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Federal PROBATION

a journal of correctional philosophy and practice

Celebrating the Centenary of the Federal Probation System

Reflecting on the Centenary

How We Got Here

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THIS ISSUE IN BRIEF

Celebrating the Centenary of the Federal Probation System

Reflecting on the Centenary

How We Got Here

The System at 100

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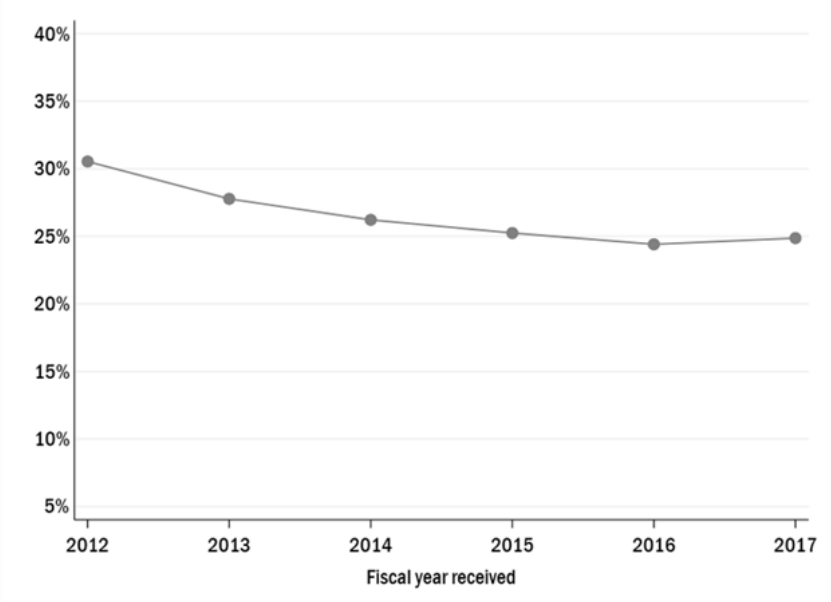
ON MARCH 4, 1925, President Calvin Coolidge signed into law the Probation Act of 1925, which not only authorized federal judges to impose a term of probation in lieu of a term of imprisonment but also created the federal probation system. This was the culmination of decades of attempts, mostly from federal judges, to secure this kind of authority. The federal probation system was originally placed under the control of the attorney general, and later under the Federal Bureau of Prisons. In 1940, it was moved to the federal judiciary following the creation of the Administrative Office of the U.S. Courts (AO). In the years since its creation, what eventually evolved into the federal probation and pretrial services system has experienced significant change. In 1930, it was charged with supervising federal parolees. Later it was given responsibility to supervise federal juvenile delinquents. After World War II, the system assisted in supervising military parolees. In the 1980s, Congress authorized pretrial services and supervised release. The system's workload, staffing, and complexity have all increased over the past century.

The centennial of federal probation marks a good opportunity to take stock of what has been accomplished and where the system needs to go. Twenty-five years ago, federal probation and pretrial services undertook a strategic assessment, the recommendations of which have shaped many of the major initiatives that have been implemented since then, including: (1) the creation of a national training academy, (2) the creation of a data-driven business intelligence platform, and (3) the adoption of evidence-based practices to reduce recidivism. While much progress has been made on these and other initiatives identified in the strategic assessment, much remains to be done. Additionally, changes in the law and technology (among other areas) have emerged since the completion of the strategic assessment. In this article I highlight some of the issues facing today's federal probation and pretrial services system using the framework established by the strategic assessment. I offer possible pathways to pursue and raise questions for system leaders and stakeholders to ponder. Considering these recommendations and questions will help our system plan for success in the years ahead.

What are the mission-critical outcomes that the system should be striving to achieve?

The central recommendation of the report on the strategic assessment was to become a results-driven organization with a comprehensive outcome measurement system. In

Figure 1. Overall Arrest Rate Over Time



Notes: This figure graphs overall rearrest rates within five years by supervision start year. For an individual to be included in the analysis, a five-year observation period must be available, meaning supervision must have started prior to September 30, 2017.

response, the federal probation and pretrial services system set out to identify what its desired outcomes should be. In post-conviction supervision, recidivism has been the benchmark metric. While the federal recidivism rate is below state and local community corrections programs, more can be done. After years of steady decreases in recidivism, recently the trend has shifted. What is causing/contributing to this change in the trend? What can be done to return to the downward trend?

Some have raised questions about whether all revocations should be viewed as unsuccessful outcomes. While a revocation reflects that the person under supervision did not desist from criminal or other prohibited conduct (as defined by the court-ordered conditions), should the detection and disruption of that criminal conduct be viewed as a positive outcome from a public safety perspective?

The federal system has been careful in its use of revocations. Officers manage noncompliance using a variety of interventions, including reviewing the conditions with the person on supervision, clarifying instructions and giving warnings, adjusting testing and treatment regiments, and stepping up oversight as needed. Officers often notify the courts of noncompliance without recommending any court action. When needed, officers may seek modifications to court-ordered conditions to address emerging needs. When all else fails, and when public safety is at risk, officers will seek a summons or warrant for the arrest and revocation of the term of supervision. Despite concerns by some that revocations of supervision for technical violations of conditions are rampant, an analysis of revocation data by the AO does not support these claims. In fact, very few people on supervision are revoked and returned to imprisonment simply for a technical violation.[1]

In pretrial services, the desired outcomes are tied to the goals of the Bail Reform Act, which seeks to reduce the reliance on pretrial detention while ensuring the safety of the community and the defendant's appearance in court as required by the judge. Pretrial supervision outcomes are excellent. Overall, the system achieves over a 90 percent success rate, and even the highest risk cases succeed 75 percent of the time. However, the release rate remains stubbornly low and, despite some improvement in recent years (attributable to the COVID-19 pandemic), the release rate trend is declining. What is causing/contributing to the decline in release rates? What can be done to safely increase release rates? Should the probation and pretrial services system limit its focus on recommendations for release, since that is within its control? Should the probation and pretrial services system take a more active role in persuading judges to release more defendants when it is safe to do so?

A substantial part of the work of the probation system is conducting presentence investigations and writing presentence reports. What metrics should be used to assess the success of the presentence function? Judicial satisfaction with the reports? Accuracy in calculating the guidelines? The degree to which information is corroborated and verified? How useful officers' sentencing recommendations are? Surveys conducted by the AO over the past several decades continuously show high satisfaction with the reports, with less reliance on the overall sentencing recommendation, but higher reliance on the recommendations related to supervision terms and conditions.

To become a results-based organization, the probation and pretrial services system needs to be able to draw not only from research literature that demonstrates "what works" in reducing recidivism, but also on the skills and resources to implement this research with fidelity. Additionally, in some functional areas—such as pretrial services supervision—the existing research literature is insufficient or inconclusive. In such instances, the system must use sound methods to design, pilot, and study the effectiveness of its own initiatives. Questions arise about how best to carry out this work. The AO has staff capable of doing so, but their bandwidth is limited. Previous efforts to collaborate with districts to pilot and study innovations have proven challenging. Entities like the Federal Judicial Center (FJC) are available to conduct research requested by the Judicial Conference, but the FJC's capacity is also limited. The system should explore ways to build a more robust research program by expanding internal capacity, developing partnerships with other agencies and academia, and contracting for services when necessary.

Is the federal probation and pretrial services system properly resourced to achieve mission-critical outcomes?

Annual budget requests consistently seek funding below 100 percent of the staffing formula requirements. In most recent years, the requests have not exceeded 90 percent of full staffing formula requirements. Based on available resources (including appropriations, fees, and carry forwards), recent years have resulted in significant reductions to full-formula allotments.

As of April 30, 2025, the staffing formula called for 9,077 authorized work units (AWUs), but there were approximately 7,700 on-board staff. For the same period, the staffing utilization rate compared to the staffing formula was 83 percent. There were 33 offices with staffing utilization rates below 80 percent. A few offices had rates as low as 66 percent. There were 38 offices with staffing utilization rates at or above 85 percent. The staffing utilization rate compared to funded positions was 92.2 percent. What should the target staffing utilization rate be? Should it depend on the size of the office (i.e., the number of AWUs)?

Late appropriations and final financial plans have a chilling effect on hiring and spending and result in excessive surpluses and funds not being used to meet operational needs. Budget execution rules do not currently promote hiring during continuing resolutions or at the end of fiscal years, as the risks associated with these decisions are borne by the district alone. Could the AO find ways to share the risks with the districts to promote hiring throughout the year, so that staffing levels would increase and surpluses would decline?

The ability of the AO's Probation and Pretrial Services Office (PPSO) to support the system is impacted by limited resources. The office has about 75 full-time staff to support the roughly 7,800 probation and pretrial services employees. PPSO relies on more than 50 temporary duty assignments (TDYs) and

Table 1. Financial Plan Reductions

Fiscal Year	Financial Plan Reduction
2020	-9.4%
2021	-11.5%
2022	-13.0%
2023	-9.6%
2024	-7.4%
2025	-10.9%

[1] Cohen, Thomas, "Just the Facts: Revocations for Failure to Comply with Supervision Conditions and Sentencing Outcomes" (June 14, 2022) (available at: https://www.uscourts.gov/data-news/judiciary-news/2022/06/14/just-facts-revocations-failure-comply-supervision-conditions-and-sentencing-outcomes).

detailees to carry out its work. While PPSO benefits from the "boots on the ground" perspective, the temporary nature of this staffing augmentation presents risks to the program's success. Compared to similar organizations, PPSO's staffing is dangerously low. For example, the BOP has over 2,000 staff in its Central Office supporting 32,000 employees across the country. That is a staffing ratio of 1:16. By comparison, PPSO's staffing ratio is 1:100. What should PPSO's staff size be? What is the optimal use of TDYs/detailees?

Is the federal probation and pretrial services system properly staffed to achieve mission-critical outcomes?

Staffing formulas measure the work being done but fail to capture work not done that needs to be done to achieve desired outcomes. The staffing formulas perpetuate a cycle of getting less and doing less. Instead, the formulas should be aspirational—what does it take to achieve desired outcomes?

Probation and pretrial services offices are routinely reporting challenges recruiting and retaining staff. Working for the federal probation and pretrial services system used to be the goal of community corrections professionals, but nowadays many districts report smaller, less qualified recruitment pools. Among the reasons cited by some chiefs is the lack of competitive salary and benefits. Disruptions in operations stemming from long CRs and government shutdowns (or threats of shutdowns) make federal public service less attractive for state and local community corrections professionals. Additionally, some chiefs cite changing attitudes on careers in law enforcement. What should be done—locally and nationally—to improve the recruitment of new officers?

Retaining staff has also been challenging. For fiscal year 2023, there were a number of resignations and transfers of officers in their 20s and 30s and a surge in retirements once officers hit age 50 (the minimum retirement age).

Among the reasons cited by chiefs for early departures of staff is burnout associated with high workloads and high stress. Adding to these workload pressures are challenges an office faces when staff are out of the office for any extended period of time. For example, probation and pretrial services staff constitute 27 percent of all federal Judiciary employees. However, according to personnel data maintained by the AO, in fiscal year 2024, system staff used 128,964 hours of Paid Parental Leave (PPL), 52 percent of the 250,267 total PPL hours used by Judiciary staff. Extended absences of officers and staff create holes that must be filled by other officers and staff, many of whom already have full plates. Increasing officers' caseloads can add pressure to avoid delays in investigations and reports and increase the risk that supervision issues are not timely or adequately addressed. Stakeholders generally agreed this was a problem, and there are measures underway to seek relief in the form of added staffing resources that can be strategically deployed to cover extended absences of staff.

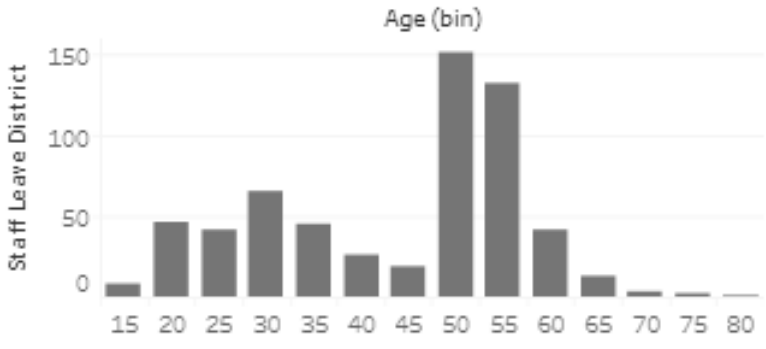
The work conditions of officers also present challenges to officer recruitment and retention. Officers face risks to their personal safety while carrying out their duties. From October 1, 2023, to September 30, 2024, probation and pretrial services staff entered 617 approved safety incident reports in the Safety and Information Reporting System (SIRS). This is nearly identical to the 636 reports in fiscal year 2023. Safety incidents include assaults, written and verbal threats, intimidation, animal attacks, encountering people with weapons, and being exposed to unsafe/unhealthy environments.

The system offers extensive firearms and safety training, and in recent years has stressed the importance of strategies to maintain staff wellness. Nonetheless, there is more that could be done to promote safety and wellness among the workforce. For example, the staffing formula could be modified to ensure sufficient staffing resources to allow officers to conduct fieldwork in pairs. Additionally, PPSO is currently analyzing the results of an officer safety survey, which should provide direction on what officers perceive to be their safety needs. Some ideas include additional less-than-lethal tools (e.g., batons, tasers) or modifications to the firearms regulations to allow for pistol-mounted optics that could enhance shooting proficiency and reduce the risk of missed shots. The rollout of any new tools or features would require modifications of national training and may require additional resources.

Another staffing risk is the constant churn among the system's leaders and the need for better succession planning. Currently, over one-third of all chiefs have less than three years of experience. The 2024 New Court Unit Executive and Chief Deputy Orientation Program hosted by the AO had 80 participants, of whom half were from the probation and pretrial services system. In 2024, 22 chiefs retired; as of summer 2025 another 15 have already retired or announced their retirement. The AO's Chiefs Advisory Group (CAG) has identified a gap in the training offered to new chiefs by the AO and FJC. To fill this gap, they have developed a New Chiefs On-Boarding Program in which they offer new chiefs advice on topics such as budget and finance, managing complex personnel matters, and using data to make decisions. PPSO provides logistical support for this program, and is responsible for enrolling new chiefs, scheduling sessions, and moderating material on the chiefs' SharePoint site.

In 2005, in part due to the findings from the strategic assessment, the AO entered into an agreement with the Federal Law Enforcement Training Center (FLETC) to host the Federal Probation and Pretrial Academy. The academy offers classes to new officers, as well as advanced programs in firearms, safety, search and seizure, sex offender management, and some EBP skills. The full curriculum for new officer training is six weeks long; however, due to backlogs, the curriculum was shortened in 2023 to four weeks. The program extended to five weeks in 2025, with plans to get back to six weeks in FY 2026. However, even at six weeks, our initial training falls behind many other federal law enforcement agencies.

