

Assessment of the Role of Probation Officers in Social Rehabilitation of Low Risk Offenders in Lahore-Pakistan

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Abstract: The Probation of Offenders Ordinance, Pakistan 1960 provides the first time offenders (probationers) with an opportunity to be placed on probation, rather than imprisonment, for social rehabilitation/reformation under the friendly guidance and supervision of probation officers under certain conditions. The present research was conducted in Lahore district (15 cases) by using the case study method to assess the role of probation officers, enshrined in probation law 1960, towards rehabilitation of adult probationers. Structured interviews of probationers and probation officers were conducted in friendly environment. The study demonstrated that 13 probationers were adjusted with their family, friends and with employment, however, 2 probationers shown psychological problems and economic impoverishment. Although none of the probationers reoffended during probation period, indicating the success of probation system in Pakistan, but the reasons behind their rehabilitation were not probation officers' efforts, rather were social pressure, joint family system and self-consciousness among the probationers as well as fear of legal repercussions of probation failure.

Key words: Probation • Pakistani offenders • Rehabilitation

INTRODUCTION

The Probation system in Pakistan achieved tremendous significance in criminal justice of Pakistan in the wake of National Judicial Policy 2009 wherein Chief Justice (supreme court) of Pakistan emphasized upon the enforcement of probation/parole laws more effectively and efficiently to release eligible (first time) offenders on probation. Resultantly, probation was granted leniently and promptly by the authorized courts to eligible offenders in Punjab province and consequently, the number of probationers increased 170% in one year from 2008 (n=6254) to 2009 (n=16887) and overall increase in five years from 2008 to 2013 (n=21478) was 243% (R&P Department, 31 March, 2013). The reclamation and probation (R&P) department as per probation law 1960 is the only criminal justice organ in Punjab, entrusted with the responsibility of probationers' case conceptualization (in terms of Social Investigation Report, SIR), case management and correctional treatment for probationers' rehabilitation or resettlement and reintegration in the community and society.

The whole working machinery of probation system in Pakistan rests upon one-man (the probation officer) who is pivot of the probation/corrections program regarding the rehabilitation of probationers e.g., community offenders. It is the probation officer who is ordered by the court to prepare the pre-investigation report. According to Fox [1], pre-sentence (social) investigation is prepared by the probation officer (before the release of offender on probation) to know about the criminal, economic, social/cultural background of the offender and to assess his strength and weakness for working out a treatment program.

Hitherto, little scientific research has been initiated in Pakistan to study the role of probation officer as enshrined in section 10 (probation law 1960, Rules/1961 regarding probationers' resettlement or reintegration in community). In the present research, legal duties/ responsibilities of probation officers in Lahore (Pakistan) were assessed as the variables to examine the chances of probationers' rehabilitation by noting the viewpoints of probationers as well as probation officers.

Relevant Literature: Probation and Offender Rehabilitation or Reintegration:

The word “probation” is derived from the Latin word “Probatas” meaning “tested” or “proved”. Conceptually, probation system was introduced in criminal justice across the world with the intent of reforming and reintegrating offenders involved in minor offences through effective correctional treatment in the community away from prisons [2]. The philosophy of probation rests on the impression that punishment certainly does not correct criminals or protect the community as Bokil [3] argued that “If the aim of criminal justice was to protect the community, it is best achieved by a constructive community correctional programme”.

The concept of offender treatment maintains that if the offender is to change, a comprehensive effort must be employed that addresses the individual and his or her family and the influences directed toward that family. The probationer must be linked to a range of services involved in the community and tied to the family. The goal is to strengthen the individual, the family and the community. Communities must be stable and offer a decent and dignified existence as the fruits of respectable and cooperative behavior.

Probation is a method of correctional treatment of the offender and his/her family, the discovery and correction of the offender’s personality and character and criminogenic environment, with the help of the resources of the community [4].

Maguire and Pastore [5] acknowledged that probation sustains the offenders’ ability to continue working and to protect his family’s ability to continue working and to protect his family’s welfare while avoiding the stigma and possible damaging effects of imprisonment. Similarly, United Nation Institute for Crime Prevention delineated the goal of probation system as to enhance rehabilitation and reintegration of offenders into the community in order to strengthen their ability to live peacefully with others in the community setting [6].

