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Thacher, Augustus, and Hill—The Path to Statutory Probation in the United States and England[1]

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IF ONE WERE TO ASK an American criminal justice student/professional to name the "father of probation," the answer would virtually always be John Augustus. Similarly, almost every probation textbook written in the United States labels Augustus as the architect of probation. Abadinsky (2006:96) describes Augustus as the "nation's first probation officer." Champion (2002:2) notes that "Probation in the United States was conceived in 1841 by a successful cobbler and philanthropist, John Augustus …" It is stated that the work of Augustus "led to the statutory creation of probation services in Massachusetts" (Silverman and Vega, 1996:495).

However, a number of writings both in the United States and England also note the contribution of Matthew Davenport Hill to the development of probation. Hill, a lawyer in England, held the judicial post of recorder in the City of Birmingham. While his work did not as closely parallel modern-day probation as did that of Augustus, it clearly contributed to the development of the practice.

While not seeking to significantly diminish the contributions of Augustus, a number of criminologists question whether the beginnings of probation should be attributed in so substantial a degree to Augustus. Tappan (1960:545) associates the importance credited to Augustus to the "… ethnocentric inclination of American Criminologists to date the beginnings of probation from the work of Augustus in 1841."

Dressler (1969:22), while contending that Augustus deserves the title "father of probation," nevertheless recognizes the importance to probation of English common law antecedents. He further credits Matthew Davenport Hill for initiating practices similar to what would eventually evolve into probation. Walker (1998:94) agrees that while Augustus contributed greatly to the birth of probation, his role was somewhat exaggerated. Accordingly, he writes that:

> The colorful story of John Augustus as the inventor of probation has been told too many times. He did not invent probation any more than the police or the prison appeared out of thin air. Long before his time, criminal court judges found ways to mitigate punishment and allow convicted offenders to remain in the community under some restrictions.

Coincidentally, both Augustus and Hill initiated their work in the same year. In 1841, the first sustained services resembling modern-day probation were provided in Boston and in Birmingham, England. Remarkably, both men did not begin their work on behalf of offenders until they were relatively advanced in age; Augustus was 57 when he began bailing offenders out while Hill was 49 years of age.

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Judge Peter Oxenbridge Thacher

In addition to the contributions of Augustus and Hill, we also note the earlier judicial sentencing practices of Judge Peter Oxenbridge Thacher, who, instead of incarcerating many juvenile offenders, released them on condition of good behavior. Bowker (1982:322) is of the opinion that:

> Like most other innovative behaviors, the path-breaking work of Augustus builds on earlier practices. Augustus might not have started his private probation program in Boston had it not been for the earlier policy of … Thacher, who began to allow convicted offenders to go free on what was essentially unsupervised probation shortly after he took office.

Thacher released the defendants on recognizance, which was a legal procedure that enabled a judge to liberate a defendant between conviction and sentencing. Jones (2004:63) notes that:

> Courts use recognizance today to allow defendants to be free between their initial court appearance and trial. During the 1830s in Massachusetts, recognizance was used, illegally in fact, as a means of allowing young or first-time offenders the chance to avoid a criminal conviction and the harsh punishment that might accompany it.

Thacher used recognizance with great frequency in his years on the bench (1823-1843) in the Municipal Court of Boston, "… and the practices developed by him were of particular significance in the later evolution of probation in Massachusetts" (Carter and Wilkins, 1976:84). Thacher further broadened the application of recognizance by continuing to defer trial pending the good behavior of the juvenile and minor offender. In effect this practice unofficially broadened the law. However, this system would later be copied in modern methods for diverting first offenders from the full penalties of the criminal justice system (Johnson and Wolfe, 1996:141).

Recognizance is an obligation on the part of the defendant, who either promises to do something or to refrain from engaging in certain behavior over a definite time period, and to show up in court on a given date for either his trial, or the disposition of his case. Recognizance is also known as "binding over" (Dressler, 1969:18).

