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Manual for probation officers working with children in Massachusetts.

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Boston University

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Boston University
MANUAL FOR PROBATION OFFICERS WORKING
WITH CHILDREN IN MASSACHUSETTS

A Thesis
Presented to
the Faculty of the School of Education
Boston University

In Partial Fulfillment
of the Requirements for the Degree
Master of Education

by
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B. S. Boston University, 1951
June 1953
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PREFACE

Members of the probation service in Massachusetts had long recognized the need for a manual to assist them in clarifying the policies and procedures that they were expected to understand and follow. In February 1949, the Massachusetts Board of Probation issued a Probation Manual containing all the laws of the Commonwealth relating to the use of probation and the duties of probation officers, together with other laws and references to statutes of interest to such officers.

The following manual for those engaged in the service of probation for juveniles is not merely the statement and the exposition of the laws pertaining to juveniles. Rather, it is intended as a working manual for probation officers supervising children. Its purpose is to set forth a summary of the essentials of probation and to assist officers in improving both the quantity and the quality of their public service. There are offered for consideration outlines, methods, procedures, forms, and records. It is my hope that this manual will help to stimulate interest in and appreciation of juvenile probation service in the field of social welfare.

I express my sincere thanks to Honorable
John J. Connelly, Presiding Justice of the Boston Juvenile Court, for the opportunity of pursuing graduate work.

To Commissioner Albert B. Carter, Massachusetts Board of Probation, and Mr. Will C. Turnbladh, Executive Director of the National Probation and Parole Association, I am indebted for invaluable assistance.

Likewise, I gratefully acknowledge the encouragement, interest and aid of Dean J. Wendell Yeo, Professors James F. Baker, and William C. Kvaraceus, all of the Boston University School of Education.

Louis G. Maglio
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JOHN AUGUSTUS

1785 1859

Moved by the plight of the unfortunate in the jails and prisons of his day a humble Boston shoemaker began a great movement in the reformation of offenders when in 1841 he took from the court for a period of probation one who under his care and with his friendship became a man again. This tablet marking the centenary of probation is inscribed to his memory by those who follow in his footsteps. National Probation Association, May 30, 1941.

*The above tablet is on the Boston City Hall Annex Building, Court Street, Boston, Massachusetts.*
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CHAPTER I
EARLY HISTORY OF PROBATION

Most persons have been content to give the credit for establishing the probation system in the United States about the middle of the last century to a Boston shoemaker. However, recently an American jurist staked out a claim on behalf of certain Pilgrim Fathers. 1

"It is commonly supposed," he says, "that probation began in August 1841, when John Augustus, the Boston cobbler, 'put his hand to the plow' as he expresses it, in the Boston Police Court by standing bail for a drunkard and taking him under his protective wing. But the idea behind probation is much older. If you turn to the Records of the Court of Assistants of the Colony of Massachusetts Bay, 1630 - 1692 (edited by John Noble, Volume II) or the Records of the Governor and Company of Massachusetts Bay in New England (edited by N. B. Shurtleff, Volume I) you will find illustration of the seventeenth - century use of what looks like probation. For instance the General Court respited the case of Mrs. Harding until the next Court, and ordered in the meantime she be dealt with by Mr. Cotton, Mr. Wilson, and the Church, to see 'if she may be convinced and give satisfaction.' Mr. Ambrose Martin was fined ten pounds and ordered to go to Mr. Mather for instruction, for the offense of trying to found a new Church. John Cooper, Jr., was for some offense 'committed to his father for correction.' "

1/"The Statute of Probation", Address before the Massachusetts Association of Probation Officers, Boston, December 1930, by Sheldon Glueck, Assistant Professor of Criminology, Harvard Law School.
Probation in England

The probation system is a process of treatment and supervision which was first utilized in England and was brought to the Colonies as part of common law. Probation originated in the idea of the suspended sentence. An offender in early Anglo-Saxon courts was released to a surety who guaranteed to produce him for sentence upon order of the court. Later, the courts of chancery in England, when necessary, stood in the place of the parent to safeguard the interests of the child.

This practice applied to the neglected, destitute, or dependent child, but not to the delinquent one. Under the common law in England, children over seven years of age were considered as being capable of entertaining criminal tendencies, and if the transgressor was over fourteen years of age, he was


2/Helen D. Pigeon, Probation and Parole, National Probation Association, New York, 1942, p.84.

treated as an adult offender. In 1877, in England, by legislative action, the First Offenders Act became law, and probation, one might say, was officially recognized and accepted in that country.

Probation in the United States

In our own country, progress in the adoption of more enlightened approaches was being made in the courts in cases where it seemed advisable to suspend sentence. Offenders were often released and sentence withheld pending good behavior. In 1830, it was a general practice for an offender to go on his own recognizance. Oftentimes, certain classes of offenders were released, or even discharged, if there were interested friends who would be responsible for their good conduct. So it is evident that very early in our history the ground work for our probation system was being laid by judicial experiment. The methods were left to the discretion of the judges. As a result, in many instances the supervision by the courts was haphazard and unsatisfactory, and it was not until 1841 that there was any concerted attempt to work constructively with the offender and
to supervise his activities.

To John Augustus, a Boston shoemaker, must go the honor of being the first probation officer. He was "the founder of an empire of social service that has rapidly spread its wholesome influence, not only in America, but in other quarters of the globe. He is the father of probation." He was motivated purely by the urge to help his fellow man, and his work was on a voluntary basis, marked by foresight and intelligent understanding.

The history of his efforts and techniques, compiled and published in 1939 by the National Probation Association, shows thought and practices very similar to those in effect today. He practiced temporary detention in certain types of cases; he "placed out" young delinquents; he found employment for his probationer; he kept "careful record of every case"; he did, as many probation officers by necessity must do today, the work of several social agencies in dealing with the child, the adult, the home, and the family. He was a rugged pioneer for justice and for understanding the unfortunate. A

1/Sheldon Glueck, editor, John Augustus—First Probation Officer, New York; National Probation Association, 1939.
fearless critic, he was alert to the possibilities of an individual's ability to guide and supervise intelligently the lives of others. Each and every probation officer could receive inspiration and courage by reading annually, "John Augustus - First Probation Officer."

His pioneering led to the establishment by legislation of probation statutes in 1878 in Massachusetts. Two years later, additional legislation made it possible for any city or town in the Commonwealth to appoint a salaried probation officer. In 1891, statewide probation became mandatory in the lower courts, and in 1898 in the higher courts.

The placing of juvenile offenders in private families, partly an outgrowth of the long employed system of placing children out on indenture, was recognized in Chapter 453, Acts of 1869. The statute provided a visiting agent, appointed by the Governor, to attend hearings of complaints against boys and girls, and his assumption of their custody.

\[^{1/}^{\text{Sheldon Glueck, op. cit.}}\]
In 1874, it was required that cases in Suffolk County against juvenile offenders should be tried separately. In 1877, the requirement was extended to the police, district, and municipal courts of the Commonwealth. The Boston Juvenile Court was established in 1906. In the same year laws prescribing special treatment for juvenile delinquents were enacted. In 1948, (Chapter 310), the Youth Service Act was enacted. This directs the courts, when committing delinquents, to commit them to the care and custody of the Youth Service Board, instead of to the individual training schools, as previously was the custom.

In 1907, the appointment of probation officers for wayward and delinquent children appearing before police, district and municipal courts was authorized. However, in 1947, an act directed a committee of district court judges to designate two or more district courts in each county, excluding Suffolk County, for the handling of juvenile cases and authorized the appointment of a male and a female probation officer to work exclusively with juveniles. Up to the present, seven such designations have been
made, involving thirty-five lower courts. The larger
district courts of Suffolk County are still permitted
to appoint probation officers for juvenile probation
work.

In Massachusetts, the probation system had its
earliest roots and has experienced its greatest
development. From here, enlightened probation
activity among children has spread throughout the
United States and to many foreign countries.
Massachusetts General Laws Pertaining to Juvenile Delinquents

The General Laws related to the field of probation with juveniles are listed as follows:

Chapter 6—The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and Youth Service Board.
Youth Service Board
Sec. 65. Establishment; members, qualifications, removal.
66. Salaries; powers and duties; quorum.
67. Specific functions and duties.
68. Employees.
69. Advisory committee; membership, powers and duties; reports.

Chapter 32—Retirement Systems and Pensions.
Sec. 75. Pensions for probation officers.
76. Amount of pension.

Chapter 76—School Attendance.
Sec. 1. School attendance regulated.
2. Duties of parents, etc. as to school attendance. Penalty.
3. Certain illiterate minors to attend evening schools. Penalties.
4. Penalty for inducing absence of minors, etc.
5. Where children may attend.
6. Attendance in places other than residence of parent or guardian.
8. Same subject. Transportation.
10. Same subject. Payment of accounts.
11. Tuition of inmates of certain institutions.
12. Attendance outside place of residence.
13. Transfer cards.
14. Transportation of children living upon islands.
15. Vaccination.
16. Exclusion from school, action for.
17. Pupils not to be excluded without hearing.

Chapter 77—School Offenders and County Training Schools.
Sec. 1. Certain counties to maintain training schools. Commitments from and payments by other counties.
2. Visitation by certain state departments.
3. Habitual truants.
5. Habitual school offenders.
7. Probation.
8. Permits to be at liberty. Discharges.
10. Disposition of unruly inmates.
11. Jurisdiction.
12. Supervisors of attendance.
14. Chapter not to affect certain special laws.

Chapter 119—Protection and Care of Children and Proceedings against them.

Care of Destitute and Abandoned Children
Sec. 31-36. (Repealed.)
36a. Certain charitable corporations, appointment as guardians of minor children authorized.
37. Information as to child and right to visit it, how secured.
38. Support of certain children by department.
39. Children to be placed in private families.
40. Protection of minor wards of the Commonwealth in the religious belief of their parents.
41. Certain children not to be transported in patrol wagon. Penalty.

Neglected Children
42. Neglected children may be taken in custody, etc.
43. Hearing, etc.
44. Adjudication, commitment to department, etc.
45. Commitment to board of public welfare.
46. Powers of board, etc.
47. Appeal from adjudication.
47a. Order for payment of expenses for support of certain neglected children.
48. Persons appearing in behalf of children.
49. Duties of supervisors of attendance, etc.
50. Same subject.
51. Expenses under two preceding sections, how paid.

Delinquent Children
52. Definitions.
53. Proceedings not to be deemed criminal.
54. Proceedings.
55. Parent or guardian to be summoned.
57. Investigation by probation officer. Reports.
58a. Repealed.
59. Proceedings upon violation of terms of probation.
60. Record of proceedings not admissible as evidence except in certain cases; not to disqualify, when.

60a. Records not open to public inspection.

61. Commission of criminal offense by child between 14 and 17; disposition of case.

62. Restitution by child.


64. Powers of board of probation.

Provisions Common to all Proceedings against Children

65. Juvenile sessions regulated.

66. Detention in police station, etc.; commitment to jail, etc.

67. Notice of arrest to be given to probation officer and parent or guardian; release to probation officer, etc.

68. Care of children held for examination or trial.

69. Superintendent of schools to furnish information, etc.

69a. Certain information available to board.

