

PROBATION IN EUROPE

By T. W. TROUGHT, J.P.

President of the National Association of Probation Officers

BASIL BLACKWELL

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Dedicated

TO

MRS. BARROW CADBURY, J.P.

AND TO

PROBATION OFFICERS IN EUROPE AND
ELSEWHERE

PREFACE

THE passing of the American Federal Probation law 1925, after nearly a decade of homeric effort, and the placing on the English Statute Book of the Criminal Justice Act 1925, have set up landmarks in the judicial history of the two countries. These enactments give evidence of the awakening of the conscience of the communities to the sanity, efficiency and humanity of this newer method of jurisprudence. The awakening, however, is not confined to the United States nor to England, but has been progressing in European countries to a degree hitherto unsuspected, except by the curious student of welfare work.

The purpose of this survey is to give some indication as to the extent to which "Probation of Offenders" is used as a judicial method of dealing with lawbreakers in Europe.

It is clear that the meaning of the term "Probation" has been widely extended since its first adoption as a legal method in 1878. "Probation" is used nowadays in some instances to deal with children who are not "offenders" in the legal sense, but who are in danger of becoming so through neglect, immoral surroundings or lack of proper guardianship. Strictly speaking, this is "prevention of crime" rather than "probation of offenders." In addition the idea of the "reformation" of the criminal has at last become almost universally recognised as implicit in the method of probation, with its inevitable corollary that "the intensive study of the individual delinquent" necessitates access to clinical diagnosis and treatment. There are indications, too, that in the task of reformation and re-education of offenders, community services—public and private—must be called upon to give their best assistance.

We find, therefore, that many of the probation departments in European countries and elsewhere are now recognising the following elements as integral parts of the probation system :

1. Prevention of crime.
2. Reformation and re-education of the offender.

3. Probationary periods of varying lengths under probation officers for that purpose.

4. Medical, mental, etc., diagnosis and treatment.

5. Use of community services—public and private—as adjuncts to the courts and the co-operation between the judicial and welfare functions.

To understand the remarkable progress that has taken place since 1878, it is perhaps necessary to draw attention to the three stages in the early history of the use of probation, viz. :

1. As a mere substitute for imprisonment without supervision.

2. Next as supervision of the offender for the purpose of learning what the probationer's conduct was.

3. Then as a reformatory period in which the probation officer offered advice.

When we contrast these elementary beginnings with the large staffs and the complex machinery of existing probation departments, we are bound to be impressed by the enormous growth of the system, both as to personnel and equipment.

It is out of place here to enter upon a discussion of the nature and history of the probation system. Students desiring to be informed as to the principles and practice of probation are referred to Mr. W. Clarke Hall's book recently published, "Children's Courts" (7s. 6d., George Allen & Unwin, London), which has a useful chapter on the subject.

In order to obtain information as to what was being done in European countries, the following questionnaire was issued during 1925. I am conscious of its imperfections and propose later on, should need arise, to amend and extend its terms.

QUESTIONNAIRE

PROBATION

1. Have you a law which permits the release on probation of offenders punishable by your courts in approved cases ?
.....
2. What is the name and date of that law ?.....
3. Is the law applicable to—
 - (a) Minors aged from.....years to.....years ?
 - (b) Adults over.....years of age ?.....

4. Are such offenders placed on probation in their families under—
 - (a) A probation officer ?
 - (b) An approved society ?
 - (c) Other method ?.....
5. Probation officers :
 - (a) Are they trained for their work ?
 - (b) Are their salaries paid by the State ?
 - (c) Are their salaries paid by the municipality ?.....
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 - (d) Are their salaries paid by voluntary societies ?.....
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 - (e) Are their salaries paid otherwise ?.....
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 - (f) Are they unpaid ?
6. Are offenders examined to ascertain their mental, physical, etc., condition ?
7. Are the clinics (mental and physical) which are used for the examination—
 - (a) Attached to the court ?.....
 - (b) To the education authority ?
 - (c) Other authority ?
8. Do the examinations of offenders take place before or after the trial ?
9. What scheme of intelligence tests is used ?.....
10. Are there any institutions to which offenders may be sent for observation as to mental and physical condition ?
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11. Is there a special educational course of study for training probation officers ?
- (a) At the University ?
 - (b) At other institutions ?.....
12. Does the probation officer refer offenders to the clinics for mental and physical examinations ? or does the judge do this ?
13. Have you an Association of Probation Officers ?.....
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14. How many full-time paid probation officers are there in your country ?

The foregoing questionnaire was sent, together with a covering letter, to every one of the following countries. In the majority of cases it was addressed to the Minister of Justice, Minister of Social Welfare, or to some other

appropriate person such as a judge, chief probation officer, or one of the better-known social workers.

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| 1. Albania. | 12. Greece. | 22. Poland. |
| 2. Austria. | 13. Hungary. | 23. Portugal. |
| 3. Belgium. | 14. Ireland (Northern). | 24. Rumania. |
| 4. Bulgaria. | 15. Irish Free State. | 25. Russia. |
| 5. Czechoslovakia. | 16. Italy. | 26. Scotland. |
| 6. Denmark. | 17. Latvia. | 27. Spain. |
| 7. England and Wales. | 18. Lithuania. | 28. Sweden. |
| 8. Esthonia. | 19. Luxemburg. | 29. Switzerland. |
| 9. Finland. | 20. Netherlands. | 30. Turkey. |
| 10. France. | 21. Norway. | 31. Yugoslavia. |
| 11. Germany. | | |

The number of the responses to my questionnaire exceeded my most sanguine expectations. I gladly acknowledge my deep sense of obligation to the Ministers of Justice, judges, chief probation officers and others who have, at great pains and with infinite courtesy, contributed to this survey—the first of its kind. I hasten to say that its merits as a synoptic view of probation in Europe belong to the various contributors; but where error has crept in, it must be attributed to the difficulties besetting translators in dealing with highly technical matters. The great preponderance of official and semi-official replies is in itself striking evidence of the growing esteem in which this system is held and of a desire to learn from the experience of others. I firmly believe that probation officers all over the world will be grateful to the contributors.