Dressler (1969:19, 23) notes that recognizance, as used by Thacher, had a number of elements similar to today's probation. These include freedom in the community as an alternative to incarceration; the suspension of sentence; court-established conditions of behavior; and the threat of incarceration should there be a violation of the court-ordered conditions. A key component of today's probation not present in recognizance, however, was the supervision of the defendant. Accordingly, the defendant received neither rehabilitative services nor court supervision. It is believed that the first recorded use of recognizance in this country was in 1830 by Judge Thacher in the case of *Commonwealth v. Chase* in the Boston Municipal Court. In this case Jerusha Chase pleaded guilty to the charges, but was not sentenced, as Judge Thacher yielded to the pleas of her friends with the consent of the prosecutor. The court allowed her to return home under recognizance, with the understanding that she would return to court when so requested. This was subsequently done in other cases in which no sentence would be pronounced against the defendant if he did not again violate the law. It is believed that the extended use of recognizance, especially with young defendants, was subsequently practiced by other judges as a

way of lessening the punitiveness of the criminal justice system. Subsequently, by 1836, legislation was passed in Massachusetts that statutorily permitted the release of minor offenders upon their recognizance at any stage of the proceedings, with the understanding that the defendant would exhibit future good behavior. The statute further provided for the posting of one of numerous types of surety, including cash, property, a bond, or a promise by another person who was considered to be reliable (Allen, et al., 1985:40). Accordingly, it served as an early path towards what would eventually become a probation system.

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The Labors of John Augustus

Augustus' contribution to the creation of probation was so enormous and significant that it is readily understandable why he is considered by many as the "father of probation." So much has been written about Augustus, in both books and academic journals, that repetition would serve little purpose. Accordingly we will only provide a brief sketch of his career, and a review of his specific and direct contributions to the creation of probation.

Augustus was born in Burlington, Massachusetts (then part of Woburn) in 1785 (Cromwell, Alarid, and del Carmen, 2005:78). In his early twenties he moved to Lexington, Massachusetts and opened a highly successful bootmaking shop, which at one time had four or five employees. In 1827 he moved to Boston. The prosperity achieved in his business enabled him to live comfortably.

From 1811 to 1829 he lived in the Jonathan Harrington House, situated at the north end of Lexington Green. (The house is of rich historical significance in that "its namesake, Jonathan Harrington was shot and killed … by British Regulars on the first day of the Revolutionary War." The house has since been renovated and restored (Cromwell, Alarid, and del Carmen, 2005:78).)

Over the years Augustus worked with men and women, and even young children. A good deal of his time was spent in attempting to reform alcoholics, and he generally used the pledge to refrain from alcoholic beverages as a tool in his efforts at rehabilitation.

Neither a police officer nor a social worker by profession, he served without financial compensation, unattached to any agency, and holding no official position. Jones (2004:63) observed that "Augustus, a very religious man, believed that alcohol was an evil agent that devastated people's souls as well as their bodies. His motivation … was based on strong Christian beliefs in the possible redemption of people's souls …."

Often neglecting his own livelihood and business by aiding, both day and night, those in need of help, Augustus (1972:7) wrote of the stress which dominated his life stating that: "Scarcely an hour in the day elapsed, but someone would call at my house or my shop and tell their tale of sorrow." Not surprisingly, he so generously gave of his time, that upon his death on June 21th, 1859 he was financially impoverished.

Augustus initiated his voluntary probation work in 1841 when he requested a judge to defer the sentencing for three weeks of a man found guilty of being a common drunkard. He requested that the defendant be placed in his custody during this time period and with the consent of the judge, Augustus bailed him out of court. Augustus had the defendant sign the pledge of sobriety. At the end of three weeks, Augustus accompanied the defendant back to court for sentencing, and the success of his supervision was dramatic. As described by Augustus (1972:6):

> … his whole appearance was changed and no one, not even the scrutinizing officers, could have believed that he was the same person … The Judge expressed himself much pleased … and instead of the usual penalty—imprisonment in the House of Correction,—he fined him one cent and costs … The man continued industrious and sober, and without doubt has been … saved from a drunkard's grave.

Heartened by this initial success and its humanitarian value, Augustus continued this voluntary work, extending his social work assistance to women and children. His work with children was especially heart-wrenching as there was no juvenile court, or legal aid attorneys available, and when incarcerated there was little difference between their treatment and that of adults.