Figure 2. Age Distribution of Staff Leaving FY 2023



Beyond the Academy, PPSO offers training on a number of policies, procedures, tools, and skills used by officers. PPSO relies on TDYs to deliver many of these trainings to the field. Additionally, PPSO has recently started to focus on the importance of not just offering training, but ensuring good implementation of policies, procedures, tools, and skills. The focus on implementation has not been resourced with full-time AO staff and is being delivered primarily by contractors and TDYs. How should the system align and properly resource EBP implementation efforts?

Is the federal probation and pretrial services system properly organized to achieve mission-critical outcomes?

The strategic assessment provided a detailed breakdown of the organization of the Judiciary and the federal probation and pretrial services system. The report touched on the roles of district and circuit governance, as well as the roles of the Judicial Conference, its committees, the AO, the FJC, and the U.S. Sentencing Commission. The report included a recommendation to "organize to achieve mission-critical outcomes" and a recommendation to "review the appropriate roles of national entities."

Driven largely by budget pressures, the Judiciary has been promoting organizational models that are intended to achieve efficiencies and boost productivity. These proposals include consolidating court units and the sharing of administrative services. Neither strategy has been well-received by the probation and pretrial services system.

Although consolidation might achieve savings to the Judiciary in the form of smaller allotments to newly consolidated court units, there has been inadequate examination of how consolidation may impact the office's performance. One analysis conducted by PPSO suggests that if an office consolidates, it should maintain a dedicated management position to oversee pretrial services work. The current staffing formulas do not fund districts in this way. If funding for dedicated pretrial services management was necessary for consolidated offices to maintain good outcomes, the cost of that would greatly exceed the savings derived by consolidating the offices.

The sharing of services—within and across districts—is another strategy promoted by the Judiciary in the attempt to operate with limited resources. Although there are shared services arrangements that work well, some models are detrimental to probation and pretrial services offices. Bad models fail to ensure that high quality services are delivered to all court units or that all court unit executives have a say in how services are prioritized and delivered.

Is the sharing of operational services across offices underutilized in the probation and pretrial services system? There are several examples of effective sharing. For example, districts have pooled resources to support the creation and maintenance of regional drug testing labs. Labs with sufficient volume may be more economical than locally operated labs. Similarly, a few districts have pooled resources together to operate computer forensic labs. At the national level, additive funding is offered to districts to facilitate systemic work such as gang and violent extremist intelligence sharing, and release planning for civilly committed sex offenders. Should more sharing be encouraged? For example, could districts share safety and firearms instructors? Search team members? EBP coaches? Also, should the system develop solutions that offer short-term staffing support for offices in need? For example, when an office loses a staff member to paid parental leave, military leave, or extended medical leave, could the system provide temporary assistance to that district? If so, how should such an arrangement be funded? Pooled resources among the districts? Nationally funded?

Some districts have made the decision to place a district executive or a district clerk between the chief judge and the other unit executives. While such an arrangement may be expedient for the chief judge, it fails to recognize the unique operational issues that arise in probation and pretrial services offices and leaves it to a district clerk to determine what information is elevated and how chiefs engage with the judges. Based on the risks associated with the work, should these organizational models be discouraged?

The concepts of local governance and budget decentralization are valued in the federal Judiciary. It is generally understood that the best decisions are made by those closest to the work. However, in some areas, our decentralized governance system has added challenges for the system. For example, despite the lack of national policies, procedures, rules, or funding, several districts have embarked on efforts to operate judge-involved supervision programs modeled after state and local drug courts. And while drug courts have been extensively studied and can be effective when implemented correctly, the lack of standards, resources, and supports has led to fragmentation, disparity, and inconclusive outcomes. Nonetheless, the programs continue, drawing resources (e.g., staff time, treatment funds) from probation and pretrial services offices. Certain judges are strong supporters of these kinds of programs, making it challenging for chiefs to communicate their concerns.

The only organizational change that has occurred at the national level since the strategic assessment is the 2013 reorganization of the AO. As a result of that reorganization, the former Office of Probation and Pretrial Services (led by an Assistant Director who reported to the Deputy Director of the AO) was renamed the Probation and Pretrial Services Office (led by an office chief who reports to the Associate Director for the Department of Program Services (DPS)).[2] The stated purposes of the 2013 reorganization were to (1) reduce operating costs and duplication of effort, (2) simplify the agency's administrative structure, and (3) enhance service to the courts and the Judicial Conference. It's unclear what impact, if any, the AO's re-organization has had on the probation and pretrial services system. It's unclear if mission-critical outcomes improved because of this organization or if outcomes would have been better under an alternate structure. This is something that needs to be reassessed.

Another feature of the organization of the Judiciary that should be studied is the fact that the AO does not serve as a "headquarters," and it has limited authority to direct changes at the district level. Extra care and effort must be invested to work collaboratively with the districts to effect needed change. This dynamic means results are inconsistent and may take more time to achieve. There has been no examination of whether the current governance of the probation and pretrial services system, with its unique mission within the branch, is optimal to achieving mission-critical outcomes. Alternate support structures should be considered, including greater use of regional staffing models (i.e., AO staff deployed across the country to better integrate with each district).

Under statute, the Director of the AO is

[2] The Office of Probation and Pretrial Services (OPPS) was created in 2001. Its predecessor entity, the Federal Corrections and Supervision Division, was a component of the AO's Office of Court Programs, which provided support to clerks' offices and probation and pretrial services offices. Director Leonidas Ralph Mecham, in announcing the creation of OPPS, cited the growth in the program's size, budget, and complexity of its work.

charged with a number of responsibilities related to the probation and pretrial services system. For example, in 18 U.S.C. § 3672, the Director shall, among other things:

1. Investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers.
2. Collect for publication statistical and other information concerning the work of the probation officers.
3. Prescribe record forms and statistics to be kept by the probation officers.
4. Formulate general rules for the proper conduct of the probation work.
5. Endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts.

The Director also has broad statutory authority over the contract treatment services used by probation and pretrial services offices, the firearms program (including training and authority to carry and use a firearm), and the disclosure and use of pretrial services information. The Judiciary spends approximately $50 million per year in substance use testing and treatment. An additional $30 million is spent on mental health treatment (with many being treated for co-occurring disorders involving substance use disorder).

Alternatives to the current contract treatment model must be explored. Among the options to be considered are providing some services in-house (e.g., cognitive behavioral services). The AO's Office of the General Counsel has determined that the Judiciary lacks the authority to bring substance use disorder treatment in-house. Recently, the Judicial Conference agreed to seek legislation to allow the hiring of staff to deliver in-house treatment. Other options include a national telemedicine contract, modeled after other national contracts such as location monitoring and computer monitoring.

One area where the Director's authority seems impactful is in reviewing the work of probation and pretrial services offices. PPSO is in the process of revising its review protocols to make them align more closely with case outcomes. We know that review outcomes matter to the chiefs and their judges and will influence operations.

Other ways the AO can work with the districts to influence operations at the local level include (1) continuing to use court staff as TDYs (as subject matter experts but perhaps avoiding their use as PPSO staffing augmentation), (2) recruiting and appointing diverse working group members, and (3) funding national additive positions (e.g., a service provided by a district that benefits the system as a whole).

What are the emerging opportunities and threats that may impact the ability of the federal probation and pretrial services system to achieve mission-critical outcomes?

There are a number of emerging issues that will shape the system in the years ahead. These issues present both risks and opportunities.

The AO is undertaking the modernization of its core case management system for probation and pretrial services, PACTS. The new system, PACTS360, will be cloud-based and will merge all information on clients and cases into a unified record. The initial release of PACTS360 will occur in early 2026 with six pilot offices. Full implementation is expected by the end of 2027. While the first release of PACTS360 will offer many new features for officers and will undoubtably make them more productive and effective, the benefits of PACTS360 will truly be realized in the years that follow. A number of enhancements are already planned but need to be funded in future fiscal years. PACTS360 has received extensive support from key Judiciary stakeholders, but that support will still be needed in the years ahead (albeit at a lower cost) to ensure that it maintains its place as a state-of-the-art platform for the probation and pretrial services system. Putting PACTS360 in the cloud has several benefits, not the least of which is the potential to someday leverage emerging AI technology. Use cases for AI have already been identified, with many more on the horizon:

- Advanced Research and Data Science: Most of PPSO's research efforts today rely on traditional methods (e.g., regression analyses). AI offers a number of advantages. For example, natural language processing would allow us to take advantage of tremendous amounts of data in unstructured formats (text in chronological records in PACTS and PACTS360, uploaded documents such as police reports and treatment records, and even video and audio records such as those used in some STARR/core correctional practice interventions). Additionally, AI can recognize patterns in the data that traditional research may miss or require extensive time/effort to find. AI will not only increase the data that can be tapped into, but it will also speed up the system's ability to reach results.
- Acute Dynamic Risk Assessment: PPSO already has a dynamic risk assessment (i.e., one that detects changes in risk over time). However, detecting the change in risk must be initiated by the officer by doing a reassessment. An acute dynamic risk assessment would be a tool that proactively alerts officers when factors in the person's life have changed and correspond to increased risk of recidivism. For example, if there was an AI engine that could sort through all of the inputs received on a case (e.g., officers' chronological entries, updated rap sheets, drug test results, treatment report, monthly supervision reports) and flag those cases in which the data suggested increased risks, the officer could prioritize those cases and attempt to mitigate the issues BEFORE a recidivist event occurred.
- A Recommender System: Many applications now include user feedback features that help train the application on what to recommend to the user. For example, based on a user response, with a streaming service the application recommends similar shows that you may like. The more you provide feedback, the better the recommender is at predicting shows you will like. The probation and pretrial services system should pursue a recommender system for supervision outcomes. It would look at millions of case outcomes based on factors that match an officer's case. It would identify those with successful outcomes and recommend to the officer the supervision strategies, programming, and interventions taken in the successful cases that can be used by the officer.
- Realtime Coaching: As part of its STARR program (core correctional practices), the probation and pretrial services system teaches officers skills that research shows reduce recidivism. These skills include things like effective use of authority, effective use of approval/disapproval, problem solving, and the cognitive model (changing thoughts leading to changing behaviors). The system has learned that training officers in core correctional practices by itself is not sufficient for them to become proficient. They need ongoing coaching. The

current coaching model is very labor intensive. With AI, the system could develop a model to work with(in) PACTS360 that assesses an officer's supervision activities in a given case and provides real-time coaching and feedback on how they can use the STARR skills more effectively. Reports on progress can be generated and used by chiefs and deputy chiefs to address officers' performance, training needs, and professional development.

- Fieldwork Route Planning and Safety Tool: Officers currently use the "Field App" to plan routes for fieldwork. The app includes several safety and productivity features. However, the system could build on the Field App by integrating AI technology used by organizations ranging from Amazon/UPS/FedEx (efficient route planning) but also tap into public safety data used by first responders to avoid high-risk areas at certain times (and even weather data). Moreover, coupling an AI-enhanced field app with PACTS360 could help officers prioritize which cases they see while conducting fieldwork. This would enhance officer safety and productivity.

With the promise of AI comes risks. The system will need to have staff trained in how to use this technology responsibly, protect confidential information, and ensure stakeholders continue to trust the results. At the same time, officers will need to be prepared to supervise people who may use AI to circumvent their court-ordered conditions and commit new crimes.

Even conventional technology will present challenges for the system. Judges are routinely imposing computer monitoring and computer search conditions. The number and types of internet-connected devices grow exponentially. Internet bans are difficult in modern society, meaning officers must balance the need for internet access for legitimate purposes while enforcing court-ordered bans on illicit/prohibited content. The skills it takes to conduct forensically sound computer searches are not possessed by the average officer (or even the average IT staff in a probation office). Turning over devices to other agencies for them to search raises issues of confidentiality and the court's jurisdiction of the supervision process (e.g., would an agency performing a search for a probation office be authorized to bring its own charges in relation to evidence of a crime detected on a device). It is impractical to develop capacity in each district to perform their own forensic analyses; however, there is currently no strategic approach on how to support a sustainable national or regional forensic lab model.

Another threat to the success of the system is the dependence on other agencies. For example, the Judiciary may operate or contract for its own halfway houses for pretrial defendants, but it lacks the authority to do the same in post-conviction cases. Accordingly, the Judiciary is dependent on the BOP for these services. The BOP contracts for residential reentry centers (RRCs) in places where it deems them necessary. These RRCs are used for inmate reentry as well as for sentencing options under the *Guidelines Manual* or for graduated sanctions for supervision violations. In recent years, however, the BOP has closed several RRCs, thereby eliminating the courts' ability to use them for sentencing options. The lack of a RRC in Hawaii, in particular, means inmates releasing to the district must spend time in RRCs on the mainland and then must start their reentry efforts from scratch when they reach the islands.

Similar issues arise with the detention of pretrial detainees. The U.S. Marshals Service is charged with housing all pretrial detainees. In some districts, detainees may be placed in detention centers operated by the BOP. Elsewhere, the marshals enter into intergovernmental agreements with state, county, and municipal jails to house federal defendants. Based on limited bedspace in these local government-run facilities, it is not uncommon for federal detainees to be housed great distances from the courthouses in which they will be prosecuted. The remote detention of detainees increases logistical challenges for the marshals and the Judiciary and increases costs associated with attorney-client visits and conducting presentence interviews with detainees.

Another area in which dependence on another agency creates problems is in the proceedings surrounding violation proceedings. The governing statutes and rules are ambiguous about the appropriate role of the U.S. attorney's office. Over the years, it has been customary for the probation or pretrial services office to coordinate with the U.S. attorney's office when deciding whether to file a request for a summons or warrant and seek a modification or revocation of supervision. In recent years, however, more and more districts are reporting a breakdown in cooperation. For example, in the District of New Mexico, the U.S. attorney informed the chief judge that his office would not appear or present evidence in connection with violation hearings where the violation was based on a new state or local arrest and the underlying charges have not been resolved. While the U.S. attorney's office cited resource constraints, as well as legal and evidentiary concerns, it failed to recognize that the federal court has separate, concurrent jurisdiction and that not addressing the alleged noncompliance in a timely manner may actually do more harm to public safety. Should the rules for violations be revisited and revised to clarify roles and responsibilities?

Conclusion

With approximately 7,700 staff, the federal probation and pretrial services system is the largest program in the federal Judiciary. It fulfills the important work of administering justice through its bail and presentence reports and protecting the public by executing court-ordered conditions of supervision. While the system's outcomes are generally good, there are systemic risks that could jeopardize these results. The Director is charged with "endeavor[ing] by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts." The AO—working with the Judicial Conference, its committees, and chiefs and judges across the federal Judiciary—is committed to the future success of the system. While it's unclear what the next 100 years will bring, the federal probation and pretrial services system has demonstrated its ability to adapt to all the emerging challenges it has faced in the past and it will continue its important work of serving courts and communities across the country.

