



Year-In-Review Report

Fiscal Year 2004



United States Probation and Pretrial Services System
Proud to Serve the Court and Protect the Community



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Introduction

To assist the federal courts in the fair administration of justice, to protect the community, and to bring about long-term positive change in individuals under supervision.

Through prosperous years and lean years, in times of war and times of peace, during periods of great change and growing responsibility, the mission of the United States Probation and Pretrial Services System has remained constant. So has the dedication to duty of the men and women who carry out the mission in federal courts across the country. The strength of the mission and the depth of the commitment to it allow the system to perform to the benefit of the courts and the public, even when times are bad.

This past year, the system faced the worst budget crisis of its almost 80-year history. Nationwide, it felt the impact of workload mounting while resources dwindled. Nevertheless, chiefs, officers, and administrative staff persevered. The challenge before them was to continue to fulfill the mission without compromising quality of service. The approach was to face the budget problems head on, to halt programs and activities that didn't directly contribute to the mission, and to make the cutbacks necessary to survive, yet never lose sight of essential responsibilities. The result was that the system emerged a stronger and more efficient operation with a clear idea of its priorities and direction.

The beginning of a new year is generally a time to reflect on the events that have passed and to consider the possibilities of tomorrow. This *Year-in-Review Report*, the fourth annual overview we've published, provides the opportunity to recognize last year's achievements and to look to the future. The report describes progress in many areas, including technology, substance abuse testing and treatment, and officer safety. The fact that the system has been able to accomplish so much under such adverse conditions is a testament to the excellent work of its employees across the country. The role they play is key to an efficient and fair justice process, and their contributions truly make their communities better places.

John M. Hughes
Assistant Director
Office of Probation and Pretrial Services
Administrative Office of the United States Courts

Gary G. Howard
Chief Probation Officer
District of Kansas
Chair, Chiefs Advisory Group

About the Probation and Pretrial Services System

Mission and Mandate

To assist the federal courts in the fair administration of justice, to protect the community, and to bring about long-term positive change in individuals under supervision.

Who we are

We are the 7,751 employees of the United States Probation and Pretrial Services System, serving the 94 federal judicial districts in more than 500 locations across the country.

What we do

- Investigate the backgrounds of defendants and offenders.
- Provide to the courts information necessary to make informed release and sentencing decisions.
- Supervise defendants and offenders by monitoring their activities in the community and manage any risk these individuals may pose to the public.
- As part of supervision, direct defendants and offenders to court-ordered services, including substance abuse testing and treatment, mental health treatment, training, or employment assistance.

How we are administered

The Judicial Conference of the United States makes policy for the administration of the United States courts. The Criminal Law Committee of the Judicial Conference specifically oversees the federal probation and pretrial services system.

The Administrative Office of the United States Courts, under the leadership of the Judicial Conference, provides service to the courts in three essential areas: administrative support, program management, and policy development. In the Administrative Office, the Office of Probation and Pretrial Services in particular guides and supports federal probation and pretrial services system programs and operations.



The Chiefs Advisory Group, made up of eight probation and pretrial services chiefs elected to represent districts in various regions of the country, provides advice and assistance on matters—including policies, procedures, and programs—that affect the federal probation and pretrial services system as a whole.

Locally, chief probation and pretrial services officers are responsible for fulfilling the federal probation and pretrial services system's mission and mandate. They answer to the courts they serve.

About Probation and Pretrial Services Officers

United States probation and pretrial services officers are federal law enforcement officers. Law enforcement officers are defined at 5 U.S.C. § 8401(17) as employees whose duties are primarily “the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.” Considered federal law enforcement officers under both the Civil Service Retirement System and the Federal Employees’ Retirement System, probation and pretrial services officers are subject to hazardous duty retirement and must retire when they reach age 57.

The system has in place an officer integrity program to help ensure that persons who apply for officer positions—and officers already performing the job—are fit to serve as officers. The nature of the job makes such a program appropriate. Officers investigate and supervise persons who may present a threat to the officers themselves or to the public. Officers face potential danger daily because of direct contact with such persons, and their jobs entail unusual mental and physical stress. Officers have access to sensitive information and, in many districts, are allowed to carry firearms while on duty. Employees who work as officer assistants—though they do not carry firearms—also must adhere to the requirements of the integrity program.

Background Investigations

All officers and officer assistants must be determined suitable for employment. They undergo an initial background investigation when they apply for their positions and then undergo reinvestigation every five years. The investigations, conducted by the Office of Personnel Management, include personal interviews with the applicant, officer, or officer assistant; criminal record checks; credit checks; and verification of citizenship.

