

Probation and Correctional Measures

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Course Title

Date

Petersilia and Turner's (1991) study proves that various factors have a bearing on the determination of those people that qualify for probation. These factors include the nature and circumstances of the offence as well as the number of counts that an offender is charged with. Further, the presence or otherwise of prior criminal convictions and whether the offender was on probation or parole at the time of the commission of the offence are relevant factors. The impact of the offence on the victims is also considered. Further, where multiple factors are evident in the circumstances of a case, there is a higher preference for incarceration rather than probation.

The offence that is the subject of this report is theft. The value of the stolen item determines whether a particular case of theft is a felony or a misdemeanor. Kris stole a jacket worth \$600 hence committed a felony. Although this is his first adult conviction, Kris has a prevalent history of juvenile offending. At 13 years old, he was subject to probation for battery. During the same probation period, he was further convicted of criminal trespass and was subjected to further time under probation. He completed the sentence. Although a considerable period has elapsed since his completion of juvenile probation and the commission of the current offence, Kris criminal history shows his extensive interaction with the criminal justice system. This history is evidence of two things. First, it shows that Kris has a high predisposition towards committing criminal offences and second, it proves that he has a high probability of recidivism. These factors necessarily lead to a conclusion that Kris has a high likelihood of committing criminal offences again. Consequently, the suitability of probation in the circumstances is highly doubtful.

My findings do not match Robert's views. While Robert suggests probation is suitable for Kris, based on the factors outlined above, I respectfully disagree with his opinion. I do not find evidence of a positive relationship between Kris and his parents. In fact, his predisposition

towards committing offences considered in light of Robert's allegation that there is no criminal history in his family proves that there is a disconnect between Kris and his family because he repeatedly commits criminal offence, actions that are arguably against his family values. In any case, the general rule is that an individual bears responsibility for his criminal acts. However, Robert's finding on Kris' use of alcohol and drugs is agreeable to my position hence a similarity in our points of view. It may shed light on why Kris has a predisposition toward committing criminal offences. Following the judge's probation order, it follows that an intensive supervised probation program is the best device. The structure and intensity of the ISP program are suitable for Kris. ISP's are probation programs tailored for offenders that are categorized as high risk (Alarid and Montemayor, 2010). They lay down very strict probation structures and are designed to strike a balance between the interests of public safety and the needs of offenders.

Fulton, Latessa, Stichman and Travis (1997) assert that ISP's are better suited to meet offender needs than regular probation and incarceration and that there are certain principles of intervention specific to ISP's that result in lower recidivism rates. Kris qualifies for an intensive supervised probation program because of the following attributes. First, his predisposition towards crime and the high probability of recidivism is a primary attribute that justifies his placement into the ISP program. Second, he is into drinking and drug abuse that is often considered aggravating factors in the commission of criminal offences. Third, according to Robert's view, Kris spends most of his time with friends. This is proof of unemployment which may be another contributing factor to his acts of delinquency. Fourth, this anti-social behavior exhibited by Kris justifies the limitation of his access to the community.

Matching of an inmate to a correctional facility is called classification that is a procedure that entails placing offenders in various levels of custody depending on their needs and resources

available to correctional facilities (Austin, 2003). According to Schmallegger and Smykla (2001), the importance of this strategy is to distinguish between offenders that present differing security risks and those who have management problems. Therefore, the strategy is necessary because it enables correctional officers to determine the level and intensiveness of supervision required depending on the characteristics and classification of a particular offender. In my opinion, this strategy is necessary and suitable because it helps in identifying areas where more attention and resources should be concentrated in tailoring correctional measures. This will result in enhanced efficiency and effectiveness of adopted correctional measures. It is an effective means of responding to cruel and unusual treatment because the seriousness of a person's offences as well as the level of danger an offender poses are taken into consideration. Therefore, placing misdemeanor offenders in a different environment from that of felony offenders is reflective of the proportionate nature of the correctional system hence adequate measures against cruel and unusual punishment of offenders.

Further, programs and amenities that aim at making life in prison effective may be justified depending on their efficiency. Where correctional measures require considerable resources, their suitability or otherwise should be measured against the impact that these measures have on the offenders and the community as well. Therefore, where such programs and amenities are beneficial and have a positive effect on those involved that should be considered as a worthy use of taxpayers' money.

References

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