Remarks on Federal Probation's Centenary

[*On March 4, 2025, as part of the centenary celebration of the federal probation system, Probation and Pretrial Services Office Chief John Fitzgerald introduced Judge Edmond Chang, District Judge from the Northern District of Illinois and chair of the Committee on Criminal Law of the Judicial Conference, and Supreme Court Justice Ketanji Brown Jackson (who appeared by video), who each spoke to the assembled federal probation and pretrial services chiefs about the significance of the occasion and of their profession. Below are their remarks, lightly edited.*]

Judge Edmond E. Chang:

Thank you to the FPPOA [Federal Probation and Pretrial Officers Association] for inviting me to share in this celebration of the 100th anniversary of the probation system.

One hundred years old. I must say, you do not look a day over 75.

One hundred years is an appropriate time to pause and to emphasize the importance of our oath of public service. It is also an appropriate time to honor our past and build toward our future. And so we gather here to retake the oath of service, and it'll be my privilege to administer that oath in a few minutes. But before I do that, I do want to emphasize the importance of oaths, honor our past, and build our future.

The importance of oaths, of federal government service, stretches back to the very birth of our nation. As you know, we started out—this nation started out—in a rocky and fragile way with the Articles of Confederation. And we were just that—just a loose confederation of separate states until the Founders realized that we needed to have a government and a design of government that would bind us together as a single nation and not be a loose affiliation of separate states.

And one of the ways—one of the most important ways—to bind us all together in federal service is by taking an oath. It is in the Constitution. Article VI of the Constitution requires all officers of the United States—and that's all of you, all officers of the United States—to take an oath to support the Constitution of the United States. And so it's no surprise that the very first federal law that was enacted, Statute 1, Section 1, contains the oath of federal service. It was signed by George Washington on June 1, 1789. This is before we needed 454 titles of the United States Code to organize our laws. The very first federal law contained the oath of federal service.

And it simply says that officers shall solemnly swear or affirm that I will support the Constitution. That is a simple but a profound oath. For one of the first times in the history of mankind, public servants swore an oath. Not to a person—not to a sovereign king or queen, and not even to the head of our branches of government. We do not swear an oath to the chief justice or the president of the Senate or the speaker of the House or the president.

No, we swear an oath to support the Constitution of the United States. It is an ideal, it is the ultimate law of our country. And that is the ultimate object of our oath. And when we take that oath together at the end of this ceremony, I hope that it reminds you of the story path of the probation system, as well as our duty to build toward our future, the path of the probation system.

It is now a long and storied tradition. And I know many of you know this by now, but I want to spend a little bit of time talking about the origin story of the probation system, because in some ways it is one of the first steps into the modern era of criminal justice. And so, as many of you know, the origin story begins with a young man from northern Ohio, James Hanahan. He worked for a bank in the early 1900s in the Toledo area. And he embezzled some money from the bank. He committed a federal crime and he was prosecuted. And he was subject to, at that time, a five-year mandatory prison sentence in Leavenworth. That was the mandatory minimum punishment for bank embezzlement at the time.

But as the sentencing judge noted, he had used the money for personal necessities. Just for living expenses. He had paid back the bank in full. The bank, his employers, his supervisors, none of them wanted him to go to prison. His family, his friends, his church congregation all continued to support him. And so the district court tried to suspend the sentence. And in doing so, the sentencing judge pointed out that up to that point, the sole purpose of criminal justice and sentences had been punishment, retribution. This was a first step towards this modern era of criminal justice. And the sentencing judge recognized that that cannot be the sole purpose of criminal justice. In picking a sentence, we do have to also consider rehabilitation as well as deterrent. It is not all about retribution.

But federal law, of course, did not mention probation or suspended sentences. And so the *ex parte United States* case came up to the Supreme Court in a writ of mandamus. And in 1916, the Supreme Court overturned the sentence and ordered the judge to impose the five-year mandatory sentence.

Now, passions ran deep on this subject as the country was starting to move into the modern era of criminal justice. And it actually took another two years for Judge Killits, the sentencing judge in northern Ohio, to obey.

So the *New York Times*, in a February 18,

1918, article, reported that the judge finally vacated the suspended sentence. He had actually been threatened with contempt. The Justice Department had filed a motion to hold him in contempt in the Supreme Court, and he ultimately relented and vacated the sentence. It is interesting to note that even as the criminal justice system was finally trying to move forward, some things never change.

So Judge Killits did have to impose the five-year mandatory sentence. And it shows how progress takes time, it takes perseverance. And finally, Congress did pass the Probation Act of 1925; it actually passed on March 3 and President Coolidge signed it on March 4. And the *New York Times* reported on this as well: in a March 3, 1925, article reporting on the passage of the Probation Act, and that it was on its way to the president, and that it would provide for one officer in each district. So thankfully we have moved on from that restraint now, to give you a sense of how well-established this probation system is now. And that you do really have this long tradition that you should be proud of.

In this same March 3, 1925, issue of the *New York Times*, there was an ad for the newly opened Mayflower Hotel—which many of the chiefs and deputies have just stayed in for the Chiefs and Deputies Administrative Meeting (CDAM) Conference the last couple of days—promoting this brand-new hotel and also extolling the virtues of the distinguished social life in the capital city.

So, federal probation is as old as the Mayflower Hotel. And just to give you another sense of what the times were like in 1925, in the same issue of the *New York Times*, Chevrolet was promoting the new closed car. What a revolutionary idea! Back then, you could get a Chevy for as low as $525. So we have certainly moved on from that. You can't get a new Chevy for that these days unless it's from someone who might end up in our federal criminal justice system.

So that's how long the probation system has been around.

And during this 100 years, the probation system has experienced many milestones and accomplishments. One important milestone was in 1940, when the probation system was moved from the Justice Department into the judicial branch, and that move brought with it the judicial branch values and the advantages of the judicial branch. And first and foremost among these, it's non-adversarial as to the defendant or the supervisee.

It is always difficult as pretrial and probation officers to impart this understanding to defendants and supervisees—that we're not adversaries, right? This is the neutral branch of government. And so just imagine how difficult it is when probation is part of the executive branch—literally part of the branch that is on the other side of the case. And so that important judicial branch value that we are not the adversaries of the accused and of the supervisees is an important value and helps us do our job.

The other important judicial branch value is that we are also the non-partisan branch. We do not act out of partisan reasons. And so when you all recommend a sentence or recommend bail or detention or length of supervised release or conditions and so on, partisanship does not enter into that thinking. And that is one of what some would say are "virtues" and others would say "vices" of the other branches. They are the partisan branches, and they act as they should accordingly; we are non-partisan.

And then lastly, we are an independent branch. We are not governed by the popular passions of the day. And that deliberation that we are able to continue to engage in because we are the independent deliberative branch is enormously important in our being able to implement and you all being able to implement the best practices when it comes to bail or detention, and the best practices when it comes to supervision, and the best practices when recommending sentences. So we ought not be affected by those popular passions, and we can remain deliberative. So that move to the judicial branch was a crucial step.

Another milestone is, of course, the creation of pretrial services agencies, first piloted as part of the Speedy Trial Act of 1974 and signed by President Ford according to the White House records on January 3 of 1975. That act revolutionized the progress and pace of federal criminal cases under the Speedy Trial provisions, but it also authorized the creation of a pilot project. Ten districts would be selected to stand up a pretrial Services agency, and that agency would go hand in hand with this new Speedy Trial Act.

If federal criminal cases are going to progress, the defendants need to appear. We need to ensure their appearance. And so the 10 pilot districts were selected, including Northern Illinois, where we are now, of course, headed by our wonderful chief, Amanda Garcia, who's done an amazing job there and works with our terrific chief probation officer, Marcus Holmes. And you know, Marcus, if it would not have put me on the wrong side of the law, I would have found your birth certificate and changed the year of birth by a couple of years so that we don't lose you so soon. But they've done a wonderful job.

This experiment was successful—that the federal courts could operate a pretrial services agency. And so in 1982, the Pretrial Services Act was signed by President Reagan and that expanded under federal law the authority of all districts to create a pretrial services agency.

That was 43 years ago, so pretrial services itself has a long and storied tradition. And to give you a sense of how long ago that was, in the *New York Times* on September 27, 1982, there was an ad for Western Union's telex machine. This was the precursor to the fax machine. And Western Union boasted that you can send text to other telex machines at only 34.75 cents per 66 words. So that's about $1.30 per tweet, I think, at this point. So this is a long, long time ago. And pretrial services should be proud of that tradition as well.

And then all the accomplishments along the way, the service to the federal judiciary and to the accused and their families and their communities and to victims and the public and public safety—it's astonishing what you all have done. And we rely on you at every step of the way.

The first contact that defendants and their family have with the federal court system is through pretrial services officers. They see the pretrial services officer before they see a judge. And you're meeting them at the lowest moment of their lives for most of them. For most, it's also a shock that it's happening. Yet you are still able to start forging that relationship with them to assess them for that really important decision about bail or detention. And as you know, if we can appropriately release someone, there are so many advantages and values to that, that they are able to remain connected with their family and their community, to remain employed, to get mental health treatment and medical care as well. And if they're convicted, also to start that rehabilitative process. So that decision is absolutely critical.

And then there's the supervision, ensuring public safety and their appearance, all in the context of the defendants and their families being subject to the shock of federal criminal prosecution and then moving forward to presentence investigations. The breadth of Section 3553(a) is breathtaking. We consider the nature and circumstances of the offense and the personal history and characteristics of the defendant. And then there are all these

abstract goals that we're trying to achieve: to promote respect for the law, to reflect the seriousness of the offense, to provide for just punishment, deterrence specific and general, protect the public, rehabilitative needs, medical needs, employment needs, avoiding unwarranted disparities. It is an enormous task, and we could not do it without your help and the invaluable assistance of the pretrial investigations and those presentence reports. You have distilled a life into writing. And I thank you on behalf of all my colleagues for doing that, because it is an enormously difficult task.

And I hope we don't ever think of any sentencing as being routine or any presentence report as being routine, because that is really and literally what you're doing in putting someone's life down on paper. And then, postconviction supervision, when someone has exited prison, they've been separated—sometimes for a long time—from their family and their community. Reintegrating into society is enormously difficult.

Here you are again balancing those twin goals of ensuring public safety and at the same time promoting rehabilitation. And those goals, of course, don't compete with one another. They are right goals that can be and must be accomplished at the same time, because to promote rehabilitation is to promote public safety. So thank you for walking that tightrope as well.

This system really is a crown jewel of federal government and of public service. And please be proud of that. So we honor our past. We also, of course, have to continue to build toward the future. And, you know, here it is important to ask ourselves questions.

And that's what this conference is about as well as the meeting of chiefs and deputy chiefs. Thousands of years ago Socrates recognized that the unexamined life is not worth living. We have to constantly ask ourselves questions in order to grow and to improve. And what that has meant and will continue to mean for the future is to continue to look at evidence-based practices as a tool to aid us as judges and you also in exercising your judgment as well.

It is just a tool. It's not to replace your judgment or the judgment of judges. It is a tool, but it is crucial because it provides us with the ability to make an informed judgment. We use evidence-based practices so that we can have an objective assessment and constantly question our own assumptions. And it's even more important, in the decisions that you all are making and that judges are making in the criminal justice system, that we ask ourselves and review ourselves and examine ourselves, because unlike many other components of federal court cases, there is almost no review of the decisions we make. There is so much deference on appeal to bail decisions and sentencing decisions and detention and supervised release that there is not really much of an appellate check. (Now I say that and watch, next week I'll get reversed on a sentence! I've never had a sentence vacated. Most of them aren't even appealed.)

So with no one else reviewing us, we must review ourselves, and evidence-based practice tools are part of that examination, and part of that examination too is just keeping an eye on and asking questions about the differences in outcomes in our system.

We do have a national system, though of course we have to be responsive to local needs and even local cultures, which represent the practices of the local bar and the bench there. At the same time, we do face many of the same problems, and so we should be asking questions about why there are differences across the system. And maybe the answer will be, well, here's why. And that's perfectly well justified. And maybe the answer will be, wait, we need to move as a system toward a more uniform policy. And so again, that is part of our self-check, because no one else is there to do it, and none of us have achieved perfection, right? Because that's the idea: If we've achieved perfection, all right, we don't have to ask ourselves questions. But we have not achieved perfection.

So I do have confidence in the future of our system and that you, as the current leaders and future leaders, will build a future for this system that will continue to promote all of the important policy goals Congress has set for us. And I do want to highlight an image of public service that I think all of you embody. It's an image that George Bernard Shaw—a very famous Irish playwright—described in terms of public service and what that means.

Shaw was trying to push back against this concept of a life that is not full of meaning and not purposeful. In particular, the contrast was to what Macbeth said in the Shakespearean tragedy when he learned of the death of the queen, and he called life a brief candle. And he continued, "life's but a walking shadow, a poor player that struts and frets his hour upon the stage and then is heard no more. It is a tale told by an idiot, full of sound and fury, signifying nothing."

So that was the Macbeth view of the emptiness of life, and Shaw pushed back on that. And his idea was this: "I am of the opinion that my life belongs to the whole community, and as long as I live it is my privilege to do for it whatever I can. I want to be thoroughly used up when I die, for the harder I work the more I live. I rejoice in life for its own sake. Life is no 'brief candle' for me. It is a sort of splendid torch which I have got hold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations."

So I cannot wait to see what you—all you current leaders and future leaders—do with this crown jewel of the federal judiciary and what you do with the splendid torch.

Now for the moment we've really been waiting for, the retaking of the oath of office. Please do raise your right hands and repeat after me:

> I [and state your name], do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office in which I have been serving. So help me God.

Congratulations, and thank you again!

Justice Ketanji Brown Jackson:

Hello everyone.

It is an honor to be here with you to celebrate the centennial anniversary of the federal Probation Act of 1925.

When President Coolidge signed the federal Probation Act into law 100 years ago, the Act not only authorized federal judges to impose a sentence of probation, it also prompted the creation of the federal probation system at large.

Over the course of my own legal career, I have been privileged to witness the critical role that federal probation and pretrial services officers play in the administration of justice. So to start, I would like to say, "Thank you" to the Probation and Pretrial Services Office of the Administrative Office of the U.S. Courts for organizing this special conference to celebrate 100 years of service and for inviting me to speak in appreciation of the work you do each day to support the federal judiciary.

As you may know, I once served as an

assistant federal public defender in the federal public defender's office in Washington, DC. And most of my tenure as a federal judge to date was spent sitting on the U.S. District Court in the District of Columbia. It was in these roles that I first bore witness to the important work of pretrial and probation officers in the criminal justice system. As an appellate defender, my interaction with pretrial officers occurred mostly through my review of the presentence reports they had authored on behalf of my clients. I must have reviewed hundreds of case records while working on appeals. And it quickly became evident to me how much effort it took to find and clearly convey the facts about a case and how the quality and thoughtfulness of the presentence reports had a very real impact on sentencing outcomes.

