

YEAR-IN-REVIEW REPORT

UNITED STATES PROBATION AND PRETRIAL
SERVICES SYSTEM

Fiscal Year 2002

United States Probation and Pretrial Services System

Year-in-Review Report

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Prepared by the Office of Probation and
Pretrial Services, Administrative Office of the
United States Courts, in cooperation with the
Chiefs Advisory Group

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United States Probation and Pretrial Services System



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*Proud to serve the
court and protect
the community*

Introduction

We're pleased to present the 2002 Year-in-Review Report of the United States Probation and Pretrial Services System. This is the second year our system has produced an overview of national statistics and accomplishments.

The year 2002 marked special anniversaries for both probation and pretrial services. Seventy-five years ago—and two years after the Probation Act of 1925 made probation a viable sentencing option in the federal courts—the District of Massachusetts hired the nation's very first United States probation officer. Twenty years ago Congress passed the Pretrial Services Act of 1982, authorizing the expansion of pretrial services—which had been a pilot project—to federal courts nationwide. These were important milestones in the history of the United States Probation and Pretrial Services System, times at which probation and pretrial services officers had to work hard to establish their profession and prove their worth.

Created to investigate the backgrounds of defendants and offenders for the court and supervise these individuals when the court releases them to the community, the United States Probation and Pretrial Services System carries on a long tradition of serving the court and protecting the public. The system's probation and pretrial services officers uphold a strong commitment to the fair administration of justice and the safety of the community. Their dedication to these ideals is evident in the many duties and responsibilities they perform. Here's a sample of what an officer's day-to-day activities might include:

- Guiding an offender to alcohol treatment and helping her find a job and affordable daycare.
- Conducting a financial investigation that reveals an offender is hiding assets to avoid paying restitution as the court ordered.
- Visiting the local jail to interview a woman, who has been arrested for distribution of heroin, before her initial appearance in court.
- Holding an employment workshop to teach offenders interview and resume writing skills to help them get hired.
- Investigating an offender's involvement in a crime and his personal background and preparing a report to provide such information to the court.
- Arranging for residential substance abuse treatment for an offender addicted to cocaine.
- Providing a defendant with a mental health disorder with the medication he needs to function while on bail awaiting trial.

United States probation and pretrial services officers do these things every day in the course of their duties. Their efforts help the federal courts carry out the justice process. Their efforts compel defendants and offenders to stay on the right side of the law. And their efforts often yield the very positive result of changing for the better the lives of defendants and offenders and their families.

Our goal in publishing this Year-in-Review Report is to promote better understanding of what the United States Probation and Pretrial Services System accomplishes for the federal courts, the defendants and offenders who come before the courts, and the community. Whether you're a court employee, a colleague in a federal, state, or local criminal justice agency, or an interested member of the public, we hope you find the report informative. With it comes our pledge that our system will continue to strive for outstanding results in the years to come.

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At a Glance

Who we are

We are the 8,000 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

Locally, chief probation and pretrial services officers are responsible for administering the system and answer to the courts they serve.

Nationally, the Administrative Office of the United States Courts, under the guidance of the Judicial Conference of the United States, supports the system.

In the Administrative Office, the Office of Probation and Pretrial Services, with a staff of 50, provides this oversight and support.

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 system as a whole.

Statutory authority

The Federal Probation Act of 1925 (18 U.S.C. § 3651) gave the federal courts the power to place persons on probation under such terms and conditions as deemed best by the court.

18 U.S.C. § 3655 authorized probation officers to serve as parole officers and provide supervision to persons under the jurisdiction of the United States Parole Commission.

The Pretrial Services Act of 1982 (18 U.S.C. § 3152) authorized implementation of pretrial services nationwide.

The Sentencing Reform Act of 1984 (18 U.S.C. § 3583) established terms of supervised release to follow imprisonment sentences.

National Statistics

I. PRETRIAL SERVICES

A. Pretrial Services Case Activations

Population Size and Composition

There were 89,421 defendant cases activated during fiscal year 2002. This represents a nearly four percent increase 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 drug cases (down 3%) and immigration cases (up 2%) the proportional representation of each charge type is within one percentage point of the charge profile for fiscal year 2001.