Workplace Drug Testing

All officers and officer assistants must remain free of illegal drugs. They undergo drug testing when they apply for their positions and then are subject to random tests. Chiefs also may request tests when they suspect an officer or officer assistant is using drugs or when an officer or officer assistant volunteers to take a test.

Medical Standards

All officers and officer assistants must be physically and mentally able to perform essential job functions. Chiefs may request examinations when they believe a medical or psychological condition is affecting an officer’s or officer assistant’s job performance or conduct.

Information for Job Applicants

Applicants for officer positions must satisfy the following requirements:

- Be a graduate of an accredited college or university with a baccalaureate degree
- Be in good physical health
- Be under the age of 37 at time of appointment
- Undergo pre-employment and intermittent background investigations
- Undergo pre-employment and random drug testing

Applicants must apply to each local U.S. probation or pretrial services office where they wish to be considered for employment.

PRETRIAL SERVICES

Pretrial Services Case Activations

Population Size and Composition

There were 90,725 pretrial cases activated during fiscal year 2004. This represents a nearly five percent decrease from the previous year.

Nature of the Charge

Drug offenses represent the largest single type of charge filed followed by immigration and fraud (see figure 1). With the exception of immigration cases (up 3%), the proportional representation of each charge type is within one percentage point of the charge profile for fiscal year 2003.

Demographics

The fiscal year 2004 defendant population is 85 percent male, which represents no change from the previous fiscal year. There is minor change in the population's race and ethnicity, with white Hispanics increasing three percent and white non-Hispanics decreasing two percent (see figure 2).

The largest percentage of defendants (23 percent) is in the 18-25-age range with lower percentages in older age groups (see figure 3).

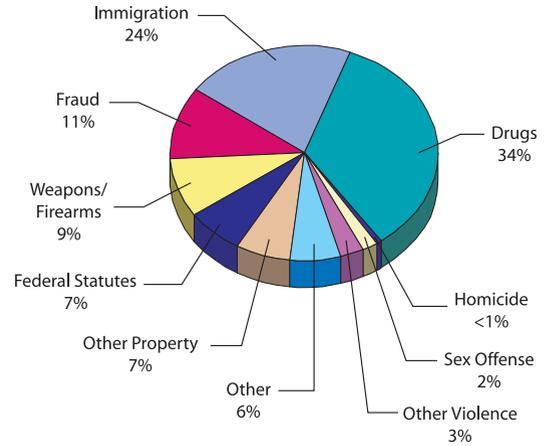


Figure 1. Nature of the Offense

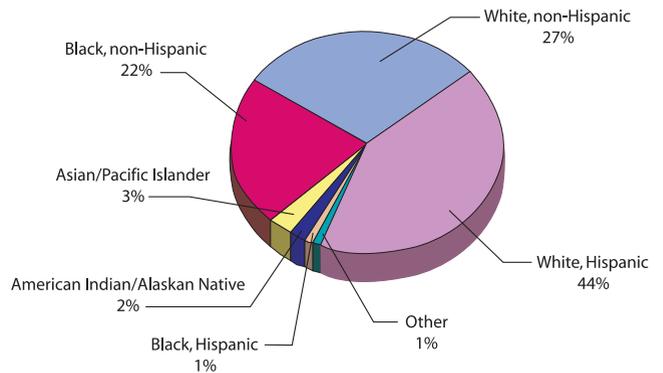


Figure 2. Race and Ethnicity

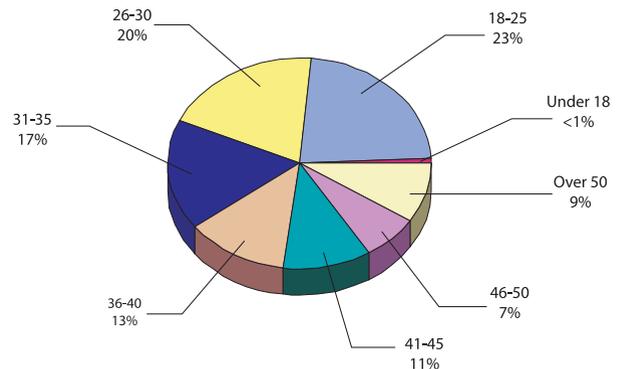


Figure 3. Age

Pretrial Services Supervision

Title 18 § 3142 requires judicial officers to order the release or detention of federal defendants pending trial. If a defendant is released, it is done under conditions determined to be the least restrictive necessary to reasonably assure that the defendant will appear in court for all further proceedings and not endanger the safety of any other person or the community. Among the release conditions that may be imposed is pretrial services supervision.

