

Accountability and Collaboration— Strengthening Our System Through Office Reviews

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THE PROBATION AND PRETRIAL Services Office (PPSO) within the Administrative Office of the U.S. Courts (AOUSC) has a long history of providing oversight of the work of the United States courts. This function fulfills the statutory requirement of the director of the AOUSC, or his authorized agent, to investigate the work of the probation officers and promote the efficient administration of the probation system (18 § U.S.C. 3672). Similar authorization to investigate the work of federal pretrial services rests under U.S.C. § 3153(c)(2).¹ For several years, there had been discussions within the PPSO that improvements to the review process were warranted, including concerns that the review process did not do enough to support the system's efforts to reduce offender and defendant risk in the community or advance evidence-based practices. With these two goals in mind, the entire review process was revised to better focus on risk and outcomes. Changes to the process included the incorporation of operational metrics, a greater emphasis on the supervision of higher-risk defendants and offenders, a more iterative and collaborative process between PPSO and the districts being reviewed, and a higher level of

program accountability. This article provides a detailed discussion of the development of the new process, highlighting the reasoning behind the changes that were adopted. It also shares feedback from several chiefs who have participated in the new process in fiscal year 2015. Last, this article invites a broader conversation regarding PPSO's commitment to improve collaboration and to enhance system accountability, both of which are essential to enhance the quality of federal community corrections and improve community safety.

Background

In order to meet its statutory responsibilities, PPSO has relied in large part on office reviews, which are on-site, broad examinations of an office's operations.² The reviews are conducted on a cyclical basis with sufficient advance notice to the district. The review team randomly selects offenders' and defendants' electronic case files for examination, with team members having direct access to the office's automated case management system and unfettered access to supporting documentation. Typically reviews assess pretrial services investigations and supervision, post-conviction supervision, low-risk supervision, as well as the district's location monitoring, treatment, and firearms and safety programs. In addition to reviewing files, team members interview officers and executive stakeholders

and examine local policy requirements. On average, districts are reviewed every five years, with the frequency influenced by funding and staffing levels at PPSO and in the courts. All reviews result in a written report filed with the chief judge of the district and copied to the chief probation or pretrial services officer. The report includes findings and recommendations based on national policies and procedures.

During a review, any deficiencies uncovered—referred to as Findings—are always tied to national policy requirements.³ However, one question that was asked was, "Are all findings equal?" Is an officer's failing to have a certain form signed as critical to community safety as her promptly responding to a location monitoring alert? The potential impacts of such failures are clearly not equivalent. PPSO needed to refocus office reviews on the supervision of higher-risk defendants and offenders and the most critical policy requirements. This posed a challenge to current practice, for there are sentence and statutory requirements that must be met and therefore verified through a review, even as those requirements may or may not have any definitive causal link to community

¹ U.S.C. § 3153(c)(2) states that the Director of the Administrative Office of the United States Courts is authorized to issue regulations governing the release of information made confidential by 18 U.S.C. § 3153(c)(1), enacted by the Pretrial Services Act of 1982. Within these regulations, pretrial services information shall be available to the staff of the AOUSC for reviews, technical assistance, or other research related to the administration of justice.

² In contrast, case reviews are conducted on an ad hoc basis, usually looking into the supervision of an individual defendant or offender implicated in new serious criminal conduct, such as a murder or rape.

³ The risk principle indicates that offenders should be provided with supervision and treatment levels that are commensurate with their risk levels. Lowenkamp, C. T., Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders, Topics in Community Corrections, 3-8.

safety.⁴ Other areas of a PPSO review, such as procurement and firearms, arguably have no direct link to reducing offender rearrest, although their relevance to abiding by contracting regulations and maintaining officer safety, respectively, are undeniable.

Another PPSO concern was the lack of program metrics to gauge district effectiveness. As probation and pretrial services have moved to become more data driven, the traditional review process clearly was not leveraging improvements in data collection and analysis. Changes were imminent.

