the Court system during the months of May and June, 1967.

The Experimental Group will consist of all persons (except as noted below) brought before this Court system during the months of September and October, 1966; a second Experimental Group will consist of persons appearing before this Court during the months of September and

October, 1967 - or earlier, if sufficient lay counselors are available.

The following guidelines will be used in determining which persons will be included in either the experimental or the control group.

1. Persons not residents in the Denver area for at least six months will be excluded from the study.
2. During the experimental period, no person, meeting the residency requirements and under the age of 40, will be sentenced to jail who has not first gone through the diagnostic clinic. Similarly, while the control group is being formed, all such persons sentenced to jail will be brought into the study.
3. All persons, meeting the age and residency requirements, who have been arrested, where the current arrest constitutes at least the second arrest within a five-year period, will be brought into the study.
4. In traffic cases, all persons meeting the age and residency requirements, who are convicted of "reckless driving", or traffic offenses more serious than reckless driving, shall be included in this project.
5. In traffic cases all offenders meeting the age and residency requirements, who have received a total of five traffic citations within the preceding 24-month period, shall be included in the project.

The foregoing is in no way to suggest that persons other than in the above categories may not be processed through the diagnostic clinic and assigned to lay counselors. These additional persons, however, will not be considered a part of the research element of the project. The rationale is that the foregoing standards will automatically include the most serious and screen out the least serious misdemeanants and the transients on whom follow-up evaluation will be most difficult.

Approximately one month after the application was forwarded to the Law Enforcement Assistance Administration, the City and County of Denver was awarded a grant for \$156,604.00 to create and operate a two-year "demonstration-research project" that - supplemented with local "in-kind" and cash assistance - would provide County Court offenders with probation services.