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Instituting a "Reentry" Focus in the Federal Probation System

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THE COMMONLY USED terminology "federal probation system" suggests a rather genial world of supervising white collar and other non-violent offenders who for the most part have not served terms of incarceration prior to their community supervision. While such was the case 20 years ago, that mental picture is no longer accurate and in fact undervalues the majority of community corrections work performed by United States probation officers. The shortcomings of that description become obvious when you look at some of the significant changes in the population of federal offenders in recent decades.

I. The Changing Federal Offender

The federal probation system receives the vast majority of offenders released from federal prison under supervised release, and these offenders pose more problems and are more difficult to supervise. In addition, federal prosecutions in recent decades for drug offenses have been increasing and most court orders in drug-related offenses include requirements for urine surveillance and treatment whether the offender has a substance abuse history or not. Finally, surveys of inmates show substantial increases in drug use and a need for drug treatment by federal offenders. All of these indicators suggest our population looks very different than it did 10 to 15 years ago.

The General Accounting Office (GAO) studied and compared offenders received for federal supervision from 1990 through 1996. That analysis found several trends that indicate a changing federal community corrections population. The total population of federal offenders under community supervision rose 10 percent during fiscal years 1990 through 1996. The most notable change in the mix of this population occurred in the percentage of offenders serving a term of community supervision following a prison term. Specifically, the probation population decreased by 35 percent, while those on postprison supervision—i.e. parole and supervised release—rose 94 percent. The increase in the postprison supervision population is entirely due to the large increase in the number of offenders on supervised release.

During fiscal years 1991 through 1995, the number of offenders sentenced with serious criminal histories grew at a significantly greater rate than did those with less serious criminal histories. Further, available data suggest that inmates released from BOP prisons in fiscal years 1997 through 2001 may include greater numbers of higher-risk offenders than did the population released through 1996. [1](#) The available data also tells the story that the federal offender is changing and is likely to continue to change, as is demonstrated by the [Table 1](#).

The Bureau of Justice Statistics (BJS) published a special report on substance abuse and

treatment among prisoners. On the federal side that research compared survey responses from 1991 with inmate responses obtained in 1997. The survey describes federal offenders of today as being significantly more involved in drug and alcohol abuse than their counterparts in 1991. Probably the most startling finding is that 4 in 5 federal prisoners may be characterized as drug- or alcohol-involved offenders.

The following are some examples of survey results. Forty-five percent of federal offenders used drugs in the month prior to their offense in 1997, while only 32 percent had in 1991. Similarly, alcohol/drug use at the time of the offense went from 24 to 34 percent over the same six years. Despite the increased abuse of alcohol and drugs, only one in four federal inmates had ever received treatment for substance abuse and only one in ten had been treated since their admission. ² Therefore, the federal probation system will continue to receive offenders with significant drug and alcohol problems, the majority of whom have received no treatment while incarcerated.

All of this data indicates that the federal offender is changing significantly and is likely to continue to change in the years ahead. Specifically, current offenders are more likely to have been in prison, have substantially more serious criminal records, and are more likely to be drug-involved offenders. All of these factors contribute to making them a higher risk on community supervision and more likely to require more services than prior federal offenders have required. Given the significant changes the population has undergone, it has become apparent that supervision policies and procedures have to change.

II. Implementing a New Supervision Methodology

In response to such changes, the Administrative Office of the United States Courts (AOUSC) in its role of staff support for the Judicial Conference, with the approval and endorsement of the Judicial Conference, implemented its new supervision policy in March 2003. The new policy, which took more than three years to develop, was the product of a working group of supervisors, deputy chiefs, and chiefs and embodied the latest research and philosophy of community corrections supervision. *The Supervision of Federal Offenders*, Monograph 109 was first published in June 1991 and last revised in 1993. The most recent revision seeks to further promote the basic premise of the original monograph: Effective and purposeful supervision based on individual assessment of each case. The following summary from the monograph highlights those changes:

