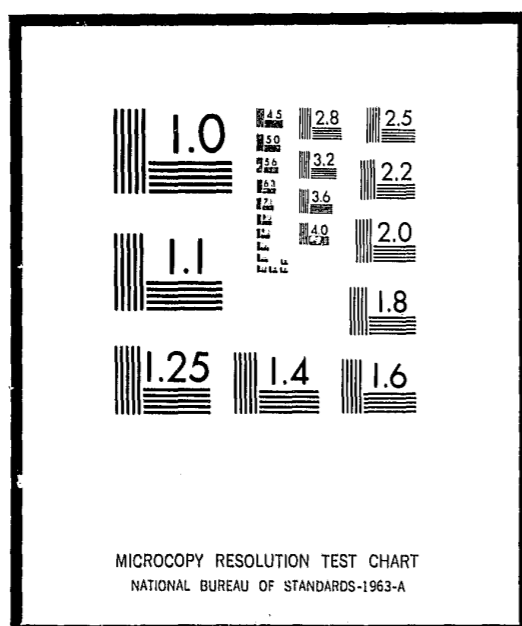


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SENTENCING

ANNOTATION:

CROSS-AGENCY CURRICULUM MATERIALS IN THE FORM OF CURRICULUM UNITS FOR ADMINISTRATIVE MANAGERIAL AND TRAINING PERSONNEL.

ABSTRACT:

THE TRAINING MODULE, THE ADMINISTRATION OF JUSTICE, WAS DEVELOPED AT A PENNSYLVANIA ADULT CORRECTIONAL TRAINING (PACT) WORKSHOP. THE PARTICIPANTS INCLUDED ADMINISTRATIVE MANAGERIAL, AND TRAINING PERSONNEL FROM STATE AND LOCAL ADMINISTRATION OF JUSTICE AGENCIES. THE INTENT WAS TO DESIGN CROSS-AGENCY CURRICULUM MATERIALS IN THE FORM OF CURRICULUM UNITS. THE TRAINING MODULE SERIES WHICH RESULTED FROM THE WORKSHOP ARE INTENDED TO PROVIDE PARTICIPANTS WITH (1) AN UNDERSTANDING OF THE ADMINISTRATION OF JUSTICE AS A SYSTEM, THE INTERDEPENDENCE OF ITS ELEMENTS, AND THE IMPLICATIONS OF THEIR ROLE PERFORMANCE FOR THE SUCCESSFUL OPERATION OF THE SYSTEM; (2) AN UNDERSTANDING OF THE GOALS OF THE SYSTEM AND THE ROLE-RELEVANCY OF UNIVERSALLY APPLICABLE PRINCIPLES, CONCEPTS, AND PROCEDURES IN PROVIDING PROTECTION FOR THE COMMUNITY AND REHABILITATIVE SERVICES TO THE OFFENDER; (3) AN UNDERSTANDING OF THE WAYS IN WHICH THEY MAY IMPROVE ROLE PERFORMANCE CONSISTENT WITH SYSTEM NEEDS FOR INCREASED UNDERSTANDING, COOPERATION, COORDINATION, AND IMPROVED SERVICE CAPABILITIES. (AUTHOR ABSTRACT)

0066

PENNSYLVANIA ADULT CORRECTIONAL TRAINING INSTITUTES (P.A.C.T.)

Developed by the
Center for Law Enforcement and Corrections
College of Human Development
The Pennsylvania State University
University Park, Pennsylvania

A Training Module for Trainers of Personnel
in the Administration of Criminal Justice

Designed as Part of the Statewide Training Program for
Executive and Managerial Correctional Personnel

THE ADMINISTRATION OF JUSTICE
Training Module 6902
June, 1969

The Statewide Training Program
for Correctional Personnel is supported
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A FOREWORD TO THE INSTRUCTOR

The training module, "The Administration of Justice," was developed at a Pennsylvania Adult Correctional Training (P.A.C.T.) workshop held in February of 1969. The participants included administrative, managerial, and training personnel from State and local administration of justice agencies. The intent was to design cross-agency curriculum materials in the form of curriculum units. The training module series which resulted from the workshop are intended to provide participants with the following:

1. An understanding of the administration of justice as a system, the interdependence of its elements, and the implications of their role performance for the successful operation of the system;
2. An understanding of the goals of the system and the role-relevancy of universally applicable principles, concepts, and procedures in providing protection for the community and rehabilitative services to the offender;
3. An understanding of the ways in which they may improve role performance consistent with the system's needs for increased understanding, cooperation, coordination, and improved service capabilities.