70. Parents, guardians, etc., may be summoned.

71. Procedure upon failure to appear on summons.

72. Jurisdiction of courts in their juvenile sessions continued, etc.

Criminal Proceedings

73. Jurisdiction of courts.

74. Proceedings against children between 14 and 17 limited.

75. Complaint. Warrant.

76. Child may be placed in charge of Youth Service Board.

77. Warrant for recommitment.

78. Warrant to contain certificate of age and residence, effect.

79. Warrant for recommitment.

80. Sentence, etc., of child not committed to Youth Service Board.

81. Appeal.

82. Warrants by trial justices for commitment of girls to be returned to Superior Court.

83. Sentence in Superior court, procedure.


Sec. 1. Maintenance by the Youth Service Board for a limited time of a place or places of custody in the city of Boston.

2. Appropriation. City of Boston to pay one half of amount assessed.
3. Effective date.

69. Superintendent of schools to furnish information, etc.

69a. Certain information available to board.

70. Parents, guardians, etc., may be summoned.

71. Procedure upon failure to appear on summons.

72. Jurisdiction of courts in their juvenile sessions continued, etc.

73. Jurisdiction of courts.

74. Proceedings against children between 14 and 17 limited.

75. Complaint. Warrant.

76. Child may be placed in charge of Youth Service Board.

77. Warrant of commitment.

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79. Warrant for recommitment.

80. Sentence, etc., of child not committed to Youth Service Board.

81. Appeal.

82. Warrants by trial justices for commitment of girls to be returned to Superior Court.

83. Sentence in Superior Court; procedure.

Chapter 120--Youth Service Board and Mass. Training Schools.

Sec. 1. Youth Service Board corporation to hold trust funds.

2. Control of industrial schools.

3. Appointment of superintendents and physicians.

4. Rules and regulations.

5. Examination and study of children committed.

6. Liberty under supervision; confinement, supervision.

6a. Correction of socially harmful tendencies.


8. Bond and accounts of superintendents.

9. Rogers fund.

10. Use, inspection, etc., of certain law enforcement, medical, etc., institutions.

10a. Temporary transfer to Tewksbury.

11. Places for detention and diagnosis.

12. Parole; supervising, etc., agents; notices to department.

13. Escape or breach of parole; arrest.

14. Insane, etc., persons, application for new commitment.

15. Transfers from Mass. Reformatory, etc.
16. Discharge upon attaining certain age, unless, etc.
17. Same subject; procedure when discharge deemed dangerous, etc.
18. Same subject; notice, hearing, court order.
19. Same subject; periodic applications for review if control continued; procedure, etc.
20. Same subject; appeals, etc.
21. Commitment or discharge, effect; records not public, etc., except, etc.
22. Inquiry into effectiveness of methods; annual reports, etc.
23. Board may be guardians of children.
23a. Disposition of unclaimed funds; records, etc.
24. Expenditure of gifts, etc.
25. Children committed by United States courts.

Chapter 218—District Courts

Criminal Jurisdiction

Sec. 26. Jurisdiction.
27. Power to impose penalties.
28. Recognizances to keep the peace.
29. Jurisdiction of felonies by juvenile offenders.
30. Binding over to Superior Court.
31. Delay in executing sentence exceeding six months. Appeal.
37. Process for witnesses and defendants in criminal and juvenile cases, direction and service.

Sessions and Proceedings
38. Courts always open, sittings and adjournments.
39. Filing of complaints.
43. Uniform rules of courts.
43a. Administrative committee.
57. Territorial jurisdiction.
58. Justices and clerk.
59. Powers, duties and procedure.
81. Traveling expenses.

Chapter 276—Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation.

Bail
Sec. 57. Magistrates who may admit to bail; money and certain securities may be deposited.
61b. Professional bondsmen, registration, etc.
67. Forfeiture of bail a bar to further bail.
Probation Officers.

83. Appointment and removal of probation officers.
   Compensation.
   83a. Same subject; in juvenile cases in certain
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   83b. Same subject; in juvenile cases in district
courts in the County of Suffolk.
   83c. Same subject; classification of certain
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   83d. Same subject; compensation of certain officers.
   83e. Same subject; compensation of certain officers
   serving on June 24, 1947.
   83f. Same subject; certain provisions in section 83
to govern when; certain officers to receive
   compensation of probation supervisors.

84. Bonds.
85. Duties.
86. Boston Juvenile Court may appoint deputy
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87. Court may place certain persons in care of
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88. Clerical assistance.
89. Temporary probation officers.
91. Boston Juvenile Court officers to serve process.
92. Restitution to be made through probation officer.
93. Money collected by probation officer to be paid
to county if unclaimed.
94. Expenses of probation officers.
95. Support of probationers.
96. Penalty for neglect of duties.
97. Duties of department of public welfare not
affected.

Board of Probation
98. Board of Probation, Commissioner, etc.
100. Detailed reports to be made of the probation
101. Annual report to General Court.
101a. Establishment by the Board of Probation of
uniform forms of blanks and records for use by
district court probation offices.
102. Authority of the courts not affected by
sections 98 to 101a, inclusive.
103. Board to be given notice of appointment or
removal of probation officers.
Definitions of Crimes
(F stands for Felony; M stands for Misdemeanor)

CRIME.--An act committed or omitted in violation of a public law either forbidding or commanding it to be done.

ABDUCTION.--(a) Fraudulently and deceitfully enticing or taking away an unmarried female under 16 from her father's house or elsewhere, without the consent of the parent or guardian, if any, under whose care and custody she is living, for the purpose of effecting a clandestine marriage of such female without such consent. (M)

(b) Fraudulently and deceitfully enticing or taking away a woman or girl from her father's house or elsewhere, for the purpose of prostitution or for the purpose of unlawful sexual intercourse, or aiding or assisting in such abduction. (F)

ACCESSORY.--One who is not the chief actor in a felony nor present at its commission, but who is in some way criminally concerned therein, either before or after the crime is committed.

ACCESSORY AFTER THE FACT.--One who, after the commission of a felony, harbors, conceals, maintains or assists the principal felon or accessory before the fact, or gives such offender any other aid, knowing that he has committed a felony, or has been accessory thereto before the fact, with intent that he shall avoid or escape detention, arrest, trial, or punishment. (F)

ACCESSORY BEFORE THE FACT.--One, who not being present at the commission of a felony, yet does procure, hire, or counsel another to commit it. (F)

AFFRAY.--Fighting together of two or more persons in a public place to the terror of the persons lawfully there. (M)

ARSON, AND RELATED OFFENSES.--The wilful and malicious act of setting fire to, burning or causing to be burned, the property of one's self or another; or to wilful and malicious aiding, counselling, procuring, or assisting such act, with the wilful intent to defraud or injure the insurer. (F)
ASSAULT.--An attempt with force and violence to do a corporal injury to another. (M)

ASSAULT AND BATTERY.--An attempt with force and violence to do a corporal injury to another, coupled with the unlawful touching of his person, either by the aggressor himself or by some substance set in motion by him. (M)

ATTEMPT TO COMMIT A CRIME.--An act done in part execution of a design to commit a crime, going beyond mere preparation, but stopping short of actual execution of the crime intended. (F) & (M)

ATTEMPT TO EXTORT MONEY, ETC., BY THREAT.--Maliciously threatening to accuse another of a crime or offense verbally or by a written or printed communication, or by a verbal, written or printed communication maliciously threatening an injury to the person or property of another with intent thereby to extort money or any pecuniary advantage or with intent to compel any person to do any act against his will. (F)

Note: This crime is commonly called blackmail.

BATTERY.--The unlawful touching of the person of either by the aggressor himself or by some substance set in motion by him. (M)

BIGamy, POLYGAMY.--Contracting another marriage while having a former husband or wife living, or continuing to cohabit with a second husband or wife in the Commonwealth. (F)

BLASPHEMY.--Wilfully blaspheming the holy name of God by denying, cursing, or contumeliously reproaching God, His creation, government or final judging of the world, or by cursing or contumeliously reproaching Jesus Christ or the Holy Ghost, or by cursing, or contumeliously reproaching or exposing to contempt and ridicule the holy word of God contained in Holy Scriptures. (M)

BREACH OF THE PEACE.--A violation of public order and decorum, thereby disturbing the public peace or tranquility enjoyed by the citizens of a community. (M)

BREAKING AND ENTERING.--Breaking and entering constitute crime under certain conditions.
("Breaking" includes the destruction of any portion of the outer part of a building or enclosure used for its protection or the change in position of any such part, such as the moving aside of any object used as a barrier. It also includes a "constructive breaking" which is a breaking made out by construction of law, as where an entry is gained by threats, fraud or conspiracy.

"Entering" includes the intrusion within a building of any part of the body, or of a tool or instrument.)

Breaking and entering in the nighttime a building, ship, or vessel with intent to commit a felony. (F)

Entering without breaking in the nighttime, or breaking and entering in the daytime, a building, ship, or vessel with intent to commit a felony, the owner or other person lawfully present therein being put in fear. (F)

Entering without breaking in the nighttime a dwelling house, or breaking and entering in the daytime a building, ship, or vessel with intent to commit a felony, no person lawfully therein being put in fear. (F)

Breaking and entering, or entering in the nighttime without breaking, a railroad car with intent to commit a felony. (F)

Breaking and entering in the nighttime or daytime a building, ship, or vessel with intent to commit a misdemeanor. (M)

BRIBERY.--The giving, offering, or promising to, or requesting or accepting of any gift or gratuity by, a public office with intent to influence him in the discharge of his legal duty. (F) (G.L. 268, 7-14.)

BURGLARY.--Breaking and entering the dwelling house of another in the nighttime with intent to commit a felony therein. (F)

CHILD, ABANDONMENT OF.--Whoever abandons an infant under the age of ten within or without any building, or, being its parent or being under a legal duty to care for it and having made a contract for its board or maintenance, absconds or fails to perform such contract, and for four weeks after such absconding or breach of his contract, if of sufficient physical and mental ability, neglects to visit or remove such infant or to notify the board of public welfare of the town where he resides of his inability to support such infant commits the crime of child abandonment. (M)

If the infant dies by reason of such abandonment. (F)
Abandonment may also arise by giving to any person
an infant under 14 years of age for the purpose of
placing it for hire, gain or reward under the permanent
control of another person. (M)

CHILD, STUBBORN.—Any minor who stubbornly refuses
to submit to the lawful and reasonable commands of
another whose commands said minor is bound to obey. (M)

COMMON AND NOTORIOUS
THIEF.—One who has
been
convicted, upon indictment of larceny or of being
accessory to larceny before the fact, and afterwards
commits a larceny or is accessory thereto before the
fact, and is convicted thereof upon indictment, and one
who is convicted at the same sitting of the court as
principal or accessory before the fact of three distinct
larcenies. The court must make an adjudication before
one can be held to be a common and notorious thief. (F)

COMMON NIGHTWALKER.—A person, male or female, who
has a habit of being abroad at night for the purpose of
committing some crime, or disturbance of the peace, or
doing some wrongfull or wicked act. It includes one who
habitually walks the streets at night for the purpose of
prostitution. (M)

COMMON OR PUBLIC NUISANCE.—A nuisance which affects
the public in general and not merely some particular
person, such as any building, part of a building,
tenement, or place used for prostitution, assignation or
lewdness, illegal gaming, illegal keeping or sale of
alcoholic beverages, illegal keeping or sale of narcotic
drugs, or resorted to for the illegal use of narcotic
drugs. (M)