I was also privileged to work with probation officers in the field, as some of my clients had been sentenced to probation or supervised release following a term of incarceration. I was struck by the real difference probation officers make in the lives of defendants. For a person on probation or supervised release, a good probation officer can help them connect with educational programming, support their sobriety, or provide other socio-productive resources that are critical for their long-term success in society and helpful for the person as an individual—not to mention their sentence-related success before the court.

Years later, when I was appointed to the U.S. District Court, I relied heavily on the hard work of pretrial and probation officers in that new capacity. I sentenced more than 100 criminal defendants during my eight years as a trial judge. And in every criminal case, pretrial and probation officers were essential to help me satisfy the demands of justice, because—as you know—judges sentence on the basis of facts, and pretrial and probation officers are responsible for gathering those facts.

I saw firsthand the officers' tireless efforts when conducting comprehensive pretrial and presentence investigations, when preparing timely and accurate bail and presentence reports, and ultimately when making evidence-based and impartial recommendations to trial judges like me. I also saw the ways in which pretrial and probation officers protect the community by enforcing court-ordered conditions of supervision and by delivering interventions designed to reduce recidivism. And it was a great source of joy and pride for me when dedicated probation officers would report on and share in the successes of the defendants they had supervised, like when good behavior prompted them to request an early end to probation or supervised release. But, of course, I am only a member of the most recent generation of federal judges to interact with and benefit from the federal Probation Act.

As the 100-year anniversary of the Act demonstrates, the law that has given rise to the probation system has a storied history. And its role in our judicial system has evolved over time, shaped by a few prominent decisions that were handed down by my current court.

Turning to that history for a moment, it's important to recognize that the need for a federal probation system was identified decades before 1925, when the system was formally created. At first, historically, there was no such thing as probation or parole. But throughout the mid-nineteenth century, it became common practice for district judges to attempt to administer justice by suspending the execution of a sentence during the good behavior of the defendant. Now, this practice was generally informal, and it was widely criticized and challenged. And yet, there was also resistance to formalizing it through legislation. For over a decade prior to the Probation Act, the Department of Justice vigorously opposed several legislative proposals to authorize the practice.

In 1914, U.S. attorneys were actually instructed by the attorney general to argue in court that any and all suspended sentences imposed in federal courts were unlawful on the grounds that federal judges have no such power. The following year, a judge in the Northern District of Ohio nevertheless suspended a sentence over the government's objection, and the government appealed. That case made its way up to the Supreme Court. And in an opinion by then-Chief Justice White, the Court agreed with the government. But it also suggested two alternatives that it said would provide the benefits of suspended sentences while also likely satisfying the Constitution: pardons and probation legislation.

On March 4, 1925, after many prior attempts by Congress to pass legislation, and following the lead of a growing number of states, Congress enacted, and the president signed, the Probation Act, thus establishing the first iteration of the federal probation and pretrial services system.

It is interesting to note that first the probation system was administered by the Department of Justice, followed by a period in which the probation system was run by the Bureau of Prisons. But it quickly became evident to Congress that district judges viewed the roles of probation officers as more aligned with the administration of justice from the judicial perspective. So shortly after Congress created the Administrative Office of the U.S. Courts in 1939 to provide independent administration of the courts, it transferred the probation system to the federal judiciary. Since then, the probation and pretrial services system has remained under the administration of the U.S. courts and has flourished—protecting our communities and supporting equal justice under law.

I will note that, for its part, the Supreme Court continued to play a critical role in steering the trajectory of the probation and pretrial services system long after it was established and nestled within the Judiciary.

In a 1987 case called *United States v. Salerno*, for example, the Court upheld the constitutionality of the Bail Reform Act, which authorized courts to detain a defendant only if they posed a flight risk or a danger to the community. In its opinion, the Court clarified that, "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." Chief Justice Rehnquist also specifically noted the requirement that, when deciding whether to release or detain a person who has been accused of criminal wrongdoing, the judge must consider, among other things, the history and characteristics of the defendant. As you know, it is one of the key duties of the probation and pretrial services officers to provide this kind of crucial information to the court.

Two years later, in the 1989 case of *Mistretta v. United States*, the Supreme Court upheld the constitutionality of the Sentencing Reform Act, which had established the United States Sentencing Commission and the sentencing guidelines. The Sentencing Reform Act anticipated a unique and indispensable role for probation officers in the context of a guidelines sentencing system. That role continues to this day. The officers' presentence reports and preliminary guideline calculations serve as the starting point of all federal sentencing proceedings. Moreover, and notably, Congress specifically included the probation system as one of the entities it designated to provide advice and assistance to the Sentencing Commission.

I am personally fortunate to have been a direct beneficiary of that advice and assistance during my service as a vice chair of the

Sentencing Commission, a role I held before becoming a federal judge. I fondly recall that the Commission frequently received testimony from the Probation Officers Advisory Group. We called it "POAG." And when the commissioners undertook to make sometimes difficult policy decisions about thorny sentencing issues, I always appreciated the valuable insights POAG would provide. Its members had served on the ground as supervising officers and presentence report writers and had witnessed firsthand the ways that sentencing decisions affect the lives of individual defendants and their families. And in my experience, the Commission took their recommendations very seriously, because we knew that they always strove to carefully balance the demands of equal justice and public safety.

So on this very special anniversary, let me close by simply saying, "Thank you." I am privileged to be able to attest to the critical work of the pretrial and probation offices when it comes to ensuring both the integrity of our justice system and the safety of the American public. Please know that, as you guide individuals who are navigating the complexities of our system, your impact extends far beyond the courtroom. You are, in fact, setting the stage for both justice and rehabilitation.

While it is certainly true that sentencing lies in the discretion of the trial judge, as pretrial and probation officers you make fair and just sentencing possible, because you are responsible for ensuring that judges have all of the necessary facts and information to make the right decision. Your contribution to the pursuit of justice is truly indispensable. And for that, the federal judiciary owes you immense gratitude.

So on behalf of judges everywhere, I thank you for the work that you do and the role that you play in our system.

Lessons from Two Decades of Strategic Planning in Federal Probation and Pretrial Services

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AS WE COMMEMORATE the centennial of the federal probation and pretrial services system, we naturally look back at the system's origins and how it evolved. This is a useful exercise because it gives us a chance to understand how we got where we are and prompts us to think about where we may be going next.

Based on hard-earned experience in the past two decades, we are convinced that strategic planning has been critically important to the continued success of the system and must play a prominent role in its future. What is next for the system needs to be based on the solid foundation of what we have learned from the past.

The Strategic Assessment

Perhaps the most significant development in the system's recent history is the 2004 Strategic Assessment,[2] a comprehensive, multi-year examination of the entire system that was conducted at the request of the Director of the Administrative Office of the United States Courts (AO) in consultation with the Criminal Law Committee of the Judicial Conference of the United States.[3] For the past 20 years the Strategic Assessment has helped guide system leaders to set goals and priorities toward creating a results-driven organization at the national and district level. It has also enabled the system to embrace evidence-based practices (EBP) that promote public safety and positively impact the lives of people on supervision. Central to the system's embrace of EBPs has been the adoption of the Risk-Need-Responsivity Model (RNR) to guide effective assessment and supervision practices in the federal system.[4] More will be said about EBPs and the RNR model later in this article.

A. Why Was the Strategic Assessment Undertaken?

The effort was undertaken amidst 1) rapid caseload growth, 2) growing demand in Congress for proof of program effectiveness and accountability, and 3) the emergence of an exciting new body of empirical research in community corrections known as evidence-based practices (EBPs).

1. Rapid Caseload Growth

The rapid growth in probation and pretrial services caseload was due to a dramatic increase in federal prosecutions, with greater emphasis on serious offenses such as narcotics trafficking, violent crimes, firearms offenses, and repeat offenders. Also, the Sentencing Reform Act of 1984 and various new mandatory minimum sentences had led to significantly more prison sentences and longer prison terms. As a result, the number of defendants admitted to federal prisons and the length of custody terms each rose almost threefold.[5]

In turn, the number of individuals completing sentences and coming out of prison under the supervision of probation officers also rose significantly.[6] Having served long prison terms, many of these individuals presented greater reentry challenges, adding complexity

[1] Nancy Beatty Gregoire is a retired deputy chief of the Probation and Pretrial Services Office, Administrative Office of the U.S. Courts; John M. Hughes is retired assistant director of what was then the Office of Probation and Pretrial Services (the former name of what is today the Probation and Pretrial Services Office), Administrative Office of the U.S. Courts; Matthew G. Rowland is retired chief of the Probation and Pretrial Services Office, Administrative Office of the U.S. Courts.

[2] See "Strategic Assessment of the Federal Pretrial Services and Probation System," September 2002, IBM Business Consulting, the Urban Institute, and Harold B. Wooten and Associates.

[3] The Judicial Conference of the United States is the policy-making body for the federal Judiciary. The Conference divides its work among various committees of appellate, district, and magistrate judges. Its Committee on Criminal Law has jurisdiction over the probation and pretrial services system.

[4] Administrative Office of the U.S. Courts, Evidenced Based Practices, Accessed August 5, 2025. https://www.uscourts.gov/about-federal-courts/probation-and-pretrial-services/evidence-based-practices.

[5] Sabol, W. J., & McGready, J. (1999, June). *Time Served in Prison by Federal Offenders, 1986-1997; United States Department of Justice, Bureau of Justice Statistics.*

[6] Bureau of Justice Statistics. (1981 and 1999). *Annual Probation Survey and Annual Parole Survey. Washington, DC: United States Department of Justice. (The total number of individuals on post-conviction supervision increased by 45 percent between 1981 and 1999.)*

to the increase in workload volume.

2. Growing Interest in Effectiveness and Accountability

At around the same time, there was growing interest in Congress in measuring the effectiveness and efficiency of government agencies and programs; i.e., how well did they achieve their mission, goals, and objectives and how well did they use available resources to achieve them.

The first legislative attempt to move in this direction was the Government Performance and Results Act of 1993 (GPRA).[7] Technically, the law applied only to executive branch agencies, but leadership in the Judiciary quickly recognized that annual budget requests and programmatic matters before Congress would likely be evaluated and judged in terms of performance and results just as they would be for executive agencies. Judiciary leadership chose to embrace the spirit of GPRA.

While traditional annual reports were commonplace among government agencies, GPRA now required five-year strategic plans that clearly laid out each agency's mission, goals, and objectives. Further, agencies were required to develop performance indicators and measures to track progress toward stated goals and to submit annual performance reports to the Office of Management and Budget (OMB). The GPRA made it clear that the focus must be on achieving mission-critical results in an effective and efficient manner.

Congress later reinforced its support of the results-based approach with passage of the GPRA Modernization Act of 2010 (GPRAMA).[8] This legislation emphasized that agencies must set priorities within their mission and ensure that resources are aligned with those priorities. Policy, budget, and management decisions were to be based on empirical data and evidence of effectiveness. Further, agencies were encouraged to work together and coordinate efforts to achieve common goals.

3. The Embrace of Evidence-Based Practices

In the time leading up to the Strategic Assessment, there was widespread enthusiasm for EBPs in the federal system following decades of dominance by the voices of "nothing works" and "tough on crime."

"Nothing works" had become a dominant theme in criminal justice following the work of Robert Martinson and his colleagues in the 1970s.[9] Martinson reviewed more than 230 evaluations of offender "treatment" and found that none were effective. Despite questions about the review's methodology and doubts about its conclusions, the damage was done. This led politicians and policymakers to abandon the pursuit of rehabilitation in favor of punishment and deterrence. With faith in rehabilitation shaken, the "tough on crime" movement took hold.

George H. W. Bush, for example, called for "more prisons, more jails, more courts, more prosecutors" as the main thrust of his national drug strategy.[10] Not to be outdone, Bill Clinton signed a major crime bill that called for hiring 100,000 police officers and provided $9.7 billion for prisons.[11]

In community corrections, "tough on crime" translated to increased emphasis on timely detection of, and punitive responses to, noncompliance.[12]

4. Ready for Something New

As the 20th century ended, most chief probation and pretrial services officers had grown weary of both the "nothing works" and "tough on crime" themes and welcomed the potential of EBPs and the renewed proposition that people can change their behavior for the better with proper interventions. After all, probation and pretrial services professionals were the only group whose role embraced working with people under court supervision to prevent their future criminality.

Along with widespread enthusiasm, however, questions arose about how to go forward at the local and national level to integrate EBPs into probation and pretrial services policies and practices. Given the system's decentralized structure, eager chiefs had started to introduce EBP in relative isolation. EBPs were springing up in a scattered and often piecemeal manner around the system. Claims were being made based on questionable research. Many realized there was disagreement about basic terms such as "recidivism," as well as questions about training and evaluation.

Further, system leaders saw that we lacked a case management system capable of collecting the data necessary to track EBP implementation, generate actionable intelligence, and support data-driven decision-making. The technological and analytic gap left the system without the empirical evidence that would be needed to break free from the "nothing works" and "get tough" narratives and respond to the demands of Congress to provide evidence of program effectiveness.

For the AO Director, the Criminal Law Committee, and others in key leadership positions, it was time to get a better handle on the sprawling, decentralized system as it grew rapidly, was being held more accountable, and grappled with introducing a new approach to its work without the necessary infrastructure. As one key leader stated at the time, "It's time to hold a mirror up to the system and take a good look at what is reflected."[13]

5. Awarding the Contract

In September 2000, the AO entered into a contract with PricewaterhouseCoopers (later to be purchased by IBM Business Consultants) and its subcontractors, the Urban Institute and Harold B. Wooten and Associates, to conduct this strategic assessment. IBM Global Services had a history of helping companies manage their operations and resources and offer consultation services. The Urban Institute is a not-for-profit policy and research organization that helped facilitate government decision-making and performance related to societal problems and efforts to solve them. Harold B. Wooten had over 30 years' experience in probation and pretrial services, including having worked at the AO, which provided a link to many current and former experts in the federal probation and pretrial

[7] Public Law 103-62; Government Performance and Results Act of 1993; 107 STAT.285.

[8] Public Law 111-352; ; Government Performance and Results Act Modernization Act of 2010; 124 STAT.3866.

[9] Robert Martinson, "What Works?—Questions and Answers About Prison Reform," *Public Interest*, no. 35 (1974): 22–54; Douglas Lipton, Robert Martinson, and Judith Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (New York: Praeger Publishers, 1975).Martinson, 1974; Lipton, Martinson & Wilks, 1975.

[10] George H. W. Bush, "Address to the Nation on the National Drug Control Strategy," September 5, 1989, available from the George Bush Presidential Library and Museum, https://bush41library.tamu.edu.

[11] William J. Clinton, "Remarks on Signing the Violent Crime Control and Law Enforcement Act of 1994," *The American Presidency Project, September 13, 1994,* https://www.presidency.ucsb.edu/documents/remarks-signing-the-violent-crime-control-and-law-enforcement-act-1994.

