

PROBATION IN THE PERSPECTIVE OF SIR JOHN AUGUSTUS

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ABSTRACT

“No man is a born criminal”. The society respects a man only with high profile while those offenders are always in the hurt of their past which keeps on wounding them through the means of social behaviour. It is this society which impedes a man from renaissance. Even lord says “Sinner are wash with the blood of the Christ”. There is this life giving elixir which provides for an opportunity to offenders to life their social life. This paper specifically deals about the well-known “father of probation” Sir John Augustus and his contribution towards reformation of offenders. Augustus is considered by many to be the “father of probation, “because many of the practices he created, often with slight changes, continue to survive and are at the heart of today’s probation. Illustrative is today’s pre-sentence investigation, which is a report to the court, designed to assist in determining an appropriate sentence. Although current reports may be more inclusive, better structured, and written rather than delivered verbally, the inherent underlying purpose remains the same. Then as now, an interview of the defendant and the collection of relevant materials serve to help the court determine sentence. Required today prior to the passing of sentence in many courts, it remains one of the major components of probation practice.

INTRODUCTION

John Augustus, the "Father of Probation," is recognized as the first true probation officer. The law does not only punish the offender indiscriminately for his/her crime, but throughout his life, even after he has atoned for his wrongdoing. He becomes subject to "scorn and finger-pointing suspicion which most of our people arrogate to them as a special duty." As a result he suffers a loss of self-esteem whereas one kind word may have prevented this. Augustus is unwilling to shun the wrong-doer, but instead opens the door of his own home to help the "wanderer from virtue". This paper would bring about the life and contribution of Sir John Augustus in the renaissance of offenders through probation.

His Early Life:

John Augustus was born in Woburn, Massachusetts, in 1785. Voluntarily and unofficially, he assisted minor offenders, including men, women, and children, for 18 years, until his death in Boston in 1859 at the age of 75¹. He lived in Lexington, Massachusetts from 1811 to 1828 where he started with this great idea of reformation.

By 1829, he was a permanent resident of Boston and the owner of a successful boot-making business. It was undoubtedly his membership in the Washington Total Abstinence Society that led him to the Boston courts. Washingtonians abstained from alcohol themselves and were convinced that abusers of alcohol could be rehabilitated through understanding, kindness, and sustained moral suasion, rather than through conviction and jail sentences.

Augustus thus began an 18-year career as a volunteer probation officer. Not all of the offenders helped by Augustus were alcohol abusers, nor were all prospective probationers taken under his wing. Close attention was paid to evaluating whether or not a candidate would likely prove to be a successful subject for probation. The offender's character, age, and the people, places and things apt to influence him or her were all considered.

¹ "A Report Of the Labors of John Augustus"

Augustus- The Father of Probation

Augustus first commenced his unpaid labours in 1841, attended police court to bail out a "common drunkard," the first probationer. The offender was ordered to appear in court three weeks later for sentencing. He returned to court a sober man, accompanied by Augustus. To the astonishment of all in attendance, his appearance and demeanour had dramatically changed. Another major contribution of Augustus was in providing the name "probation." His use of the term in his book is frequent.

Augustus was subsequently credited with founding the investigations process, one of three main concepts of modern probation, the other two being intake and supervision. Augustus, who kept detailed notes on his activities, was also the first to apply the term "probation" to his method of treating offenders.

By 1858, John Augustus had provided bail for 1,946 men and women. Reportedly, only 10 of this number forfeited their bond, a remarkable accomplishment when measured against any standard. His reformer's zeal and dogged persistence won him the opposition of certain segments of Boston society as well as the devotion and aid of many Boston philanthropists and organizations. The first probation statute, enacted in Massachusetts shortly after this death in 1859, was widely attributed to his efforts.

Following the passage of that first statute, probation spread gradually throughout the United States. The juvenile court movement contributed greatly to the development of probation as a legally-recognized method of dealing with offenders. The first juvenile court was established in Chicago in 1899. Formalization of the intake process is credited to the founders of the Illinois juvenile court. Soon after, 30 states introduced probation as a part of the juvenile court procedure. Today, all states offer both juvenile and adult probation.

Appreciation to His Contributions:

Abadinsky (2006:96) describes Augustus as the "nation's first probation officer." Champion (2002:2) notes that "Probation in the United States was conceived in 1841 by a successful

cobbler and philanthropist, John Augustus” It is stated that the work of Augustus “led to the statutory creation of probation services in Massachusetts”²

Walker (1998:94) agrees that while Augustus contributed greatly to the birth of probation, his role was somewhat exaggerated. Accordingly, he writes that: “*The colorful story of John Augustus as the inventor of probation has been told too many times. He did not invent probation any more than the police or the prison appeared out of thin air. Long before his time, criminal court judges found ways to mitigate punishment and allow convicted offenders to remain in the community under some restrictions*”

The Anonymous Letter:

An important remaining historical item is an anonymous letter, “in reply to certain inquiries, made by a benevolent gentleman...relative to the past philanthropic labors of Augustus. The letter is entitled “*The Labors of Mr. John Augustus, the Well-Known Philanthropist, From One Who Knows Him*”. Both the letter and Augustus’ book further recount that he originally “operated principally in the Police Court; but...later extended his efforts to the Municipal Court, where their results were more important, and his labors and responsibilities were more onerous”.

Augustus also worked with children, some as young as six and seven years old. He also wished assistance by pecuniary aid or otherwise and welcomed the volunteers to visit him at his residence. In the end of his book he gratified that, “*the funds will, I trust, afford peculiar satisfaction to those who have aided me to know, that the funds which they have contributed have not been misapplied*”

He however did not recommend everyone for probation. He carefully screened prospective candidates through interviews, checks of their background, and social histories. For the most part, the offenders he sponsored were low-risk, nonviolent criminals. One of the most important components of his work was supervision of the offender. Not content to merely bail out the offender, Augustus sought to improve his behavior and keep him crime free. To this end, he continued his contacts with the probationer, not only to monitor his conduct, but to bring about change by meeting his social needs. Accordingly, Augustus assisted probationers in securing

² (Silverman and Vega, 1996:495).

employment, housing, and schooling, and helped resolve personal problems. In many cases he employed the defendant in his shop for several weeks, to enable the offender the opportunity to learn an employment skill.

Female Offender:

Augustus confined his Philanthropy to the male sex..." but after a year his "attention was called to the claims of women who were common inebriates, some of them mothers of families, some of them young girls fresh from the toils of heartless seducers, who had abandoned them. Others, not inebriates, who, charged with petty crimes, or having crimes imputed to them, had no power of defense but what their simple denials included.

Augustus in his letter notes consequences for the female offender, stating that "it is enough for the world to know that she has done wrong, and at once the door of mercy and kindness is closed against her, and she is shut out, to associate only with those who would plunge her soul deeper in the pit of error.

CONCLUSION

"The unceasing calls made upon his time destroyed his business...; but, absorbed in the good he was daily doing, he nevertheless continued it steadily and undeviating, undeterred by any discouragement of a pecuniary nature". As is true of many volunteers and charitable workers, Augustus sacrificed himself for the good of others. Unquestionably, he appropriately deserves the title of "the Father of Probation." It is no doubt that the reformation in an offending person is not a false belief. The renaissance through one of the theory of punishment is in hand through probation. Sir John Augustus though was not the originator of probation still holds the title of "the father of probation" for his marvellous contribution in US.

REFERENCES

1. Article on John Augustus, Father of Probation, and the Anonymous Letter in www.uscourts.gov

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3. www.courtinnovation.org