Rehabilitation or Reintegration: The term rehabilitation is widely used in the literature of social sciences. In the discipline of sociology, criminology and criminal justice studies, it refers to the process, which read just an individual and takes him up to the level of normalcy. For example, suppose a person commits crime, subsequently, he is detected, apprehended, convicted and imprisoned. He can no more function in the society during the course of his imprisonment and temporarily

cuts off from the society; he is bound to live in a peculiar environment (in the prison), which is quite different from the society. At this juncture, he needs some person/agency (may be probation/correction department) that could help him to readjust in the society. In this way, he can function normally in the society. This process may be called rehabilitation.

Rehabilitation is supported in order to cut criminal justice system cost, to promote the concept of human dignity, to maintain the integrity of the profession and to support reform in the criminal justice system. Rehabilitation is cheaper than imprisonment. Aulakh [7] says that Probation is fifty times less expensive than prison but is 100 times effectively rehabilitative medium to re socialize offenders to community. According to Cullen and Gilbert [8], on moral grounds, rehabilitation is the only justification of punishment that obligates the state to care for an offender’s needs.

Whatever the specific technique used, the most important factor is that it is implemented intensively, seriously and for a reasonable length of time. The program need not be punitive but it must be linked with other community resources including schools, employers, social service agencies and networks with relatives and neighborhood organizations.

Applegate, Cullen and Fisher [9] report that although the public wants to see the offender punished, the public is not interested in punishment alone; most of the public support the rehabilitation of offenders. In reviewing 27 studies that asked respondents to rate, rank and choose rehabilitation in comparison to other options, Applegate, Cullen and Fisher found rehabilitation was considered important in 20 of the studies.

Ellsworth [10] provides further support for the rehabilitation principle. His findings indicated that even when given a choice to re configure the probation system, to meet the needs of the public for community protection, probation professionals rise to the historical challenge of providing rehabilitation services to the offender. Particularly the work of correctional psychologists [11, 12] in terms of offender risk/need assessment and classification, case management has further increased the importance of rehabilitation/resettlement planning and programming. Statistically speaking, the introduction of Meta analytical technique to evaluate the effectiveness of offender treatment programs has empirically supported the utility of “rehabilitation” for offenders particularly medium/high risks cases [13].

Probation System in Pakistan

The Purpose of Probation: Similarly, the Probation of Offenders Ordinance, 1960 enforced in Pakistan which provides a legal status or judicial disposition to the probationers with the intention of their rehabilitation/readjustment in the community, under the supervision and guidance of probation officers in accordance with the conditions of probation order (Form D; the Ordinance, 1960/ Rule 10, 1961).

The primary aim of probation in Pakistan, in accordance with international corrections standards, is “to advise, assist and befriend” offenders whom the court decides to release/place on probation (Rules 10/1961). As stipulated in the Offenders Ordinance, 1960, probation stands for the protection of society by reducing the likelihood of criminal acts to make probationers “honest, industrious and law-abiding” citizens through rehabilitation process in the community with the assistance of probation officers without curbing their freedom and not subjecting them to rigorous prison life and depriving them of their social and economic obligations (Section 5; 1960). In a broad context, it has contributing effect on economic, human and social development. Probation system in Pakistan is premised on the principle that the petty offenders be supported with the resources of the local community and society for overall social and human development.

The Reclamation and Probation (R&p) Department, the Punjab Province: The Punjab Reclamation and Probation (R&P) Department administratively attached with the Home Ministry, Government of the Punjab is mandated for the overall control, supervision and correctional treatment work in the Punjab province (Rules 3-6, 1961). Probation officers are working in all districts of the Punjab (36 districts) under the administrative control of the R&P department to supervise, manage and guide the probationers in regard to their rehabilitation under Section 13 of the Probation of Offenders Ordinance, 1960. Concerning the offenders release on probation, the role of probation officers during their trials in the courts also stands significant in preparing Pre Sentence Report (PSR) for judicial decision making. Moreover, they are mandated to develop correctional strategy for probationers’ rehabilitation after their release/placement on probation.