It is understandable that Augustus is considered by many to be the "father of probation, "because many of the practices he created, often with slight changes, continue to survive and are at the heart of today's probation. Illustrative is today's pre-sentence investigation, which is a report to the court designed to assist in determining an appropriate sentence. Although current reports may be more inclusive, better structured, and written rather than delivered verbally, the inherent underlying purpose remains the same. Then as now, an interview of the defendant and the collection of relevant materials serve to help the court determine sentence. Required today prior to the passing of sentence in many courts, it remains one of the major components of probation practice.

Augustus did not recommend everyone for probation. He carefully screened prospective candidates through interviews, checks of their background, and social histories. For the most part, the offenders he sponsored were low-risk, nonviolent criminals. One of the most important components of his work was supervision of the offender. Not content to merely bail out the offender, Augustus sought to improve his behavior and keep him crime free. To this end, he continued his contacts with the probationer, not only to monitor his conduct, but to bring about change by meeting his social needs. Accordingly, Augustus assisted probationers in securing employment, housing, and schooling, and helped resolve personal problems. In many cases he employed the defendant in his shop for several weeks, to enable the offender the opportunity to learn an employment skill.

The pledge was another tool he used in his supervision of alcoholic offenders. Glueck (1939:XX1) wrote that according to Augustus' account it seemed:

> … to have had a more magical effect upon chronic alcoholics than a similar ceremony has today. Inducing the defendant to take the pledge or "promise not to drink liquor" is still a favorite and easy method of probation work in certain courts.

As part of the supervision process, he would allow homeless offenders to temporarily reside in his own home. It is stated that Augustus "…often had as many as fifteen of his proteges living in his house at any one time" (Glueck, 1939:X1). In contrast to the intensive supervision provided by Augustus, Glueck (1939:22) characterized many latterday officers as only providing "perfunctory, sporadic office check-ups" and token supervision. Another essential aspect of Augustus' supervision, which continues today and is recognized as a key feature of the probation service, was the record keeping of his labors. Although it was extraordinarily time consuming, he recognized its value and kept records of all his cases. Augustus (1972:96) wrote that "For my own gratification I have caused the name of nearly every person whom I have bailed, to be placed on a docket or roll."

Another major contribution of Augustus was in providing the name "probation." His use of the term in his book is frequent. Abadinsky (2006:96) writes that "The concept of probation, from the Latin probatio–period of proving—evolved out of the practice of judicial reprieve, used in English courts to serve as a temporary suspension of sentence to allow a defendant to appeal to the crown for a pardon." Its meaning relates to a period of proving oneself and subsequent forgiveness.

Augustus was assisted by several other volunteers, some of whom continued Augustus' work after his demise. Their work helped create a path leading to statutory probation.

Special recognition must also be given to Augustus because he was able to accomplish these goals despite frequent vicious attacks verbally, in writing, and occasionally even with physical abuse (Cromwell, Alarid, and del Carmen, 2005:79). Court officers in particular viewed

Augustus as an interloper with no official standing, and resented their loss of the fees at that time paid to them when a defendant was incarcerated. Many people also attacked him for mollycoddling wrong-doers by substituting treatment for punishment.

Augustus was also accused of taking money from the persons that he aided as well as contributions from charitable organizations and excessive donations from individual philanthropists. In refuting these allegations he noted that those that he "helped seldom offered him any financial reward in return" (Jones, 2004:65). Not surprisingly, despite a great deal of subsequent scrutiny by researchers no major wrongdoing was found (Jones, 2004;66).

Reporting on the negative treatment which he found commonplace, Augustus (1972:15-16) wrote that:

> Often when I attempted to enter the courtroom, I was rudely repulsed by the officers and told that I could not go in… I subsequently took a seat, but was soon rudely expelled without the least cause.

Similarly, he describes his frustration at constantly being denied visitation with a confined defendant. Augustus (1972:38) paints a picture of dejection, noting how the officers took great pleasure in denying his request.

In addition, Augustus was frequently subjected to attacks in the local newspapers. These comments, both positive and negative, are quoted in his book, but it should be noted that the negative comments were often particularly vicious. Illustrative is a letter simply signed M.A.O. and published in 1847 in the *Chronotype*, and quoted in Augustus (1972:71):

> Mr. Augustus is undermining the foundations of the church, as well as the state. … What is to be done? I will suggest … that some of my aristocratic friends, go in a body to Mr. Augustus's house after night-fall (he lives at 65 Chamber St.), and throw some bottles of coal tar through his parlor windows. If that don't fix him, I don't know what will.