[12] The Reinventing Probation Council, "Broken Windows" Probation: The Next Step in Fighting Crime," The Civic Report, Manhattan Institute, August 1999.

[13] Clarence "Pete" Lee oral statement to author in 2000.

services system.

B. How Was the Strategic Assessment Conducted?

It was understood early on that such a huge undertaking would require wide and deep stakeholder engagement. Information was sent out to the courts via formal announcements and newsletters, and discussions were held with the AO's various advisory groups. Most significantly, a biennial national chiefs conference was held in 2000 at a most opportune time and coincided with the beginning of the assessment.

1. Landmark Chiefs Conference

The Federal Judicial Center (FJC) has long held biennial conferences for chief probation and pretrial services officers with a variety of special themes. The conferences are quite popular and give leaders at the district and national level a chance to meet and discuss important issues. In 2000, the FJC dedicated the event to identifying a shared vision and developing goals for the system. FJC and AO staff worked collaboratively to plan the agenda. The theme fit perfectly with early ideas for the strategic assessment and proved very successful at engaging attendees.

Chiefs eagerly signed up for various working groups as a follow-up to the conference. The plan was to continue working in groups after the conference ended to develop a document that embodied the entire effort. The goal was to finalize that document before the next biennial conference in 2002. The effort was hugely successful, and the result was the Charter for Excellence.[14]

The enthusiasm generated by the chiefs' conference and work on the Charter transferred quite well to working with the Strategic Assessment contractors during and after the Charter's development. A palpable synergy emerged as chiefs readily made themselves and their staffs available to the contractors for workplace observations, focus groups, one-on-one interviews, and surveys. This will be discussed further below.

2. Assessment Methodology

The contractors assembled a high-level "study team" whose members had the skills and expertise to collect and analyze information about each of the system's major functional areas. The study team reviewed legislative changes, regulatory directives, policy and program guidance, and outside research findings in both state and international systems that had an impact or might have had an impact on the work of the system. They analyzed the system's growth both in terms of offender and defendant workload and staffing and budget requirements.

As a complementary process, focus groups were held, with staff from 20 districts participating. Individual interviews were held with over 300 people, including representatives from the Department of Justice, the defense bar, the FJC, the U.S. Sentencing Commission, the General Accountability Office, and the Senate Judiciary Committee. To gain wider input, in-depth surveys were conducted of federal judges (with a response rate of over 70 percent) and chief probation and pretrial services officers (with a response rate of 99 percent).

3. Key Observations

The study team made several key observations during the assessment, including that:

- the system lacked an outcome measurement system to determine how well the system is performing;
- new legislative requirements such as DNA collection and reporting of sex offenders impacted the work of officers but were not being recognized in the staffing formula;
- an increasing emphasis on officer fieldwork naturally puts officers in dangerous situations more frequently, leading to a greater need for firearms and safety training; and
- probation and pretrial services staff were highly regarded by the external stakeholders with whom they interacted. In each functional area 97 percent of responding judges found the work to be "good" or "very good."

C. What Developments Followed the Strategic Assessment?

The strategic assessment produced one overarching recommendation and three sets of sub-recommendations for the probation and pretrial services system to consider.

1. The Recommendations

The overarching recommendation was to become a result-driven organization with a comprehensive outcome measurement system. The sub-recommendations were organized into three groups in support of the overarching recommendation. The first was to organize, the second was to staff, and the third was to resource the probation and pretrial services system in a way that promotes mission-critical outcomes.

2. Setting Priorities

The first step for system leaders was to confirm with stakeholders the need to implement the recommendations. This was accomplished in consultation with decision-makers in the AO, the Criminal Law Committee, and chief probation and pretrial services officers. There was evident consensus and enthusiasm to pursue the recommendations.

Priority was given to the post-conviction supervision area because it presented the single largest component of the system's work and received the most resources. There was clear consensus that officer safety should be the second priority. In the 20 years since the Strategic Assessment, the pretrial services arena and the presentence report arena have also been adapted in ways that include defining outcomes and embracing the use of research-based practices.

3. Defining Mission-Critical Outcomes

Policy statements within the *Guide to Judiciary Policies and Procedures*—which probation and pretrial services officers rely on to guide their supervision practices—were revised to emphasize the importance of defining "desired outcomes." For post-conviction supervision there were three outcomes:

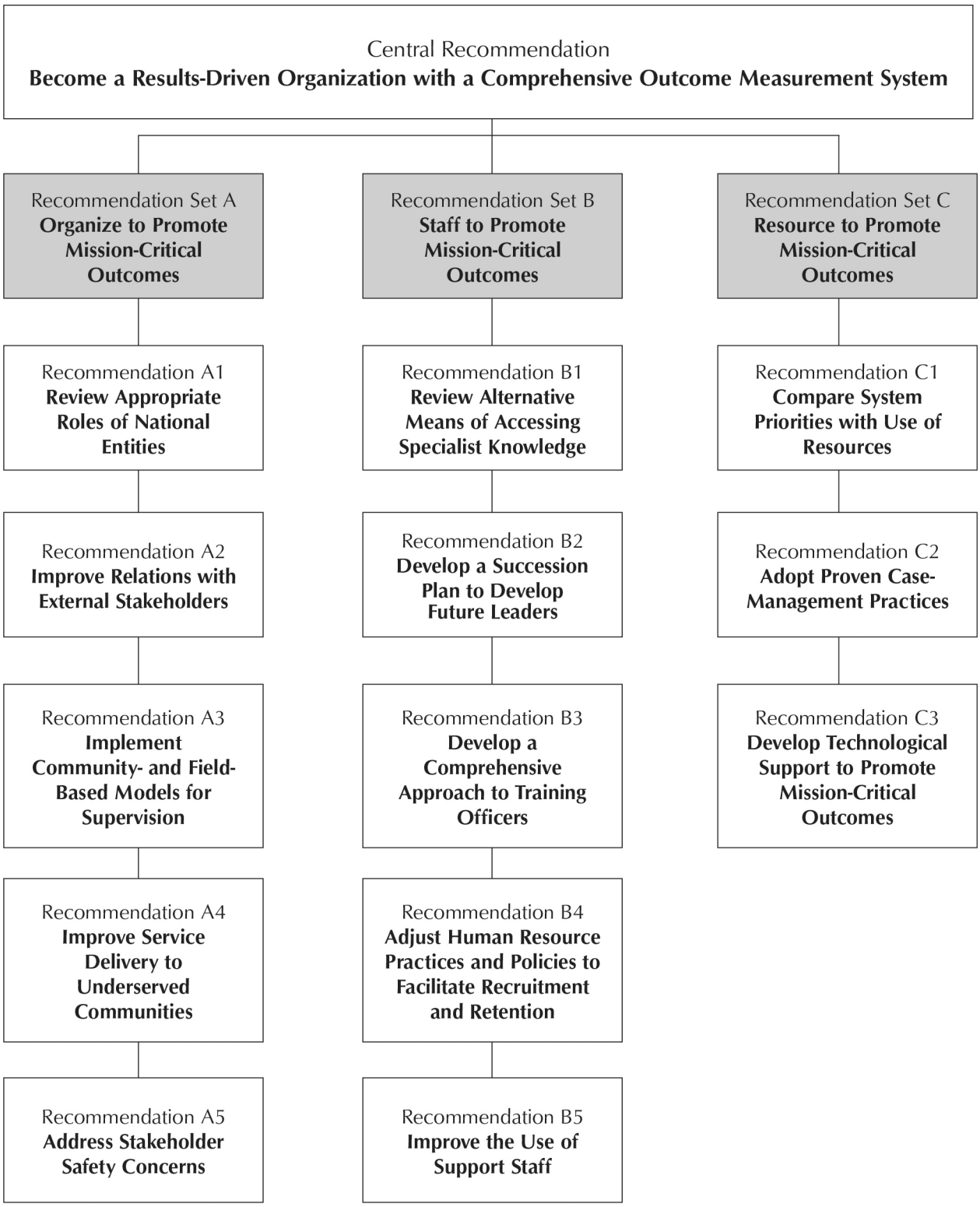
1. execution of the court-imposed sentence;
2. reduction in reoffending; and
3. protection of the community from future offenses committed by the individual under supervision, both during the supervision term and beyond.

While this framework provided a clear articulation of the optimal outcomes, it was, by design, aspirational. In practice, the ideal is not always achievable due to a range of criminogenic, systemic, and situational factors. As such, retrospective analysis suggests the value in further articulating a hierarchy of outcomes, recognizing that some non-optimal scenarios, though falling short of the ideal, may still be preferable to others.

For instance, the least desirable outcome would involve undetected or unaddressed violations of court-imposed conditions,

[14] Administrative Office of the U.S. Courts, The Mission of Probation and Pretrial Services, Accessed August 5, 2025 (includes link to Charter for Excellence) https://www.uscourts.gov/about-federal-courts/probation-and-pretrial-services/history/probation-and-pretrial-services-missionThe Charter for Excellence

Figure 1: Recommendations Overview



reoffending, and new victimization during or after supervision. A system equipped to distinguish and respond to varying degrees of supervision failure can target interventions more effectively and refine its definition of success in line with evolving accountability demands.

4. Becoming Results-Driven

In the context of post-conviction supervision, a compelling body of evidence led to the adoption of the Risk-Need-Responsivity (RNR) model.[15] That model calls for all efforts of the probation officer to be driven by and tailored to the individual under supervision. The cornerstone of the model is a risk assessment instrument that is based on the jurisdiction's specific population and is tested and adjusted as needed with some regularity. The Post-Conviction Risk Assessment (PCRA) was developed in-house for this purpose (relatedly, the Pretrial Risk Assessment (PTRA) was developed shortly thereafter for use with the pretrial population). The PCRA replaced earlier versions of a risk assessment tool and provided officers with a state-of-the-art instrument that could be used repeatedly to measure and address the individual's issues at hand, as well as changes over time. The risk principle calls for all efforts by the officer to be based on the level of risk presented by the person under supervision. Those presenting a higher risk should receive more intense and comprehensive interventions. In fact, the risk principle states that using more than needed interventions on low-risk offenders actually causes harm and increases the low-risk offenders' likelihood of rearrest.

The need principle states that officers should focus their interventions on the specific factors that put the individual at risk of re-offending. These needs include criminal thinking, antisocial networks, employment issues, and substance abuse. The PCRA delineates each of these for each individual.

The Responsivity principle addresses the "how" in the delivery of the interventions called for by the needs assessment. The officer should deliver interventions in the manner most likely to evoke a positive response from the person under supervision. For many, though not all, that would be receptivity to a cognitive behavioral intervention.

The PCRA gave the officer the needed information to tailor the supervision process to obtain the best results, based on the latest and most conclusive research. This was an important and necessary first step in becoming results-driven.

To further strengthen implementation of RNR and other evidence-based practices, the AO created a grant program titled *Research to Results* (R2R). This initiative enabled 22 voluntary self-selected districts to obtain additional staffing and operational resources to embed empirically supported methods into daily practice. Complementary training events and regional forums were provided to promote fidelity to EBPs, refine officer skillsets, and encourage peer learning.

While these R2R districts received the extra attention of the trainers nationally, all districts received training on the PCRA and were expected to use it with their supervision cases. The R2R program has grown and been improved over the years, and the funding provided continues to be necessary to promote the use of EBPs and becoming a results-based organization.

Implementation of EBPs proved more demanding than initially anticipated, requiring sustained support and a thoughtful balance between scientific rigor and practical application—where professional judgment is essential to adapt EBP principles to individual cases. Moreover, districts varied widely in terms of readiness and capacity to adopt new practices, contributing to inconsistencies across offices.

5. Creating an Outcome Measurement System

The Judiciary's efforts to modernize and systematize its approach to measuring outcomes in probation and pretrial services were anchored in the creation of the "Decision Support System (DSS)"—a suite of case management and display tools designed to serve both operational and analytical needs. This investment aimed to unify data, allowing officers, administrators, and researchers to rely on consistent, up-to-date, and accurate information. By entering data once and using it many times, the DSS improved efficiency, enhanced precision, and ensured that all stakeholders were "reading from the same book."

One of the system's foundational principles was "contextualized collaboration." Rather than relying solely on internal probation and pretrial services data (e.g., revocation rates), DSS was designed to integrate external datasets, such as arrest and charge information from the FBI, state, and local law enforcement systems; financial data from clerk's offices concerning fines and restitution; and even IRS information related to tax payments and dependent support. Work in this area also related to the 2004 assessment report recommendation to improve stakeholder relationships. These integrations allowed for a richer, more nuanced understanding of client behavior and supervision outcomes.

Importantly, DSS was made accessible to researchers, fostering the development of tools that would ultimately shape supervision practices. It supported the empirical work that led to the Pretrial Risk Assessment (PTRA) and Post-Conviction Risk Assessment (PCRA)—actuarial instruments that have since become central to case planning and supervision strategy. These devices not only assist officers in dynamically managing criminogenic risks and rehabilitative needs of people under supervision, but also establish consistent measurement controls across cohorts and time frames, providing empirical grounding for performance evaluation and research.

However, implementation revealed important lessons about the limits of data-centric systems. While DSS offered visibility and analytical power, its usefulness depended on the quality and interpretation of the data itself. Overemphasis on quantitative measurement—particularly when data were incomplete or poorly contextualized—risked misrepresenting program effectiveness.

For example, a study by the Federal Judicial Center, which partially relied on DSS data, found that judge-led supervision programs exhibited higher recidivism rates and greater cost than traditional supervision. Yet, individual courts involved in these programs reported markedly different experiences, citing qualitative benefits and contextual factors not captured by the data alone. In these instances, practitioners emphasized that data must inform practice—not dictate it—and viewed measurement tools as aids to decision-making, rather than constraints on professional judgment.

Implementation also revealed the strength of some practitioners' reluctance to accept the results of a data-based analysis of a favorite program, even while properly addressing qualitative information, if the analysis conflicted with their own one-off experience.

6. Performance Reviews

The AO is required under 18 U.S.C. § 3672 to review the work of probation offices and

[15] The Risk-Need-Responsivity model for offender assessment and rehabilitation was developed in the 1980s and formalized by Andrews, Bonta, and Hoge in Canada.

has had a long-standing office review process. In response to the strategic assessment and its recommendations, the review process was revamped to better incorporate outcome data and empirical indicators of policy adherence, complementing the traditional sample case examinations and interviews. Follow-up procedures and expedited re-reviews were developed, relying in part on ongoing outcome monitoring, to ensure progress on any material findings and recommendations.

An additional review process was created to examine individual cases involving serious or violent reoffending while under supervision. This "root cause" analysis incorporated into these case reviews went beyond individual probation officers' handling of cases to look at systemic issues as well. This included looking at the total workload assigned to the officer, the supervisory support they were given, training, and the practicality and usefulness of applicable policies and procedures prescribed.