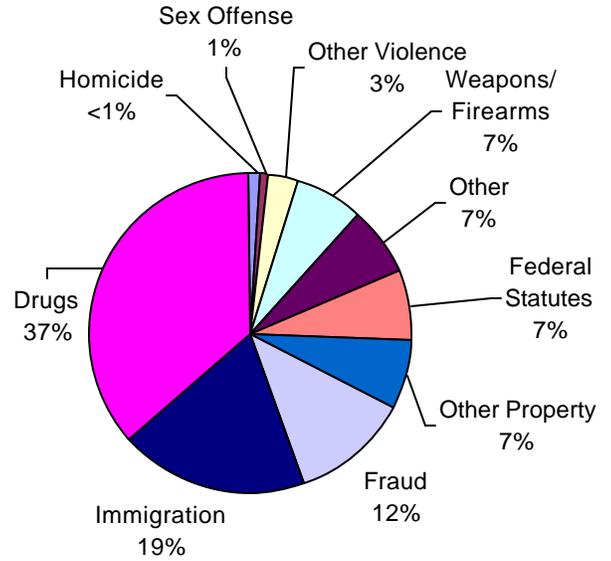


Figure 1. Nature of the Charge

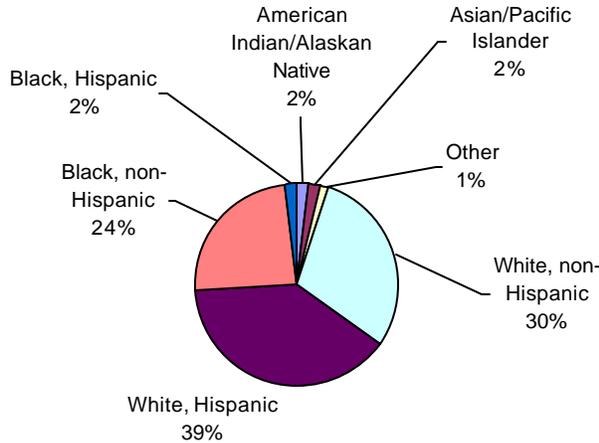


Figure 2. Race & Ethnicity

The largest percentage of defendants (25 percent) falls into the 18-25 age range, but the defendants over 40 (ages 41-50 and over 50 combined) equal another 25 percent (see figure 3). The age profile is similar to that for fiscal year 2001.

Demographics

The fiscal year 2002 defendant population is 84 percent male—identical to the gender profile in fiscal years 2000 and 2001. There is also virtually no change in the population’s race and ethnicity, with white Hispanics representing the largest single race/ethnicity category (see figure 2).

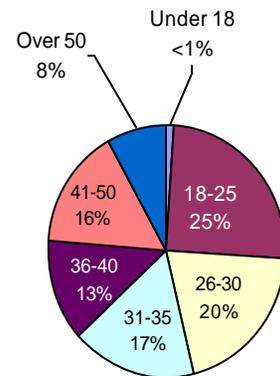


Figure 3. Age

B. 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 2002, the number of defendants received for pretrial services supervision was 32,808. An additional 2,072 were placed on pretrial diversion supervision, for a total population of 34,880. This represents a half-percent decrease over the number received for supervision in fiscal year 2001.

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.

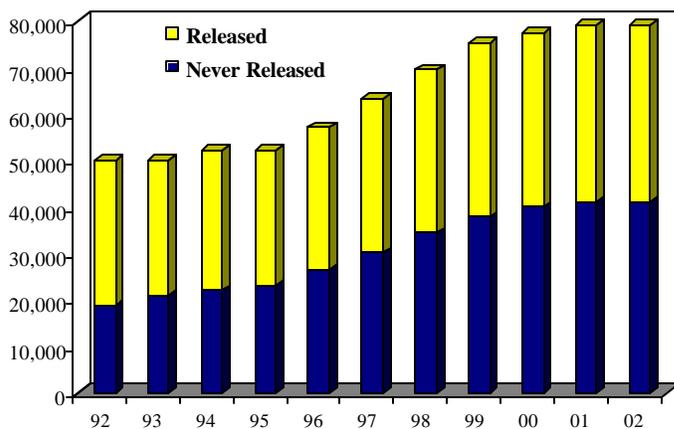


Figure 4. Defendants Released

Of the 83,553 cases closed during the year, 53 percent were never released at any time between arrest and the conclusion of their cases. The detention rate was the highest in 11 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 or in lieu of 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 19,333 defendants—over three-quarters of those under supervision during fiscal year 2002. Further, this year 7,841 defendants received substance abuse treatment from local providers under contract to federal probation and pretrial services offices—up 29 percent from the previous year. Fewer defendants (1,454) received mental health treatment, but the number represents a 30 percent increase from fiscal year 2001. Among the other types of additional release conditions implemented by pretrial services this year were the electronic monitoring of home confinement restrictions imposed on 3,761 defendants and the placement of 1,640 defendants in shelter facilities.