An Opportunity to Innovate

PPSO's move to identify and adopt evidence-based practices nationally paralleled and largely informed its reassessment of the review process. In order to assess first-hand how recently adopted practices such as the Post Conviction Risk Assessment (PCRA)⁵ and Staff Training Aimed at Reducing Rearrest (STARR)⁶ were being applied operationally, during the summer of 2013 six chiefs agreed to let PPSO add several new elements to the traditional review protocol,⁷ including:

- Post-Conviction Metrics—In advance of each review, team leaders examined key district post-conviction metrics, mostly drawn from the Decision Support Systems (DSS), and discussed these data with the chief. These data included the offender population profile (e.g., offense of convictions), PCRA risk level and risk factor distribution, rearrest and revocation rates, and rates of supervision level adjustment.

⁴ For example, reviews document an officer's requirement to ensure that all offenders provide three mandatory urine tests (18 U.S.C. 3563(5)), the first being within 15 days of release, unless waived by the court. Arguably this provision intends to provide blanket assurances that offenders do not use illegal drugs while on supervision, absent any actuarial indication that such a need is present.

⁵ The PCRA is the actuarial risk prediction tool that officers conduct on all post-conviction offenders. It includes both an officer-scored section and an offender-scored section. Offenders are identified as being low risk, low-moderate, moderate, or high.

⁶ STARR is the federal probation system's version of training in core correctional practices and cognitive restructuring.

⁷ PPSO identified six districts (California Southern, Arizona, Iowa Southern, South Dakota, Nevada, and North Dakota) based upon their level of involvement in EBP initiatives. Given that the case file instrument included elements which were not yet formally established in national policy, PPSO advised the chiefs that the resulting report would be provided only to the chief, who would then have the option of sharing the report with their chief judge.

The data provided the review team with greater context within which to assess the implementation of evidence-based practices. The data were also included in the final report that was provided to each chief.

- Weighted Case Samples—The national distribution of offender risk based upon PCRA is approximately 40 percent Lows, 40 Low-Moderates, 15 percent Moderates, and 5 percent Highs. Traditionally PPSO randomly identified a 3 percent sample of all offenders for the case file review process. For the pilot, in order to increase the number of higher-risk cases, the case review samples were created to include 10 percent Low, 30 percent Low Moderates, 30 percent Moderates, and 30 percent High risk post-conviction cases. Additionally, the sample was also created to include closed cases, providing the review team with a greater opportunity to see how officers address serious noncompliance with the higher-risk offenders and defendant.
- Modified Post Conviction Case File Review Instrument—at the core of the review process is the review of various case files. A modified post-conviction review instrument was created that included new questions, e.g., Was the risk assessment tool accurately calculated?, Were STARR skills being used and documented?
- Officer Focus Groups—in order to engage staff in a broader conversation about the adoption of evidence-based practices, PPSO asked chiefs to identify up to 10 officers to participate in a focus group facilitated by the PPSO team during the review. The focus group discussions were to provide an open forum with line officers about the implementation of EBP in their district.
- Direct Officer-Offender Observation—in several of the reviews, team members accompanied officers in the field. The team members assessed how officers engaged with offenders in the community, including their incorporation of STARR skills and the degree to which the use of the skills was subsequently documented in the chronological record.

During and after the six reviews, PPSO examined the value in using each of these new elements. The use of metrics was very helpful to both PPSO and the district, but should be expanded to other operational areas as well. The use of the weighted case sample and reviewing closed cases also worked well and served to shift the focus of the reviews more toward risk to the community. However, an

even greater percentage of high-risk cases could be reviewed in the future. Finally, the direct officer and offender contact observations proved valuable in providing context for the review of written materials and should be expanded to pretrial supervision.

The officer focus groups were less effective because some officers did not feel free to express their thoughts. PPSO decided that a better way to solicit information would be to continue with and enhance the one-on-one officer interviews. PPSO quickly realized that while most of the new questions in the revised post-conviction case file instrument showed promise, some questions, especially related to newer evidence-based innovations, were not fair to ask because they were not yet tied to existing policy and the districts have not had time to universally implement the practices.