Foremost the revised monograph defines the role of probation officers as community corrections professionals charged with implementing supervision sentences and protecting the public by reducing the risk and recurrence of crime and maximizing the success of the offender during the period of supervision and beyond. In service of these outcomes, there is more emphasis on reentry of prisoners to the community, the importance of initial and ongoing assessment to set objectives and determine the appropriate level of supervision at each phase of each case; and the need for a blending of controlling and correctional strategies to manage any identified risks. This revision also introduces an objectives-based planning process featuring the professional collaboration of officers, supervisors and office specialists. ³

Probably the most significant procedural difference introduced by the revision lies in the supervision planning process. Under the old methodology, an officer would develop a supervision plan largely on his or her own and submit it, along with the case file, to the supervisor for review and comment. The new methodology stresses interaction between the various players (officer, supervisor, and treatment specialist) in the development of the plan. In the jargon of federal probation officers, "staffing the case," both during the initial planning process and throughout the revision of supervision plans for the life of the case, should be the key to ensuring that an appropriate supervision plan is developed, implemented and monitored for all federal offenders.

The other major area of refocus concerns the accurate assessment of the risks and risk-related needs and strengths of the offender. While these topics were covered in the prior monograph, the latest revision focuses intently on them and provides the officer with more specific and detailed guidance in this area. The basic assessment device in the federal system is the Risk Prediction Index (RPI). The RPI was developed by the Federal Judicial Center (FJC) and is designed to estimate the likelihood that an offender will recidivate or otherwise be revoked during supervision. The model was developed using federal offender data and has been shown to be a strong predictor in re-validation studies over the years. Offenders with scores of 0 and 1 are considered low risk and likely to succeed on supervision, while offenders with scores of 8 and 9 are significantly less likely to succeed.

While the RPI is the initial assessment device, the officer should continue to reassess and re-evaluate the needs of the offender throughout the supervision period. The Monograph provides detailed instructions for assessing criminal patterns or violence, substance abuse, mental health, physical health, family issues and third-party risk. Once the risks have been assessed and identified, an appropriate strategy to mitigate that risk should be implemented by the officer and the risk and strategy should be re-evaluated at subsequent intervals. Finally, supervision strategies should only address identified risks—if there are no risks, there should be no strategy. Even when a particular condition has been applied by a judicial officer, if the risk assessment does not bear out that condition, the officer should communicate that to the judicial officer with a recommendation that the condition be removed should the judicial officer concur.

III. The "Reentry" Component of Monograph 109

One of the significant changes in the new monograph was the incorporation, for the first time in the federal system, of concepts and practices that have come to be known as "reentry" in the literature. For those without a strong background in the general concepts of reentry, an excellent primer on the topic is Joan Petersilia's *When Prisoners Come Home: Parole and Prisoner Reentry*. In that work she defines the problems from recent sentencing policy which create the need for reentry policy.

It is clear that prisoner reentry is not just about the greater number of prisoners returning home, although that certainly challenges parole authorities to provide more services with fewer resources. But this chapter has revealed that the average inmate coming home will have served a longer prison sentence than in the past, be more disconnected from family and friends, have a higher prevalence of substance abuse and mental illness, and be less educated and employable than those in prior prison release cohorts. Each of these factors is known to predict recidivism, yet few of these needs are addressed while the inmate is in prison or on parole. [4](#)

While Ms. Petersilia was not specifically discussing the federal system, she might as well have been. The issues she cites and potential solutions she identifies have direct application in the federal system.

The basic premise of the federal reentry initiative is that, beginning no more than 120 days and no fewer than 30 days prior to the offender's release from prison, the officer should begin the supervision planning process. That process should be completed with the adoption of the supervision plan no more than 30 days after release from prison. If the officer does not receive proper notification of the pending release, the timeframe is extended to 60 days after release from prison. The planning process should include review of case documents and background information, offender interview(s), on-site examination of home and work plans, interviews of collateral sources (significant other, employer, substance abuse counselor, etc.) and related activities. The officer has three primary goals at this prerelease stage: 1) maximize opportunities for safe release; 2) implement a well-constructed supervision plan at the earliest possible time; and 3) promote continuity of services.