Pretrial Release Outcomes

In fiscal year 2002, pretrial services closed 39,352 cases of defendants who had been released to the community and their cases reached final adjudication.

Of those defendants released pending trial in fiscal year 2002, the large majority (94 percent) appeared in court as required and were not rearrested (see figure 5). 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 12 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.

This distribution of outcomes among closed cases is identical to those in fiscal years 2000 and 2001.

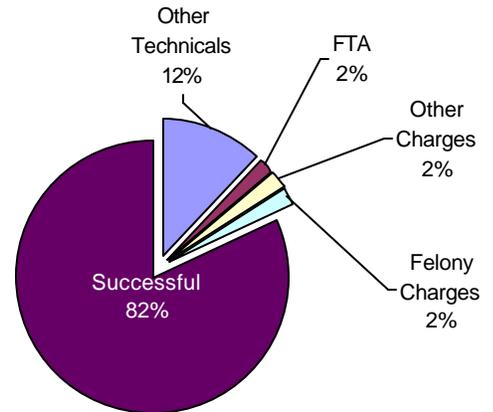


Figure 5. Pretrial Release Outcomes

II. PROBATION

A. 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 2002, probation officers completed 63,256 presentence investigations for the courts, an increase of five percent from fiscal year 2001.

B. Supervision

Population Size and Composition

Federal probation officers had a total of 158,529 offenders under supervision during the fiscal year. As of September 30, 2002, the population stood at 108,792, an increase of four percent over the end-of-year count in fiscal year 2001.

Type of Supervision

When compared to last year, the number of supervised releasees—offenders sentenced to a term of supervision to follow a determinate sentence to imprisonment—grew at a rate of five percent. The parole population declined by 9 percent, and the number of probationers increased by one percent.

Of the offenders under supervision on the last day of the fiscal year, 67 percent were serving terms of supervised release, 29 percent were sentenced to probation, and 4 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 two-thirds of the population in 2002 (see figure 6).

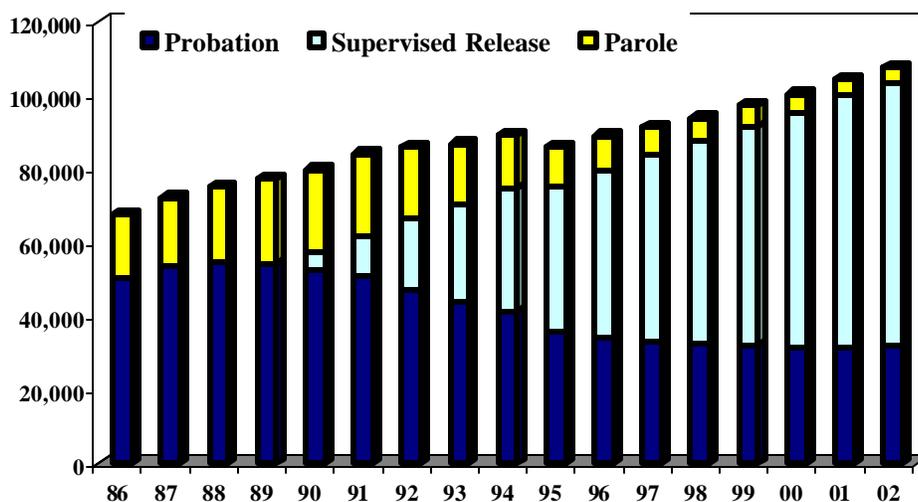


Figure 6. Type of Supervision

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.¹

Nature of the Offense

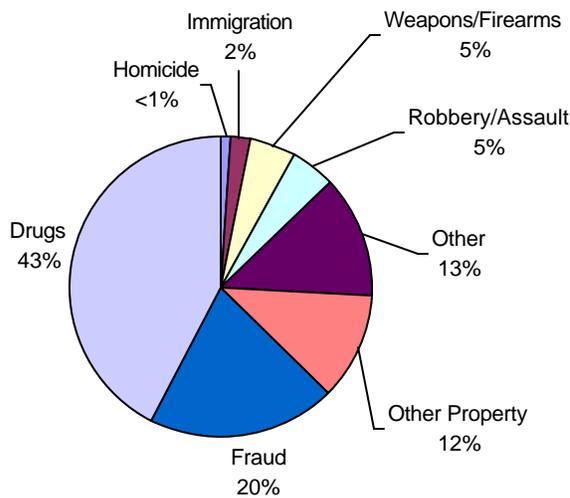


Figure 7. Nature of The Offense

The distribution of offense types in fiscal year 2002 was nearly the same as that in 2000 and 2001. 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 19 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 2002 is essentially the same as last year's profile.