Augustus, however, also had numerous supporters, one of whom was the highly respected Horace Mann, who wrote that: "Your labors favor all classes; they tend to reform the prisoner. You seem to me to be entitled to the aid and encouragement of all."

Augustus died on June 21, 1859 at his residence after a long and protracted illness. He is buried in the Old Lexington Cemetery in Lexington, Massachusetts, and a bronze tablet is affixed to the Boston City Hall Annex which is where the old courthouse stood in which Augustus first undertook his humanitarian mission in life (Chute and Bell, 1956:50). In 1878, just 19 years after the death of Augustus, Massachusetts became the first state to pass a probation statute. The law required the Mayor of Boston to appoint a suitable person to attend the sessions of the courts of criminal jurisdiction, to investigate the cases of persons charged with or convicted of crimes and misdemeanors, and to recommend to such courts the placing on probation of such persons as might reasonably be expected to be reformed without punishment.

Interestingly, "the dual role of probation, a concept unique to probation and parole and continuing as a raison d'etre of the services today, was established in that the law provided both for the rehabilitative assistance of offenders and for controls upon their behavior" (Lindner, 1994:63).

In separating punishment out of the rehabilitative role of probation, the statute required that "such persons as may reasonably be expected to be reformed without punishment" should be chosen for probation supervision. In discussing the importance of this statute, it was stated that:

> … of equal significance is the fact that the statute does not restrict the application of probation to any particular class of offenders (first offenders, young offenders, etc.), or to any particular class of offenses, but postulates the likelihood of the individual offenders being reformed without punishment, as the only criterion for

> the selection of offenders to be released on probation (Carter and Wilkins, 1976:91).

An important statute contributing to the growth of probation was passed in 1880 and extended the right to appoint probation officers to all cities and towns in Massachusetts. Its weakness, however, was that it was merely permissive. Unfortunately, to save money, only a relatively small number of cities or towns took advantage of the law. In addition, it is likely that few had knowledge of the probation system at the time, and it may be that those who did, viewed it as undercutting the punishment of criminals.

Once initiated in Massachusetts, the concept of probation services spread to other states, although, admittedly, services were usually underfunded and understaffed, often lacking direction or centralized controls, and more typically located in large cities rather than in suburban and rural areas (Lindner, 1994:64). The growth of probation, although comparatively slow, was greatly helped by the creation of the Chicago Juvenile Court in 1899, as the public was more receptive to probation for juveniles. Today, probation stands as an integral part of the criminal justice system, with more offenders under supervision than either paroled, or in prisons or jails. Could Augustus ever have imagined the growth of his probation work?

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Matthew Davenport Hill

As John Augustus is often credited with being the "father of probation" in the United States, so is Matthew Davenport Hill generally believed to have laid the foundation of probation in England. As stated by Barry, "Hill … is due much of the credit for the introduction of the probation system" (1958:189). Similarly, it is noted that "… the credit for founding probation is reserved for John Augustus … and Matthew Davenport Hill, an English lawyer who held the judicial position of recorder of Birmingham" (Cromwell, del Carmen, and Alarid, 2002:31). Unlike Augustus, Hill did not refer to his work as probation. He did, however, provide services for young offenders, using many components of today's probation work.

Hill was born in Birmingham, England, on August 6th, 1792, the oldest of eight children. Their father was the Rev. Thomas Wright Hill, and "In the aggregate, the family members were liberals, social reformers, active in politics and talented in many areas" (Davenport-Hill, 1878:2).

As an innovator, Reverend Hill developed a form of shorthand, forged a plan for minority representation in Parliament, and created a program for patent royalties. Other family members were similarly successful. One of Matthew's younger brothers, Roland, invented a rotary printing press and conceived the penny postage stamp. The youngest of the brothers, Frederic, was active in the movement for Parliamentary reform, was an appointed inspector of prisons both in Scotland and England, and wrote a book on the causes of crime (Hill, 1975:V). Another brother, Arthur, was headmaster of an experimental school at Bruce Castle (Davenport-Hill, 1878:112).