This training module on the administration of justice can be used independently as a short course of several hours' duration or it can be incorporated into the full series which P.A.C.T. has produced. This module would be the second course presented when the entire series is used. The series would begin with "History of Law Enforcement and Correction in Pennsylvania"(T.M.No.6901), followed by "The Administration of Justice"(T.M.No.6902), and then "Criminal

Law, The Laws of Arrest, and Detention"(T.M.No.6903), "The Police-Its History and Contemporary Place in Society"(T.M.No.6904), "Pennsylvania Judicial System: The Courts, The Judge, The Jury"(T.M.No.6905), "Sentencing-Two Views"(T.M.No.6906), "Probation and Parole"(T.M.No.6907), "Jails and Prisons"(T.M.No.6908), "Capital Punishment"(T.M.No.6909), and finally, "The Dynamics of Human Behavior"(T.M.No.6910). Following this suggested order a cohesive picture of the offender, the arrest, sentencing, punishment, and corrections would be presented.

In order that each module be utilized to its fullest potential, the trainer or instructor first should have a sound background, preferably with field experience in the area in which he will be instructing. Secondly, he should have in-depth knowledge of the bibliographical material listed at the end of the training module, as well as other literature sources. With this basic preparation, the trainer can be in a position to employ the training module as a "road map" for the direction and substance of the course. Throughout the preparation and presentation of the course, the trainer should keep in mind the general objectives of the course as set forth at the outset of the outline.

As the course is presented, each heading and subheading should be treated by the instructor as a theme for expansion. The headings are meant only to provide the structure to the trainer, who should then build on them, expanding and enlarging as the needs of the class are demonstrated and his time and ability permits. Many examples and illustrations should be provided to the class. An abundance of case material and other examples carefully prepared by the instructor is essential. It is the illustrative material that

concretize concepts and enhance learning. The trainer should draw upon his own professional experience as well as the bibliographical material for much of this expansion. Obviously, the trainer should capitalize on the experiences of his class in order to make the material more viable.

While the trainer is preparing for the course, certain chapters and sections of the readings will suggest themselves to him as so basic or important that he will want to assign them to the class. Therefore, the bibliography will serve two purposes: preparation of material for the instructor, and training material for the class. No attempt was made on the part of those developing the training modules to dictate what, if any, the class assignment should be. The trainer will know his class and its needs better than anyone else, and should have full discretionary power on assignments, drawing from the bibliographical references or any other sources which he deems relevant.

We of the staff of the Center for Law Enforcement and Corrections hope that these training modules can serve an effective role in providing assistance to those who have the responsibility for training operating personnel. If the material has the potential to serve as a catalyst, it is, nevertheless, the instructor who stands before the class who carries the burden of teaching success. It is to him that we say, "Good luck."

Charles L. Newman, Project Director

William H. Parsonage, Associate Project Director

Barbara R. Price, Assistant Project Director

Training Module 6902

THE ADMINISTRATION OF JUSTICE

Course objectives: To present a general overview of the justice system with emphasis on the interdependence of the elements and the flow and function of each process.

I. Introduction.

- A. The justice system should be considered as a series of interdependent elements.
- B. The four basic components are:
 - 1. Police
 - 2. Courts
 - 3. Probation/parole
 - 4. Institutional corrections
- C. In order to understand how these elements are interrelated, each will be examined in relation to the functions the specific process performs from the standpoint of the role of the officer. Thus, the components will be described in terms of process.

II. The Police Process.

- A. Investigation--the police officer must have a broad knowledge of the following:
 - 1. Common offenses--should have substantial information.
 - 2. Jurisdiction--knowledge of his own territorial control as well as understanding of the concept of venue.
 - 3. Interviewing and questioning--should be familiar with appropriate techniques.

