

The Commonwealth of Massachusetts.

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EXTRACT FROM THE REPORT OF THE COMMISSION ON PROBATION.

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SUMMARY OF LEGISLATIVE RECOMMENDATIONS.

The reasons which prompted the Legislature to prohibit the appointment of active members of the police force as probation officers are obvious, and will be approved by those acquainted with the nature of real probation work.

*Deputy Sheriffs.*—Deputy sheriffs are in many places considered an important part of the police department, and there is no consistency in the law prohibiting the appointment of police officers and permitting the selection of deputy sheriffs.

*Clerks of Courts.*—In the first report of the commission it was stated: "Clerks of courts are usually busy with their duties as such at the very time, before the opening of court, at which the preliminary investigation of cases by the probation officer has in most cases to be made." In many cases clerks of courts are practicing attorneys, and, therefore, have not the time and very seldom the disposition to perform effective probation work. Clerks of courts hear complaints and in some cases perform duties similar to those of prosecuting attorneys, hence the position is inconsistent with the duties of a probation officer.

*Bail Commissioner.*—By chapter 384 of the Acts of 1905 probation officers have the responsibility of releasing

certain persons from imprisonment without arraignment in court. Thousands of such persons are released annually, thus depriving the bail commissioner of the fee to which he might otherwise be entitled. It needs no argument to prove that the same person should not be employed in these two distinctly different occupations, namely, the probation officer with the duty of releasing without arraignment and the bail commissioner whose financial interest might be opposed to such release.

For these reasons we respectfully recommend the amendment of section 83, chapter 217 of the Revised Laws, by adding after the word "force," in the second line, "deputy sheriffs, clerks of courts and bail commissioners."

We also recommend the repeal of section 120, chapter 225 of the Revised Laws, providing for the release of certain persons imprisoned for drunkenness.

The portion of this section referring to the duties of the State Board of Charity is practically a repetition of the language used in section 38, chapter 85 of the Revised Laws, and is therefore superfluous and unnecessary for the treatment of those persons imprisoned at the State Farm.

Section 121, chapter 225 of the Revised Laws, provides a safe and reasonable method for the release of persons imprisoned in the county institutions.

Preceding action by the releasing authority, and with the consent of the county officials, an investigation is made, the proper judicial authority is consulted, followed by a recommendation by the probation officer. These provisions are absent in section 120, and we believe that nothing can be more detrimental to any judicial system than the indiscriminate release of those sentenced to imprisonment by duly constituted authority. The probation system is weakened by the unwarranted release of those committed after ineffectual attempts to reform them without punishment, hence this recommendation.

We respectfully recommend the amendment of section 84, chapter 217 of the Revised Laws, by striking out the words "the municipal court of the city of Boston," and inserting therein "the court under the appointment of which they act."

The present statute was enacted when the only persons acting as female assistant probation officers were those in the municipal court of the city of Boston. Since that time provision has been made for the appointment of female assistant probation officers in South Boston, Roxbury and Cambridge, and this amendment is suggested to make the law consistent with existing conditions.