COMMON RECEIVER OF STOLEN GOODS.—Whoever is
convicted of buying, receiving or aiding in the
concealment of stolen or embezzled property, knowing it
to have been stolen or embezzled, having been before
convicted of the like offense, and whoever is convicted
at the same sitting of the court of three or more
distinct acts of buying, receiving or aiding in the
concealment of money, goods or property stolen or
embezzled as aforesaid. (F)

COMMON UTTERER OF COUNTERFEIT BILLS.—One who has
been convicted of uttering or passing or tendering in
payment as true any false, altered, forged or
counterfeit note, certificate, or bill of credit for any
debt of the Commonwealth, or a bank bill of promissory note payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud, and is again convicted of the like crime after the former conviction, and whoever is at the same sitting of the court convicted upon three distinct charges of such crime. (F)

COMMON UTTERER OF COUNTERFEIT COIN.—One who has been convicted of having in his possession less than ten counterfeit or false gold or silver coins current by law or usage within the Commonwealth, knowing the same to be counterfeit, with intent to utter or pass the same as true, and is again convicted of the same crime after the former conviction, or who at the same sitting of the court is convicted of three distinct charges of said crime. (F)

CONSPIRACY.—A combination of two or more persons to accomplish a criminal or unlawful object, or an object neither criminal nor unlawful by criminal or unlawful means. (M)

CONTEMPT OF COURT.—A wilful disregard or disobedience of the rules, orders or process of, or a wilful offense against, the dignity of any court, which may be punished by fine or imprisonment by such court. (M)

COUNTERFEITING.—Making, with intent to defraud, in the similitude of the genuine, a false note, certificate, or other bill of credit issued by the state treasurer, or by any commissioner or other officer authorized to issue the same for a debt of the Commonwealth; similarly making a bank bill or promissory note payable to the bearer thereof or to the order of any person issued by any incorporated banking company; or similarly making any gold or silver coins current by law or usage in the Commonwealth. (F)

DRUNKENNESS.—Being intoxicated through the voluntary use of intoxicating liquors. (M)

EMBEZZLEMENT.—The fraudulent appropriation or conversion of the property or goods of another by one who has rightful possession, or who is entrusted with the possession at the time of conversion. Usually, where the amount embezzled is $100 or less (M); otherwise. (F)

Note.—Under statute law this is treated as larceny.
EXTORTION OF ILLEGAL FEES.--Wilfully and corruptly demanding and receiving by a recording officer more than the legal fee for any official duty or service; or wilfully and corruptly demanding and receiving by any other person for the performance of an official duty or service for which a fee or compensation is allowed by law, more than the legal fee. (M)

FALSE IMPRISONMENT.--The unlawful restraint of the liberty of a person. (M)

FALSE PRETENSES, LARCENY BY.--Larceny by false representations made by word or act of such a character, or made under such circumstances and in such a way, with the intention of influencing the action of another, as to be punishable. (See Larceny)

FEELONY.--A crime punishable by death or imprisonment in the State Prison.

FORGERY.--The false making, altering, forging or counterfeiting of any public record, negotiable instrument, deed, will, bond, insurance policy, stock certificate, certain records of public officers or any instrument which, if genuine, would be a foundation for, or release of, liability of the apparent maker. (F)

FORNICATION.--Sexual intercourse between a man and an unmarried woman. (M)
Note. -- Sexual intercourse between a married man and an unmarried woman is adultery on the part of the man and fornication on the part of the woman.

HABITUAL CRIMINAL.--One who has been twice convicted of crime and sentenced and committed to prison in this or another state, or once in this and once or more in another state, for terms of not less than three years each, and does not show that he has been pardoned for either crime on the ground that he was innocent, shall, upon conviction of a felony, be considered an habitual criminal. (F)

HOMICIDE.--The killing of a human being by another. If without any legal justification or excuse, (F) if the result of an accident or misadventure in doing a lawful act in a lawful manner, or done in self-defense upon a sudden felonious attack, or by an act which the law commands or requires. (No crime)

ILLEGITIMACY.--The unlawful getting a woman with child and not being her husband. (M)
INCEST.--Intemarriage or sexual intercourse between persons within the degrees of consanguinity within which marriages are prohibited or declared by law to be incestuous and void. (F)

KIDNAPPING.--Without lawful authority secretly confining or imprisoning another person within this Commonwealth against his will, or forcibly carrying or sending such person out of this Commonwealth, or forcibly seizing and confining or inveigling or kidnapping another person, with intent either to cause him to be secretly confined or imprisoned in this Commonwealth against his will, or to cause him to be sent out of this Commonwealth against his will or in any way held to service against his will. (F)

LARCENY.--The criminal taking, obtaining, or converting of personal property, with intent to defraud or deprive the owner permanently of the use of it; including all forms of larceny, criminal embezzlement and obtaining by criminal false pretences. Note:--If the larceny is without circumstances of aggravation and the property involved is worth $100 or less (M); otherwise. (F)

LARCENY IN A BUILDING, SHIP, VESSEL OR RAILROAD CAR.--Larceny of property under the special protection of a building, ship, vessel or railroad car. (F)

LARCENY FROM THE PERSON.--The stealing of personal property from the person of another without any sensible or material violence to the person and without a struggle for its possession. (F)

LARCENY FROM THE REALTY.--The taking and carrying away by trespass with intent to steal anything which is a parcel of the realty or annexed thereto. If the value of the property is $100 or less, (M) otherwise. (F)

LEWD AND LASCIVIOUS COHABITATION.--The associating and cohabiting together lewdly and lasciviously of a man and woman who are not married to each other, in such a way as to create a public scandal and disgrace. (F)

LIBEL.--A malicious defamation, expressed either by writing or printing, or by signs, effigies, or the like, tending to blacken the memory of one who is dead or the reputation of one who is living, and to expose him to public hatred, ridicule or contempt. (M)
LOTTERY.--A scheme for the distribution of prizes by chance among the buyers of chances. A scheme by which, for a consideration, a prize is to be awarded by chance, and chance rather than skill must be the predominant element in such award.

MANSLAUGHTER.--The unlawful killing of a human being without malice expressed or implied. (F)

MANSLAUGHTER, VOLUNTARY.--The unlawful killing of a human being where there is a real design to kill, but under such circumstances of provocation that the law would regard such provocation as palliating the offense. (F)

MANSLAUGHTER, INVOLUNTARY.--The causing of the death of another unintentionally by some unlawful act but not amounting to a felony. (F)

MAYHEM.--With malicious intent to maim or disfigure, the unlawful maiming, disfiguring or crippling of another by an assault with a dangerous weapon, substance or chemical, or otherwise; or being privy to such intent or being present and aiding in the commission thereof. (F)

MISDEMEANOR.--Any crime less than a felony.

MURDER.--The killing of a human being with malice aforethought. (F)

MURDER, FIRST DEGREE.--The unlawful killing of a human being with deliberately premeditated malice aforethought or with extreme cruelty or atrocity, or in the commission or attempted commission of a crime punishable with death or life imprisonment. (F)

MURDER, SECOND DEGREE.--Murder which does not appear to be murder in the first degree. (F)

PERJURY.--Wilfully swearing or affirming falsely in a matter material to the issue or point in question by one being lawfully required to depose the truth in a judicial proceeding or in a proceeding in a course of justice; or wilfully swearing or affirming falsely in a matter relative to which such oath or affirmation is required by one who is required by law to take an oath or affirmation. (F)

PERJURY, INCITING TO COMMIT.--Attempting to procure or incite another to commit perjury, although no perjury is committed. (F)
PERJURY, SUBORNATION OF.--Procuring another person to commit the crime of perjury. (F) In divorce cases. (M)

RAPE.--The unlawful carnal knowledge of a female by force and against her will. (F) Carnal knowledge and abuse of a female child under the age of 16. (F)

RAPE, ATTEMPT TO COMMIT.--Assault on a female with the specific intent to commit rape. (F)

RIOT.--Three or more persons assembled together and doing some lawful or unlawful act in violent or tumultuous manner, causing great terror to the public. (M)

ROBBERY.--The taking with intent to steal of personal property in possession of another from his person or in his presence by violence or putting him in fear. (F)

SODOMY.--Abominable and detestable carnal copulation, against nature, either with mankind or beast. (F)

TRUANT, HABITUAL.--A child between seven and sixteen who wilfully and habitually absents himself from school contrary to the laws governing school attendance. (M)

(a) Habitual School Absentee.--A child between seven and sixteen found wandering about streets or public places, having no lawful occupation, habitually absent from school and growing up in idleness and ignorance. (M)

(b) Habitual School Offender.--A child under 16 who persistently violates reasonable regulations of the school he attends or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom. (M)

UNLAWFUL ASSEMBLY.--Twelve or more persons, armed with clubs or other dangerous weapons, or 30 or more persons, whether armed or not, unlawfully, riotously or tumultuously assembled in a city or town. (M)

UTTERING.--To offer, whether accepted or not, a forged instrument, counterfeit money, coin or other false thing prohibited by statute, knowing it to be forged or false, with a representation by words or actions that is genuine. (F)

VAGRANT.--An idle person who, not having a visible means of support, lives without lawful employment; or a person wandering abroad and visiting tippling shops or
houses of ill fame, or lodging in groceries, outhouses, market places, sheds, barns or in the open air, and not giving a good account of himself; a person wandering abroad and begging, or who goes about from door to door, or places himself in public ways, passages or other public places to beg or receive alms, and who does not come within the description of a tramp. (M)
Definitions of Legal and other Terms

ABET.--To aid, encourage or incite another to commit a crime.

ACCOMPlice.--A person who cooperates with, aids or assists another person in the commission of a crime.

ACCUSATION.--A charge made to a competent officer against one who has committed a crime so he may be brought to justice and punishment.

ACQUITTAL.--That which takes place when in a criminal case tried to a jury the defendant is found not guilty, or if tried without a jury, he is found not guilty and discharged. The court must have jurisdiction to find him guilty or not guilty.

ADMISSION.--An acknowledgment by word, act, conduct or in any other way of the truth of some fact from which an inference of guilt may be drawn.

ADULT.--A person who has attained the age of 21.

AFFIDAVIT.--A declaration in writing sworn to or affirmed by the party making it before some person who has authority to administer an oath.

ALIAS.--A fictitious name assumed by any person.

ALIBI.--A defense set up by one charged with a crime that he could not have committed it because he was elsewhere at the time the crime was committed.

APPEAL.--A formal application of one found guilty of crime by a lower court to have his case sent to a higher court for another trial.

APPELLANT.--He who makes an appeal from the decision of a lower court to have his case tried again in a higher court.

APPREHEND.--To take, seize, or arrest a person.

ARRAIGNMENT.--The calling of the defendant to the bar of the court to answer the accusation contained in the indictment or complaint.

ARREST.--In criminal law, taking, under real or
assumed authority, custody of another person for the purpose of holding him to answer a criminal charge or to prevent harm to himself or others.

BAIL.—To procure the release from legal custody of a person arrested or imprisoned, on security being taken for his personal appearance in a certain court on a day and in a place specified.

Persons who act as sureties for a defendant in a criminal case, thereby becoming responsible for the appearance of the defendant at the time and place specified, are often called bail.

BAIL BOND.—The bond taken with securities at the time the defendant is released, conditioned for due appearance of such defendant.

BALLISTICS AS RELATED TO FIRE ARMS.—The science of the motion of projectiles.