The Supervision Population

During fiscal year 2004, the number of defendants received for pretrial services supervision was 31,223. An additional 1,313 were placed on pretrial diversion¹ supervision, for a total population of 32,536. This represents an 8.4 percent decrease over the number received for pretrial supervision in fiscal year 2003.

The number of defendants under pretrial services supervision is considerably lower than the number of pretrial case activations because approximately 20 percent of the defendants are released on their own recognizance (without a condition of pretrial services supervision) and the others are detained in custody.

Of the 89,362 cases closed during the year, 68 percent were never released at any time between arrest and the conclusion of their cases. The detention rate was the highest in 13 years, as there has been a small but steady increase since fiscal year 1992 when the rate was 38 percent (see figure 4).

Other Alternatives to Detention

In addition to pretrial services supervision, the court may order other release conditions. By far the most common of these is testing for the use of drugs or alcohol, a condition imposed on 18,959 defendants. Further, this year 5,587 defendants received substance abuse treatment from local providers under contract to federal probation and pretrial services offices. Fewer defendants (3,069) received mental health treatment, but the number represents a 100 percent increase from fiscal year 2003. Other types of additional release conditions implemented by pretrial services this year included the electronic monitoring of home confinement restrictions imposed on 3,802 defendants and the placement of 1,477 defendants in shelter facilities.

Pretrial Release Outcomes

In fiscal year 2004, pretrial services closed 37,749 cases of defendants who had been released to the community and their cases reached final adjudication. Of the defendants released pending trial in fiscal year 2004, the large majority appeared in court as required and was not rearrested (see figure 5). Eighty-six percent of those released to the community satisfactorily completed their term of supervision. Only two percent failed to appear (FTA) for a court proceeding and two percent each were revoked because they were (a) rearrested for a new felony charge or (b) rearrested for a new misdemeanor. The release of eight percent of defendants was revoked for “technical” violations of their release conditions. In these cases, the pretrial services officer reported to the court violations of conditions such as home confinement, refraining from drug or alcohol use, or travel conditions.

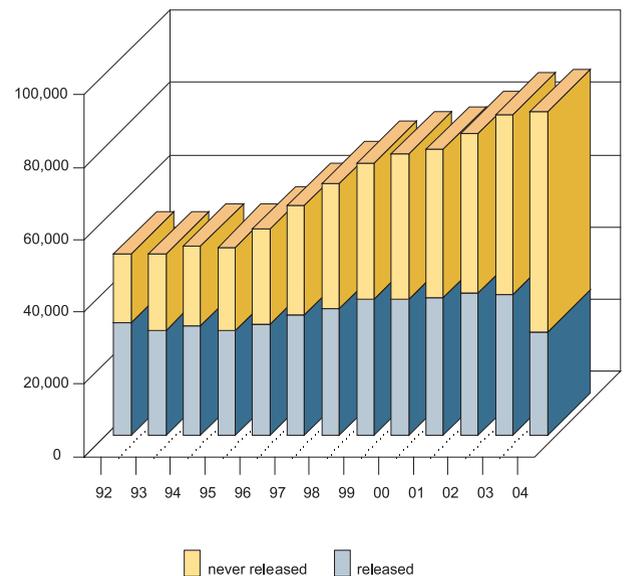


Figure 4. Defendants Released

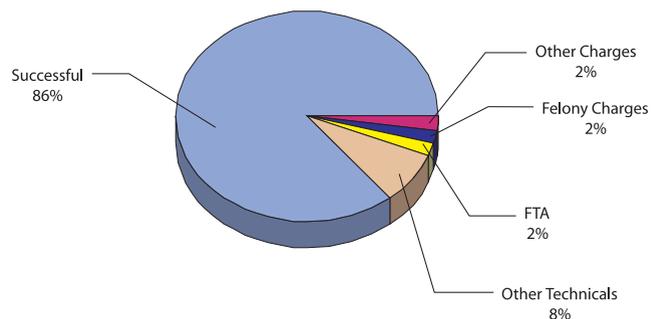


Figure 5. Pretrial Release Outcomes

PROBATION

Presentence Investigations

Selection of an appropriate sentence is one of the most important decisions made in the criminal justice system. The primary tool for helping the court fulfill this responsibility is the presentence investigation report. The Federal Rules of Criminal Procedure assign the task of conducting presentence investigations to United States probation officers. During fiscal year 2004, probation officers completed 65,860 presentence investigations for the courts, a decrease of two percent from fiscal year 2003.

