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The Evolution of Probation: University Settlement and Its Pioneering Role in Probation Work.—In the final article of a series of four on the evolution of probation, authors Charles Lindner and Margaret Savarase further explore the link between the settlement movement and the beginnings of probation in this country by focusing on one particular settlement, the University Settlement Society of New York City. Close examination of the University Settlement papers revealed that this settlement, during the late 1890's and early 1900's, expanded its programs and activities to meet the growing needs of the people of the Lower East Side and became very much involved in probation work at the same time. This involvement included experimentation with an informal version of probation prior to the passage of the first probation law in New York State, the appointment of a settlement resident as the first civilian probation officer immediately following passage of this law, the creation of a “probation fellowship” sponsored by one of the settlement benefactors, and the description of this probation work in various publications of the day.

Professionals or Judicial Civil Servants? An Examination of the Probation Officer's Role.—A major issue and question in the probation field is whether probation officers are professionals. In this study, Richard Lawrence examines whether probation officers see themselves as professionals and the extent to which they experience role conflict and job dissatisfaction. The study also looks at how probation officers perceive their roles in relation to the judicial process and the services provided to probationers. Three factors were found to make a difference in officers' role preference and whether they experience role conflict: size of their department (and city), age, and years of experience. A number of recommendations are offered to give probation officers equal professional status with judicial personnel and more autonomy to exercise their professional skills in the court organization.

Six Principles and One Precaution for Efficient Sentencing and Correction.—According to authors Daniel Glaser, more crime prevention per dollar in sentencing and correction cells for: no crime principle of maximizing fines and minimizing in-
The Evolution of Probation

University Settlement and its Pioneering Role in Probation Work*

BY CHARLES LINDNER AND MARGARET R. SAVARESE**

* This is the final article in a series of four.

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Although the settlement movement originated in England with the founding of Toynbee hall in 1884, the underlying settlement idea was quickly appropriated by a small band of young idealists and transported to the United States. Here, it took hold and spread so rapidly that by the turn of the century, there were more than one hundred branches, in all types and sizes, of most of them located in the largest, most heavily populated urban centers.

There were many similarities between the English social settlement movement and its American cousin. Both had come about as a response to the ever-growing tide of urbanization and industrialization, and both were envisioned as one possible solution to reconcile class to class, race to race, and religion to religion. The English and American settlement movements were united in that both tended to attract clergymen, professors, writers, and, more than anyone else, young men and women eager to serve as reformers. One element had useful way. In America, the pioneering settlement residents were, invariably, not only young but well-educated, usually with some post-graduate training, from solidly middle or upper-class backgrounds, and of old, Anglo-Saxon, Protestant stock.

In addition to the similarities, there were also differences between the English and American versions of the settlement movement. Unlike their English counterparts which were often church-affiliated, most of the American settlements were deliberately nonsectarian and devoid of any formal adherence to doctrine or ritual, although the individual founders and leaders were often deeply religious themselves. An even more significant difference was the involvement of many of the American settlements in a wide variety of reform measures designed to improve the lot of the thousands of impoverished immigrants who were pouring into the already congested, tenement neighborhoods. Their continuous day-to-day presence in these neighborhoods brought early settlement residents face-to-face with a bewildering array of problems that the settlement movement had to address and ameliorate and turned many of them into political activists. Jane Addams, of Hull House, touched on just a few of the problems which galvanized settlement residents into fighting for social change when she wrote:

"Answers housing, poisonous odors, contaminated water, infectious diseases, the spread of contagious, industrialized food, urban slums, tenement life, deteriorating factory conditions, dangerous occupations, juvenile crime, unwholesome crowding, prostitution, and idleness are the issues which the modern city must face and overcome if it wishes to live."*
Juvenile Delinquency Prevention and Control in Israel*

BY GAD J. BENSINGER, PH.D.
Associate Professor of Criminal Justice, Loyola University of Chicago

The Scope of Delinquency in Israel

IKE MOST countries after World War II, Israel has experienced a rising problem of crime and delinquency, which has especially intensified during the last 20 years. Since 1960, at least 16 separate bills to curb juvenile delinquency have been introduced in the Israeli Parliament (Knesset), resulting in several important legislative changes and numerous recommendations. The most far-reaching and comprehensive legislation enacted was the Youth Law of 1971 which, among other things, raised the maximum age limit within which a male is subject to the delinquency jurisdiction of a juvenile court from 16 to 18 (the upper age limit for females was already 18). In 1978, the Knesset passed yet another law raising the minimum age of criminal responsibility from 9 years of age to 13 years of age. Consequently, under Israeli law, juvenile delinquents are minors aged 13 to 18 years who commit criminal offenses. (There are no status offenses in Israel.)