Common findings for office and case reviews and related trends were shared with all probation and pretrial offices, as well as stakeholders within the AO and Criminal Law Committee, Federal Judicial Center, and U.S. Sentencing Commission, Department of Justice, and Federal Defenders. The goal was to increase awareness and promote collective effort to address challenging issues.

While the revised protocols were generally well-received, there was recognition among practitioners that the framework was heavily weighted toward problem identification, often overlooking the strengths and innovations present in district practice and failing to sufficiently account for structural challenges—such as staffing constraints and budgetary instability—that impacted fidelity to policy and procedure. Subsequent efforts have sought to rebalance the review process by integrating more constructive and context-sensitive elements.

7. Resourcing and Evidence-Based Guidance

Following the strategic assessment, significant changes were made to the staffing formula and training programs for probation and pretrial services. Input from AO workgroups, district court staff, and personnel serving on temporary duty assignments at the AO informed a departure from the simplistic per-case allotment approach. In its place, a more nuanced resource allocation model was adopted based on case characteristics, officer workload, and the actual time spent on supervision and investigative responsibilities. Offices supervising higher risk individuals, determined by actuarial assessments and supervision intensity, along with those handling complex pretrial and presentence investigations, received increased resources.

These improvements, however, introduced several operational challenges. The staffing formula became substantially more complex and resource intensive. Demand for Research to Results funding often exceeded capacity, leaving some districts unable to participate.

8. National Training Academy (NTA)

With funding from Congress, the AO established a six-week-long training academy for new probation and pretrial services officers at the Federal Law Enforcement Training Center (FLETC) in Charleston, South Carolina. Early in the planning stages, many had envisioned the academy as part of the FJC's education framework. However, due to resource limitations and prioritization constraints, the FJC could not accommodate the initiative, prompting the AO to pursue development separately under the auspices of the Criminal Law Committee of the Judicial Conference. (As noted below, the NTA necessarily incorporated firearms and safety training, which was beyond the purview of the FJC.)

The purpose of the AO's training academy at FLETC was to address core duties such as pretrial and presentence report writing, testifying skills, and basic supervision techniques. A main thrust of the academy, however, was to help instill the principles of EBPs in new officers at the beginning of their federal careers. At a basic level, this includes a belief that people can change for the better under the right circumstances, and that officers are expected to help them do that. Instilling such a foundational attitude in newly appointed officers represents a kind of antidote to the "nothing works" era and gets the officers off on the right foot.

The NTA squarely addressed a major concern raised during the assessment about officer safety. Specifically, the assessment study group had observed that new approaches to supervision would likely increase the need for officer fieldwork and thus put those officers in dangerous situations more frequently. In response, the NTA and subject matter experts developed a state-of-the-art firearms and safety program for all new officers that uses realistic settings and scenarios to provide a valuable training experience that will help protect them when performing their duties.

The NTA also served as the hub for all training related to safety and firearms for those officers who served as their district's instructor and provided ongoing training locally.

9. Comments on Implementation Issues

For each of the steps taken forward, there were noteworthy implementation issues, some expected, some not.

Defining success. In defining mission-critical outcomes, there were lively discussions around the best ways to identify and define "success." Some believed that a supervised releasee who is not rearrested within a specific time frame is a success. Others believed that a supervised releasee who is reincarcerated for a minor infraction—before the releasee may have committed a major crime—is a success. Still others believed that a supervised releasee who gains employment and is drug free is a success. Each of these viewpoints could lead officers or districts to approach their work differently.

Gathering and using accurate recidivism data. A major accomplishment, more difficult than most had imagined, was the creation of a national rearrest database. Historically, recidivism studies have depended on data from small jurisdictions, limited study populations, and brief observation periods. These constraints stemmed from a lack of uniform data standards across jurisdictions, significant challenges in compiling longitudinal datasets, and a widespread absence of reliable case disposition information. Even more elusive has been documentation detailing the rationale behind prosecutorial decisions—such as plea negotiations, charge deferrals, or dismissals—making it difficult to fully understand the full extent of recidivism.[16]

The AO was successful, however, in developing an innovative system to consolidate and standardize rearrest data from disparate federal, state, and local law enforcement systems across the country. In addition, the AO created study cohorts of all persons under supervision, quickly totaling hundreds of thousands of people, and tracked rearrest data on those cohorts for years, establishing rearrest rates both during and after periods of supervision.

Acquiring in-house technological and

[16] Bureau of Justice Statistics, Criminal History Record Disposition Reporting: Findings and Strategies, United States Department of Justice, March 1992.

research talent. The AO provided the probation and pretrial services leadership with appropriate staff to both: a) build the technological solutions needed to gather the data and b) conduct the studies and analyses from that data to provide leaders with information that can help shape changes in policies and procedures. Early accomplishments included the development of risk assessment instruments for both pretrial defendants and post-conviction offenders, which have been the basis of many improvements in practice. When combined with other data sources through DSS, this rearrest data provide a rich source of information—both operational (for officers' casework decisions) and analytical (for broader systemic decision-making).

The AO recognized that, without a staff of highly motivated technicians and analysts who understood the work and are immersed in the functions of the officers, they could not provide system leadership with the data needed to truly be a results-based organization with an outcome measurement system. Numerous systems have been developed that are both operationally helpful to officers and analytically helpful to leadership.

Prioritization. As the leadership focused on post-conviction supervision practices and developed a training program for officers to address established criminogenic needs in a somewhat uniform way, pretrial services staff grew impatient with the lack of attention their important work was receiving. In response, the AO, in consultation with the Chiefs Advisory Group, adapted some of the post-conviction strategies and training modules to the pretrial supervision setting. This may or may not have been a helpful response. At a time when the system was changing to become evidence-based, the system was also using resources to adapt proven post-conviction strategies to a group of defendants for whom these strategies had not been tested or proven. The wisdom of doing so is likely still an unanswered question, but it is mentioned here because it is a very practical risk any time one part of the whole is prioritized.

Coordinating with other organizations. Buy-in from complementary agencies is a consideration when implementing the recommendations of the assessment. Coordinating with other related agencies can be challenging. For instance, while the AO trained new officers on criminogenic needs and applying updated risk assessment tools to guide officer priorities, the Federal Judicial Center, responsible for training more seasoned officers, used a different method for setting training priorities. As a result, there was not a consistent message or focus across training efforts.

Good and passionate discussions. The follow-up discussions of the assessment recommendations brought to light some discontinuity in values. Included among the measures of successful reintegration for a person under supervision are having a good job, a solid home life, and a substance-free lifestyle. How best to address each and in what circumstances was a valuable exercise. Some believed a supervised releasee must first have a job—and other issues would work themselves out. Some believed that same person must first have a solid place to live—and all other issues would work themselves out. Some believed that same person must first address substance abuse—and all other issues would work themselves out. These discussions were key to entering a new era where previously held beliefs about successful reentry should and must be reconsidered as new information becomes available—a requirement for an evidence-based system.

Conclusion: Strategic Planning for the Next Chapter

The 2004 strategic assessment marked a watershed moment in the federal probation and pretrial services system's journey toward becoming a mission-driven, results-oriented enterprise. It did more than diagnose operational challenges (an invaluable contribution in itself); it introduced a systemic framework for aligning practice with purpose, rooting policy in evidence, and embedding strategic planning into the very fabric of the system.

Yet the promise of the now 20-year-old assessment is hardly static. The system will likely confront new caseload complexities and new technological transformations, particularly with the advent of artificial intelligence. There will also be shifting criminological insights and dynamic community needs requiring system leaders to iterate—not just replicate—the strategies of the past.

The next era likely will demand performance measures that more clearly distinguish impact from activity, planning processes that empower field innovation without eroding coherence, and outcome frameworks that recognize both individual trajectories and broader system pressures.

The historical insights shared in this edition of *Federal Probation* reinforce a simple truth: strategic assessment is not a one-time undertaking. It is a mindset, a habit of leadership, and a commitment to adapt to changes with sustained integrity. System leaders need a compass like the one they have had for the past 20 years. We now know that what comes next will depend not only on what is measured, but also on what is valued. Strategic planning has proven critical to the continued success of the probation and pretrial services system and must play a prominent role in its future.

The Perspective of Federal Pretrial Services

David Martin
Chief Pretrial Services Officer, District of Arizona (Retired)

OCTOBER 30, 1989, the day I was appointed a U.S. pretrial services officer for the Middle District of Florida, was one of the proudest days of my professional life. It did not matter that very few people I knew had ever heard of pretrial services, nor did it bother me when I had to continually explain that I am not an attorney, and I don't work for the FBI. Most people knew it was a federal job, so it had to be good. And they were right! Except it turned out to be better than good in so many ways. I experienced quality training, national travel, ample salary progression and benefits, and a chance to work with the finest probation and pretrial services officers in our profession. I felt like I had found a career that challenged me and gave me purpose.

Separate pretrial services agencies were in their infancy, but among us there was an enthusiasm for our mission that was hard to explain. The (now retired) chief who hired me, Thomas Primosch, was crystal clear that we needed to reduce unnecessary detention. The national message was the same, frequently quoting Chief Justice Rehnquist in *U.S. v. Salerno*: "In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." However, I soon learned that, although the mission was clear, the challenges to accomplish it were many. Limited access to interview defendants and tight time constraints often prevented officers from providing verified, written bail reports at the initial appearance. This remains problematic in many districts even today, as they face the challenge of reducing unnecessary detention.

In this article, I will share some career experiences to commemorate the 100-year celebration of the federal probation system (augmented in 1982 by the addition of pretrial services). I will open with training I received shortly after my appointment.

Although my initial training academy differed in some ways from the Federal Probation and Pretrial Academy currently in place in Charleston, SC, at FLETC (Federal Law Enforcement Training Center), I vividly remember my two weeks of training at MITAGS (Maritime Institute of Technology and Graduate Studies) in Maryland. Unlike today, the training did not include firearms and defensive tactics, because back then each district decided what type of safety training and tools they would provide. In our district at that time, we were authorized to use pepper spray (Oleoresin Capsicum) and defensive tactics but had not yet started a firearms program. MITAGS had enthusiastic presenters on presentence investigations, supervision (pretrial and post-conviction), and pretrial investigations. The presenters were larger than life to me, sharing experiences and offering encouragement and inspiration to the new officers. I wondered if I could ever reach that level of knowledge and experience. But most importantly, the two weeks at MITAGs made me feel welcomed into the federal probation and pretrial services family; I knew I had an extensive support network in place, and as technology advanced in our system, my means of making use of that support system expanded as well.

Technology was not what it is now, but commitment to the pretrial mission seemed universal at all ranks in our system. If we needed assistance with a criminal records check in another part of the country, we would call the district in that area. In most cases, we would receive a prompt response, because in pretrial, time is always of the essence. I remember one occasion where the chief in that district conducted the records check himself, because his officers were busy and he knew we needed the information quickly. Another example of this type of collaboration occurred when I was helping the Tampa office process a high number of arrests. Chief Primosch was also in the office that day. His job, in my opinion, was to manage the budget, address personnel issues, and handle other administrative tasks. However, that day he picked up two interview folders and joined the officers conducting interviews. His actions, as well as those of the helpful chief who conducted the collateral records check, told me everything I needed to know about the importance of reducing unnecessary detention through submission of timely, verified pretrial services reports. Chief Primosch also brought some humor to a stressful day as we were about to start our interviews when he said, self-deprecatingly, "I don't do this. I pick out carpet colors." He was also involved in national pretrial services initiatives and inspired me to follow suit.

In 1998, I was selected to serve as a trainer with the Federal Judicial Center at the two-week new officer academy at the Thurgood Marshall Building in Washington, D.C., which was also the location of the Administrative Office of the U.S. Courts (AO). For approximately four years, I served as an adjunct instructor, teaching pretrial

services investigation and supervision training. I liked this training location, as it allowed new officers to experience the AO, walk to the Supreme Court, enjoy our nation's capital, and fully appreciate the importance of our contributions to the federal judiciary. As an adjunct instructor, I interacted with officers from all over the country and learned about the challenging circumstances they faced in their districts. For example, in Hawaii, officers had to travel by plane to do some of their home visits! During the winter months in Montana, government cars had to be plugged into an electrical source so they would start. Some officers had prompt and easy access to conduct pretrial interviews, while in other districts, officers had limited access to defendants. I was fascinated by the creativity officers used to overcome local challenges to accomplish the pretrial mission. I also had the opportunity to meet some engaging and skilled officers from Arizona. Little did I know that we would meet again.

In 2004, I was promoted and transferred to the District of Arizona as a deputy chief U.S. pretrial services officer. I was stationed in Tucson and quickly learned of the challenges that a large, high-volume pretrial services office faced. For example, the number of interview rooms was insufficient to accommodate attorneys and pretrial interviews prior to initial appearance. I was assigned to work with the U.S. Marshals Service to develop and implement new booking procedures for agents to bring newly arrested defendants (shackled) through the courthouse and into newly renovated pretrial services office space for interviews. This was a policy introduced by (now retired) Chief U.S. Pretrial Services Officer Patsy Bingham and approved by the court. We realized it was not an ideal situation, but it was the only workable solution to fulfill our pretrial statutory duty in United States Code 18:3154(1) to "Collect, verify, and report to the judicial officer, prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense…" We were so grateful to the Marshals Service and federal agents for adapting to this new booking process, as it established a culture where pretrial services officers consistently conducted interviews and submitted written bail reports at the initial appearance. This permitted magistrate judges to make release decisions at initial appearance, when appropriate, based upon verified information in the pretrial services reports. This booking process eventually changed years later when the Marshals Service renovated their space to include more interview rooms.

As the pretrial interviewing process improved, so did the supervision work and officers' reliance on technological advances in the field, which I observed firsthand. Early in my career, fieldwork involved paper maps and a reliance on good directions by defendants. I spent a significant amount of time trying to find residences in rural areas, often searching for non-existent road signs. I knew where local payphones were located and would check in periodically with the home office using our toll-free phone number. When I transferred to Arizona and went with tech-savvy officers in the field, I witnessed skilled use of technology. We had Motorola GPS systems in each vehicle for officers to use and locate defendant residences for mapping. Thereafter, we progressed to smartphones with that mapping technology. On one occasion, I accompanied a supervision officer who was conducting a home contact with a defendant who had an alcohol restriction. We observed a large pile of beer cans overflowing his trash bin outside of the residence. As I considered how to clearly document what we observed to accurately report this to the court, the officer pulled out a digital camera and took multiple pictures. Huh? I guess that will work too … times had changed.

My interest in contributing to pretrial services on a national level continued, and I was fortunate to be selected to join the National Pretrial Services Working Group in 2005, led by Office of Probation and Pretrial Services Program Administrator Trent Cornish. It consisted of a small group of chiefs, deputy chiefs, supervisors, and an officer and was designed to provide advice and feedback regarding national pretrial practices and policies. Oversight of this working group transferred to Data Analysis Branch Chief Tim Cadigan in 2008. New members were added, including a management analyst. Both AO leaders were effective in keeping the working group members on task and navigating us through the bureaucracy at the AO to accomplish our goals.