BONDSMAN.—A surety; one who is bound or gives security for another.

BROTHEL.—A house kept for purposes of prostitution; a common habitation of prostitutes.

CAPITAL CRIME.—One for which the punishment of death is provided by law.

CARNAL KNOWLEDGE.—Sexual intercourse.

CHILD, DELINQUENT.—A child between the ages of seven and seventeen who violates any city ordinance or bylaw, or commits any offense not punishable by life imprisonment or death.

CHILD, NEGLECTED.—A child under 16 years of age, who by reason of orphanage, or of the neglect, crime, cruelty, insanity, or drunkenness or other vice of its parents is growing up without education, or without salutary control, or without proper physical care, or in circumstances exposing him to lead an idle and dissolute life, or who is dependent upon public charity.

CHILD, WAYWARD.—A child between the ages of seven and seventeen who habitually associates with vicious or immoral persons, or who is growing up under circumstances exposing him to lead an immoral, vicious or criminal life.
COHABIT.--To live together. The word does not necessarily have an evil meaning, such as unlawful sexual intercourse.

COMMON CARRIER.--A person or company who carries or holds himself or itself out as carrying persons or goods or both for hire to all who apply, as distinguished from a private carrier who holds himself or itself out as ready to furnish transportation for hire only to those with whom he or it chooses to deal.

COMMON LAW.--That body of law which derives its authority from judicial decisions and ancient statutes and usage as distinguished from statute law enacted by the Legislature or by Congress.

COMPLAINT.--An allegation made by one or more persons before a proper magistrate that another person has committed a designated crime. In practice, the document which is issued by a lower court in a criminal case, and which is read to the defendant when arraigned, is known as the complaint.

CONTIGUOUS.--Touching; adjacent; adjoining.

CONVICTION.--The result of a trial of a criminal case either before a jury or a trial judge in a court of competent jurisdiction which ends in a verdict or finding that the defendant is guilty.

Note.--Conviction as here defined is not sufficient to prove a prior criminal record. To prove such a record sentence must have been imposed and put into effect.

COPY, CERTIFIED.--A copy to which is added a certificate under hand and official seal of the public officer authorized to certify the same, stating that he has compared the copy with the original document on file in his office and that it is a correct transcript thereof and of the whole of the original.

CORPUS DELICTI.--The body or essence of a crime, i.e., the substantial fact showing that a crime has already been committed.

COURT.--A place where justice is administered in accordance with legal forms and principles; the judge and jury when in session; or the judge alone as distinguished from the jury.
CRIMINAL INTENT.--An intent to do an act which the law denounces, having knowledge of the facts which make it a crime, without regard to the motive that prompts it, and whether or not the offender knows that what he is doing is wrong or in violation of the law.

CRIMINAL NEGLIGENCE.--Wanton or reckless conduct going beyond gross negligence, or intentional failure to take proper care for others to whom care is owed in disregard of the probable harmful consequences to them.

CROSS EXAMINATION.--The examination of a witness by the side which did not call him, generally after examination in chief.

DE FACTO.--A phrase used to describe a state of affairs which actually exists and must be accepted for all practical purposes, but which is illegal.

DE JURE.--A phrase used to describe a state of affairs which exists legally or as of right.

DEFENDANT.--In criminal law, the person charged with the commission of a crime.

DEPOSITION.--The testimony of a witness taken upon oral or written interrogatories, not in open court, but in pursuance of a commission to take testimony issued by a court or under a general law on the subject after notice to the adverse party for the purpose of enabling him to attend and cross examine the witness.

DOMICILE.--The place where a person has his permanent residence.

DURESS.--Coercion exercised upon a person whereby he is forced to do some act against his will.

DWELLING HOUSE (Arson).--Any building used as a dwelling, including an apartment house, tenement house, hotel, boarding house, dormitory, hospital, institution, sanatorium, or any building where persons are domiciled.

EX OFFICIO.--An act done by a person merely by virtue of the office he holds, the power to do the act being implied.

EX POST FACTO.--A phrase used to describe a law
which makes criminal an act which was not a crime at the
time of its commission. Such a law is unconstitutional.

EXTRADITION.--The surrender or delivery, by one
nation to another, of a person accused of a crime
committed in the demanding nation, so that he may be
tried there, pursuant to treaty stipulation, or the
constitution and laws of the United States.

FINDING.--The conclusion of a court as to a
question of fact or law at issue.

FINE.--A money penalty, as a punishment for being
guilty of a crime or violation of the law.

FORFEITURE.--The loss of goods, property or rights,
as a punishment for some crime or unlawful act
committed by the person who makes the forfeit.

FUGITIVE FROM JUSTICE.--One who is charged with a
crime in one state or country and goes to another state
or country.

GRAND JURY.--An informing and accusing body of men
selected and summoned according to law to serve before
a competent court and by such court impaneled, sworn
and charged to inquire in regard to crimes committed
within the jurisdiction and to present all offenders
against the laws in the mode and manner defined by it.

GROSS NEGLIGENCE.--Such a want of care as not even
inattentive and thoughtless men are guilty of with
respect to their own property.

GUARDIAN.--One who has the control or management
of the person, property, or both, of another, who
because of infancy, insanity or other reason is
incapable of acting in his own behalf.

HEARING.--The testifying of witnesses before a court
or trial justice or clerk of court to determine whether
or not there is sufficient evidence against the
defendant to justify the issuance of a warrant, summons
or complaint against him or to hold him for trial in the
lower courts or for the grand jury.

INDICTMENT.--An accusation in writing found and
presented by a grand jury, legally called together and
sworn to the court in which it is impeneled, charging
that a person named therein has committed a specific crime.

INFANT.--Any person under 21 years of age.

JEOPARDY.--The danger of conviction and punishment which the defendant in a criminal case incurs when a valid indictment has been found against him and a petit jury has been impaneled and sworn to try the case and render a verdict, or when a valid complaint has been issued against him and he has been placed on trial before a trial judge of a court of competent jurisdiction.

JEOPARDY, DOUBLE.--The situation which arises when a person is twice put on trial for the same offense.

JURISDICTION.--The power to inquire into the facts to apply the law, and to declare the punishment, in a regular course of judicial proceeding.

JUSTICE OF THE PEACE.--A person, appointed by the Governor for a term of seven years, who can take oaths and affirmations, summon witnesses, and take action to prevent breaches of the peace. When the commission issued to him so defines his powers, he may preside at court, perform marriages, take bail or issue warrants.

LAW.--A rule of conduct prescribed under the supreme power of a state.

LICENSE.--A permission or authority to perform some act otherwise forbidden by law, and without which such act would be inoperative, wrongful or illegal.

LIMITATIONS, STATUTE OF.--A statute which prescribes that no legal proceedings shall be maintained unless brought within a certain time after the date when the crime was committed or the claim originated.

MALFEASANCE.--The unjust performance of some act which the party has no right to do or which he had contracted not to do.

MALICIOUSLY.--Done with evil heart or mind, cruelty, or a reckless disregard of consequences, without regard to duty as to the rights of others.

MOTIVE AND INTENT.--Motive is that which incites a person to commit a crime, the reason or that which leads
to the act. Intent is a wilful design or purpose to do the act, or that which is the actuating element in the mind of the doer in committing an offense.

NOLLE PROSEQUI.—A declaration or formal entry by a person properly authorized that he will not further prosecute a certain case, usually made by a district attorney or attorney general or by one acting under the authority of either of them.

NON COMPOS MENTIS.—A term that includes all forms of mental unsoundness whether arising from insanity, feeblemindness, sickness, or other cause.

NOTARY PUBLIC.—A public officer authorized to attest and certify, by his hand and official seal, certain classes of documents, to administer oaths and do other official acts.

OATH.—A solemn affirmation, declaration, or promise made under a sense of responsibility to God for the truth of what is stated.

OBSCENE.—Indecent. Offensive to chastity or modesty, or tending to corrupt or deprave.

ORDINANCE.—A local law passed by the law-making body of a city.

OVERT ACT.—In criminal law, an open act which shows the intention of a person to commit a crime.

PAROLE.—A releasing of a prisoner serving a sentence on certain conditions, one of which is that for a stated period he lead an orderly life.

POLICE.—A body of officers appointed by the State or its cities and towns to maintain law and order, to make arrests, and to exercise other powers, duties and responsibilities.

POLICE POWER.—The power of the State under which the Legislature may enact laws regulating and restraining private rights and occupations for the general welfare and security.

POST MORTEM.—Means "after death". This term is sometimes used to mean "autopsy", but such use is incorrect.
PRESUMPTION.--An inference or belief as to the truth or falsity of a matter in the absence of any direct evidence to the contrary.

PROBATION.--A system to encourage good behavior in a person convicted of crime by releasing him before confinement on certain conditions, one of which is that for a stated period he lead an orderly life.

QUASH.--To make void and of no effect.

REPRIEVE.--A stay or delay in the execution of a sentence.

SENTENCE.--Judgment in any criminal proceeding.
Cumulative Sentences: Those which are imposed separately and which must be served one after the other.
Concurrent Sentences: Those which are served together at the same time.
Suspended Sentence: One which under conditions prescribed by the court is imposed but not put into execution. On failure to meet these conditions, sentence may then be put into execution.

TRIAL.--The examination of a cause, civil or criminal, by a competent tribunal; the decision of the issues of law or fact in an action. It may be by a judge or judges or by a jury.

VERDICT.--The decision of a trial or petit jury upon an issue of facts presented to them.
Definitions of Pleas

PLEA.--The answer which a person makes to a complaint or indictment when he is arraigned in court and is asked whether he is guilty or not guilty of the crime charged against him.

DEMURRER.--A plea which in effect admits the allegations of fact in an indictment, complaint, or declaration, and asks for judgment for the defendant on the ground that the acts alleged do not in law constitute a crime or good cause for action.

GUILTY.--A plea by the defendant to an indictment or complaint by which he admits he committed the crime charged.

NOLO CONTENDERE.--A plea by the defendant to an indictment or complaint, the legal effect of which is to admit the truth of the charge in the complaint or indictment, and upon which the defendant may be sentenced. In effect it means that the defendant does not desire to contend the issue with the court.

NOT GUILTY.--A plea by the defendant to an indictment or complaint by which he denies his guilt as to any or all of the allegations contained in the indictment or complaint.

QUASH, MOTION TO.--A motion that asks or moves the Court to make something void and of no effect. To move to annul or discharge an indictment, a complaint or an order.
The Probation Officer

The juvenile probation officer should be the eyes and ears of the court. The judge should be dependent upon him to carry out the instructions of the court, to assemble and secure pertinent information about children and to further the development of the court work in the community. For these reasons, the probation officer should be a capable person. It has often been said that a probation department is only as strong as its personnel.

The courts should have a probation service, uniform in standards and program, and a corps of officers whose qualifications are adequate to merit salaries commensurate with the responsibilities of their tasks. A probation officer should be equipped with a broad education, extensive experience in work with children, a knowledge of the law, the courage of his convictions, and a sympathetic interest in people. It is not just a job, to be attended to as time and other duties permit, but a profession of high standards and purpose -- a calling wherein education, training, and devotion to the cause of children and their well-being are paramount requisites.