Interviews with Chiefs

Chiefs and chief judges are the primary customers in the review process. As PPSO considered how to improve the process, we reached out and interviewed approximately 20 chiefs whose districts had been reviewed during the previous two years. Their feedback was generally positive. A few of their comments are paraphrased and provided below:

PPSO reviews do a good job of finding deficiencies, but the report commentary is too limited. Rather reports need to be more specific and educational about what could help.

PPSO should provide a tool kit of better practices.

There is a need to focus on "system critical areas" or "non-negotiables."

Districts could do more peer review/self-assessments themselves.⁸

It is always good for chiefs to get outside feedback on their operations.

Reviews could be an opportunity to help educate the court about EBP and the national direction.

PPSO should help districts prioritize findings and follow up in developing a road map for implementing changes.

One chief noted that PPSO does not need to "throw a blanket over the whole organization" but rather focus on the critical areas.

⁸ Some districts have long used PPSO instruments to review their case files in advance of a review.

Given their bottom-line responsibility to ensure quality control over community corrections, chiefs have a tremendous stake in maximizing the review process. These and other comments have been very helpful as PPSO sought to improve its ability to add value and assist the courts.⁹

The District Action Plan

Chiefs are highly cooperative with the review process and are typically responsive to recommendations made in review reports. However, during recent years, several incidents have occurred of defendants and offenders committing acts of violence that have gained national media attention.¹⁰ Those cases have prompted recommendations that the courts do more to formally correct deficiencies found during reviews and that PPSO be more independent in its review. Based on input from the AOUSC's Chiefs Advisory Group and other chief probation and pretrial services officers, PPSO proposed to incorporate a formal action plan and annual follow-up process to the office review protocol. In December 2013, the Judicial Conference's Committee on Criminal Law (CLC) endorsed the need for districts to submit a written action plan and annual progress report to respond to all findings related to community supervision that were identified in the final office review report. The action plan should be developed by the chief in consultation with the AO, other chiefs, and other available resources and filed with the chief judge and the AO within a certain time frame. The plan should include time lines, detailed action steps, assigned staff, and empirical measures to gauge success of the plan. As a part of this change, PPSO staff will regularly provide the Director of the AOUSC and the CLC updates on program and case review findings and trends, and report on the impact of the proposed changes designed to demonstrate greater independent review of probation

and pretrial services work and follow-up on office review findings.

The action plan and follow-up process was implemented for any office being reviewed after January 1, 2014. Of the offices reviewed since that date, seven have reached the annual progress report due date and have submitted their reports to the chief judge and to the AOUSC. Joe McNamara, chief in the District of Vermont, commented on the process:

I thought the annual follow-up progress report was very helpful in addressing the findings the review team made during our 2014 evaluation. Although we knew we needed work in those specific areas, the progress report motivated us to start an internal evaluation on our progress immediately. Having a date certain for a follow-up report to the AO and the Chief Judge forced us to start with the end in mind—progress on each of the findings that resulted in 80 percent or greater proficiency—and then develop a process for instituting and measuring the progress we were making.

Likewise, Rossana Villagomez-Aguon, chief in the Districts of Guam and the Northern Mariana Islands, shared her experience:

The new process provides structure and accountability to making the required improvements. It also provides continued support and assistance if needed for making these improvements within the required year.

The addition of the action plan and follow-up process was the first change of many in updating the entire office review process.

The Revised Office Review

Evaluating lessons learned from the six 2013 reviews, the feedback from chiefs, as well as the Criminal Law Committee's call for action plans and follow-up, PPSO put the new office review design in motion. The following explains the major changes and innovations.