Supervision

Population Size and Composition

Federal probation officers had a total of 150,742 offenders under supervision during the fiscal year. As of September 30, 2004, the population stood at 112,189, an increase of one percent over the end-of-year count in fiscal year 2003.

Type of Supervision

When compared to last year, the number of supervised releases—offenders sentenced to a term of supervision to follow a determinate sentence to imprisonment—grew at a rate of two percent. The number of probationers decreased by two percent.

Of the offenders under supervision on the last day of the fiscal year, 70 percent were serving terms of supervised release, 26 percent were sentenced to probation, and 3 percent were on parole. Over the years, the proportion of offenders under supervision who had served time in prison increased from less than one-third in 1986 to more than two-thirds of the population in 2004 (see figure 6).

This long-standing trend in the changing nature of the supervision population reflects a combination of full implementation of the Sentencing Reform Act (effective November 1, 1987) and legislation in the mid-1980s that established mandatory minimum prison terms for many drug offenses.²

Nature of the Offense

The distribution of offense types in fiscal year 2004 was nearly the same as that in 2002 and 2003. The largest percentage of offenders committed drug offenses and just

under one-third were convicted of fraud or other property crimes (see figure 7). Immigration cases comprise a significantly smaller proportion of the post-conviction population than the pretrial services population—3 versus 24 percent—because many immigration defendants are deported rather than released to post-conviction supervision.

Demographics

The demographic distribution of offenders under supervision on the last day of fiscal year 2004 is essentially the same as last year's profile.

The offender supervision population is 79 percent male and 50 percent white (see figure 8). Hispanic offenders represent a considerably smaller proportion of this population than of pretrial defendants because they are more likely than non-Hispanics to be charged with immigration offenses and thus more likely to be deported than released to supervision.

Sixty percent of the offenders under supervision were 35 or older (see figure 9).