Qualifications of a Probation Officer.-- A probation officer must be a person of character, training,
education, and sympathy.\footnote{Robert L. Russell, "What the Court Expects of the Probation Officer," Federal Probation, (July-September, 1946.)} The dignity of the task, the confidence that a court must have in its probation officer, and the welfare of the general public all demand the highest type of individual. The probation officer should never be selected because of political expediency.

To be adequate for the responsibilities of a probation officer, one should have training comparable to that required in the fields of education, medicine, social work or the ministry. He requires the consecration of the clergyman, for the best service to his probationers will call for an expenditure of nervous and physical energy entirely incommensurate with his material compensation; he can use the power of the teacher to interest young people and help to fashion their lives; he needs the skill of the physician to find out the trouble, for he has to make diagnoses of the most difficult kinds, namely, the diagnoses of character; and he should possess the patience and understanding of a social worker to enable him to guide the probationer to searching self analysis and timely self-help.

Some persons have been able ministers, teachers, or...
social workers without specialized training, but it is agreed that most persons are much more effective for having had such training. Likewise, there are good probation officers who have had no preparation except in a police department, and women who have had none except in a store, but as a rule the same degree of preparation should be insisted on for a probation officer which is insisted on for any of the other professions.

Because of the technical nature of the duties of probation officers and the preparation and training necessary to fulfill adequately the requirements for such positions, a committee of the Professional Council of the National Probation and Parole Association formulated "Standards for Selection of Probation and Parole Officers." This publication promulgated in 1945, suggests as minimum requirements:

1. A bachelor's degree, preferably with courses in social sciences and sociology.

2. One year of paid full-time experience under competent supervision in an approved social agency or related field, such as teaching, personnel work in industry, or case work in an institution or correctional agency.

1/Published by the National Probation and Parole Association, New York, April 1945.
3. Personal qualifications of good character and a balanced personality, in addition to good health, intellectual maturity, emotional stability, integrity, tact, adaptability, resourcefulness, humor, ability to work with others, tolerance, patience, objectivity, capacity to win confidence, respect for human personality, and genuine interest in people.

Duties of a Probation Officer.--- The duty of a probation officer is twofold: the investigation of the cases that are to be disposed of by the court, and the supervision of the cases that are placed on probation by the court. The probation officer has the power, under the general supervision of the judge, to perform all the duties of the court as prescribed by Chapter 119, Massachusetts General Laws as amended. Section 57 of said chapter specifically states:

"Every case of a wayward or delinquent child shall be investigated by the probation officer who shall make a report regarding the character of said child, his school record, home surroundings and the previous complaints against him, if any. He shall be present in court at the trial of the case, and furnish the court with such information and assistance as shall be required. At the end of the probation period of the child who has been placed on probation, the officer in whose care he has been shall make a report as to his conduct during such period."  

1/Section 85, Chapter 276, Massachusetts General Laws.  
2/Section 57, Chapter 119, Massachusetts General Laws.
The probation officer should use intelligently and wisely the many public and private agencies which have been created to assist those in need. These include schools, churches, social agencies, employment services, health agencies, etc. In addition, he should be a leader in interpreting the work of his court to the community. He should cooperate with others in the development of programs related to his work.

1/Standards, National Probation and Parole Association, New York.
CHAPTER II

PROBATION INVESTIGATIONS

While there are some courts in the Commonwealth that use the pre-finding or pre-disposition investigations, other courts declare this practice to be unsound. The writer is not concerned with this issue, but rather with the suggested methods, procedures, and outlines acceptable for effective probation work.

It might be well at this time to state that there is still a great deal of misunderstanding on the subject which needs clarification. A preliminary investigation by a probation officer should not aim at proving the guilt or innocence of a child. Neither is it an attempt to find mitigating reasons why the court should place an offender on probation. The information obtained by the probation officer should be available to the court after a finding has been made and should affect only the disposition of the case. The primary function and purpose of the investigation is to assist the court in dealing with the offender. This permits the judge to know something about the offender's personality structure and his relation to society, to consider his needs and
potentialities, and thus be in a position to decide whether in the child's interests and in the interests of the community, it is expedient to place the child on probation or whether some other form of treatment is necessary.

Investigation Outline

An integral part of social case work recording in the probation service is the device known as a face sheet. The Massachusetts Board of Probation has directed the use of this form and other outlines by probation officers in the investigation and supervision of juvenile offenders. The standardized face sheet gives in convenient, readable, and ready-reference form a small range of important facts about parents and children such as names, birth and marriage dates, family status, citizenship, nationality, religion, education and employment, and also contains some data of less permanent nature which are referred to frequently in investigation and supervision work. See Appendix A and B for copies of these authorized forms.

It is generally accepted that an immediate investigation of the offender is helpful. Careful compilation of useful and pertinent data is necessary in order to deal with the offender in an intelligent and
constructive manner. Assembling case histories involves patience, understanding, and the ability to relate to people despite the authoritative setting. Since case histories are essential in doing good probation work, the information gathered should be complete and accurate.

The flexibility of a record outline is essential and the following is presented only as a guide in assembling important data necessary for intelligent supervision.

Assuming that the court story is complete relative to previous court or institutional information, complaint, child's statement and parent's story concerning the alleged complaint, the following outline for investigation and recording purposes is suggested.1/

Home visit.—

a. Home and neighborhood conditions.

Describe the home, noting its type, adequacy, facilities for privacy, heat, light, and sanitation. What is the rent? Describe the interior, noting the furnishings, cleanliness, atmosphere, modern equipment. Who lives there? Number of rooms? What floor? Why did the family move from previous address?

Is present home an elevation or decline in standards?
Describe the neighborhood - its general tone, reputation, and desirability. Note the availability of play spaces, clubs, settlements, etc.

b. Family history.

Father: Describe him in as much detail as necessary. Name, date and place of birth, citizenship, education, occupation and work record, source of income, church affiliation, intelligence, stability, personality, habits, health, previous and/or present marriage status, previous court record, if any, and local reputation. Note especially father's attitude toward his family and toward the problem, his willingness to help, etc. If father is deceased, give cause and date of death.

Father's family: Give details regarding any severe illness, nervous disorders, mental difficulty of any member.

Mother: (Same information as father.)

Mother's family: (Same information as father's family.)

Siblings: Oldest to youngest by age, education, marital status, occupation, health, personality, attitudes toward each other and toward the problem, and willingness to help. Check previous court
records, if any. Record death dates of any siblings.

Child's developmental and personal history:
Born when and where? Explain in essay form the child's early developmental history, citing any and all unusual circumstances or events which might have had importance in the child's life. Was child planned for, or was pregnancy an accident? Normal birth? Birth weight? Breast fed? How long? Age of sitting up, talking, walking, teething, bladder control, bowel control, etc. Illnesses, operations, accidents - When? How severe? After effects?

Menstruation: Age established, frequency, duration. Note details if irregular, painful, or abnormal in any way. If accompanied by headaches, give details.

Personality: Trace and describe development of personality from infancy, giving interests, abilities, attitudes toward friends, family members, and members of opposite sex. Record whether there was ever a decided change in personality and give circumstances surrounding it. How does child feel about present difficulty?

Leisure time activities, associates and habits: Describe the child's recreational life. What
is the nature of his participation in sports? Is he active in any organized recreational activity? How often does he attend the movies and what types of films does he enjoy? Does he like to read? What? What kind of television or radio programs does he enjoy? Who are his associates? Ages? Is he a leader or a follower? What are his hobbies, if any? What about his habits of eating, sleeping, drinking, masturbation, lying, stealing, nightmares, enuresis, nail biting, smoking, etc.? Give details.

Employment: Age at beginning. Positions held, kind of work, nature of duties, hours, wages, advancement, attitude toward work, toward employer and employees. Use of earnings. Any future vocational interests?

Religion and church affiliations: State church to which family belongs. Is there a difference of religion in the family? Frequency of attendance, attitude toward religion. Visit with local clergy to get impression of family and child.

School visit.—

Education: Visit with principal and teacher. Record present school and grade. Give a chronological account of his school progress to date. State grades skipped or repeated. Include all information available
about his attendance, conduct, effort, and scholarship. His participation in school activities. Record attitude toward teacher, pupils, work. School authorities evaluation and attitude toward child. His educational goal or aim. Intelligence, aptitude, or other tests administered with dates and results should be noted.

Agency visit.—
Describe in brief date of first contact, by whom referred, reason for referral, work done and recommendations, evaluation or opinion of family and present status of case.

Recommendations.—
The recommendations by the probation officer should have sound basis in the body of this investigation. It should be simply stated and should present suggested plans for the future treatment and supervision of the child.
Medical, Mental, and Psychiatric Examinations

In probation a coordinated series of steps is necessary. Otherwise all the efforts of treatment are moves in the dark, guesswork which may do as much damage as the wrong kind of medicine. In an attempt to define as exactly as possible the child’s physical needs and mental limitations, the use of various tests and examinations which give information about his physical and mental condition is necessary. It is realized that the heavy case load of the probation officer makes it impossible to accomplish a complete study in every case. The probation officer should, nevertheless, be aware of the salient factors in any given case and when examination, testing, and treatment are necessary, steps should be taken to provide these important services.

Medical examination.— A complete medical examination should be required for all children brought before the court. Where defects are noted they should be corrected. While it is realized that all courts do not have this important service available, some courts have made arrangements with local physicians to provide

this valuable service free of charge. The local hospital clinics are generally cooperative when their help is requested.

Mental examination.-- In order to understand a child as a complete individual, mental measurement or psychological testing should be a vital part of the social case history. Discovering clues to important symptoms through testing enlarges the probation officer's understanding of his probationer. Psychological testing is valuable because it determines the approximate normal age level at which the child is capable of functioning; shows the level at which he is functioning; indicates emotional traits such as fear, anxiety, instability and confusion; tells whether his abilities lie in academic or practical fields of training; suggests whether or not it is advisable for him to continue in school or go to work; reveals his vocational interests and aptitudes; and, under certain conditions, registers deviation from normal mentality.

The availability of a psychologist or psychometrist is limited, but it is usually possible to secure such services from local schools, universities, clinics, and social agencies.

Psychiatric examination.-- The psychologist or psychometrist, on the basis of personal observation,
test results, and the probation officer's case history, is generally in a position to detect significant deviations in mental and emotional processes which warrant examination by a psychiatrist. In order to separate those offenders who may require psychiatric examination from those who do not appear to be in such need, the writer has attempted to set up criteria for the selection of court cases for psychiatric consultation.

In terms of offenses, the following should be considered as most often requiring attention: sex offenses, lewd practices, hetero-homo sexual acts or perversions, repeated acts of same offense, chronic runaway, arson, and sadism. At times, the following types of delinquents need some psychiatric attention: repeated truants, the solitary delinquent, some stubborn children, the delinquent with superior intelligence, the child who cannot resist stealing, the child who steals female underclothing, one who is highly destructive and excessively aggressive, one who is unusually shy, withdrawn and cannot make relationships, or any child who shows evidences of serious abnormal behavior.

When a psychiatric evaluation has been completed and remedial measures are indicated, arrangements should be made whereby the parents and child are
referred for treatment. Timely study and follow-up adjustment give a probation officer insight into the personality of the offender, and thus afford the basis for more intelligent handling and supervision of the child.