Matthew is said to have suffered a nearly fatal fever in infancy, which caused health problems during the rest of his life. His daughters note that their father suffered from frequent illnesses throughout his life. They relate, for example, that comparatively early in life he was offered employment with various newspapers … "but the invitations were declined-probably owing … to the feeble state of his health" (Davenport-Hill, 1878:9,17).

Due to a lack of funds and the illness of his father, Matthew and his siblings served as instructors at Hill Top, an experimental school near Birmingham founded by his father. It is reported that Matthew was only twelve when his own education ended and he began teaching (Davenport-Hill, 1878:2,6,7). Drawing upon his encounters in the school and his disagreement with current educational practices, Hill would later author a book that would become a powerful influence on educational reform. Essentially he took issue with authoritarianism in education and instead supported an increase in student democratic government and the right of pupils to control their own educational goals (Hill, 1975:V1).

Matthew's strong interest in public affairs, fair play, and legal equality was demonstrated early in his life and continued thereafter. While in his teens he began the practice of expressing his liberal views by writing letters to the newspapers; a practice that he would continue throughout his life.

Hill held a number of political posts. This included his election as one of Liberal members of Parliament for Kingston-upon-Hull in 1832. His daughters note that among his goals in Parliament was to better the life of the poor:

> to seek the amelioration of their lot in the extension of education, in the improvement of their material position, and in the spread of political knowledge. To give them legal equality with the rich and the powerful, in fact, as they already had it in theory … (Davenport-Hill, 1878:121).

One of his most determined efforts in Parliament was a reform of the jury system in felony cases. At that time, defense counsel in England and Ireland (unlike Scotland, the British Colonies or the United States) could not address the jury in a felony case, although it was permissible in a misdemeanor trial. Attempts to revise the statutes in the 1820s and early 1830s were repeatedly rejected, but over the years Hill continued to work with others in support of its modification, although he did not live to see the change. In giving testimony before one committee he stated "that advocacy on both sides is the best method of arriving at the truth, and therefore, the most likely to ensure that justice be done." Through the continual efforts of Hill and others, the bill finally became law in 1936 (Davenport-Hill, 1878:121-123).

While in Parliament and thereafter, Hill strongly advocated for social reform and equality of all persons. Those of the Jewish religion, for example, suffered from civil disabilities, including restrictions on admission to Universities, the right to hold political office, and other constraints. Hill argued in Parliament that "I think it a disgrace to the country that every remnant of the laws against the religious liberty of the subject has not long since been swept away" (Davenport-Hill, 1878:125-126). It wasn't until 1858 that those of the Jewish faith were freed from most disabilities. Similarly, Hill argued for the abolition of slavery. Another cause Hill supported was the repeal of the Stamp Duties on newspapers. He believed that this form of taxation served to limit the circulation of newspapers. In 1835 the Newspaper Stamp Duty was reduced to one penny, and in 1855 completely ended (Davenport-Hill, 1878:130-131).

One of the primary areas of reform shared by many, including Alexander Maconochie and Hill, during the early years of the 19th century was to end transportation as a sentence. It was a particularly harsh sentence, with many dying on the boats transporting them to the land of their confinement. Moreover, many transported were juveniles or minor offenders. Hill continually fought to terminate this sentence.

Hill also opposed the death penalty. Despite his liberal thinking and his vehement opposition to the barbarity of the English penal system, Hill was not impractical or quixotic in relation to the criminal justice system. He was very much concerned about the safety of the community and their protection from criminal acts. For criminals sentenced to life in prison, he argued that the protection of the public required these prisoners to be sent to a jail specially erected to receive them, from which escape should be made absolutely impossible, and discharge so difficult that it could rarely occur (Davenport- Hill, 1878:213).

He also believed that certain serious criminals should be incarcerated in irons, arguing that certain prisoners:

> …who have deprived a fellow-creature of life, or diminished his comfort and enjoyment by the infliction of grave injury, should, I think, for a period more or less considerable, be placed in irons, heavy at first - as heavy, indeed, as nature can support; yet be promptly lightened by good conduct, until at last, they are reduced to one ring, and even one may eventually be withdrawn (Davenport- Hill, 1878:215).