The offender supervision population is 79 percent male and 66 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.

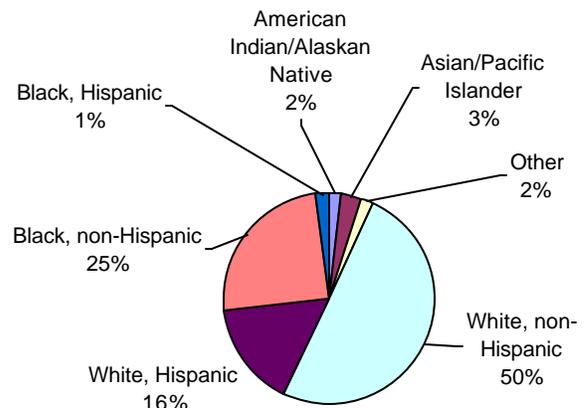


Figure 8. Race & Ethnicity

¹ The 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.

Over 45 percent of the offenders under supervision—for the last three years--are over the age of 40 (see figure 9).

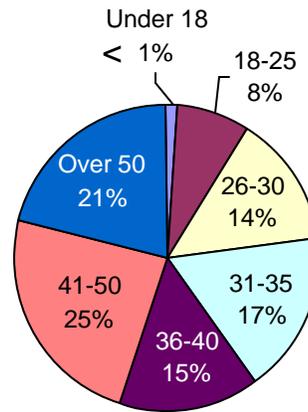


Figure 9. Age

Treatment Services

Substance Abuse: This year, 37,638 offenders—24 percent of the supervision population—received substance abuse treatment from local providers under contract to federal probation offices. Over the last year, the substance abuse treatment population increased by 20 percent, which was significantly more than the four percent increase for the supervision population as a whole (see figure 10).

Mental Health: A total of 9,340 offenders—six percent of the supervision population—received mental health contract services during the year. As the following table shows, both the mental health population and substance abuse population are growing at a rapid pace.

Description	Fiscal Year 1999	Fiscal Year 2000	Fiscal Year 2001	Fiscal Year 2002	Percent Increase
Substance Abuse Offenders Treated	24218	29660	31365	37638	55.4%
Mental Health Offenders Treated	5301	6148	7597	9340	76.2%
Alternatives to Detention (ATD) Treated	6039	6316	6957	8969	48.5%
ATD/Substance Abuse Treated	5315	5455	5841	7515	41.4%
ATD/Mental Health Treated	724	861	1116	1454	100.8%
Total Treated	35558	42124	45919	55947	57.3%

Figure 10. Number of Offenders Receiving Treatment

Supervision Outcomes

In fiscal year 2002, 42,217 offenders were removed from supervision, up eight percent from the number removed in fiscal year 2001. Of these, 71 percent successfully terminated supervision, 11 percent were removed from active supervision or revoked due to a new offense,² and 18 percent were removed or 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).

These percentages are similar to those for supervision cases that closed in fiscal years 2000 and 2001.

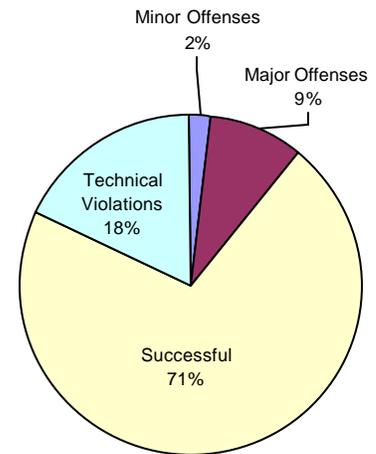


Figure 11. Supervision Outcomes

² “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.