- 4. Other resources--should be aware of the availability of community resources which can assist in investigation as well as be able to make referrals to other agencies when subject of investigation is not a police matter.
- B. Apprehension--the officer should have precise knowledge of:
 - 1. The degree of force necessary for a successful arrest.
 - 2. Laws of arrest.
 - 3. Ramifications of court rulings on arrest.
 - 4. Vehicle and criminal code.
 - 5. Miranda warnings.
 - 6. Substantive knowledge of the law--intent of the law and of individual before the law.
 - 7. Mob behavior and management.
 - 8. Selective enforcement--including concentration of forces in high crime-rate areas, use of preventative patrol.
- C. Court role of officer.
 - 1. Criminal procedures--knowledge of.
 - 2. Preserving items of evidence, accumulation of facts.
 - 3. Art of giving testimony.

III. The Judicial Process.

- A. Preliminary hearing--the formal charge is made at this time.
- B. Decision on bail or detention--this is the responsibility of the justice of peace or of the court.
 - 1. Use of jails as place of confinement during pretrial or pre-conviction phase.
- C. Pretrial procedures.
 - 1. Specific pretrial relief.
 - 2. Confession hearings (Jackson v. Denno)
 - 3. Search and seizure hearings (Mapp v. Ohio)

4. Appointment of counsel for the indigent (Gideon v. Wainwright), (Escobedo v. Illinois)

D. Indictment and grand jury--determines what charges the defendant is finally tried on.

E. Trial or plea.

1. Court decorum.

2. Participants in adversary process and their roles.

3. Concept of due process.

F. Depository process--sentencing and pre-sentence investigation.

G. Post trial phase.

1. Appeal.

2. Post conviction remedies.

3. Habeas Corpus.

H. Differences between adult and juvenile systems.

IV. Corrections--Institutional Process.

A. Agency policy goals and responsibilities.

1. Table of organization of agency.

2. Responsibility--to society and to the offender.

3. Knowledge of limits of agency capabilities.

4. Acceptance of limits and resources.

5. Interpretation of limits and responsibilities to public.

B. Classification of offender.

1. Identification.

2. Basic knowledge of the dynamics of human behavior.

a. Individual differences and needs.

3. Grouping individuals based on individual need.

C. Treatment of offender--officer should understand:

1. Counseling skills and techniques.

2. Individual and group needs for treatment, training, and supervision.

3. Special offenders.

a. Narcotics.

b. Alcohol.

D. Custody and control--officer should be knowledgeable in:

1. Self defense, firearm usage, other weapons.

2. Mob behavior and riot control.

3. Methods for movement of prisoners--both within and from one institution to another.

4. Basic operations of institution--rules, roles, and responsibilities.

5. Productive observation of behavior and sensitivity to any changes.

E. Special skills of the corrections officer.

1. Submitting oral and written reports and communication sheets.

2. Exercise in tact and courtesy in dealing with offender and public.

a. Effective interpersonal relations.

b. Sound judgement, sense of integrity, ethical standards.

3. Evaluating adjustment of prisoners.

4. Determining constructive alternative in treatment procedures.

5. Appearing before a court of law as a witness.

a. Basic familiarity with criminal procedures.

b. Performing as effective witness.

F. Release from custody.

1. Court release.

2. Parole.
3. Expiration of sentence.
4. Pardon--executive.
5. Unauthorized--escape.

V. The Probation Process.

- A. The officer should have a precise knowledge of the legal and functional basis of the agency.
 1. Historical perspective.
 2. Responsibilities and goals of the agency.
- B. Roles of probation officer.
 1. Conduct presentence investigation.
 - a. Complete, detailed, and highly specific report of the offender's legal, social and emotional history.
 - b. Summary and recommendations based on the body of the report advising on the desirability of probation.
 2. Interpretation of probation regulations to the offender.
 3. The officer's skills in treatment of the offender should include:
 - a. Basic techniques of the treatment process including the goals of treatment, the responsibilities of the officer, and the limits of treatment in relation both to the probationer and to his own skills.
 - b. Ability to interpret reports and evaluate effectively other sources of information about his client.
 - c. Knowledge of how to utilize community agencies and other resources in the best interest of his client and society.
 - d. Classification techniques--ability to recognize symptoms, physical and emotional needs of his client, and danger signals.