Hill's philosophy of penal reform can be seen in a quotation from a presentation he made at a gathering honoring Captain Alexander Maconochie. He and Maconochie were not only personally close, but shared similar ideas regarding the harshness of the criminal justice system. Hill (as quoted in Barry, 1958:1) stated "that … there must be a well-devised discipline; by which our gaols may cease to be schools of crime, as they too frequently are, … and may become worthy to be called hospitals for the cure of moral disease."

Hill failed in his reelection bid in 1834, but that same year he was appointed to the rank of Queen's Counsel, and in 1839 he became Recorder of Birmingham, a position which he held for some 26 years. Barry (1958:188) notes that "his charges to the grand juries of Birmingham had great influence in bringing about reforms in the criminal law."

He was appointed Commissioner of Bankruptcy for the Bristol District in 1851. He held this position for 18 years, until the abolition of the provincial bankruptcy courts. During his life he was associated and worked with many liberals, including Americans such as Dr. Enoch Wines, a prison reformer. Through his contact with Dr. Wines, Hill submitted a paper on punishment in 1870 at the first meeting of the National Prison Association in the United States. During his lifetime, and despite his political activities, he managed to publish a number of books. It is believed that his "publicly aired opinions … were the means of introducing many important reforms in the methods of dealing with crime" (Wikipedia: 2006). Over the years, Hill met with, and in many instances was close friends with some of the most prominent individuals of the day. These included the Duke of Wellington, Lafayette, Sir Robert Peel, Jeremy Bentham, and Captain Alexander Maconochie.

His contribution to helping develop a probation system may have evolved from his early experiences as a lawyer, during which time he witnessed a number of cases in which young offenders were sentenced to a term of imprisonment of only one day: "… on condition that the youngster return to the care of his parent or master, to be more carefully watched and supervised in the future" (Tappan, 1960:542). This diminution of sentencing for young offenders who had committed minor crimes was started as early as 1820 by certain magistrates of the Warwickshire Quarter Sessions. As was true of the benefit of clergy, judicial reprieve, release on recognizance, and other forms of suspending sentence, it was designed to mitigate the harshness of punishments under English law (Tappan, 1960 542).

Influenced by his earlier observations of the actions of magistrates, Hill adopted a similar procedure upon obtaining the position of Recorder of Birmingham. If the crime was minor, the juvenile was not viewed as congenitally amoral, and there was hope for rehabilitation, Hill would use the one-day sentence of incarceration. However, he also required that there be persons willing to act as guardians of the young offender. In addition, Hill used one of the techniques that would become a component of today's probation: the supervision of the offender. Special court-appointed police officers would at times call upon the guardians of the juvenile to monitor the youth's behavior. A record was generally kept of the guardian's report on the juvenile's behavior.

Hill believed that his early release and supervision of juvenile offenders was an especially successful practice. He noted that one of the key elements of his methodology was keeping a register as to the success or failure of each juvenile. Hill had inquiries made of the conduct of the youngsters and the information was then recorded (Hill, 1975:242-243). After a period of slightly over 12 years he reported that:

> The total number of prisoners during that period consigned to their friends is 417. Of these only 80 are known to have been reconvicted. Of the remainder, 94 bear a respectable character; after long years of probation. Of 143, the best we can say is that they are not known to have been in custody since they were so given up to their friends.

The remainder were not accounted for as some had not been in custody since being given to their friends, some had moved away, others died, and others could not be found (Hill, 1975:352).

Interestingly, Hill recognized a problem that continues to be faced by today's probation officers: the return of the offender to the same neighborhood, friends, and similar circumstances that may have contributed to the criminal act. Far advanced in his thinking at the time, Hill looked with dismay on the return of the offender to the same neighborhood. Under such circumstances:

> … it is difficult to keep him aloof from the same companions; and thus, while he is too often exposed to the scorn and reproach of persons whose ill opinion he most dreads, he has the far greater misfortune of being open to the seductions of those whom his former errors have armed with a pernicious influence over his action (1975:352).