The Use of the Social Service Index

The social service exchange or the confidential exchange, as the name applies, is a central clearing house of cases for social service agencies of a community. The purpose of this service is to assist agencies to focus social work resources to meet the needs of people who come to them for help, and to avoid confusion and waste by duplication. When a court case is ready for investigation, an inquiry to the exchange will ascertain whether the offender or any member of his family has been known to any other agency. A photostatic copy of the social service index is forwarded to the court for investigation purposes.

The Social Service Index in Massachusetts, maintained by the United Community Services, is presently located at 14 Somerset Street, Boston. Its service is available for a fee to all recognized social agencies.

To clear a case through the Social Service Index is an important function of any court since it is imperative to have the benefit of the experiences of other agencies to protect the child by having competent diagnosis of his strengths and his needs by the time a decision must be made as to his future. Since most probation officers meet the family at times of extreme crisis, it is necessary to have a picture of the family under more normal circumstances. This has often assisted the court officials in assembling important and constructive information, thus enabling the authorities to proceed in an intelligent manner.

The index files contain only identifying data and indicate the location of agency records. Each member agency is the custodian of its own records, responsible for creating the record and for giving or withholding information which the record contains. While the index is, in itself, a mechanical device, its discriminating use adds to the quality of probation service.

Foster Home Placement

This term is used to designate a special form of social service in which the child is removed from his own family and placed with a foster family under direct
supervision of an agency. Child placement is an essential part of a social program in every community and is an accepted method for the care of dependent, neglected, and delinquent children. In dependency it has to a considerable extent replaced the use of the old-fashioned orphan asylum. In behavior problems its use is less widespread, but it is becoming a part of the procedure in up-to-date courts.

No substitute has been found for the well-ordered family as the best medium in which a child may grow. As a child experiences wholesome family life, he is conditioned for successful family living as an adult. It is surprising that there was not earlier recognition of the values of providing substitute or foster parents and family life for the child deprived of his own parents. In group or institutional placement, it is not usually possible to provide close affectional relationships. Institutions have their place, however, for some sick children who require hospitalization, for some mentally deficient children and for those seriously maladjusted children who require custodial or correctional care. They have their place also for those children who, being

1/Helen Pigeon, op. cit., p. 305.
unable to grow in their own or another's home because of disturbing reactions to certain inter-personal relationships, respond better to the more impersonal environment in group placement. In addition, particularly gregarious children, or children seeking an expansion in their environment, may make constructive use of the camp or boarding school type of institution.

As a result of the development in Massachusetts of the philosophy that foster family care offers the most to children who must be cared for away from home, a law was passed in 1900 which required that the state place children in private homes and families.

The probation officer must never lose sight of the fact that the preservation of the home should receive the greatest emphasis in the efforts of all persons who work with children, and separation of children from their own families should be a last resort. The placement of children should be accomplished only by agencies, public or private, whose function is to accept and place children and to provide for them as nearly as possible what they are entitled to in conformity with the basic essentials of standard living.

The separation of a child from his parents is a serious matter both from the child's point of view and from that of the parents. The Division of Child
Guardianship, Commonwealth of Massachusetts, reports that the child who is separated from home and family suffers a profound emotional and social disturbance for which even the best of foster care can only partially compensate. To the hurt which the child may have already suffered by reason of the circumstances in the family situation which have culminated in the need for foster care, is added the pain of having to adjust to an unknown, abnormal, and therefore frightening situation. Even under ideal conditions children are fearful and bewildered when they are away from home for the first time at camp or boarding school, and have to adjust to new persons, a new setting, and new standards.

The insecurity is far greater when the placement results from family misfortune, when the child is in a situation which sets him apart from other children, and when any plan for the child's return home is indefinite. In addition, the child is asked in foster family life to give loyalty, if not affection, to a new set of parents -- with the result that he may be caught in a conflict of feelings for his own and foster parents. He may even be exposed to competition for his loyalty.

1/ Commonwealth of Massachusetts, Department of Public Welfare Manual, 1946.
and affection between his parents and foster parents. Furthermore, when parental inadequacy is the reason for placement, he may reject his parents, protect them by considering himself inadequate or by blaming himself, or project his suffering on the agency or foster parents providing care. When it is recognized that the agency may not be able to give large families of children the security of being together in a foster home, that it is difficult to sustain contacts between parents and child, that there is not assurance of continuity of care in any one home, that an appropriate home cannot always be found, and, more important still, that there are limitations in the quality of service which can be given a child then it is obvious that a child should not be separated from his family except for compelling reasons.

For the parents, too, separation is traumatic. The parent giving up the child feels inadequate, guilty, and deprived. He suffers because it is abnormal not to be responsible for the care of one's own child. If the child has been removed from home because of neglect, the parent suffers even more because to his own guilt and feeling of inadequacy is added conspicuous public disapproval. Even when the parent rejects the child, he suffers none the less because he is doing something
unnatural and unacceptable socially in not providing care or affection for the child. He may recognize, too, that the child will be different after the new experiences in foster care. He feels the loss of the child's affection more and more keenly as the child develops affection for foster parents. Some parents react by never wanting the children back. The giving up of children undermines the responsibility of parents and makes it difficult for parents to reclaim the child later. The child's reactions to such attitudes and feelings on the part of parents creates serious problems in foster care. One must be sensitive to all these probabilities and weigh the degree to which placement is likely to give rise to such difficulties, and whether or not it is worth the risk.

Confidentiality of Records

All material assembled in the case of a juvenile is considered confidential, and it should be treated as such. The probation officer should use great care to safeguard the interests of the offender by not permitting a case record to be exposed to those who have no intentions of assisting the family. Many social agencies depend on each other for helpful information, and they should be granted only information that is necessary to assist them
in the proper handling of a case. A probation officer must use great care in giving information to lawyers or prosecuting officers who might possibly misuse it, or to lay people who lack a professional attitude. As a general rule, no one should divulge information or permit anyone except the probation officer to read a case record without the authority of the probation officer. Every effort should be made to protect the case record so that no harm will come to the probationer.

Case Work as an Important Tool in Juvenile Probation

Case work is the core of probation work with delinquent children. A good probation officer is concerned with strengthening the individual on one hand and society on the other. Case work is one of the techniques used by the trained probation officer in dealing directly with the individual. This is the distinctive characteristic of casework -- this direct working, individual by individual, with those maladjusted juvenile delinquents who are in conflict with society, or who find themselves either inadequate or unable to meet their social, economic, or emotional needs in the competitive struggle that characterizes life.

The probation officer should try to discover the positive potential within the individual in order to help
him exploit his own capabilities, while at the same time reveal to the individual external resources in his social and economic environment which will contribute to his ability later on in life to assume the responsible obligations of a well-adjusted adult. It is therefore apparent that the basic element or tool in case work is the all-important relationship between the probation officer and the delinquent child.

Case work methods aid the probation officer because good case work and good probation are both a process of treatment undertaken by the worker through the medium of supervision. This process of treatment is aimed at effecting a readjustment within the community setting of the attitudes, habits, and capabilities of the delinquent. Therefore, if this can be called the goal of probation, then case work becomes the best method or implement for achieving this goal, since the sole aim and purpose of case work is to strengthen the individual's ability "to regulate his own life" in society. When the probation officer is working with a child, he should visualize him not as an isolated human being, but as a social being who cannot be understood apart from his family or his immediate social group.

In dealing with the delinquent, the worker is constantly evaluating and diagnosing the total problem.
Is the boy good probation material or is institutional care indicated? Such a diagnosis is a case work problem, as there is no exact prescription for institutionalization. The quality of case work available within the institution, as well as the individual needs of the delinquent, should be taken into consideration. At this stage, the worker is confronted with the decision as to whether the offender needs treatment or training in or out of an institution. The treatment or help administered to a child, under probation supervision and under custodial care may be similar, but the former offers a better method for control of the treatment program.

Unfortunately, all too often in the field of delinquency treatment, the institution method is just mere custody which is falsely considered treatment.

In working with the delinquent, the probation officer should consider "his boy" in the latter's total situation. He knows he cannot work with the child without working with the child's parents. The probation officer may find it necessary to be directive in his treatment, particularly in the early stages of supervision. If Jimmy's stealing has been diagnosed as stemming partly from the boy's feeling of rejection by his mother, the probation officer may need to restrict
Jimmy's activities as a practical expedient while the mother is helped to understand her son's need for affection and understanding. At the same time, bonds of mutual understanding and respect are being established between the probation officer and the boy, but until Jimmy reaches a point at which he begins to understand himself and to desire to overcome his stealing, certain artificial restraints may be necessary. His understanding of himself and his mother, and her understanding of herself and him will come about only if the probation officer devotes time and effort to these troubled two. Case work is the term applied to this process of releasing the tensions, frustrations, and aggressions in this situation, but the firm steady guidance given Jimmy by the probation officer during this period is also case work.

The most important case work tool used in probation service in the interview. The art of interviewing is perfected with use, and the skill with which it is used will depend upon the probation officer's breadth of knowledge. For instance, the capacity to be relaxed and to get the delinquent to relax develops with experience. The interview is a powerful force, not only for securing information, but for building up and maintaining relationships; for revealing hidden conflicts and
hostilities, or latent strengths and capacities; for giving insight and understanding to the boy on probation; and for furthering the diagnosis, and the constant joint planning between probation officer and delinquent which characterizes effective probation supervision. It is, therefore, apparent that a good probation officer will wisely use the principles and methods of case work, remembering that some of the most important basic needs motivating the behavior of the juvenile delinquent are as follows:

1. The need for love
2. The need to belong
3. The need for self-respect, and
4. The need to do something worthwhile.

A deep understanding of human nature and the forces which direct behavior, a profound belief in the worth of every boy, an objective acceptance of the individual as we find him, and a genuine desire to be of service combined with a real knowledge of community resources and how to use them are other case work tools which, when used properly, make for successful service in juvenile probation.

Understanding Intelligence and Mental Testing

More than ever before, the probation officer will be confronted with Intelligence Quotients, Intelligence
Testing and other results reported from ability and aptitude tests. In order to give some understanding of this important work, the writer will present some of the basic interpretations used in the measurement of intelligence. While it is understood that the following presentation will be limited, it is expected that the interest of the probation officer in this subject will determine whether or not further inquiry is necessary.

What is an I.Q.? How accurate is it? What is intelligence? Now I have the I.Q., so what? Why is it necessary for me to know all this? These are but a few of the more common questions asked by probation officers.

There are many ways of solving problems and coping successfully with new and difficult situations in life. Planning, weighing, judging, learning, remembering — all require intelligent action. And in the broadest sense, intelligence means being able to get along in a complicated world. In a slightly narrower sense, intelligence is shown in how well people profit from past experience in adjusting to new situations. It is generally accepted that intelligence is revealed by a
person's ability to perform. Therefore, a measurement of intelligence is recorded on the basis of problems solved, whether they are of a verbal or nonverbal nature. An intelligence test is administered in order to assist the examiner to predict an individual's quality of performance. The I.Q., we have been told, is a numerical figure representing the measure of a person's relative mental capacity. This measure or norm by itself, is not indicative of one's ability in all areas of learning and potential achievement. Intelligence, and data relating to it, are complex. Since external factors enter into intelligence testing, test scores have often been affected by a child's interest in the test administered, his physical condition at the time of the test, the general atmosphere of the room, the time of day, etc. However, even if some of these adverse conditions are present, the I.Q., if truly representative of a child's academic ability, is valuable in helping to guide the individual tested into educational or vocational pursuits in conformity with his interests and capabilities. Where and when possible, the results of several different kinds of tests should be assembled before steps are taken for

the future plans for the child. All of us know that children are indeed inscrutable beings, and we should certainly use every available means of familiarizing ourselves with all facets of their make-up.