Legal Frame Work of Probation System in Pakistan: The probation and parole system in Pakistan, at present, can be traced back to the British rule in India (1858-1947);

the then Government of the Punjab passed the Good Conduct Prisoners Probationer Released Act, 1926/Rules 1927 to release prisoners on parole for their readjustment in the community. It provided protection and guidance to the prisoners for their reformation or rehabilitation in the community. Further, The British rulers modified the Code of Criminal Procedure (Cr.P.C. 1898) in 1923 by the insertion of Section 380 and Section 562 to 564 that incorporated the concept of probation in criminal justice in the British India. After partition in 1947, this system was adopted in 1957 by the Governments of East Pakistan (now Bangladesh) and West Pakistan (present Pakistan). It is also a matter of fact that there was only R&P department in the Punjab province in both wings of Pakistan to deal with parole cases. In other words, before enactment of the Probation of Offenders Ordinance, 1960, there was no legal framework (mechanism) in Pakistan to release offenders particularly on probation [14].

The Probation of Offenders Ordinance, 1960: The Probation of Offenders Ordinance 1960, was promulgated by the President of Pakistan and consequently, Rules 1961 were made in accordance with the provisions of the Ordinance in all provinces of Pakistan including the Punjab province that provide legal procedure to release/or place first time offenders on probation including male, female and juvenile (Appendix C; Offenders Ordinance, 1960). However, in recent time, Pakistan has also enforced Juvenile Justice System Ordinance, 2000, to further safeguarding juvenile basic rights including their right to release on probation.

Section 5; Release of Offenders on Probation: Section 5, of the Probation of Offenders Ordinance, 1960 empowers Judiciary/Courts to place or release eligible offenders on probation not more than 3 years, however, some offenders with certain offences described in the Ordinance are not eligible to be release on probation (the Ordinance, 1960/Rules 1961). The courts are empowered to release offenders on probation by considering the circumstances of the case for granting the probation order in Form D (Appendix C).

The following Courts are empowered in the Punjab province to release/or place offenders on probation;

- High Court;
- Sessions Court; Judicial Magistrate 1st class;
- Any other Magistrate specially empowered in this regard.

Section 7; Failure to Observe Conditions of the Probation: The Probation of Offenders Ordinance, 1960, Section 7 empowers the Courts to revoke probation order by passing new order to re-arrest the probationer who has failed to observe any, of the probation conditions enlisted in Section 5. However, it is the duty of the probation officer to inform the court of probationers' failure to observe the conditions of the probation order (Section 10/Rules 1961).

Probation Officer and Pre Sentence Report (PSR): According to the probation law 1960, the courts ask probation officer to prepare and submit a social investigation report/pre sentence report (PSR) about the offender that in general, includes the nature of the offence; the antecedents; the character of the offender; home surroundings; and any other important matters related to the commission of the offence [15]. In principle, this report is expected to provide comprehensive evidence/picture to the court to pass probation order in favor of the offender as stipulated in Probation of Offenders Ordinance 1960. He analyses the situation, environments in which the probationer is living, he picks up the various factors which lead the probationer to commit the crime and finally, if the offender is a probation risk, he suggests the treatment to be given. After the diagnosis of personality and environments of the probationer, probation officer gives him treatment through suggestions, material help and supervision, the material help includes the finding out of vocation, if he is unemployed, trying to do away the conflicts of the probationer in the family or any other member of the community and raising his self-concept by making him to believe that he is not a criminal but his offence was mere lapse in his life for which he is there to help him. The probation officer behaves like a guardian, that is, always to help the probationer at the time of crisis.

MATERIALS AND METHODS

The universe of the present study was the adult probationers of Lahore district of Punjab province. Judicial magistrates (first class), session judges in Lahore district and judges of Lahore high court are all legally authorized to release first time offenders on probation (known as probationers) for less than 3 years (probation of offenders ordinance 1960/Rules, 1961). The probationers were (are) handed over to the department of reclamation and probation (R&PD), government of Punjab, Lahore for supervision and monitoring as well as rehabilitation.