Strengthening the Review Team—Standardized Training

The foot soldiers of the review process have always been volunteer officers, the subject matter experts from courts throughout the country. They objectively review each district's casework and programming and share their expertise. To ensure qualified team members, PPSO elevated the qualifications reviewers must meet in each subject matter area to

participate in reviews. At the same time, PPSO created a standardized training delivered by distance web-learning. The training modules cover the structure and purpose of the review process, a close examination of the revised case file review instruments, how to conduct interviews and observations, and professional expectations. The team member candidates are then required to review a practice case file online, after which they get feedback. These training elements prepare the team member to take a final exam, which if passed will result in team member certification. The certification will need to be updated every two years to keep review skills fresh and ensure that team members are aware of any updates to the review process.

A More Collaborative Process—Discussing Purpose, Local Policy, and Metrics

Administrators now engage with chief probation and pretrial services officers earlier and more substantively, particularly regarding the purpose and benefits of the review, local policy requirements and any local constraints, and the district statistics or metrics.¹¹ The district metrics provide an overview of major process and outcome measures that are related to effective supervision, e.g., staffing defendant or offender case plans, defendant and offender employment rates, pretrial services interview rates. These may flesh out concerns that are later associated with findings and help the chief communicate to the officers the importance of reviewing data related to their everyday work.

The completion of a new policy/program questionnaire in advance of the on-site portion of the review may also identify where there will likely be findings (due to inconsistencies with national policy) months in advance and help the team members navigate the district's policy documents. This front-end work is intended to show a district's leadership that the focus of the review is not about highlighting officer deficiencies so much as it is about improving general operational processes and increasing policy adherence in order to improve outcomes. Likewise, the review process also allows PPSO and team members to provide positive feedback to the district and to identify local innovations to potentially share with the rest of the country.

⁹ The Chiefs Advisory Group was briefed on the chief interviews and proposed office review process changes.

¹⁰ While referring to custodial corrections, consider the following from NIC: as George Beto, former director of the Texas Department of Corrections expressed it, "no other institution has shown a greater reluctance to measure the effectiveness of its varied programs than has corrections" (Jackson, 1971). Self-examination typically resulted from scandal, riot, or notorious change in administration. Cohen (1987:4) explains that corrections only examines itself "as a result of dramatic events and external pressures rather than as a result of introspection and internal examination."

¹¹ PPSO has prepared A Guide to District Metrics to help explain to chiefs and other senior managers which metrics PPSO has focused on and why.

The following quote from Chief Paula Pramuk in the Northern District of Indiana conveyed her view:

As a new Acting Chief, I found the office review process to be invaluable ... the team leader did a great job of informing me of the upcoming process. She was there to answer any of my questions. Once our review was completed, the team did a nice job of not just notifying us of our findings, but they made a point of telling us what we are doing correctly. I thought that was critical in the process so that officers did not feel "beat down" by this process.

And from the Southern District of Ohio, Chief Pretrial Services Officer Melanie Furrie noted:

The review process was significantly different than the review that occurred years prior. From the beginning, communication with the team lead was the key. There is a tremendous amount of work completed prior to anyone actually stepping foot in district. Time frames were determined from the start to ensure everyone stayed on task, and the team lead was transparent during all stages of the review. Overall, our agency found the review beneficial. The review process validated for us the areas in which we knew we excelled, while also providing suggestions for improvement. I particularly like that each section of the review tool provides a citation in the Guide for reference. This eliminated a team member's reviewing based on how his/her district operates, and instead placed the criteria directly on national standards.

Owning Supervision Quality— District Self-Assessment and In-house Observations

PPSO strongly encourages probation and pretrial services office chiefs to conduct self-assessments using PPSO instruments several months in advance of the review. This is intended to foster a culture of continual self-assessment within the district, and to enable the chief to know in advance where there will likely be findings when the onsite review occurs. The self-assessment serves to provide greater transparency and credibility to the review process. Chiefs are able to assess their operations, focusing on the policy requirements highlighted in the review process, and are free to begin addressing any shortcomings months before the formal review is conducted. When the review findings match what

had been shown in the self-assessment, the legitimacy of the entire process is enhanced. This should assist chiefs in developing action plans that respond to the formal findings and meet the expectations of the Committee on Criminal Law.