In 2007, I was promoted to chief U.S. pretrial services officer in the District of Arizona. I was appointed chair of the working group the following year and served in that position until the working group ended in 2013. Members of the group were enthusiastic about our mission and well versed in pretrial statutes, principles, and national policy. Due to national budgetary concerns, the first working group initially focused on cost containment recommendations. As a border district representative, I was given the opportunity to coordinate with the five Southwest border districts on the appropriateness of workload credit for investigations on non-status (no legal immigration status) defendants. The Administrative Office proved to be quite reasonable and receptive to our recommendations for continued workload credit once they understood the legal and practical use of pretrial reports for this population.

The working group moved on to other pressing topics, such as updating national policy, including the alternatives to detention, supervision, and investigation monographs. These updates required much coordination with team members for review and feedback. PPSO relied on members of the working group for field experience in establishing practical and realistic policies and procedures. Our meetings consisted of lively discussions and debate as we shared various philosophical and regional perspectives to achieve consensus, since we understood our decisions affected all districts. Everyone who presented to the working group on subjects such as PACTS (Probation and Pretrial Case Tracking System), workload measurement, evidence-based practices, a pretrial risk assessment instrument, and the national training academy at FLETC wanted our unfiltered views, and they got them! The working group ensured that pretrial and legal principles, as well as research, drove our decision-making process. When my term on the working group ended in 2013, I was proud of our legacy but happy to be able to focus more intently on work in Arizona.

The most satisfying memory of my career in the District of Arizona was leading our dedicated staff to earn the Proclamation for Excellence from the Administrative Office, the Probation and Pretrial Services Office, and the Judicial Conference Committee on Criminal Law. The award was in recognition of "work found to be exceptional, achieving among the highest rates of adherence to statutory, rule and policy requirements of all offices reviewed throughout the year." It was presented during a Chiefs and Deputies Administrative Meeting in April 2019 by John Fitzgerald, Chief of PPSO, and Amanda Garcia, PPSO Program Oversight Branch, to the District of Arizona Pretrial Services Office after achieving the highest compliance score (97 percent) of the 24 probation and pretrial services offices reviewed by PPSO in fiscal year 2018. It was

our agency's report card, and it informed our court that our staff fulfilled our statutory and policy requirements to reasonably ensure public safety. It was the culmination of five years of focused effort to improve our performance after a less-than-stellar program review in 2013. After the 2013 review, we enlisted the help of some of those subject matter experts on the review team and the Administrative Office for guidance and training in areas where we sought to improve. Our national probation and pretrial services family gave us as much help as we needed, and our dedicated staff and management team tirelessly did the rest. I will forever be thankful for their efforts. I was fortunate to work my last two years before retirement seeing those officers and supervisors as they fielded questions from other districts on how to improve aspects of their pretrial supervision work. In five years, we went from being the ones asking for help to being the ones giving it.

Over the 31 years of service in federal pretrial services, 14 years as a chief, I had the pleasure of working with many U.S. probation and pretrial services professionals who encouraged and inspired me. I am also grateful to the judicial officers who supported my local and national efforts to achieve excellence in pretrial services. Now, over four years into retirement, I could not tell you if release rates have increased or decreased since my departure. I am confident, though, that our federal probation and pretrial services system still consists of the finest officers in the country. Over my career, wherever I went, if there was a U.S. probation or pretrial services officer, I knew I had a friend. I miss those friends—but love my pension and the freedom it affords. God speed to all my federal colleagues who do such important *work*.

Celebrating Federal Pretrial Services

Shiela Adkins
Chief U.S. Pretrial Services Officer, District of Nevada (Retired)

I SIT DOWN to write these reflections with a profound sense of gratitude and pride. A century has passed since the inception of United States Probation—a milestone that not only marks the endurance of an institution but also the evolution of justice, rehabilitation, and public safety in our nation. Having devoted the better part of my professional life to U.S. Pretrial Services and witnessing firsthand the growth of our partnership with U.S. Probation, I am honored to celebrate this historic anniversary and offer my perspective on our shared journey.

One Hundred Years of Service and Transformation

The roots of federal probation trace back to 1925, when Congress passed the Federal Probation Act, ushering in a new era for the federal judiciary. The act was a bold statement of faith in the potential for human change, providing courts with the authority to suspend sentences and place individuals under the supervision of probation officers. In the early days, federal probation operated with limited resources but limitless conviction, laying a foundation built upon the belief that justice could be both firm and compassionate.

Over the decades, federal probation has evolved in response to changes in law, society, and our understanding of human behavior. What began as a small cadre of officers with handwritten case files has grown into a robust national system, harnessing technology, research, and community partnerships to guide individuals towards accountability and reintegration. And the seeds for all this were planted rather informally, in a local court in Massachusetts. In 1841, John Augustus (now considered to be the first American probation officer) attended police court to bail out a defendant deemed by society "a common drunkard." This man became the first probationer. When the defendant returned to court with Augustus three weeks later, his demeanor and appearance had changed dramatically. History underscores the intersection between bail, intervention, and rehabilitation. Our past shows us that probation and pretrial services were meant to be partners from the start.

The Emergence of U.S. Pretrial Services

In 1982, close to 60 years after the birth of federal probation, the Pretrial Services Act was signed into law. This act responded to a growing recognition of the need to address the challenges facing defendants prior to trial, protect community safety, and ensure fair administration of justice. Thus, U.S. Pretrial Services was established to perform the distinct tasks of investigating defendants, assessing risks, making recommendations to the court, and supervising those released pending trial.

I was fortunate to become a pretrial services officer in 1991. Throughout my career I was inspired by trailblazing chiefs like Glen Vaughn, Southern District of California; Wilma McNeese, Western District of Pennsylvania; Primitivo Rodriguez Jr., Northern District of California; and later, Carol Miyashiro, District of Hawaii. These chiefs and others navigated uncharted territory—building policies, procedures, and relationships from the ground up. It was a time of innovation, adaptation, and partnership. They were passionate about pretrial justice and the success of U.S. Pretrial Services. From the outset, it was clear that the road ahead would be difficult but best traveled together, hand in hand with our probation colleagues while maintaining and protecting the independence of pretrial services.

Building a Partnership: From Parallel Paths to Shared Purpose

At first glance, the missions of federal probation and federal pretrial services appear distinct—one focused on post-conviction supervision, the other on pretrial risk assessment and oversight. Yet, as both a participant and witness to our intertwined histories, I can attest that our paths are distinct but parallel rails upon which the train of justice runs.

The partnership between us is born of necessity and strengthened by shared values. Both probation and pretrial services are committed to the fair administration of justice, the reduction of unnecessary detention, the protection of communities, and the rehabilitation and support of individuals as they navigate the criminal justice process. We exchange information, coordinate strategies, share resources, and reinforce each other's efforts—not only for the benefit of the courts, but for the people and communities we serve. We accomplish these goals with dignity and respect as guiding principles.

Collaboration in Action

Perhaps nowhere is our partnership more visible than in the daily work of probation and pretrial services officers across the country. Officers frequently consult on cases, share

knowledge, and connect resources. Our collaboration extends to joint training initiatives and policy development. Together, we have confronted many challenges, such as the opioid epidemic, technological advances, incorporating research into our efforts, improving officer safety, responding to legislative mandates, and establishing programs offering alternatives to incarceration.

I recall countless instances where the seamless handoff between pretrial supervision and probation made a profound difference in a person's journey. Early, coordinated intervention often sets the tone for rehabilitation, reduces recidivism, and provides individuals with continuity of care, which is a critical factor in their success.

Innovation and Adaptation

Our partnership has also been defined by a willingness to innovate. Whether adopting evidence-based practices, leveraging data analytics, or piloting new treatment programs, both federal probation and federal pretrial services have stood at the forefront of criminal justice reform. When judicial mandates change or new challenges arise—be it rapid technological shifts or a global pandemic—we face them together, united in our commitment to justice.

Impact and Legacy

Over the past century, the United States Probation System has touched many lives. It has offered hope where there was despair, accountability where there was chaos, and opportunity where there was only punishment. Alongside it, since 1982 U.S. Pretrial Services has helped ensure that the presumption of innocence is more than a legal phrase; it is a lived reality for defendants awaiting trial. "In our society, liberty is the norm and detention prior to trial or without trial is the carefully limited exception" (Rehnquist, 1987 *U.S. v. Salerno*).

Throughout my career, I have been honored both to participate in and witness stories of transformation. This includes individuals who, with proper guidance and support, overcame addiction, were reunited with families, found employment, were given a second chance, and contributed positively to their communities. I had the unique opportunity to serve as acting chief U.S. probation officer in the Central District of California and have seen such stories from both the pretrial and post-conviction perspectives.

These successes are not solely the product of one agency, but the result of a collective effort between officers, judges, treatment providers, and community partners working together. It is also important to point out that the daily contributions of phenomenal administrative, information technology, and support staff in our system are critical and help to make these achievements possible.

Looking Ahead: Challenges and Opportunities

The future of our partnership is as promising as it is challenging. The world grows more complex, and so too do the needs of those we serve. Issues like cybercrime, social inequity, drug and mental health trends, safety, legislative changes, and budget challenges demand agility, empathy, and continued collaboration. Our agencies must invest in training, recruitment, and technology, always with an eye towards diversity and evidence-based practices.

I am confident that the spirit that has animated our work for a century—the belief in the possibility of change, the commitment to fairness, the courage to adapt—remain alive and well. The next hundred years will bring new obstacles, but also new opportunities to uphold justice as defined by the U.S. Constitution.

A Personal Reflection and a Call to Celebration

As I reflect on a career devoted to the cause of pretrial justice, I am filled with pride—not only in what we have accomplished, but in how we have accomplished it. The partnership between those accomplishing the distinctive missions of U.S. Probation and U.S. Pretrial Services is not merely an administrative convenience; it is a testament to the power of collaboration, the necessity of compassion, and the enduring belief in redemption. In addition to an amazing staff and exceptional judges while I served as Chief U.S. Pretrial Services Officer in the District of Nevada, I had two great partners in Chis Hansen, Chief U.S. Probation Officer, District of Nevada (Retired) and Chad Boardman, Chief U.S. Probation Officer, District of Nevada (Retired), who consistently exemplified integrity, excellence, comradery, support, and friendship.

To all those who have served, who continue to serve, and who will serve in the years to come: thank you. Your dedication, professionalism, and humanity have shaped lives and communities in ways that statistics can only begin to capture. As we celebrate this centennial milestone, let us honor our shared legacy, recommit to our mission, and move forward—together, as partners in justice.

Congratulations on one hundred years of federal probation, and to the unbreakable partnership that guides us into the next century.

Looking Back on 20 Years of the Federal Probation and Pretrial Academy[1]

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THE FEDERAL PROBATION and Pretrial Academy (FPPA) began training U.S. probation and pretrial services officers in January 2005, when it assumed responsibility of new officer training from the Federal Judicial Center and centralized national firearms training. In the 20 years since then, the academy has grown from 12 staff and 3 training programs to nearly 40 staff and 10 training programs. Thousands of new and experienced probation and pretrial services officers from all 94 federal judicial districts are trained annually at the FPPA in various aspects of the job. The Probation and Pretrial Services Office's (PPSO) Training and Safety Division, which operates the FPPA, is also responsible for oversight of the federal probation and pretrial services system's firearms and safety policies and procedures and districts' adherence to them.

Originally operating as the National Training Academy, the academy was rechristened the Federal Probation and Pretrial Academy in 2016 to more accurately reflect its mission (*News and Views*, 2017). Under the umbrella of the Administrative Office of the U.S. Courts, the FPPA was one of 27 partner organizations to send students to training at the Federal Law Enforcement Training Center (FLETC) in Charleston, South Carolina, in fiscal year (FY) 2025. Of those organizations, the FPPA was one of 15 to have agency-specific, residential training programs on the Charleston campus.[2] The U.S. probation and pretrial services system's annual student throughput ranked among the highest of all partner organizations at FLETC-Charleston in fiscal year 2025 (Federal Law Enforcement Training Center, personal communication, August 18, 2025).

The collection of training programs offered at the FPPA has significantly expanded in the last 20 years. In addition to training for new officers and firearms instructors, the FPPA now offers programs for safety instructor certifications, search and seizure, firearms skill enhancement, supervision risk assessment, core correctional practices, and sex offense supervision. (Figure 1 shows the number of officers trained in each of the FPPA's 10 established programs.) The academy frequently provides training materials to districts seeking guidance in officer safety, firearms, and courtroom testimony. Twelve times since 2022, the FPPA has offered export tactical trainings at different field locations around the country. The FPPA's total student throughput, including virtual training, has now exceeded 20,000, including approximately 1,500 in fiscal year 2025.

FPPA instructional staff consist of current probation and pretrial services officers on three-year detail assignments to the FPPA and FLETC and former officers now serving as PPSO probation administrators. Staff from the U.S. Sentencing Commission and qualified officers are frequently invited from the field to serve as adjunct instructors to supplement the FPPA staff, and FLETC staff teach some portions of the Initial Probation and Pretrial Training (IPPT) program. All full-time instructors must successfully complete an approved law enforcement instructor program. In addition to the academy director and branch chiefs overseeing the Training and Skills Branch and Firearms and Safety Branch, non-instructional FPPA staff include an accreditation manager, policy analyst, instructional technology specialist, budget analyst, program assistants, and national wellness coordinator. In addition to supporting the FPPA, the staff also serve the field in various other capacities, including leading or participating on national working groups, advisory committees, district reviews, and accreditation assessment teams.

Initial Probation and Pretrial Training

As the FPPA's flagship program, IPPT began

[1] I would like to thank those who helped compile historical data for this article: Melissa Gliatta, Dixie Becktold, Jason Barber, Brian Hudson, Hank Henry, David Benefield, Stephanie Denton, and Jessie King.

[2] In fiscal year 2025, 27 organizations with signed memoranda of understanding with FLETC sent students to the Charleston campus for training. This number does not include state and local agencies or Offices of Inspector General (Federal Law Enforcement Training Center, personal communication, August 18, 2025).

with the opening of the FPPA in 2005 and has since served as basic training for over 6,000 new U.S. probation and pretrial services officers. Its curriculum, format, and length have transformed across two decades based on research, needs of the field, and new initiatives. Through a blended approach of lecture, laboratory exercises, written and practical exams, and electronic learning modules (ELM), new officers obtain and are assessed on the fundamental knowledge and skills related to their jobs. Officers in the IPPT program learn policies, procedures, and approaches related to investigations, supervision, firearms, and officer response tactics. Scenario-based training in the program allows officers to perform skills related to:

- interviewing,
- core correctional practices,
- home inspections,
- plain view seizures,
- supervision strategies,
- pretrial and presentence investigations,
- risk assessments,
- treatment services,
- officer response tactics,
- use of force,
- tactical pistol applications,
- oleoresin capsicum exposure,
- trauma management, and
- vehicle operations.

