Civil Liabilities and Other Legal Issues for Probation/Parole Officers and Supervisors. 2001. U.S. Department of Justice, National Institute of Corrections, 2001

Probation and parole are privileges which allow criminals to avoid prison or to be released from prison after serving only a portion of their sentences. The goals of probation and parole are to rehabilitate offenders and guide them back into society while minimizing the likelihood that they will commit a new offense. Probation. A judge may grant probation as an alternative to imposing a jail sentence. If drugs, weapons or other paraphernalia is found that violates the conditions of probation or parole, those items may be seized and used in evidence against the offender. In addition to revocation of probation or parole, the offender may face additional criminal charges for possessing the drugs, weapons or other paraphernalia recovered during the search. The legal liabilities that probation and parole officers face as they perform their duties are explained. Chapters comprising this publication are: an overview of state and federal legal liabilities; civil liability under state law—state tort cases; civil liability under federal law—Section 1983 cases; legal representation, attorneys' fees, and indemnification; presentence and preparole investigations and reports; supervision; conditions, modifications, and changes in status; revocation; emerging trends concerning liability of probation and parole officers for supervisors; vicarious liability; The parole officers do not act on direct instruction from the court, and their actions thus pose no risk of tension within those bodies charged with the administration of justice. See id. at 1289. 24. “We believe that the function of an arresting parole officer is more akin to that of a police officer and sufficiently distinguishable from the quasi-judicial duties performed by a parole board member in deciding parole cases.” Id. at 8. 28.