I have been privileged to meet large numbers of probation officers in the United States and in over half a dozen European countries. They have many designations—probation officer, judge's delegate, curator of children, councillor of guardianship, etc. They know that their work lies principally amongst the failures of the respective educational systems in their countries. They are imbued with a growing sense of the responsibilities of their high calling, which the Rt. Hon. Mackenzie King recently characterised as a "noble work." They are sensitive to the fact that the principles and technique of probation are still in the experimental stage, but that the last ten years have witnessed extraordinary progress in the contributions of science to the efficiency of their work. The number of probation officers grows rapidly. I estimate the number as in the neighbourhood of 20,000. On all hands they express the desire of

co-operating with their fellows in other lands—not so much in the narrow professional sense of securing satisfactory conditions of service, though that is important—but rather in order to pool the knowledge which their respective practical experience has brought. Gladly would they teach and gladly learn. They are profoundly convinced of the value of probation rightly used, and have but one desire—to see this system to which they pin their faith take its proper place in the legal systems of the world, as the most hopeful method of reducing, and to an increasing degree preventing, delinquency. Dr. H. H. Goddard has told us that the problem of delinquency is solvable, and others subscribe to his optimism. We believe that the soundest basis for optimism lies in well-equipped, scientifically organised probation departments administered by trained and zealous staffs anxious to avail themselves of all community services available in the field of welfare work.

Much remains to be accomplished.

President Coolidge told me last year that probation is not well understood by the people. I suggest that probation officers all over the world should take the President's timely hint and endeavour to transfer some of "the faith and fire" within them to the rest of the public.

We know that probation has already become the chief judicial instrument employed in at least one State. More cases are put on probation in Boston, Massachusetts, than are dealt with in any other way. We believe that probation is destined to become the premier method of jurisprudence in the criminal courts of the world, because it is efficient, sane and humane. But to realise our hopes we must first win over the public to our view, for no system becomes an integral part of the community services unless it be broad-based upon the people's will.

Where official replies were not available, I have searched the files of the "International Bulletin of Child Welfare," published in Brussels under the auspices of the "International Society for the Protection of Children." Dr. Maquet, its Secretary, has taken practical interest in my work, and has obtained much information not readily accessible but for the influence which he has been able to exert on my behalf.

The names of many other valued helpers will be found in their respective reports of individual countries, but I

cannot conclude this preface without a word of thanks to my former colleague, Mrs. J. L. Sanigar, M.A., Ph.D., (Bryn Mawr and Columbia Universities, U.S.A.) for much help particularly as interpreter of the Czech language in Pragan Law Courts and to my wife, Mrs. Gertrude Trought, who has been responsible for much of the translation from French, German and Russian into English.

Mr. Leslie G. Struthers, M.A., has kindly assisted with the proofs.

T. W. TROUGHT.

" Justice requires as strongly the saving of that which is good as it does the destruction of that which is evil. The work that the probation officers are doing is the saving of that which is good in the individual, along with the correction of that which is evil. Probation is the right hand in the administration of Justice."

His Excellency CALVIN COOLIDGE,
President, U.S.A.

" The practice of probation is pre-eminently a psychological practice. It has its legal aspects, it involves the whole intricate problem of social policy, but its successful practice depends upon our knowledge of the human mind."

CHARLES PLATT, M.D., Ph.D.,
President of the National Probation Association,
America and Canada.

" Probation is the corner-stone of the children's courts."

" Probation prevents crime."

" Knowledge without love is almost as useless as love without knowledge. Something much more mysterious and much more powerful is required to change the heart of humanity ; but when love and knowledge go hand in hand you get the great teacher and the good shepherd."

BISHOP SELBIE.

TO THE READER

(a) WHERE marginal numbers are given, they refer to the number of the question in the questionnaire, except when otherwise indicated.

(b) In some cases particular questions were not answered. In only two cases have the replies to a question been omitted.

(c) A few unimportant verbal liberties have been taken with the text of replies in order to secure a consecutive narrative.

(d) Supplementary information is taken from sources other than replies to the questionnaire and does not invariably deal directly with probation. It is printed in a different type. Readers will find it helpful in many cases to read the supplementary information first.

(e) With a few exceptions, the European statistics of area and population are as given in "Whitaker's Almanack," 1926.

(f) A.I.P.E. = L'Association internationale de la protection de l'enfance.

B.I.P.E. = Bulletin de l'association internationale de la protection de l'enfance.

O.F.Y.P. = Office for Youthful Persons.

P.T.F.M. = Public Trustee for Minors.

R.S.F.S.R. = Russian Socialistic Federal Sovietic Republic.

U.S.S.R. = Union of Socialistic Sovietic Republics.

(g) It seems necessary to issue a warning. Where no information is given about the existence of any institution, office, method, etc., in a country, it must not be inferred that such institution, etc., does not exist there, but only that the writer has no authentic information on the subject for that country.

(h) It is neither possible nor desirable to attempt to estimate the relative efficiency of the probation systems obtaining in the various countries.

(i) "Parole" is used to signify "conditional release" before the prison or reformatory term has expired.

(j) "Trained" is used of probation officers who have taken a special course in probation at a University, Social Study School, or similar institution.

(k) For late information from the countries see Appendix