For obvious reasons the interaction and coordination between the Bureau of Prisons personnel—specifically the community corrections manager (CCM)—and the probation officer is crucial.

The CCM is responsible for working with the offender in the development of the release plan. Other key documents with which the CCM should provide the officer are: final BOP progress report, sentencing computation sheet (including good time credits if any) and any paperwork relevant to transitional treatment needs.

Given the importance of this transition period, particularly the need for accurate and electronic information exchange, the AOUSC and BOP have been working closely for the past year or so to define and develop the electronic infrastructure necessary for seamless electronic data exchange. Because they are different agencies, and in fact are located in different branches of the federal government, complications and obstacles arise that must be overcome to make this rapid data exchange a reality in all supervised release cases. While significant progress has been made, significant issues remain. Until that infrastructure is in place, the data exchange continues to be a manual process that is redundant and inefficient.

One example of the progress made between the two agencies is the monthly rosters of offenders released in the past 30 days and to be released in the next 60 days. The primary goal of these electronic rosters is to insure that cases don't "fall through the cracks," specifically, that all cases released by BOP with supervision to follow are picked up for that supervision by the appropriate probation office. The BOP releases between 4,500 and 5,000 offenders monthly to the federal probation system. The lists document each case to be released and include identifiers for the sentencing and supervision districts. In processing these rosters it became obvious that the largest categories of offenders released who did not subsequently appear for supervision were in two groups: those with an Immigration and Customs Enforcement (ICE) detainer and those with criminal detainer filed by a local, state or federal criminal justice agency. The AOUSC is currently working with ICE and the Federal Bureau of Investigations National Crime Information Center (NCIC) to automatically and electronically provide officers with feedback on those detainees. This will enable officers to focus on offenders who have actually been released, knowing that those with detainees remain in custody and that notification will be provided once they are released.

An issue that continues to be problematic is halfway house placement. The BOP contracts for halfway house placement and the provisions of those contracts generally prohibit acceptance of offenders most in need of "transition" from prison to community via the halfway house. Some examples include offenders with mental health problems, histories of violence, and prior sexual assaults. While it is easy to understand that private contractors would not want to take the risks associated with these cases, it is also obvious that these groups of offenders truly need to be re-integrated slowly. However, under current policy they cannot be placed in most halfway houses and ultimately go directly from prison to the community. Therefore, BOP and AOUSC staff need to develop comprehensive "reentry" plans for these offenders.

Toward that goal, various mental health professionals in both agencies have been meeting to develop systems to ease the transition for mental health offenders. Many officers can tell the nightmare story of the serious mentally ill offender who shows up at the office 4 p.m. Friday without medication. While these cases are rare, they do happen. The following initiatives have been identified to eliminate their occurrence: [5](#)

- Establishing pre-release procedures designed to increase the continuity of care for inmates—including sex offenders—with chronic medical and mental health conditions.
- Revising the discharge medication policy to include up to 60 days of medications for released inmates and releasing to probation officers BOP Medication Form 351, which includes information such as the type of diagnosis and types of medications and dosages.

Regardless of the offender group, these kinds of transitional issues can be addressed and solved when the organizations on both sides of the transition agree on the priority and on at least potential solutions.

IV. "Reentry" Implementation Issues

Having developed the appropriate policies to incorporate the concepts of "reentry" into the federal system, the planners had to turn their attention to successfully implementing those policies. Much of that process is obvious and won't be covered here, including training and the general rallying of the troops necessary to make such a significant cultural change in a tradition-bound organization like the federal probation system. Several issues in the implementation process do seem to warrant more in-depth attention. First was the decision to provide probation offices with "statistical credit" for the work. Second, there was an attempt to implement the new monograph in conjunction with new software designed to make the implementation easier. Finally, the implementation employed a point of contact (POC) methodology that proved highly effective.

The federal probation system, like many community corrections systems, is a numbers-based organization. It is powered and funded by various caseload counts (i.e., number of supervision cases, number of presentence reports), which are then plugged into a formula that generates positions and funding. Therefore, to insure that the prerelease investigation and planning essential to the federal reentry initiative is performed, it was incorporated into the funding formula. Essentially, this insures that offices are funded for performing this work, which insures it is performed. Had this funding not been provided, nationwide implementation would have taken years rather than months. In the past this type of funding would have been provided in subsequent years but not initially. By funding it initially, the AOUSC "put its money where its mouth is," communicating to district offices the importance of this initiative to our supervision function.