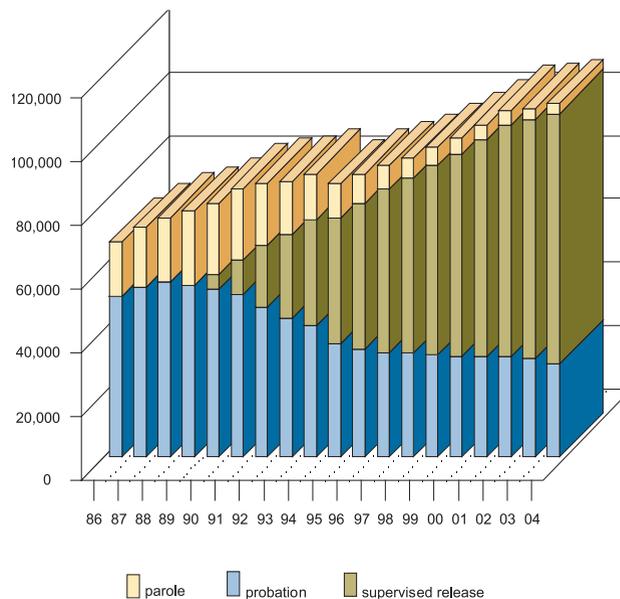


Figure 6. Type of Supervision

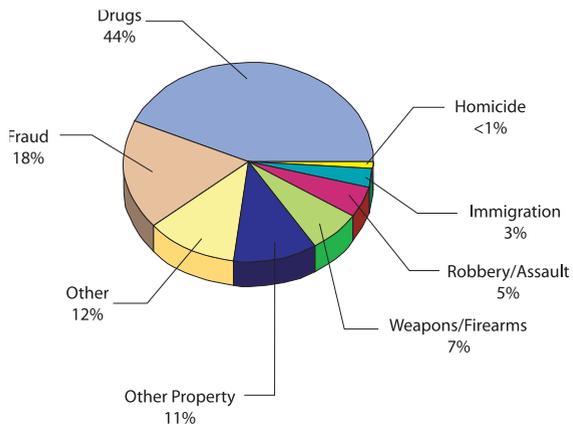


Figure 7. Nature of the Offense

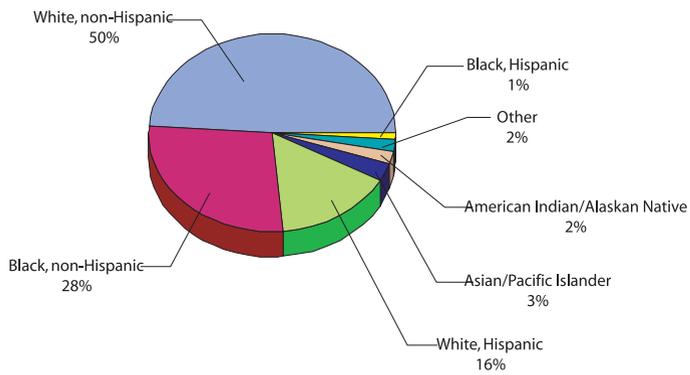


Figure 8. Race and Ethnicity

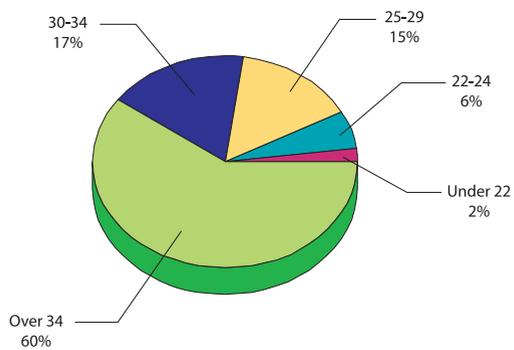


Figure 9. Age

Treatment Services

In 2003, the Administrative Office refined methodologies for differentiating between substance abuse testing and treatment cases. The refined methodologies have been applied back to 1999 in figure 10. Comparisons with past years should use the more refined numbers.

Substance Abuse: This year, 38,192 offenders—25 percent of the supervision population—received substance abuse treatment from local providers under contract to federal probation offices. Over the last year, the post-

conviction substance abuse treatment population increased by 18 percent. For pretrial defendants, the substance abuse treatment population increased 12 percent.

Mental Health: A total of 10,216 offenders—nine percent of the supervision population—received mental health contract services during the year. Over the last year, the post-conviction mental health treatment population increased by three percent. For pretrial defendants, the mental health treatment population increased by 67 percent.

Description	Fiscal Year 1999	Fiscal Year 2000	Fiscal Year 2001	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004
Substance Abuse Offenders Treated	23,458	26,387	28,312	31,839	32,419	38,192
Substance Abuse Offenders Tested	26,946	31,053	34,533	39,076	40,678	39,276
Mental Health Offenders Treated	5,301	6,148	7,597	9,340	9,905	10,216
Alternatives to Detention (ATD)						
ATD/Substance Abuse Treated	5,376	5,327	5,816	6,626	6,188	6,984
ATD/Substance Abuse Tested	6,112	6,932	8,463	9,905	9,359	9,937
ATD/Mental Health Treated	724	861	1,116	1,454	1,599	2,679
	12,212	13,120	15,395	17,985	17,146	19,319

Figure 10. Number of Offenders Receiving Treatment

Supervision Outcomes

In fiscal year 2004, 62,617 offenders were terminated from supervision, up 24 percent from the number removed in fiscal year 2003. Of these, 71 percent successfully terminated supervision (a 6 percent decrease over last year), 11 percent were terminated from active supervision or revoked due to a new offense, and 18 percent were revoked for a “technical violation” of release conditions such as remain on home confinement, refrain from use of drugs or alcohol, or participate in substance abuse or mental health treatment (see figure 11).

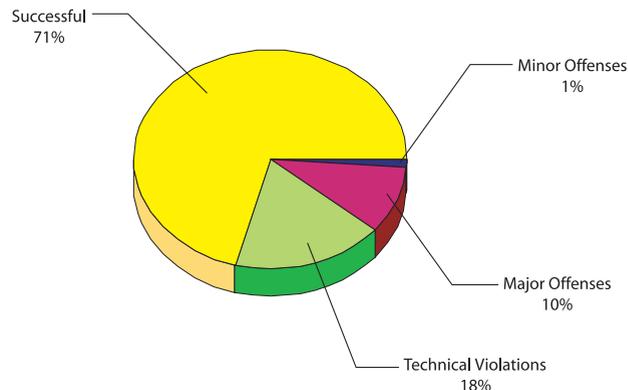


Figure 11. Supervision Outcomes

National Initiatives

Fiscal year 2004 was a year of tremendous challenge but also a year of considerable accomplishment for the federal probation and pretrial services system. Although all activities and aspects of the work felt the impact of the severely limited budget, the system made progress in many important areas. Some of the year's initiatives and events are described below.