PPSO also strongly encourages chiefs to conduct internal defendant/offender and officer contact observations before the on-site review, using the office review observation tools. This process offers the district with another purposeful way for supervisors to engage in the supervision process, providing officers with valuable feedback to help reduce risk and increase public safety.

Consider the feedback from Chief Jeff Thompson, the District of Idaho, regarding the self-assessment process:

In preparation for the review, we undertook a number of steps to demonstrate our commitment to our strategic plan. First, we hired two temporary staff to conduct all of the data collection required for the self-assessment portion of the review. We selected two recent college graduates and gave them the most current review tools available. We then posted the findings of the previous review on our internal website so that all new staff could see how a review was conducted, including our response. We also posted all of the instrument review tools and all the documents associated with the review process and began discussing various elements within unit meetings well before the scheduled review date. Once the self-assessment was under way, we selected one year's worth of data from both open and closed cases to form our sample.¹²

At the conclusion of our self-assessment process, we had a pretty clear picture of what we needed to improve in providing supervision and location monitoring services to offenders and defendants. It also enabled us to start developing reports addressing the deficient areas. This gave our supervisors the reports they needed to address both the areas in which we needed improvement, as well as continue our level of performance in areas we judged were within acceptable limits. Once the review team arrived, there were no major surprises.

This is just one example of how a district may conduct the self-assessment. The obvious point is that the district, not PPSO, owns the

quality control over the services it provides to the court and the community. A diligent self-examination of higher-risk cases will always provide chiefs with insight on district operations. This will reveal areas of strength as well as some areas that have perhaps not received adequate attention. The ultimate goal shared by the district and PPSO is to improve community safety by adhering to national policy.

Revised Instruments—Improved Consistency and Accountability

The case file review instruments are the primary tools used by review team members to assess whether officers are abiding by national supervision policies. PPSO staff reexamined all the review questions and added new questions with a goal of lifting up those elements clearly tied to community safety and outcomes. For example, in the area of post-conviction supervision more emphasis was needed on (1) reentry planning and risk assessment, (2) the use of supervision strategies for higher-risk offenders, and (3) swift and certain response to noncompliance.

PPSO also removed any compound or "double-barreled" questions, unless both elements had to be met, and clarified or removed any ambiguous or imprecise terms. It was also important to tie each question directly to policy and cite that policy. With additional input from subject-matter experts in the probation and pretrial services system, PPSO revised every case file review instrument, created a new low-risk supervision instrument, and designed new interview and observation forms that would provide a better picture of the district's work in assisting the federal courts in the fair administration of justice, protecting the community, and bringing about long-term positive change in individuals under supervision.

Weighted Caseload Samples—Applying the Risk Principle

To assure a focus on higher-risk defendants and offenders, the cases pulled for review consist of 70 percent moderate and high-risk offenders, based upon the assigned PCRA risk level. The risk principle rests on the need to engage with individuals who present the greatest risk of reoffending. What officers can achieve with higher-risk defendants and offenders, by correcting and/or controlling strategies, is what will make a difference in improving community safety.

PPSO also created a new case file review instrument for low-risk post-conviction

¹² Districts can access the same reports that PPSO uses for random weighted case selection to use in their self-assessments.

supervision offenders. This instrument, like the low-risk policy itself, seeks to ensure that officers are not investing precious time engaging unnecessarily with offenders who pose a very low probability of reoffending.¹³

Direct Officer and Defendant-Offender Contact Observation

PPSO's earlier experimentation with officer contact observations proved valuable to the review process. This has been adopted as a standard practice in the new review process. The goal is to gain a qualitative sense of officer's engagement with an offender or defendant. Not surprisingly, much of an officer's true skill set is very often not reflected in a written record and would not otherwise be observable to a review team. The evidence-based practices literature makes clear that officers must first establish a positive rapport with offenders and defendants. Offenders who perceive their officers as firm but fair have better supervision outcomes than those who do not.¹⁴ Additionally, as probation officers increasingly make use of core correctional practices and cognitive restructuring; direct observation of the officer-offender interaction is essential.