According to R&PD, Lahore dated 27.06.2008., there were 125 adult probationers in Lahore district. Purposive sampling technique was used to select 15 adult probationers of Lahore district. The data for case studies was collected from the following sources: 1) pre-sentence reports (detail given below) and case files of probationers 2) structured interviews of the probationers 3) semi structured interviews of 3 probation officers. By using thematic approach, structured questions were formed derived from the duties or responsibilities of probation officers assigned to them (section 10, Rules 1961) for rehabilitation and reintegration of probationers. For knowing the viewpoints of probation officers towards the readjustment of adult probationers, the researchers conducted in-depth interviews of 3 probation officers who were involved in the process of probationers' reintegration. Data collection process took one month.

RESULTS

Only one probationer out of the total (N=15) was placed on two years' probation period while all others released for one year probation. With respect to age, as Table 1 shows that 87% (n=13) of the adult probationers fell between ages of 19 years to 38 years. Only 13% (n=2) of adult probationers were above the age of 38 years. The table also shows that 60% (n=9) of the adult probationers were married and 40% (n=6) unmarried. With regard to literacy, as table 2 shows, 53% (n=8) adult probationers were illiterate (zero formal education) and only one probationer was graduate. The results shown, that one third of them had their own business, meaning by that 77% (n=10) were doing jobs as private employees or workers including skilled and non-skilled labor (see table 2). However, the results of the study state clearly that 87% (n=13) of adult probationers were living in joint family system while only one out of total (N=15) offenders belonged to nuclear family system. Therefore, it can safely be said that joint family system holds intact in the society of Pakistan.

Table 1: Sample Characteristics

Age (years)	Marital Status		Total
	Married	Un Married	
19-28	3	6	9
29-38	4		4
49-58	1		1
59-above	1		1
Total	9	6	15

Table 2: Data showing qualifications

Occupation	Qualification						Total
	Graduation	Intermediate	Metric	Middle	Primary	Nil	
Butcher						1	1
Carpenter				1			1
Computer operator		1					1
Contractor						2	2
Driver					1	1	2
Embroidery						1	1
Hakeem			1				1
Laborer						3	3
Shopkeeper	1						1
Tailor					1		1
Waiter at canteen					1		1
Total	1	1	1	1	3	8	15

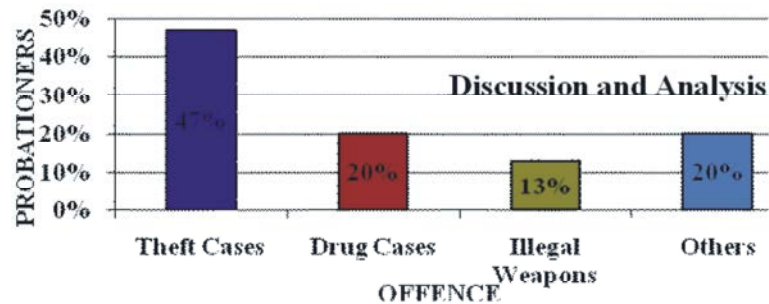


Fig 1: Offences of Probationers

Table 3: Monthly Family Income

(PKR)	Total
3000-3999	3
4000-4999	4
6000-6999	2
9000-9999	1
10000-10999	1
15000-15999	1
20000-20999	1
25000-25999	1
29000-30000	1
Total	15

It is worth mentioning to note (table 3) that 47% (n=7) of the adult probationers were of low income background family (under the poverty line earning less than two dollar a day) as their earning was between Rs. 3000 to Rs. 4500 per month, while 27% (n=2) of them were between above Rs. 4500 up to Rs. 10,000 per month. Only 26% (n=2) earning were above 10,000 Rs. per month.

Regarding nature of offense, as graph given below shows, 47% (n=7) of them were involved and convicted of theft offence, 20% (n=3) drug related offence and wine drinking, 13% (n=2) about illegal weapons carrying and the rest of the offenders (20%, n=5) convicted of different

categories like rash driving, UMC in Exams and providing unlawful protection to absconders/criminals. It is also interesting as the figures show that drug/ related crimes constitute 47% (n=7) of the total crimes and 40% (n=6) of them were illiterate and living below poverty line. It means that poverty and illiteracy were found as two main causes (risk factors) behind the commission of offences related to substance abuse.