The AOUSC attempted another bold move in conjunction with implementing Monograph 109. This was ultimately unsuccessful; however, the concept is sound and should be followed in future policy changes. Specifically, the original goal was to introduce the policy change (Revised Monograph 109) simultaneously with the necessary training and modified case management software (PACTSECM) that supported the new policy and made compliance with its new tasks and requirements easier for officers to complete. The software development schedule grew longer and ultimately the goal of simultaneous release was not achieved. Perhaps with improved planning and coordination the goal can be achieved with future policy changes. The software, due for release shortly, automates the case planning process, reducing for officers the administrative burden of implementing the new monograph.

V. "Reentry" Outcome, Assessment and Feedback

Having designed and implemented the federal reentry program within the broader context of revamped supervision policy for all offenders, the AOUSC now turns its attention to developing and implementing an outcome, assessment and feedback program for the reentry program. The first step, already accomplished, was the formation of a workgroup consisting of academics (with specializations in designing outcome systems) and federal practitioners. Currently we are developing a statement of work to obtain contract assistance with developing the outcome system. The goal is to implement an outcome measurement methodology that will utilize the PACTSECM system for data collection. The idea is that where possible the necessary data would "fall out" from administrative processes of supervision. In addition, where possible we would electronically obtain the information. Examples of this include obtaining arrest record information electronically from NCIC. Obviously not every piece of necessary data will be obtained in these methodologies, but by focusing data collection on these principles we can vastly reduce the type of information that must be directly entered solely for the outcome system.

By relying on field experts and the available literature, the AOUSC has developed and implemented an effective reentry program. By monitoring the results of the designed program and making appropriate adjustments based on those results, we will be well positioned to handle the ever increasing influx of offenders returning to the community from a period of incarceration. Working together with the BOP we should be able to increase public safety and the quality of life for federal offenders returning to the community.

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and review is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System.

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Table 1

Trends in Imposition of Supervised Release Fiscal Years 1994–2004

	1994	1996	1998	2000	2002	2004
Total Number of Cases Under Supervision	89,103	88,966	93,737	100,395	108,792	116,900
Total Number of Probation Cases	41,300	33,902	32,594	31,607	31,272	31,300
Percent of Probation Cases	46.4%	38.1%	34.8%	31.5%	28.7%	26.8%
Total Number of Supervised Release/Parole Cases	44,374	52,843	59,502	67,505	76,203	84,800
Percent of Supervised Release Cases	49.8%	59.4%	63.5%	67.2%	70.0%	72.5%

SOURCES: 1994–2002: AOUSC. Statistics Division, 1994–2004 E Tables.
2004: AOUSC. Statistics Division, Budget Projection.

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A Civic Engagement Model of Reentry: Involving Community Through Service and Restorative Justice

¹ Some of the concepts discussed in this article served as the basis of a paper (Bazemore and Stinchcomb, 2003) presented at the symposium on "Race, Crime, and Voting: Social, Political and Philosophical Perspectives on Felony Disenfranchisement in America," Brennan Center for Justice, New York University School of Law, September, 2003.

² The voting and democratic participation dimension is broadly defined to include civic literacy, democratic skill development, civic attachment, and political activism—as well as voting and electoral politics (Flanagan and Faison, 2001). Civic literacy is defined as "knowledge about community affairs, political issues and processes whereby citizens effect change." Civic skills include "competencies in achieving group goals" as well as leadership, public speaking, and organizational skills (Flanagan and Faison, 2001). Civic attachment refers to an affective bond to one's community or polity, and social trust, or the "belief that 'most people' are generally fair and helpful rather than out for their own gain" (Flanagan and Faison, 2001, p. 3; see Putnam, 2000).

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¹ General Accounting Office. "Federal Offenders: Trends in Community Supervision" (August 1997).