4. Supervision, counseling, and support.
 - a. The probation officer should be capable of forming and sustaining a wholesome interpersonal relationship with his client.
 - 1) Basic knowledge of human behavior.
 - 2) Ability to work with a diversity of people.
 - 3) Must care what happens to his client.
 - b. The officer should have the ability to accept the authority which he carries--use authority constructively.
 - c. He should have expertise in interviewing skills.
 - d. He must have the ability to work with aggressive people, to face hostility and meet, on occasion, hazardous situations.
 - e. The officer should be able to learn from his experiences on the job, to evaluate himself, and to change when indications warrant.
 5. Make revocation recommendation which includes a detailed formal report.
- C. Case management.
 1. Determine and organize case reports.
 - a. Scheduling of office time, interviewing, paper work, contact with supervisory staff.
 - b. Efficient use of field time--geographical considerations.
 2. Identification and classification of individual needs--knowledge of referral agencies.
 3. Meaningful and accurate records--avoid generalities.
 - D. Supervisory skills.
 1. Agency planning and evaluation.
 2. Case-work supervision of field staff, assisting them in working more effectively with clients.
 3. Budget proposals.

4. Open channels for communication with related agencies and institutional services.
5. Free flow of intra-agency communication--staff rapport and morale.
6. Availability of inservice training and evaluation of methods and new techniques.
7. Active staff recruitment.
8. Public relations--emphasis should be on education of public on agency goals, responsibilities, limits and policy.

VI. The Parole Process.

- A. The administration of parole policy.
 1. Select and place prisoners on parole.
 2. Supervise and provide continuing control of parolees in the community.
 3. Recommends termination of supervision for parolees at the appropriate time.
 4. Determine necessity of parole revocation after commission of parole violation or new crime.
- B. Pre-parole preparation.
 1. Ideally, release preparation should begin at the time the offender arrives at the correctional institution.
 - a. Maintaining ties with family and close friends should be encouraged.
 - b. Work assignment should be the same or similar to anticipated employment after release.
 - c. Encouragement should be given to offender to keep abreast of what is happening on the "outside."
 - d. Medical and psychological treatment should be conducted as applicable.
 2. Prior to release the parole officer (in the federal system, the probation officer) meets with the offender.

- a. Officer ascertains that employment has been arranged upon release, that living arrangements have been made and other necessities arranged.
- b. First opportunity for the offender to get to know his parole officer.
 - 1) Conditions for parole can be discussed and clarified.
 - 2) Offender should be encouraged to ask questions and resolve some of his doubts about the supervisory process and his new supervisor.
- C. Counseling, case management, and supervisory skills coincide with those utilized in the probation process.

VII. Summary.

- A. The roles of the police, probation, parole, and corrections officers are all interrelated.
 1. Each must have basic communication skills.
 2. All must be skilled in interpersonal relations.
 3. A basic knowledge of criminal law and procedures is necessary for all.
 4. All officers must be knowledgeable in the dynamics of human behavior.
- B. Custody and rehabilitation of offenders are the two functions which serve as bridges in connecting officer roles from one agency to another.
 1. Diagnosis and classification of offender.
 2. Training and treatment of the offender.
- C. Each agency and its officers require competency in relation to the specific role played in the interrelated system of justice.

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FILMS*

Justice And The Poor. (NET) 60 min., 60104. \$11.70

A report on the inequities in the present justice system and on some of the reforms which are being made. Asserts that the poor receive callous treatment from the police, are penalized by the bail system, and seldom can obtain the services of a qualified lawyer. Current attempts at remedies are shown.

Justice Under The Law. (TFC) 35 min., 340-1. \$7.20

Emphasizes the ideal of justice under American law. Shows a true case in which a prosecuting attorney fulfilled his duty to protect the innocent and to punish the guilty. Stresses the importance of weighing evidence carefully.

*Films available from Audio-Visual Services. The Pennsylvania State University, 6 Willard Bldg., University Park, Pa. 16802. (Phone 814-865-6315). Prices refer to rental as of 1969.

END