

Probation and Parole – A comparison of UK and US Criminal Justice System

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### *Introduction*

When an offender is put on probation he or she is given a chance at rehabilitation, whereby upon proving himself worthy of going back to the society as a responsible citizen. However, the concept probation means different things to different criminal justice systems. To the British the probation of a criminal is seen as a duty of the criminal justice system but for the Americans it varies from case to case and criminal to criminal.

### *Discussion*

The basic difference between an American and British criminal justice system is that the US federal justice system has designs criminal sentencing guidelines with the aim of retribution, deterrence, and incapacitation. With the exception of, to the degree that probation promotes rehabilitation upon minor crimes the concept is markedly missing from the criminal justice system.

While the British try to rehabilitate an offender wherever possible, the Americans are very skeptical of probations and paroles for the reason that there is no sure shot guarantee that it will rehabilitate the offender (Murray, 2002).

In the American justice system, the ‘truth in sentencing’ and mandatory minimum sentencing guidelines followed in a few states have reduced the parole boards’ ability to decide release eligibility. Meaning, parole now is difficult to get. On the other hand, the British justice system allows its courts to decide on the ratio of the sentence served in jail, while the parole

boards determine eligibility for parole. Canada also tends to rely on Parole Boards to determine eligibility for parole (JPI, 2011).

The decision regarding the probation or parole of any criminal is a tough one due to the reason that it is hard to guess whether a criminal will break the law again or not. The question whether a criminal will re-offend or not once he is put back on the streets is based on the different circumstances surrounding the criminal. Therefore, granting parole or probationary sentence is a difficult choice to make for the law enforcers.

The British heavily rely on rehabilitation instead of retribution and thus, they face the difficult responsibility of putting an offender back in the society not knowing if he might fall into the trap of recidivism. This is the reason behind the high rate of crime in the United Kingdom and why it is difficult to cure the country of its ever crime rate.

In this case the British have a lot to learn from the American justice system. The United States has an approximate of some 2 million prisoners in custody. This gives the American justice an unparalleled experience in dealing with criminals. With several studies showing that more than half of the criminals put on probationary periods do offend again, the Americans have made rehabilitation a small part of their criminal justice system so as to kill its crime wave (Murray, 2002).

### ***Conclusion***

The philosophy on which the criminal justice system is based on, significantly impacts the parole and probation given to the offenders. The United States relies upon a heavy supervision for a parole and involves strict obedience to laws. Their parole system is designed to

catch any re-offenders, while the British paroles are designed to provide services to the offender in order to help prevent him from making further offenses.

The probation and parole in the United States has evolved to cater to the needs of the offenders as a part of the society and to make justice more equitable (Dooley, 2011). However, the American justice system strictly monitors the offenders on parole and probation in order to prevent crimes and to keep the society safe.

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References

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