DISCUSSION

The research was conducted to assess the role of probation officers in social readjustment/rehabilitation of adult probationers in their respective communities. To analyze the chances of rehabilitation or reintegration of adult probationers and the role of concerned probation officers, the following indicators were examined in the present research: adjustment of probationers with family, friends, community; commitment with occupation/employment and religion; mental/psychological satisfaction, disassociation from bad elements and freedom of stigmatization were along with the role of the Probation Officer towards the fulfillment of these above described.

Intimacy between adult probationers and probation officer is based upon visits of adult probationers to the office of probation officer, time period of meeting between them and nature of relationship as friendly. In the present study, it has been found that the relationship of two adult probationers (13%, n=2) was not friendly with POs while the remaining shown good relations with them. It was also noted that probation officers had not usually used to visit homes of adult probationers except one probationer. When inquired from the POs for not visiting the homes of the probationers, they replied: *we don't have transport facility and are not given any extra allowance/compensation for visiting adult probationers' homes to meet their family members and friends.*

The study demonstrated, the probationer's Adjustment with family were satisfactory mainly because a predominant majority of the adult probationers (80%) had been living in joint family system endowed with familial support of every kind they needed. Only 20% (n=3) of the adult probationers were not well adjusted in their families. The reasons behind their problematic family life were poverty and employment issues. Another reason of mal adjustment of drug offenders was the continuous use of drug/alcohol. In short, family system in Pakistan demonstrated great potential for providing friendly environment for social readjustment and reintegration of the first time offenders (adult probationers). Notwithstanding the fact that little leisure time was available to the community offenders to build friendship and social relationship, the research revealed that 80% of the adult probationers cultivated cordial relations with their friends; however, 20% of them lacked such relationship.

Religiosity also plays a significant role to keep an individual away from criminal activities [16]. The present study demonstrated that only one probationer was a regular Namazi (who offers prayer), indicating that majority of the offenders were not practicing believers. However, they were staunch believers of their respective religious fundamental beliefs and teachings (Islam and Christianity). Probation officers emphasized that *they used to deliver lectures on religion and its value in life at the time of release of probationer on probation.* However, they pointed out *the need for an official arrangement in reclamation and probation department for religious or spiritual gatherings or seminars for religious, spiritual uplift of these first time/chance offenders.*

Stigmatization is another factor relevant to the readjustment of adult probationers in a society. The research revealed that only 20% (n=3) of adult

probationers faced embarrassment or shame due to being involved in criminal justice and released on probation, which indicates that overwhelming majority of adult probationers shown well adjustment in society free from any social degradation or stigma. Here it is important to note that *probation officers' role was almost absent in this regard as there was no official mechanism to get community involved in offenders' rehabilitation and reintegration.* Probation officers unanimously confirmed this fact when they were inquired.

Prevalence of depression or anxiety is another hurdle in the way of offenders for becoming a normal and useful member of a society. The findings of the study evidenced that 47.3% (n=7) of adult probationers had mental stress or depression due to various reasons as follows; lack of satisfactory job availability, large numbers of family dependants, use of substance abuse and a mix of the above factors. However, only two of them (13.3%, n=2) were categorized as the patients of perpetual depression and they needed proper mental or psychological treatment. It was surprising to note, as probation officers told the researcher that *"There was no formal liaison between reclamation and probation department and health ministry in Punjab province for the mental or psychological treatment of such offenders"*.

Availability of employment plays important role in readjustment of community offenders in society. The results of the research revealed that only 2 cases had not got regular employment, indicating that 87% (n=13) adult probationers were adjusted in employment (including underemployment and their incomes were not sufficient to meet the needs of their families. Therefore, 47% (n=7) of the adult probationers requested the probation officers for better jobs. In this regard, probation officers stated that *there was no official co-ordination between reclamation and probation department and job providers or any government welfare departments to help the offenders placed on probation/parole.* So, they were unable to provide financial help for the community offenders.

Association of a person with bad elements of society makes him criminal. It was found in the research that only two adult probationers out of fifteen (13.3 %, n=2) have not left their company of bad elements. The findings of the study demonstrated that over whelming majority of the adult probationers had left connection with deviant elements. However, the *probation officers were least vigilant as per assigned duties of monitoring and supervision of the adult probationers.*

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