Taking Steps to Cut Costs

In fiscal year 2004, the issue of greatest concern for the system—indeed, for the entire federal judiciary—was how to manage an unprecedented financial crisis, one that potentially jeopardized the courts' ability to carry out mandated functions. The appropriation the judicial branch received provided insufficient funds for maintaining court programs, operations, and staff. The situation was especially critical in the area of probation and pretrial services, where the service provided to the court and the community directly affects public safety. For the system, the question became how to continue to provide high quality investigative and supervision services despite fewer resources.

The Administrative Office, under the direction of the Judicial Conference Committee on Criminal Law, worked with chief probation and pretrial services officers to address the challenge. A decision was made to prioritize workload and target resources accordingly. This targeted approach led to efforts to save costs through streamlining reports, reviewing caseloads to identify offenders for early termination, and opting for less expensive drug-testing methods and drug treatment strategies.

In that the budget outlook remains bleak for the foreseeable future, the system will continue to identify and adopt cost-saving measures, including ways to economize in the critical areas of workforce efficiency, space and facilities, and technology. The system will continue to reengineer work processes, rethink how some tasks are accomplished, and do more with less but do so without losing sight of statutory responsibilities.

Ensuring the Future Success of the System

The final report of a multi-year study of all aspects of the system's operations was issued in 2004. The study, conducted by an independent consultant, considered a wealth of information gathered through interviews with key stakeholders in all three branches of government; focus groups; analyses of population, staffing, and expenditure data; reviews of policy and statutory directives; and surveys of district judges, magistrate judges, and chief probation and pretrial services officers. Findings confirmed that the system is highly regarded by the stakeholders, who are generally satisfied with the quality of investigations and supervision. According to the report, however, the system lacks the means to assess how well it is doing and to evaluate policies and practices based on how they impact performance.

The central recommendation, therefore, is that the system must become results driven and employ a comprehensive outcome measurement system. At its June 2004 meeting, the Judicial Conference Committee on Criminal Law endorsed this central recommendation and unanimously agreed that the system should be organized, staffed, and funded in ways that promote mission-critical outcomes. The work has begun to develop an information framework, which includes identifying what outcomes to measure and how best to capture the required data.

Improving Officer Training

The system made major progress toward establishing a national training academy for probation and pretrial services officers. At the request of the Chiefs Advisory Group, a work group of chiefs and representatives from the Administrative Office and the Federal Judicial Center was formed in 2002 to assess the critical need for more comprehensive and uniform training for new officers. As a result of the group's recommendations, the Administrative Office formed a partnership in 2004 with the Federal Law Enforcement Training Center (FLETC). FLETC, an interagency law enforcement training organization

for more than 70 federal agencies including the Bureau of Prisons and the U.S. Marshals Service, has agreed to provide the system with a home for the academy at the FLETC campus in Charleston, South Carolina, which is equipped with the classrooms, firing ranges, and other facilities necessary for training officers. The plan is for experienced probation and pretrial services officers to serve as instructors and conduct specialized training in safety, firearms, and officer core responsibilities.

Continuing the Focus on Officer Safety and Integrity

The goal to ensure that officers stay safe while on the job and remain ready and able to carry out their responsibilities continued to be a system-wide priority in 2004. The Administrative Office conducted certification programs for 22 new officer safety instructors and 32 new firearms instructors and a recertification program for 32 other firearms instructors. Two new training videos were developed for use by district safety and firearms instructors in teaching officers defensive tactics and firearms safety.

The Administrative Office issued the *Officer Integrity Handbook* to offer in one handy resource the policies and procedures that address officer fitness for duty, including pre-employment background investigations, reinvestigations, and workplace drug testing. The Administrative Office also issued revised medical standards for chief probation and pretrial services officers to apply when questions arise as to an officer's physical ability to perform essential job functions.

Making Substance Abuse Testing and Treatment More Efficient and Less Costly

The system divided probation and pretrial services offices into three regions for purposes of drug testing and awarded contracts to one laboratory in each region. The arrangement shortened the turnaround time for mailing samples and receiving test results, which is critical when confirming presumptive positive tests administered locally. Having three laboratories under contract also provides alternatives in the event one laboratory is unable to provide services.

The system conducted a successful pilot project in which officers used a free substance abuse screening questionnaire developed by Texas Christian University. Ideally, routine use of the free screening device will reduce

the need for professional substance abuse assessments by about 15 percent.