There are no reliable statistics on the exact number of juveniles who commit crimes in Israel because, as in the United States, many offenses are not reported to the police, and the police do not automatically open a criminal file for every juvenile suspect arrested. However, police officials and others involved in matters of juvenile delinquency prevention and control agree that the scope of delinquency in Israel has reached alarming proportions. Available statistics tend to confirm this perception.

Thus, for example, in 1981 crimes committed by juveniles between the ages of 13 and 18 increased 16.5 percent over 1980, while criminal offenses committed by adults showed a decline of 5.8 percent over the previous year.5 The majority of offenses committed by juveniles are offenses against property, especially burglaries. Approximately one third of all juveniles charged in 1977-1980 were charged with burglary. Of this number, 50 percent were 16 to 18 years old.1

More striking than these statistics are the many news items in the Israeli press that illustrate the nation's growing problem of crime and delinquency. The popular Hebrew newspaper Ma'ariv reported that three boys aged 12, 13, and 14 went on a 3-week crime binge, during which time they burglarized 16 businesses, stole 15 cars, and raped a 15-year-old girl. The three were then expelled from a juvenile detention center.

In an incident in Jerusalem that involved a number of teenagers suspected of stealing a car, a 17-year-old boy was shot in the leg by police after he had already been handcuffed by plainclothes officers. The shooting triggered a violent demonstration in the boy's neighborhood in which more than 100 youth were involved.

While no one seems to know the extent of drug abuse in Israel, a controversy erupted when the news media reported that three boys aged 12, 13, and 14 escaped from a juvenile detention center. There were no reliable statistics on the exact number of juveniles who commit crimes in Israel in 1983. According to the Israeli press, criminals under 18 years of age suspected of committing an offense are arrested, they must be released by the police to an appropriate agency. Under the Juvenile Delinquency Prevention and Control Law of 1960, the welfare agency can decide whether the minor is in need of care and if so, what care must be provided. This law also provides for four areas of concern: juvenile delinquency prevention; reform; punitive discipline; and rehabilitation. The Juvenile Delinquency Prevention Law of 1960, the welfare agency can decide whether the minor is in need of care and if so, what care must be provided. This law also provides for four areas of concern: juvenile delinquency prevention; reform; punitive discipline; and rehabilitation. The Juvenile Delinquency Prevention and Control Law gives the welfare agency and the police the power to supervise and control the activities of juveniles who are suspected of committing an offense. The law also provides for the appointment of a juvenile court judge or a referee who is subordinate to the investigative branch of the police. The law also gives the welfare agency and the police the power to supervise and control the activities of juveniles who are suspected of committing an offense.

While criminal investigations show that a young offender between 13-18 years of age committed a minor offense, or that he or she is a first offender, the youth offender may undergo probation. In Israel, the youth offender may undergo probation, and community service, or be placed in institutional care or under the supervision of a welfare officer, and in institutionalization.

When a criminal investigation shows that a young offender committed a serious offense, or that he or she is a repeat offender, the youth offender may undergo institutional care or under the supervision of a welfare officer, and in institutionalization.

When investigating crimes committed by minors, youth officers are prohibited (except in special cases) from conducting investigations in the schools, places of work, or other locations where a suspect might be found. The police and the welfare agency must cooperate to ensure that the suspect is not detained for a period exceeding 24 hours without a warrant from a judge. If it is impossible to bring the suspect to a judge within the prescribed time, the officer in charge of the police station may direct the placement of the youth offender in a detention facility.

The majority of the delinquency prevention activities initiated include the formation of police clubs, scout clubs, summer camps, boxing and sport clubs, and other social agencies who under Israeli law are responsible for the supervision of juveniles. These agencies must be coordinated with other social services, and other social agencies. This law also provides for the appointment of a juvenile court judge or a referee who is subordinate to the investigative branch of the police. The law also gives the welfare agency and the police the power to supervise and control the activities of juveniles who are suspected of committing an offense. The law also provides for the appointment of a juvenile court judge or a referee who is subordinate to the investigative branch of the police. The law also gives the welfare agency and the police the power to supervise and control the activities of juveniles who are suspected of committing an offense.
FEDERAL PROBATION

received and a social investigation completed, the probation department recommends whether or not to file a petition with the court. Although the legal authority to charge a minor with a criminal offense rests with the police or the district attorney (in felony cases), in most instances, they abide by the recommendations of the probation department. When a case is closed by the police, the probation department must decide whether or not to pursue any treatment services. In any event, the minor whose case was closed receives an official notice of the reasons why his charges were dropped or why he is not being prosecuted. It should be noted that during the last few years, in particular, many minors apprehended by the police have not been diverted to agencies outside the criminal justice system. In 1980, for example, 4,596 minors (33 percent of the total apprehended by the police) were either statutorily detained or referred to other agencies. Thus, only 9,373 minors were charged with delinquency in 1980.