Experts inform us that people differ markedly in mental powers. At one extreme, there are a few geniuses; while at the other, there are those who are classified as idiotic. In between these two extreme classifications, there is a wide range of intelligence scores of varying levels. A graph of the distribution of the intelligence quotients of population would look like this.

![Graph showing distribution of intelligence quotients](image)


2/Thurston & Byrne, op. cit.
The greatest percentage of the population (38 per cent) is of average intelligence. Forty-eight per cent of the population is divided equally on either side of the average group. These are the somewhat-less-than-average and somewhat-above-the-average individuals. The feebleminded and the gifted, the extreme ends of the graph comprise only about 14 per cent of the total population.

In terms of reported I.Q.'s there is a classification system generally used by administrators to determine a person's standing:

- 140 and above: Very superior
- 120 - 139: Superior
- 110 - 119: High average
- 90 - 109: Normal or average
- 80 - 89: Low average
- 70 - 79: Borderline defective
- Below 70: Mentally defective

When dealing with psychologists and/or school authorities, the probation officer is often concerned with methods and procedures used in reporting intelligence test results. The I.Q. is found by dividing the mental age (M.A.) determined by the test score by the chronological age (C.A.) of the child tested and by multiplying the result by 100. For example, let us take a child with a chronological age

1/Terman & Merrill, op. cit.
of 12 and a mental age of 12. When we divide the mental age by the chronological age we get 1.00. Multiplying 1.00 by 100, we get an I.Q. of 100. This is considered average intelligence. If, however, a child has a C.A. of 12 and an M.A. of 15, his I.Q. would be 125.

Assuming that all things are equal, there is sufficient testing evidence to show that the I.Q. remains relatively constant. If the results of intelligence testing show a wide variation of scores, there is reason to believe that something is wrong, and it requires careful reevaluation by a competent examiner.

In determining the intelligence levels of children a variety of tests is used, depending on the individual differences of children. The following two tests are referred to as the individual intelligence tests most commonly administered in a clinical situation:

The Stanford-Binet Intelligence Scale is a widely used and well-known test and can be administered to only one person at a time. It is frequently used in testing children 14 years old or younger. This scale consists of a series of tests divided into age groups or levels. Because the test is heavily weighted with verbal items, it underrates the child with a poor
language ability or the child who is a poor reader. Although it is an excellent test and perhaps more widely used than the Wechsler-Bellevue Scale, it does not have the diagnostic value of the Wechsler.

The Wechsler-Bellevue Intelligence Scale has two forms: the children's form is excellent for children five to fifteen years, and the adolescent and adult form is applicable to persons 12 years and above. The latter test is composed of 11 subtests, each of which reveals a different aspect of intelligence. Half of the test is verbal in nature and tends to reveal academic intelligence; the other half is performance in nature and tends to reveal practical or nonverbal intelligence. Among the many things this test attempts to show are emotional stability or instability, social intelligence, the practical application of social intelligence, creativeness, ability to work with one's hands, and the cultural background.

Generally speaking, intelligence tests do not justify unequivocal individual predictions. They do indicate, however, if properly administered, scored, and interpreted, a general level or classification within which an individual's mental ability falls. As such, the tests do have implications for educational and vocational guidance. In order to gain insight into the total
development of the child the use of achievement, aptitude, personality, interest, and projective scales are necessary. These scales, carefully used and critically interpreted, constitute effective and useful instruments for diagnostic purposes. The probation officer should become familiar with the measurement and evaluation of intelligence and with other tests because they are considered valuable aids in the understanding of individuals.
CHAPTER III
SUPERVISION

Interviewing

Successful interviewing depends in large measure on the ability of the probation officer to accept his probationer in an objective manner. The entire period of probation contains a series of periodic interviews with the objective being to understand the probationer and to assist him in gaining insight into his own problems. Much of the progress accomplished in probation work usually results from successful interviewing.

Since one of the purposes of the interview is to secure information necessary for diagnosis and treatment, care must be directed toward the establishment of a good relationship with the offender. Such a relationship is usually considered the foundation for treatment, and its development may be considered the first step in the treatment process. The type of approach made by the probation officer to his probationer has an important influence on the attitudes of the family toward the court, and these, in turn, determine in large measure the effectiveness of treatment.
Although the court is accepted as an authoritative agency, the probation officer should not misuse his authority by unnecessary or unsupported threats. Since the probation officer represents the authoritative figure, it is sometimes difficult to establish a good relationship. A good relationship will come about only after confidence is established. Helpful, cooperative spirit develops from a spirit which at first was full of rejection, resentment, or hostility. The probation officer, in putting the child at ease and helping him to talk freely, should accept the attitudes of the child objectively without resenting them, recognizing that unless they can be accepted it will be impossible to work constructively with the probationer. Sometimes it is necessary only to drain off emotional defenses; sometimes the emotion needs only to be understood by the probationer to disappear; sometimes it is too deep to be dealt with; but unless it can be accepted impersonally, it is likely to continue.

Since the interview is defined as a situation in which the offender can gain a better understanding of himself, a probation officer must provide a comfortable setting with maximum privacy. He should give encouragement by offering friendly counsel and guidance,
admonition and personal service to his probationers. A technical term describing the prevailing climate that is achieved and maintained throughout the interview is referred to as "rapport." This means that a harmonious atmosphere exists in which two people can work together successfully. Unless a pleasant and acceptable relationship is established in an interview, its functions cannot be successfully performed.

It has often been postulated, "It is not what you say but how you say it." During an interview the probation officer should be friendly, pleasant, and courteous, and should provide the probationer with every opportunity to talk without interruptions. The interviewer should be a good listener and should allow the probationer to tell his own story in his own words and in his own way, and thus the officer will be better able to observe the reactions, interests, attitudes, and feelings of his probationer.

Since the probation officer has no choice in the selection of his probationers, he must be prepared to deal with all kinds of personalities. Therefore, an interview with a hostile and aggressive boy will be far different from one with a shy, withdrawn type of individual. Regardless of the individual differences,
the basic rules of patience and understanding should apply in all cases. Effective interviewing depends a great deal on rapport, confidence, ability to listen, understanding, patience, and friendliness.

Home Visits

Effectual probation work requires that the probation officer make periodic visits to the home at least once a month, and more often when necessary. This practice enables him to see for himself the conditions that exist and prompts him whenever possible to encourage parents to use reasonable methods in dealing with the delinquent. The probation officer must make every effort to bring about a cooperative relationship between the court officials and the home. Visits must never appear to be snoopy and strictly information seeking. When a good relationship is established, it enables the probation officer to study the probationer in his own environmental setting.

Besides being informed as to the child's behavior, actions, and attitudes, the probation officer should win the confidence of his probationer and other members of the family in order to appraise as accurately as possible the total situation. He should be alert to notice varying degrees of emotional strains and to
determine what action is necessary to handle tactfully the situation. Visits may show that other members of the household need help to stabilize the whole structure.

The frequency of home visiting is determined by the nature of the offense, the personality structure of the offender, and the response of the probationer to treatment.

Generally, the length of the visit is determined by the purpose for which the visit was made. Parents should not get the impression that a probation officer is too impatient or too hasty. They should be made to feel comfortable and should be aided when they appear to be upset or confused about their youngster's offense and/or court appearance. They should be given the opportunity to discuss their difficulties and problems without fear of consequences. The probation officer should be available when advice, counsel and guidance are requested for any member of the family. To work with the offender alone ignoring the problems of other members of his immediate family, would be a drastic mistake.

A probation officer must not undertake home visits in the spirit of censure or blame for the parents. Most parents share a responsibility for their children's
behavior, feel that they have failed, and will need the probation officer's acceptance and support. With the officer's assistance, they will be able to explore the various factors in a child's situation and arrive at an understanding of the child's behavior.

The utmost in understanding, patience, and skill is demanded of a probation officer if he is to carry out a successful treatment program. He should be fully aware of what is going on; he should be able to identify evidence that may lead to possible recidivism; and he should be in a position to evaluate properly the probationer in relation to his home and his environmental influences.

Probation supervision is best accomplished by regular home visits in addition to periodic office visits by the probationer. This increases the scope of understanding, observation, study and control.

Most authorities in the field frown on note-taking while making home visits. This tends to put parents on the defensive, for they think everything that they say will be recorded. The writer, too, firmly believes that note-taking should be held to a minimum, and only such information as names, dates and addresses should be openly recorded. All other information should be
mentally noted and later transcribed for case history purposes. That which is recorded should reveal objective facts, events, behavior, and demonstrate diagnostic thinking and planning.

School and Social Agency Visits

School visits.-- It is required that frequent visits be made to the school to confer with the teacher and principal relative to the probationer's school progress. In some schools the principal will not permit the probation officer to visit with the probationer's teacher, for the principal feels that he has all the necessary information. While this can make for a delicate situation, the probation officer should make every effort to talk directly with the boy's teacher, since he or she is in a better position to supply the necessary information.

The school visit should be held as confidential as the situation permits. No probation officer should at any time enter a classroom and outwardly recognize his probationer or permit the teacher to use the probation officer as a threat to a child. Many a probationer has been shamefully embarrassed before his entire class because an officer was not tactful in planning his school visits.

Many courts are currently using weekly school
report cards. See Appendix F for a suggested copy. Some courts mail these blanks to the teachers who, in turn, fill in the required information and mail them back to the court. Other courts allow the children to give their teachers the blank, and when completed, it is returned by the probationer.

The school is often in a strategic position to influence the probationer's development and adjustment. The school should be regarded as an agency of extreme importance, second to the home. The teachers are equipped to supply the court with valuable information in regard to scholastic record, extra curricular activities and social progress, and behavior and personality development. This assembled information, if used wisely, should assist the probation officer in helping make academic and vocational plans with the child in order to utilize his strengths and weaknesses in a constructive and worthwhile manner.

Agency visits.— The agencies to be visited should be determined by their importance in relation to the problem. A list of the agencies with which the family has had contact is usually supplied by the Social Service Index as described in Chapter II. When an agency is contacted for assistance or information, one
should be aware of and respect the agency's limitations and regulations. The probation officer should not consider himself a soloist in the field because invaluable help is often supplied by agencies solely organized for a specific purpose. Their help should not be minimized since their contact with a family may have been an important one. Data obtained often prevents duplication which is time consuming and wasteful. Such information as verification of births, deaths, and marriages is often recorded and is particularly important. A visit to an agency should include the client's date of first contact, by whom referred, reason for referral, work done and recommendations, evaluation and opinion of family and present status of case. The reliability and validity of an agency's record is usually commensurate with its community acceptance; and, therefore, the information secured should be carefully evaluated.

Reporting

In addition to the officer's regular home visits, the probationer should be required to report once a week. This is absolutely necessary because it permits the probation officer to become fully aware of his probationer's problems, and it gives first hand observation of such factors as hygiene, reaction to
probation supervision, attitudes, etc. The face-to-face contact also provides an excellent opportunity to discuss personal problems and to forge a friendly relationship. Confidence and respect must be an integral part of this association if the period of probation is to be a successful one. The child should be treated with respect and dignity despite his violation of the law. On the other hand, the offender must indicate his willingness to carry out the reasonable directions of the court, assuming that they have been clearly presented and thoroughly understood. This prevents a child's misunderstanding his obligations.