² Mumola, Christopher. "Substance Abuse and Treatment, State and Federal Prisoners, 1997" Bureau of Justice Statistics, Washington, D.C. (January 1999).

³ AOUSC Monograph 109 Executive Summary Page 1. (March 2003).

⁴ Petersilia, Joan. *When Prisoners Come Home: Parole and Prisoner Reentry*, Oxford University Press, New York (2003) p. 53.

[5](#) Office of Probation and Pretrial Services Memorandum "Update on Collaboration with the Bureau of Prisons on Mental Health Cases (May 15, 2002).

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Targeting for Reentry: Inclusion/Exclusion Criteria Across Eight Model Programs

[1](#) Beginning in 2001, The Office of Justice Programs (OJP) of the U.S. Department of Justice developed a series of system-wide adult reentry partnership initiatives (RPI) in eight "model" program sites: Baltimore, Maryland; Burlington, Vermont; Columbia, South Carolina; Kansas City, Missouri; Lake City, Florida; Las Vegas, Nevada; Lowell, Massachusetts; and Spokane, Washington. OJP provided technical assistance (but not program funding) to these eight sites and then selected the Bureau of Governmental Research (BGR) at the University of Maryland, College Park to conduct a multisite process/formative evaluation of these programs. A series of reports was completed by the research team, which was led by Dr. Faye Taxman and Doug Young from BGR, and Dr. James Byrne from the University of Massachusetts, Lowell. This article is a revised and updated version of a report, *Targeting for Reentry: Matching Needs and Services to Maximize Public Safety*, available on-line from OJP's reentry web page.

[2](#) The Urban Institute's impact evaluation will not be completed for at least another year, but in the interim researchers from the Urban Institute have designed a media campaign highlighting the nationwide reentry initiatives currently being implemented across the country (go to the Urban Institute's web page for the link). They have also completed process evaluations in four states (Maryland, Ohio, New Jersey, and Texas), which can also be accessed at this website, along with several other discussion papers and program "snapshots" highlighting reentry initiatives at selected sites. See, e.g. Solomon, Waul, Van Ness and Travis (2004) *Outside the Walls* (Urban Institute).

[3](#) For an overview of the findings from The University of Maryland's evaluation of eight model RPI programs, see Taxman, Young, Byrne, Holsinger, and Anspach (2002) *From Prison Safety to Public Safety: Innovations in Offender Reentry* (Washington, D.C.: National Institute of Justice). In addition, separate reports are available from OJP on the BGR research team's assessment of 1) offender targeting, 2) offenders' views of reentry, 3) the role of the community in reentry, and 4) roles and relationships in reentry partnerships. The Urban Institute's process evaluations are available on their website, including: Watson, Solomon, LaVigne, Travis, Funches, and Parthasarathy (2004) "A Portrait of Prisoner Reentry in Texas"; Visher, Kachnowski, LaVigne, and Travis (2004) "Baltimore Prisoners' Experiences Returning Home"; Travis, Keegan, and Cadora (2003) "A Portrait of Prisoner Reentry in New Jersey"; and LaVigne and Thomson (2003) "A Portrait of Prisoner Reentry in Ohio." For an overview of the "Impact" research currently available, see Petersilia, *this volume*.

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Examining the Role of the Police in Reentry Partnership Initiatives

[1](#) This article has been adapted from a report prepared for The National Institute of Justice, Office of Justice Programs. *Emerging Roles and Responsibilities in the Reentry Partnership Initiative: New Ways of Doing Business*, James Byrne, Faye Taxman and Douglas Young (Aug. 2001).

[2](#) For more detail on the research highlighted in this article, see the series of articles prepared for NIJ under grant 2000IJCX0045 and available from NCJRS.

[3](#) The eight case studies of model Reentry Partnership Initiative (RPI) programs were conducted in the spring, 2001 by an evaluation team directed by Faye Taxman, University of Maryland, who served as the principle investigator of the NIJ-sponsored evaluation. The site visits were conducted by Dr. Taxman (Florida, Massachusetts, South Carolina, Maryland), Dr.