The Role of the Courts

Juveniles charged with serious crimes (murder, rape, robbery, and violations of national security) are remanded to the adult courts, a practice that the Supreme Court has ruled unconstitutional. Thus, only 9,373 minors were charged with delinquency in 1980.

The National Probation System

Probation

Israel's probation services are an integral part of the nation's social service delivery system—an arrangement initiated by the British when they ruled Palestine. At the present time, administrative responsibility for probation lies with the Ministry of Labor and Social Affairs. Separate adult and juvenile probation departments exist within the ministry's Division of Youth Development and Corrections. The juvenile probation department is referred to as the Juvenile Probation Service. It is organized nationally in six geographic districts, with approximately 150 probation officers. The stated goal of the department is to treat, rehabilitate, and assist juvenile offenders referred by the police and the courts. A probation officer's order is made for a period not less than 6 months and not more than 3 years. In 1989, 7,760 cases were under the department's supervision.

Institutional Care

Until 1971, Israel's correctional institutions for juveniles (referred to as "homes") were governed under the provisions of the Offenders' Ordinance of 1937 and the Youth Protection Ordinance of 1955. The Offenders' Ordinance was repealed and replaced by the new Youth Protection Ordinance of 1971 at the present time. The Youth Protection Authority is part of the Division of Youth Development and Corrections of the Ministry of Labor and Social Affairs. The Youth Protection Authority is responsible for juveniles who are referred by court orders for placement in a home. The definition of a "home" is a place of residence or custody of minors outside their families. Homes include government institutions and as well as public and private institutions or even foster homes.) In 1940, 549 convicted juveniles were sentenced to this kind of institutional care.

When an offender is committed to a home, a probation officer must coordinate the placement with the Ministry of Labor and Social Affairs, and a recommendation is made to the court. If the court accepts the recommendation, the probation officer must include in his report to the court a recommendation concerning the nature of the sentence that ought to be imposed. Such a recommendation is not binding on the court.

After these requirements have been satisfied, the court either can sentence or discharge the defendant. When sentencing the judge has a range of alternatives that are prescribed by law and include probation, reformatories, institutional care, imprisonment, payment of fine and/or restitution, conditional discharge, and commitment to a custodian. Several of these alternatives are discussed below.

Probation

Probation is a form of community treatment and rehabilitation, based on the principles of rehabilitation. Consequently juveniles in these institutions must attend school, pursue vocational training, and participate in different treatment activities, either individually or in small groups.

The recidivist rate is very high because most of the "graduates" return to society better schooled in crime than before.

Conclusion

Many Israelis are concerned and shocked over their nation's rising crime problem, for Israel today is not the nation they had envisioned. In recent years, especially, more and more people have started to ask, "What is our country coming to?" An analysis of Israel's crime problem indicates that, like in other industrialized countries, complex economic, social, cultural, and political factors are involved.

As shown above, Israel has established a juvenile justice system that requests a written social investigation report from a probation officer, and he may order an examination of the juvenile by a physician or another expert. The report submitted by the probation officer generally includes information on the defendant's criminal record, his or her cultural background and home conditions, educational achievements, and whatever circumstances may have contributed to the commission of the offense. The probation officer must include in his report to the court a recommendation concerning the nature of the sentence that ought to be imposed. Such a recommendation is not binding on the court.

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resources have been allocated for defense. At the same time, the country has been obliged to absorb an enormous influx of immigrants, a process that has entailed an additional heavy strain on the economy and the nation's social fabric. Due to these circumstances many internal needs, including delinquency prevention and better law enforcement, have been neglected.