It should be noted that Hill supported the concept of supervision of certain offenders while in the community, a key component of today's probation. In favor of the ticketof- leave discharge he argued, however, that merely reporting on a monthly basis was insufficient. He wanted the ticket-of-leave offender to report to the police monthly, and most importantly, for the police to have the power to enforce the reporting process. Moreover, he asserted that the offender who served his entire sentence in jail is even more in need of supervision than the ticket-of-leave man, because he:

> … passes at once from the earlier stages of imprisonment to unbridled freedom … Thus it is almost hopeless to expect that he will conduct himself, when at large, as an honest and industrious member of society. I therefore, propose that a convict should remain under supervision for a term certain—say twelve or eighteen months, beyond the date of his discharge from prison. (Davenport-Hill, 1878:204-205)

Moreover, he viewed supervision as consisting not merely of law enforcement monitoring the behavior of the offender, but also as providing social service assistance. Hill insisted that incarceration, regardless of how well conducted, cannot permanently change the behavior of the offender. He believed that unofficial agencies, staffed by volunteers, should serve to improve the miserable conditions of the prisons, and secondly, after the prisoner has become a free man: "… to acquire such knowledge of their characters, and influence over their dispositions, as should guide their benefactors in seeking employment for them, and otherwise befriending them after discharge" (Davenport-Hill, 1878:208).

Hill died in 1872, in his eightieth year, at Stapleton, near Bristol. Among his final projects at the time of his demise were proposals for better treatment of pauper children, who were boarded out, and his work on behalf of the International Prison Congress (Barry, 1958:189).

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Endnotes

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[57] Howard Zehr, 2002, 12, supra.

The Predictive Validity of the LSI-R on a Sample of Offenders Drawn from the Records of the Iowa Department of Corrections Data Management System

[1] The predictive validity of the LSI-R by race and ethnicity has been mixed and is still requiring additional research. However, studies have reported modest predictive validity by ethnicity (Holsinger, Lowenkamp & Latessa, 2006) and low predictive validity by race (Schlager & Simourd, 2007).

[2] A t-test, comparing the difference in means, or average LSI-R total scores, found that there was a significant difference in the actual total scores between probation and parole. However, based on the MHS cutoffs, both supervision status types would still be categorized as a moderate risk level.

[3] The average score on the Criminal History domain for the Parole Group was 6.70 and the average score on the Criminal History domain for the Probation Group was 3.94. A t-test indicated that there was a significant difference between these two risk scores ($p<.001$).

[4] The smaller sample size of female parolees (N=26) and non-white parolees (N=53), may account for the lack of significance with these correlations.

Probation and Parole Officers Speak Out—Caseload and Workload Allocation

[1] This lack of certainty of punishment is contrary to traditional conceptions of deterrence theories, which are predicated on the notion of offenders perceiving that criminal behaviors and technical violations will be met with punishment. Many jurisdictions are finding it difficult to respond adequately to noncompliant probationer behaviors due to overcrowding and funding issues, with some courts actually informally requesting that only the most serious probation violators be brought back to court.

[2] See Warchol (2000) and Bonta, Wallace- Capretta, and Rooney (2000) for a more complete historical development of ISPs. On the effects of caseload size, see Worrall, Schram, Hays, and Newman (2004)

Thacher, Augustus, and Hill—The Path to Statutory Probation in the United States and England

[1] The author is grateful to Professors Andrew Karmen and John Kleinig of John Jay College of Criminal Justice for their helpful comments

Looking at the Law—Probation Officers' Authority to Require Drug Testing

[1] In 1984, Congress replaced the Federal Probation Act with provisions in the SRA that repealed the chapter in Title 18 that contained the Federal Probation Act (except for '3656, which was renumbered '3672), effective November 1, 1987. While new '3603 applied only to offenses committed after November 1, 1987, the following language in '3655, construed by courts to authorize officers to require drug tests, was carried over to new '3603: '3655. Duties of probation officers. The probation officer shall furnish to each probationer under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. He shall keep informed concerning the conduct and condition of each probationer under his supervision and shall report thereon to the court placing such person on probation. He shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid probationers and to bring about improvements in their conduct and condition. 18 U.S.C. '3655 (1984) (repealed).

[2] See *United States v. Stephens*, 424 F. 3d 876, 885 (9th Cir. 2005) (Clifton, J., concurring in