Some courts have made arrangements with local social agencies to permit courts the use of a room one day a week for the reporting of probationers. This is especially satisfactory in the larger courts where the geographical jurisdiction covers an extended area.

Whatever arrangements are made, the probation officer directs the offender to report as often as is necessary. These visits should be used to furnish opportunity to study the delinquent and his problem and to carry out the objective of probation work - the rehabiliting the offender. A genuine interest in the probationer is essential, for much is lost through
impatience, loss of temper, personality conflicts, and lack of understanding.

Reporting is valuable because it enables the child to testify to his own behavior and progress and gives him a feeling that he has a personal responsibility in the matter.

Recording Data

One of the weaknesses in the probation service today is the failure to record data adequately and accurately, and the lack of systematic recording of social case histories. The social case history of the probationer should be a well-written, simple, and clearly stated account of all information relating to the offender's period of probation from the time the complaint was accepted by the court to the day the case is placed on file. It should contain in chronological order and in narrative style an objective account of the probation officer's investigation, supervision, and treatment of the offender. This should include, in addition to the face sheet, court story, home, school, church and agency visits, also the results of medical, psychological, and psychiatric findings. Also, it should describe weekly or monthly progress reports and all correspondence related to the probationer.
While this may appear to be chiefly an assembly of facts, the probation officer should be experienced in the analysis and the interpretation of this data, thereby crystallizing his thinking and his evaluation of the progress noted.

Since the case history is often referred to as a permanent legal document, great care must be exercised in reporting data precisely. Its content, by reason of its nature, should be strictly confidential and should be kept under lock and key when not in use. When an agency requests information for the purpose of assisting a court family, only such information as is necessary should be revealed to that agency. The case history should not be a public document because the welfare of the probationer must be protected at all times.

By reason of its importance, a case record must always be kept up-to-date. In recording incidents and observations the third person should be used with the past tense to indicate continuity of action.

Most courts require their probation officers to include in their case records a summary of the case when arrangements have been made to place a case on file. This is an important procedure in every
case record and it must include in digest form all cumulative information that is necessary to present a concise summation of the probationer's history.
### BOSTON JUVENILE COURT

<table>
<thead>
<tr>
<th>Name</th>
<th>Birthplace</th>
<th>Date</th>
<th>P. O.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Address</td>
<td>Floo</td>
<td>Rooms</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Court Record</th>
<th>Date</th>
<th>Complaint</th>
<th>Date Disposition</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Father Name</th>
<th>Stepfather Name</th>
<th>Mother Name</th>
<th>Stepmother Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birthplace, Date</td>
<td>Came U. S.</td>
<td>Education</td>
<td>Religion</td>
</tr>
<tr>
<td>Marriage</td>
<td>Work, Dates</td>
<td>Wages, Hours</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Children Birthplace, Date</th>
<th>School, Grade</th>
<th>Work, Pay</th>
<th>Married</th>
<th>Address</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Church</th>
<th>Pastor</th>
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<table>
<thead>
<tr>
<th>School Grade</th>
<th>Dates</th>
<th>Teacher</th>
<th>Comments</th>
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</table>

<table>
<thead>
<tr>
<th>Work Dates</th>
<th>Hours</th>
<th>Pay</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Relatives</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Companions</th>
<th>SS Index Date checked</th>
<th>Comments</th>
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</thead>
</table>


Appendix A
**FACE SHEET (JUVENILE)**

Docket No. 
Office File 

<table>
<thead>
<tr>
<th>Name</th>
<th>Nickname</th>
<th>Aliases</th>
<th>Birth Date</th>
<th>Birthplace</th>
<th>Relig. Denom.</th>
<th>Church Attend.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>School</th>
<th>Grade</th>
<th>Employment</th>
<th>Clubs</th>
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<tbody>
<tr>
<td></td>
<td></td>
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**PARENTS**

<table>
<thead>
<tr>
<th>Date —</th>
<th>Place of Marriage</th>
<th>Married By</th>
<th>Relig. Denom.</th>
<th>Church Attend.</th>
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<table>
<thead>
<tr>
<th>Div. — Sep.</th>
<th>Date — Court</th>
<th>Whose Petition</th>
<th>Grounds</th>
<th>Custody of Children</th>
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<tr>
<td></td>
<td></td>
<td></td>
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Marital Condition: good — fair — poor If Broken Home — Reason

**FAMILY AND RELATIVES**

<table>
<thead>
<tr>
<th>Name</th>
<th>Kinship</th>
<th>Date Birth</th>
<th>Birthplace</th>
<th>Date Death</th>
<th>Address</th>
<th>Occupation or School</th>
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<tr>
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</table>

**ADDRESSES OF SUBJECT**

<table>
<thead>
<tr>
<th>Date</th>
<th>Addresses</th>
<th>SOURCES OF INFORMATION</th>
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<tr>
<td></td>
<td></td>
<td>Name</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Verified By: Signature of Subject ____________________________

(Optional)

Appendix B
INVESTIGATION SHEET

Name

Address

Date

Docket No. 
Office File 

SUGGESTIONS

1. COMPLAINT. State offence, circumstances and source of complaint, together with complainant's attitude toward offence.

2. PERSONAL HISTORY. Use narrative form. Secure information as to educational, religious and work experiences, physical development, attitude toward family, character of neighborhood, recreational interests, etc. Describe present living conditions, marital and family relations, companions and associates, etc.

3. INFORMATION FROM PUBLIC AND PRIVATE AGENCIES. State experiences of agencies with family.

4. COURT AND INSTITUTIONAL RECORD. Summarize previous court and institutional experience.

5. ADDITIONAL FACTS.
## SUPERVISION SHEET

**Name** 

**Offence** 

**Disposition** 

**Date** | **Type of Contact** | **Summary of Results of Contact**
--- | --- | ---

**INSTRUCTIONS** — Use following code for type of contact: R M report by mail; O V office visit; H V home visit; N no one at home; T telephone; Let letter.

Form 6C-SM-11-49

Appendix C

(OVER)
REQUEST FOR SCHOOL REPORT

____________________ 19

Dear Sir:

This will inform you that__________________________________________________________________________,
a pupil in your school, born________________ of_________________________, Date Address
will appear at our Juvenile Session on________________ charged with being a delinquent child.

We have been instructed by the Justice of the Court to request a report from your office, as required by the provisions of Chapter 119, Section 69, of the General Laws, as amended by Chapter 244, Section 2, of the Acts of 1943.

We should particularly like to have a brief report covering the conduct, effort and scholarship record of this child, your estimate of the child's natural intelligence and such personal characterization and history as you may consider necessary to a proper understanding of the child.

Enclosed is a stamped addressed envelope for your convenience in replying.

Respectfully yours,

Probation Officer

Court

Form 8-6M-11-49
Appendix D
### JUVENILE (Male)

<table>
<thead>
<tr>
<th>Number</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mo. Day Year</td>
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</tbody>
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#### ALIAS

<table>
<thead>
<tr>
<th>Birth Place</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>HT.</th>
<th>Wt.</th>
<th>Comp.</th>
</tr>
</thead>
</table>

#### EMPLOYER

<table>
<thead>
<tr>
<th>Home Add.</th>
<th>Marital Status</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Fa.</th>
<th>Mo.</th>
<th>Wife</th>
</tr>
</thead>
</table>

#### DATE

<table>
<thead>
<tr>
<th>OFFENCE</th>
<th>Ct.</th>
<th>Disposition</th>
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</thead>
</table>

Sept. Ct. Form 1

### JUVENILE (Female)

<table>
<thead>
<tr>
<th>Number</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mo. Day Year</td>
</tr>
</tbody>
</table>

#### ALIAS

<table>
<thead>
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</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>HT.</th>
<th>Wt.</th>
<th>Comp.</th>
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#### EMPLOYER

<table>
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<th>Home Add.</th>
<th>Marital Status</th>
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</table>

<table>
<thead>
<tr>
<th>Fa.</th>
<th>Mo.</th>
<th>Wife</th>
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</thead>
</table>

#### DATE

<table>
<thead>
<tr>
<th>OFFENCE</th>
<th>Ct.</th>
<th>Disposition</th>
</tr>
</thead>
</table>

Sept. Ct. Form 1A

Appendix E
BOSTON JUVENILE COURT
SCHOOL REPORT

Name of School..........................................................................................................................................
Name of Pupil............................................................................................................................................
For week ending........................................................................................................................................
Attendance ..............................................................................................................................................
Conduct ....................................................................................................................................................
Scholarship ..............................................................................................................................................
Effort ........................................................................................................................................................
Signature of Teacher................................................................................................................................
Any Additional Information Will Be Welcome and May Be Written on the Back of This Card

BOSTON JUVENILE COURT

Date..........................................................................................................................................................

You are hereby notified to report at o'clock

at .........................................................................................................................................................

.........................................................................................................................................................

Probation Officer.

1M.-12-'49.

Appendix F
BOSTON JUVENILE COURT

Room 165, Court House.

Report at

Day and Hour

PROBATIONER'S RECORD

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td></td>
</tr>
<tr>
<td>April</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td></td>
</tr>
</tbody>
</table>

BRING THIS CARD WITH YOU WHEN YOU REPORT.

BOSTON JUVENILE COURT

You are now on Probation; this means that the Court expects you to show improvement. If you do not make the needed improvement, the Court may lengthen your Probation or decide to send you away to be trained.

To succeed on Probation, you must do your BEST

at Home — School — Work
in Church or Temple
among your Friends
and as a young Citizen.

Your Probation Officer's name is

He represents the Court and will explain how to make good on Probation. Report to him regularly. Be frank and honest with him. Always tell him immediately of any changes in your Work, School or Home Address.

If unable to carry out any instructions given you by Probation Officer it is your duty to notify him at once.

The length of your Probation depends on how well you act and on what the Court thinks you need.

Dates and places for reporting to your Probation Officer are given on the other side of this card.
REQUEST FOR INFORMATION

The Court requests such information as you have concerning the following:

Name ................................................................. Born Mo. Day Year
Alias, if any ...........................................................
Address ........................................................................
Occupation ..............................................................
Birthplace ............................................................... Parents
Husband or Wife ........................................................

(over)

Probation Officer.

The following information from the files of this office is based upon reports from the courts mentioned. It has not been otherwise verified, and is furnished for the use of the judge and probation officer only in accordance with the provisions of Gen. Laws, of chapter 276, sections 99 and 100.

Date Offense Court Disposition

Board of Probation by

Appendix H
BIBLIOGRAPHY

and

SUGGESTED READINGS
BIBLIOGRAPHY


17. Russell, Robert L., "What the Court Expects of the Probation Officer," *Federal Probation*, (July-September, 1946.)


SUGGESTED READING

This bibliography is by no means complete. They are listed as suggested references to be used in furthering one's knowledge in the field of probation.

I. ADOLESCENCE


II. CHILD WELFARE


### III. COMMUNITY RESOURCES


### IV. CRIMINOLOGY AND CRIME CONTROL


V. JUVENILE DELINQUENCY


VI. PROBATION AND PAROLE


VII. PSYCHIATRY, PSYCHOLOGY, MENTAL HYGIENE


VIII. RESEARCH


IX. SOCIAL WORK


X. TREATMENT