Moreover, Israel's present deep financial crisis has further exacerbated the nation's internal needs and problems. During the current fiscal year (FY 1984-85), there has been an $800 million budget reduction and cutbacks in many spheres of activity including education, criminal justice, and social services. These budgetary reductions are making what was a bad situation even worse. Already before this latest crisis, the Israel Education Ministry announced that there were 10,000 "hard core" problem youth who neither worked nor studied, and that most were left without any systematic attention for the latest crisis, the Israel Education Ministry, concerned the high rate of unemployment among young people in Israel. It showed that the national average unemployment rate among teenagers (14-17) and those aged 18-24 had been about 16 percent for the previous 3 years. However, in the "development towns," where most young people are from disadvantaged backgrounds, the teenage unemployment rate was 33 percent, and for the 18-24 group, it was 39 percent. The overall unemployment rate in Israel was expected to further increase in 1984 and so, too, the rate among teenagers. The deteriorating socioeconomic conditions will, of course, further aggravate the problem of crime and delinquency in Israel. Under these circumstances, it is imperative that the nation's social planners adopt a more comprehensive and coordinated strategy of delinquency prevention and control—an idea that had been recommended long ago.

Another report, this one by the Ministry of Labor and Social Affairs, concerned the high rate of unemployment among young people in Israel. It showed that the national average unemployment rate among teenagers (14-17) and those aged 18-24 had been about 16 percent for the previous 3 years. However, in the "development towns," where most young people are from disadvantaged backgrounds, the teenage unemployment rate was 33 percent, and for the 18-24 group, it was 39 percent. The overall unemployment rate in Israel was expected to further increase in 1984 and so, too, the rate among teenagers.

The facetious pleading above points to the concept of intentionality, a concept of such practical importance that most of us use it countless times in our daily lives to "understand" the behavior of others. If my neighbor "accidentally" smashes into my car and is irreparably 1937 Zeppelin 8 touring sedan because he turned his head at a critical moment to look at an attractive woman, I will understand and perhaps grudgingly forgive because I also have succumbed to similar aesthetic distractions at the wrong moment and have narrowly avoided an automobile disaster on occasion. However, if I come to believe that my neighbor is simply a nasty sort, consumed with envy, who deliberately crushed my beloved Zeppelin 8, I will rank him with the arch villains of history.

As the rule of law developed in Western society, the concept of intentionality became embedded in the law in the form of mens rea, or guilty mind. Did the accused culpable means to do the dastardly deed? It might make all the difference—if his peers can figure out whether he is "really" meant to do it. Aye, there's the rub! It is one thing to make informal judgments to facilitate social relations in daily life and quite another matter to achieve strict standards of proof. Judges in fact often complex and always intangible mental process.

As a forensic psychologist, I have been privy to some creative if not always persuasive defenses of criminal intent on the part of defendants. One convicted burglar referred for a pretrial psychiatric evaluation explained to me that he had by no means intended to burglarize the residence where he was nabbed, in flagrante delicto, by police officers. With earnest mien, the subject explained to me that he was very active in community affairs, especially concerned with suppressing crime, and that he had actually prevented a group of misguided youths from carrying out a burglary during the early morning hours. What he claimed he had been doing when the police arrived on the scene was carrying the stolen items back into the burglarized residence, unfortunately creating a "mistaken" impression. The police and the court ultimately failed to appreciate the true intent of his participation in the act and the defendant was sentenced to prison, perhaps dampening his enthusiasm for being a Good Samaritan.

On its face, the Good Samaritan's story appears ludicrous, especially if it is also known that he had distinctly dubious credentials in the area of doing good. Yet, can anyone except perhaps a direct eyewitness claim with zero probability of error that he was actually lying? Absolutely not! In this case, however, a probability statement can be made with a high level of confidence that a criminal act was committed but intent can only be inferred, not laid out on a laboratory table like a dried specimen.

However, to illustrate that the issue of intent does not go away easily, suppose that the Good Samaritan's story had come from a different source, a known and highly respected community leader who in fact had an established record of intervening in crimes. Then the probabilities would shift in a different direction, and the seemingly absurd might be judged to be in the realm of the plausible. In simpler times, a cattle rustler was fit to be hanged if he was caught with somebody else's cows. The niceties of "intent" received short shrift. Why then has the law of modern Western society become so concerned, at least in theory, with the thorny issue of intent? From my observation and study, I would judge that the concern with intent stems from a humanitarian evolution in the administration of law. In short, society through its legal agencies endeavors to avoid serious and possibly grievous errors in passing judgment upon accused persons, certainly a highly civilized ideal, by assessing motivation—state of mind—as well as overt behavior. The concept seems sophisticated, but the practice may be roughshorn if not downright metaphysical.

Certainly it is desirable in theory to sort out accused offenders according to presumed intent because an act in itself may not adequately define