Using Technology to Work Better

The system reached significant milestones in the area of technology. By the end of the fiscal year, delivery of PACTS^{ECM} (Probation and Pretrial Services Automated Case Tracking System—Electronic Case Management) to all districts was complete. Enhancements in 2004 to this case management and case tracking tool included a supervision planning module to help officers with the supervision and planning processes. The system also fulfilled a goal to provide officers with an interface between PACTS^{ECM} and personal digital assistants (PDAs) by expanding the use of PDAs to all districts. PDAs give officers access to critical case information anytime and anywhere and thus have enabled them to work more efficiently while in the field.

A pilot project conducted in 26 probation and pretrial services offices evaluated the feasibility of using wireless technology. The pilot revealed great potential for officers to use mobile and wireless technology to conduct business while in the field.

Addressing the Questions Raised by *Blakely*

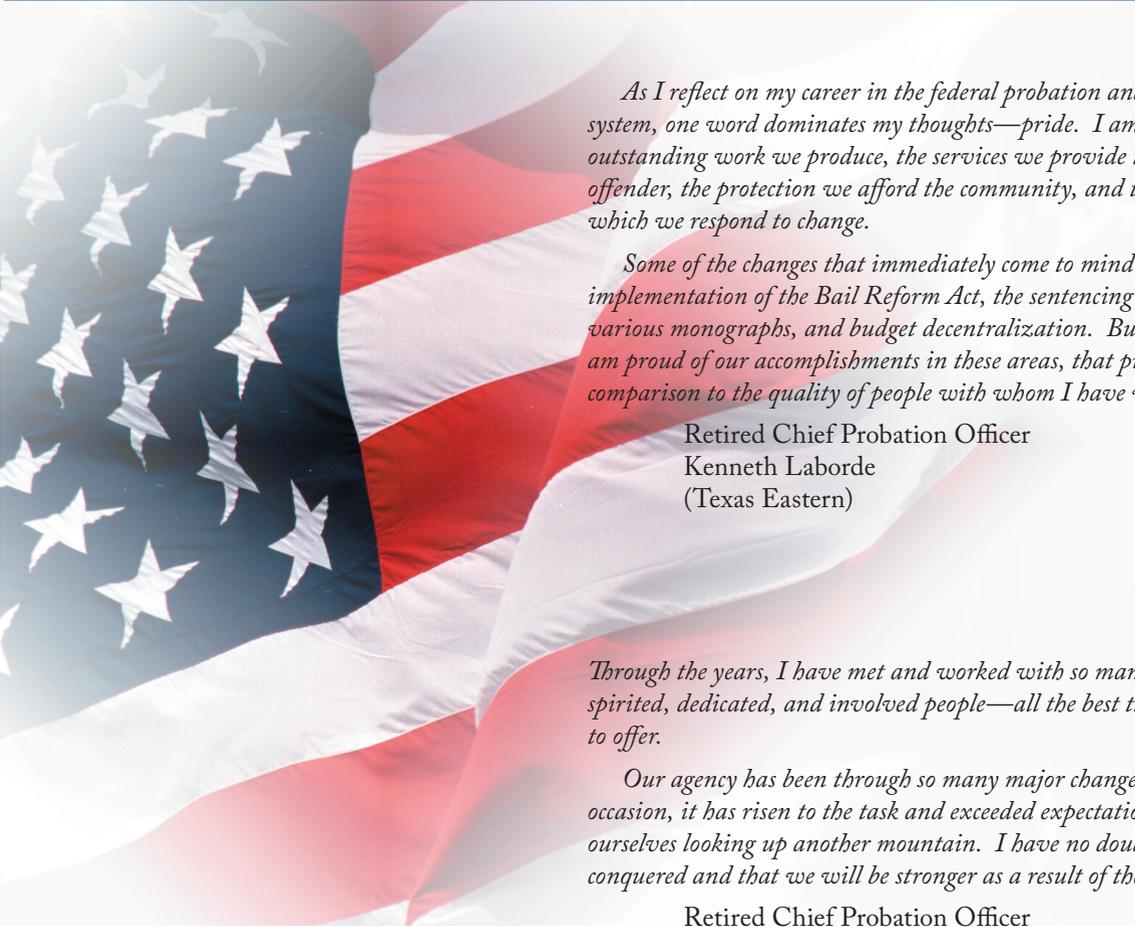
During 2004, the federal courts struggled with the implications of the Supreme Court decision in *Blakely v. Washington*. The decision had a profound effect on sentencing practices and on the work of probation officers who write presentence reports. In addition to preparing the reports and calculating the guidelines as they always do, officers worked to prepare alternate calculations that take into account the findings in *Blakely*. They also devoted time to answering the letters defendants sent about *Blakely's* potential impact on their cases and to amending reports prepared pre-*Blakely*. Officers assumed the additional work and, in doing so, fulfilled their responsibility to assist the courts in the fair administration of justice.