Fine Tuning—Piloting the New Office Review Process

During the summer of 2014, three districts agreed to allow PPSO to conduct their scheduled review using the new protocol and case file review instruments.¹⁵ Before, during, and after the on-site reviews, the pilot districts and the team members on those reviews provided very specific and invaluable feedback concerning their experience and their findings. This helped make the process both fairer and more transparent. The most substantive changes were in fine-tuning the review instruments to help the team members and the districts understand the intent of the questions. In some cases, entire policy requirements were dropped from the instruments, as it was determined that the case file

¹³ Lowenkamp, C. T., & Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders, *Topics in Community Corrections*, 3-8.

¹⁴ Paparozzi, M. (1994). Doctoral dissertation.

¹⁵ Special thanks to chiefs Ricky Long (Georgia Southern) and Chris Maloney (Massachusetts) and former chief Ron DeCastro (Pennsylvania Eastern) for their flexibility and patience as PPSO worked out some of the challenges in the new process.

review process was not the most objective way to determine policy compliance. Additionally, while every effort is made to reduce subjectivity, subjectivity was inevitably inherent in some questions due to the nature of pretrial and probation supervision. In those few situations, PPSO and the office being reviewed have to rely on the professional judgment of the qualified, well-trained, and experienced team reviewers, remembering the intent of the review process. PPSO worked to ensure that its understanding of policy application was realistic and fair, as the objective is not to find fault but rather to increase policy adherence in order to improve outcomes and safety.

The new review protocol and instruments were adopted for all reviews in Fiscal Year 2015. During that year, additional minor updates were made to further clarify the instruments and the final report based on the input of chiefs and a few chief judges. The office of Chief Tony Castellano from the Northern District of Florida was one of the first to be reviewed under the new protocol; he provided these comments:

Our approach as a district was to welcome the review team and assist in ensuring they capture the data they need to provide meaningful feedback. Through the new review process, we received an objective review of what we do well and areas we need to improve. The areas the review team identified as requiring improvement were discussed, and the review team provided helpful tips to address these areas. The key piece to the review is ensuring we as a district hold ourselves accountable and correct the necessary changes.

PPSO and the offices reviewed found that the new review protocol sets a very high bar and a new baseline for the number of findings per probation and pretrial services office.

Going Forward—Upcoming Developments in the Office Review Process

In the coming year, PPSO will continue to improve the office review process. Below are several of the efforts underway:

- Training for team members is continually being updated to automate the team member certification process, including numerous video tutorials, practice exercises, and tests. Team members will be required to pass an overall certification exam every two years to participate in office reviews.
- PPSO is systematically reviewing the recommendations that are provided in each report as well as what chiefs place in their action plans and follow-up reports. These will then be integrated and used to develop a resource page for districts to see what their peers are doing to address any deficiencies.
- PPSO is developing quality control tools to survey districts and team members following reviews. The information will be used to evaluate the process and make potential improvements.
- Eventually, PPSO will examine if there is any correlation between formal findings from an office review and a district's recidivism rate. If indeed a district's close adherence to national policy improves offender behavior change and reduces rearrest, there should be an identifiable correlation.

Conclusion

During the past two years, PPSO has worked closely with the courts to develop an office review process that both increases adherence to national policies—particularly those focused on recidivism reduction and community safety—and enhances the collaborative relationship between PPSO and the courts.

While providing oversight as required by statute, PPSO also hopes to inculcate a culture of self-assessment among probation and pretrial services offices. In a system as decentralized as the federal judiciary—and arguably in any community corrections system—quality control improves community safety. This has to be front and center in the minds of all supervisory staff in our system, and a comprehensive approach at the district level is essential. Clearly it cannot be ensured from Washington D.C. Nevertheless, the recent revisions to the national probation and pretrial services office review protocol should help us all move forward as a research-based, data-driven, and outcome-focused community corrections system that is fair, efficient, and effective.