

Criminal Justice: An Overview of the System

Module 6: Prisons, Jails, and Community Corrections

Section 6.5: Probation, Parole, and the Law

Conditions of Release: Rules that person released on bail must follow in order to stay out of jail, such as not leaving the jurisdiction of the court.

Fourth Waiver: A common condition of probation and parole whereby probationers and parolees waive their right to be free from unreasonable government searches and seizures.

Fundamental Rights: A category of rights that the SCOTUS has set aside as deserving special protection from infringement by the government.

Mempa v. Rhay (1967): A landmark SCOTUS decision in which the Court decided that a probationer has the right to counsel in a hearing where a suspended prison sentence may be imposed.

Morrissey v. Brewer (1972): A landmark SCOTUS decision in which the court determined that a revocation hearing must be held to determine the factual basis of a probation revocation.

Parole Revocation: The process of sending an offender back to prison for violating the conditions of parole.