Taking Pride in the Work and the People

In July, the American Probation and Parole Association (APPA) celebrated "Probation, Parole & Community Supervision Week" to honor probation and parole officers and the important work they do. As

APPA President Drew Molloy stated, “These community corrections professionals carry out [their] duties . . . in a highly responsible manner despite escalating caseloads and workloads, shrinking budgets, training cutbacks, changing responsibilities, and a changing work environment.” The commemoration provided a perfect opportunity for federal

probation and pretrial services professionals to pause and reflect on their chosen careers. Short pieces written for the occasion included the perspectives of two retiring chiefs, both of whom addressed the quality of the people who make up the system and the ability of those people to weather change:



As I reflect on my career in the federal probation and pretrial services system, one word dominates my thoughts—pride. I am proud of the outstanding work we produce, the services we provide to the defendant/offender, the protection we afford the community, and the manner in which we respond to change.

Some of the changes that immediately come to mind involve the implementation of the Bail Reform Act, the sentencing guidelines, various monographs, and budget decentralization. But while I am proud of our accomplishments in these areas, that pride pales in comparison to the quality of people with whom I have worked.

Retired Chief Probation Officer
Kenneth Laborde
(Texas Eastern)

Through the years, I have met and worked with so many bright, talented, spirited, dedicated, and involved people—all the best that America has to offer.

Our agency has been through so many major changes, and on each occasion, it has risen to the task and exceeded expectations. We now find ourselves looking up another mountain. I have no doubt that it will be conquered and that we will be stronger as a result of the experience.

Retired Chief Probation Officer
Ruby J. Lehrmann
(Texas Western)

System Focus: A Look at Collaboration

Collaboration between federal probation and pretrial services offices nationwide, the Administrative Office, and other federal agencies yields benefits for the system as a whole. Through collaboration, the system works together and with other entities to mutual advantage and to achieve various goals. Collaboration can result in smoother work processes and make the best use of skills and expertise. Described below are just a few examples of initiatives powered by combining energy and resources. The success of such initiatives underscores the importance of partnerships and shows how collaboration can yield benefits that might not be realized otherwise.

Linking Training and Employment for Offenders

The Administrative Office and the U.S. probation office in the Eastern District of Missouri began work with the Federal Bureau of Prisons and the U.S. Department of Labor to develop a comprehensive vocational training program for offenders. The purpose of the program is to create transitions between apprenticeships offered to inmates by the Bureau and jobs in the community. This effort will help ensure that persons who are trained in prison for such professions as welding and plumbing are able to return to the community and find gainful employment in jobs that match their newly acquired skills.

Providing Officers With the Investigation Tools They Need

To help probation and pretrial services officers obtain offenders' rap sheets more quickly and easily, the Administrative Office is working with the Federal Bureau of Investigation to increase the system's access to National Crime Information Center (NCIC) records. State regulations, security concerns, and costly fees currently force many probation and pretrial services offices to have their employees go to one terminal to access NCIC records. The goal of this initiative is to make the records available to all authorized employees at their desktops.

The concept is being pilot tested in three districts—the Northern District of New York, the District of Delaware, and the District of Columbia—which will assess the feasibility of expanding access nationally.

Finding Resources to Help Persons Under Supervision

A new Community Resource Links web site introduced in 2004 helps officers find information that in turn helps defendants and offenders successfully complete their terms of supervision. The web site gives officers quick and easy access to an array of government and private organization Internet sites that contain valuable information for persons under supervision who want to get their lives back on track. Developed by the Administrative Office and hosted by the probation office in the Western District of North Carolina, the web site is arranged by subject matter and provides links to information in a wide range of areas including employment, housing, community services, financial assistance, and education.

Notes:

¹Pretrial diversion is an alternative to prosecution that seeks to divert certain candidates from traditional criminal justice processing into a program of community supervision administered by the pretrial services or probation office.

²The Sentencing Reform Act (Pub. L. 95-536) created a guidelines-based determinate sentencing system, abolished parole, made probation a sentence in its own right, and created terms of supervised release that could be imposed to follow imprisonment.

³"Minor" offenses represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. "Major" offenses are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.



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