National Initiatives

In fulfilling its mission, the United States Probation and Pretrial Services System continually strives to improve its processes and operations. Some new developments and changes are significant and far-reaching, having impact on the way work is carried out in probation and pretrial services offices across the country. During fiscal year 2002, the system made notable progress in several important areas: supervision of defendants and offenders, officer safety, public outreach, and technology.

Improving supervision of defendants and offenders

Supervising defendants and offenders whom the courts have released to the community is at the very heart of probation and pretrial services work. Sound policies and practices in this area are crucial to ensuring that officers perform their supervision duties effectively and defendants and offenders complete their supervision terms successfully. In 2000, the Director of the Administrative Office of the United States Courts turned national focus to supervision issues by appointing a work group of experts from courts across the country to address supervision. The group took on the challenge of first defining the elements of good supervision and then refining supervision approaches to promote these important elements.

The group's work, which is ongoing, centers on updating and improving two monographs that set forth policy and practice for pretrial and post-conviction supervision. In fiscal year 2002, revised versions of the supervision monographs were drafted and posted for comments from federal probation and pretrial services staff nationwide.

Underscoring the importance of officer safety

The responsibility to supervise defendants and offenders requires probation and pretrial services officers to go out into the community to visit these individuals in their homes and at their jobs. In carrying out supervision duties—whether in big cities, small towns, or rural areas—officers must be alert and careful at all times. The right kind of training can go a long way toward preparing officers to respond to the threatening situations they may face. In 2000, the Director of the Administrative Office of the United States Courts made safety training a priority when he appointed the Officer Safety Work Group to develop a comprehensive officer safety program to train officers nationwide. The group's mission was to design a program that not only eliminates district-to-district inconsistencies in safety training, but provides probation and pretrial services officers with a program that meets their needs by addressing all aspects of officer safety.

With the help of a contractor, the group produced a course curriculum and accompanying materials for a safety program that features classroom and scenario-based training. Officers in each district were designated to serve as officer safety instructors and provide the training in their respective districts. Two training sessions were held in fiscal year 2002 to prepare officer safety instructors to teach the program.

In 2002, the Judicial Conference of the United States approved a recommendation by the Criminal Law Committee that the Administrative Office provide the program nationally.

Making public outreach a priority

Although the United States Probation and Pretrial Services System plays an integral part in the federal criminal justice process, the good work the system performs every day on behalf of the courts and the community is not well known. In many districts, probation and pretrial services offices are actively working to reach out to various segments of the public—including criminal justice and corrections agencies, civic and community groups, schools and youth organizations, and the general public—as a way to strengthen relationships and increase visibility. Their activities range from tutoring school children in low-income areas and explaining to them how the court works to sharing information and resources with colleagues in other state and local law enforcement agencies.

In fiscal year 2002, the Administrative Office of the United States Courts' Office of Probation and Pretrial Services made a commitment to provide federal probation and pretrial services offices with tools and information to help them in public outreach efforts. The first step was to distribute nationally *Fed Facts: The Real Deal*, a CD-ROM-based program officers can take to their local middle and high schools to teach students the legal consequences of drug crime. The *Fed Facts* CD, which was developed by the probation office in the Middle District of Florida and the Florida Regional Community Policing Institute at St. Petersburg College, was sent to all probation and pretrial services chiefs in September, along with a presenter guide and a flyer for teachers.

Harnessing technology to boost efficiency

Probation and pretrial services officers do their jobs more efficiently if certain information is at their fingertips. Technology can help make that possible. PACTS^{ECM} (Probation and Pretrial Services Automated Case Tracking System-Electronic Case Management), a new data system introduced in fiscal year 2001, is making useful information quickly and easily accessible to officers. The user-friendly case tracking and case management tool, among other things, allows officers to electronically generate, store, and retrieve all investigation and supervision case information. It also interfaces with other databases officers need to do their work.

The Administrative Office of the United States Courts continued delivering PACTS^{ECM} to the courts in fiscal year 2002, with 17 courts going “live” on the system during the year. To make the implementation process easier, a mentoring program was set up to enable districts already experienced with PACTS^{ECM} to guide and assist districts new to PACTS^{ECM}. A focus on developing additional capabilities in PACTS^{ECM} led to a new effort—the Community Corrections Technology Project—which was launched to provide an interface between PACTS^{ECM} and personal digital assistants. Such capability will allow officers to access all the information they have at their desktops while they are working in the field. A pilot launched in three districts in October 2002 has given useful feedback, and there are now plans to expand the program throughout the system.