The program also includes a reentry simulation and a testifying skills exercise, during which students testify on prepared fictitious cases, with invited district management staff playing the roles of judge, prosecutor, and defense counsel.

Throughout each IPPT class, students interact with trained role players acting as gang and extremist group members, persons charged with or convicted of sex offenses, domestic violence perpetrators, individuals with mental health or substance use issues, treatment providers, and disorderly third parties, among others. The program's curriculum has grown to include classes on officer wellness, overcoming stress, effective communication and interviewing, violent extremism, effective writing, trauma management, de-escalation, and more. In January 2025, following extensive research and testing of pistol mounted optics (PMO)—which led to their authorization for field use by PPSO—the FPPA began permitting students to use PMOs during IPPT training. Since then, the academy has seen a steady increase in their use among program participants.

When it began, IPPT was a three-week course focused largely on firearms and safety (Ward & McGrath, 2015). A year later the program expanded to five weeks and added core discipline curricula (pretrial investigations and supervision, presentence investigations, and post-conviction supervision) and various other lecture- and scenario-based classes. In January 2007, the program expanded to six weeks, at which length it has generally remained. In response to a significant backlog of new officers in need of training, in 2015 the FPPA temporarily shortened the IPPT program to four weeks and trained 501 officers, which still stands as the largest annual throughput in the program. (The annual totals for IPPT graduates are reflected in Figure 2.) From January 2016 to 2020, IPPT resumed its six-week schedule.

Another training backlog followed the COVID-19 pandemic, likely due to officers who had waited to attend IPPT until the return of face-to-face training. In response, in January 2023 the FPPA shortened the program from six to four weeks to allow for more classes. The four-week program continued until the backlog was eliminated in October 2024, at which point the program expanded to five weeks. It is scheduled to return to its usual six-week model in fiscal year 2026. During the shortened program, several blocks of instruction were not offered, including FLETC's driving laboratory exercises. Other blocks were shortened. However, students still received the training to complete the requirements for the initial firearms program and other certifications, such as the Pretrial Risk Assessment and Post-Conviction Risk Assessment tools.

COVID-19 and the Transition to Virtual Training

The COVID-19 pandemic forced the FPPA to suspend all in-person training beginning in March 2020. The academy initially awaited the possibility of resuming in-person training, but as COVID-19 cases continued to rise, it became clear that face-to-face instruction would remain suspended for the foreseeable future. Districts continued to reach out to the FPPA for guidance and training within appropriate social distancing parameters. As a result, FPPA staff researched and learned new methods and technology for delivering training and engaging officers virtually with programs that had scarcely been used at the academy before then.

After a brief pause in training, the FPPA facilitated its first virtual training on June 10, 2020, when it taught Contact Safety to dozens of officers around the country (Denton et al., 2015). This course, which was ultimately presented 51 times to 2,947 officers across 60 districts during the pandemic, covered topics such as de-escalation, use-of-force incidents, and emotional and physiological responses to stress. Virtual versions of Contact Safety and search and seizure trainings were the forerunners for the catalog of virtual courses eventually offered by the FPPA.

The FPPA introduced a three-week virtual IPPT program in August 2020. The virtual alternative to in-person instruction enabled the academy to continue delivering training to meet the needs of new officers. During the period of virtual training, districts were responsible for the initial firearms and safety training for their new officers, while the FPPA focused on classes related to investigations and supervision. FPPA staff modified lesson plans and presentations to adjust to the virtual setting, and class activities and interviewing scenarios were modified so students could interact virtually with others. Two of the traditional program's courses were converted to ELMs to maximize time for live presentations.

This initial version of the virtual IPPT program, during which students attended class for six hours per day to best accommodate the various time zones used across the judicial districts, included 97 curriculum hours over 15 days. (Immediately prior to the pandemic, the program was 221 hours.) The virtual program eventually expanded to 17 training days. Twenty-seven virtual IPPT classes graduated between August 2020 and February 2022, with the final virtual class being offered after the reinstatement of in-person classes to accommodate students who were uncomfortable or unable to attend face-to-face training due to COVID-related restrictions.

Building on its suite of virtual offerings, the FPPA also introduced its Presentation Skills Refresher class during the pandemic. This course was developed in response to requests from field instructors tasked with delivering initial firearms and safety training to new officers while the academy's in-person classes were on hold. The class, which focused on effective instructional techniques and training aids for firearms and safety training, was offered 16 times to 720 students from 74 districts between September 2020 and April 2021.

As the pandemic continued, certifications for many firearms instructors began to lapse in the absence of available face-to-face

training. Because of this, the FPPA created a virtual version of its Firearms Instructor Recertification (FIR) course to satisfy the certification requirements, allowing instructors to continue training officers in their districts. The five-day course, which required students to shoot an instructor-level qualifying score in their districts before attending, featured instructional videos and animations to demonstrate movement principles and shooter perspectives, as well as interactive exercises for comprehension of effective instructional techniques. Between February and September 2021, the FPPA presented nine iterations of the virtual FIR course, recertifying nearly 200 instructors.

FPPA staff also presented virtual courses on Post Conviction Risk Assessment, search and seizure for chiefs and deputy chiefs, trauma management, and Safety and Information Reporting System use. Additionally, they created a liaison program that identified specific FPPA points of contact for each circuit for training-related questions. While most virtual trainings ceased upon the return to in-person training, the FPPA still offers its virtual de-escalation course, which was created in January 2024 and to date has been offered eight times to over 2,000 probation and pretrial services staff.

Return to In-person Training

Due to ongoing pandemic concerns and strict FLETC policies regarding student movement restrictions on campus, all FPPA training programs remained exclusively virtual through September 2021. With the focus on student and staff health and safety, FPPA management spent the summer of 2021 evaluating the ever-changing COVID-19 situation and discussing the best way forward with training. This included discussions throughout PPSO and with FLETC leadership, stakeholders in the field, FLETC's medical director, and the AO's epidemiologist, among others. Finally, in October 2021, in-person training resumed at the FPPA with a Safety Instructor Recertification class. In November 2021, IPPT returned to its six-week, in-person format.

From that point until April 2024, FLETC implemented various health and safety protocols related to COVID-19. The protocols changed frequently and included student location restrictions, proof of COVID vaccinations or a negative COVID test before training, weekly COVID testing, dorm isolation for students who tested positive or were exposed to COVID, delivery of meals by staff to isolated students, and face coverings. During this period, numerous students and staff were isolated after testing positive for COVID, causing many dismissals from the IPPT program for excessive training absences. (Students who could not complete the program for this reason were welcome to return with a different class.)

IPPT Reclassification

In April 2022, FLETC reclassified IPPT from a Center Integrated Basic (CIB) program to an Agency Specific Basic (ASB) program. The change was prompted by FLETC's enforcement of classification standards, which require that FLETC provide at least 50 percent of the instruction in a CIB program. At the time, the FPPA and adjunct staff taught the majority of the IPPT curriculum, while FLETC covered the rest. In the FPPA's experience, ASB courses had been given lower scheduling priority by FLETC compared to CIB and Center Basic programs, which are primarily facilitated by FLETC instructors. FPPA/PPSO management and the U.S. Probation and Pretrial Services Chiefs Advisory Group (CAG) discussed the implications of relinquishing more of the IPPT training to non-U.S. Courts instructors and ultimately determined the FPPA would not seek to retain CIB status for IPPT. The decision was driven largely by the desire to keep the training for new officers internal—that is, taught by FPPA staff with probation and pretrial services experience—due to the unique nature of the system's mission relative to traditional law enforcement agencies.

The reclassification meant that FLETC would only be involved with the IPPT program to the extent needed by the FPPA. As an ASB program, the FPPA made significant changes to its policy and procedures to reflect less reliance on FLETC's services. Among other duties, the FPPA assumed responsibility for:

- developing, approving, securing, administering, and analyzing written exams and practical exercises;
- collecting and analyzing long-term feedback from students and their supervisors;
- identifying instructional and program deficiencies based on student performance;
- validating learning objectives;
- organizing comprehensive curriculum reviews;
- developing and facilitating remedial processes;
- maintaining student performance records; and
- creating and presenting student awards.

The combination of IPPT's reclassification and an influx of training from other agencies at the FLETC-Charleston campus has created challenges related to priority for training venues. However, the FPPA has adjusted to having more autonomy in facilitating the IPPT program. FLETC continues to provide services such as lodging, role players, meals, equipment, medical treatment, uniforms, and some student transportation. Further, FLETC staff teach basic handgun instruction, driver training, and illicit drug courses in the IPPT program, as requested and partially funded by the FPPA.

Accreditation

Behind the scenes of training, the FPPA has pursued other initiatives, including accreditation and firearms and safety office reviews. One of the most noteworthy accomplishments of the FPPA has been its accreditation with the Federal Law Enforcement Training Accreditation (FLETA) Board, the independent accrediting organization for federal law enforcement training and support programs. The accreditation standards were developed by federal law enforcement professionals and are updated periodically by the FLETA Board based on input from its Standards Steering Committee. The program or academy seeking accreditation must show compliance with the FLETA standards, which encompass the following areas:

- administration, including whether the agency offers ethics training as part of its curriculum for basic programs, follows safety and security guidelines, provides technical assistance, determines training needs, maintains program and student records, suspends training due to hazardous conditions, and adheres to its policies on student misconduct and medical clearance for physical training;
- instructor staff, including the training, development, guidance, and supervision of instructors;
- training development, including justification for and evaluation covering each training objective, review and approval of training materials, estimation of program costs, periodic curriculum review, and review of student and supervisor feedback; and
- training delivery, including student orientations, remediation and reevaluation procedures, role players, and adherence to training materials (Federal Law Enforcement Training Accreditation, n.d.).

To become accredited, an agency voluntarily submits to a thorough review of its training program(s) or academy, or both, by a team of trained assessors from the federal law enforcement community. The assessors review documentation, meet with staff, and tour the training facilities during the review. The assessor team then submits a comprehensive report to the FLETA Board. During the next semi-annual FLETA Board Review Committee meeting, the agency gives a presentation and responds to questions from the Board, which makes the final decision regarding accreditation. To maintain accreditation, the program or academy must undergo the same process every five years, submitting progress reports annually.

For many years, FPPA management crafted policies and practices that would eventually put the academy in a position to seek accreditation. In 2017, the FPPA applied for accreditation for its IPPT program and began the extensive process of assessing the program to determine any shortcomings related to FLETA standards. Led by the FPPA accreditation manager, FPPA staff drafted policies, created standardized forms, and implemented processes to promote consistency and compliance with the FLETA program standards.

Following an August 2018 review of the IPPT program by a team of FLETA assessors, the FLETA Board awarded program accreditation to IPPT in November 2018. The first reaccreditation cycle included the transitions between in-person and virtual training, the change in IPPT duration, and IPPT's reclassification from a FLETC CIB program to an ASB program. Despite grappling with these significant changes, the academy was able to make appropriate adjustments to its policies and procedures to maintain its compliance with FLETA standards. In November 2023, the program was reaccredited.

Shortly after IPPT's reaccreditation, the FPPA set its sights on academy accreditation. To achieve this distinction, an agency's basic training programs (such as IPPT) must be accredited, and all other programs offered at the academy must meet the prescribed standards. After a year of preparation, the FPPA met all standards during its official assessment in March 2025 and was awarded academy accreditation in May 2025. With the award, the FPPA became only the 16th FLETA-accredited law enforcement academy in the country, joining a list that includes training academies for the U.S. Drug Enforcement Administration, U.S. Secret Service, Naval Criminal Investigative Service, and U.S. Marshals Service.

Through its accreditation status, the FPPA has shown that its training programs are conducted consistently, methodically, and proficiently and that staff are using best practices and the highest standards in training U.S. probation and pretrial services officers. The FPPA has undergone its initial assessments for the Initial Safety Instructor Certification and Initial Firearms Instructor Certification programs and anticipates being awarded accreditation for those programs in November 2025.

New Process for Firearms and Safety Reviews

Historically, firearms and safety reviews were components of the all-encompassing, cyclical reviews of the probation and pretrial services offices throughout the country, during which instructors reviewed the districts' training records, firearms inventory, and other areas. In redesigning the cyclical office reviews, PPSO sought to separate the firearms and safety review from the larger operational review and emphasize training observation and feedback to help districts reach their training goals. In 2024 and 2025, FPPA staff successfully completed pilot firearms and safety reviews in six districts. In response to the overwhelmingly positive feedback received for the pilot reviews, and after consulting with the CAG, PPSO decided to officially establish firearms and safety reviews as separate from the larger operational district reviews.

The change, which officially began in August 2025, shifts the focus from behind-the-scenes to hands-on. Expanding on their previous role of reviewing documentation, reviewers now also observe live training, provide feedback, evaluate districts' firearms and safety training needs, and assist instructors in developing and maintaining strategic training goals. Reviewers provide insight and feedback on training preparation and venues, safety precautions and gear, efficiency and frequency, modalities, use of FPPA lesson plans, presentation skills, succession planning, continuing education, remedial training, and certification status of instructors. Individual districts decide which type of training—firearms, officer response tactics, and/or search and seizure—will be observed. The documentation review is conducted virtually prior to the on-site visit, saving time for observation, feedback, and discussion when reviewers visit the district.

The new firearms and safety review model is mutually beneficial to the districts and the FPPA, since they can schedule the reviews around the district's established training plans and the FPPA's national training schedule, securing ideal times for both. The separation of the firearms and safety review from the operational review also allows districts and their officers to focus more on each review. This gives some reprieve to officers who are involved in multiple program areas, such as location monitoring and firearms. Ultimately, the new model lets districts showcase their firearms and safety programs and receive feedback from national trainers while allowing the FPPA to gain insight into districts' training, gather ideas from district instructors, and identify potential gaps in national training.

Looking Ahead

Twenty years after its opening, the FPPA remains a critical piece of the development and training of new and experienced federal probation and pretrial services officers. A growing number of partner organizations and training programs at FLETC and uncertain budget allotments will continue to create challenges related to training resources and staffing for the FPPA, but the future of training development appears promising.

Artificial intelligence (AI) presents vast opportunities to enhance training across various domains. The FPPA anticipates integrating AI into virtual and augmented reality platforms for scenario-based training focused on safety, relationship-building, courtroom testimony, and more. AI may also allow more individualized instruction and intelligent tutoring in areas such as:

- report writing,
- policy comprehension,
- interviewing techniques,
- de-escalation tactics,
- verbal and non-verbal communication skills,
- bias recognition,
- rapport building,
- tactical responses,
- firearms proficiency, and
- use-of-force decision-making.

Additionally, advancements in biometric and video analytics will help further optimize officer performance in both training environments and the field.

As technology evolves, so does the complexity of criminal conduct committed by those under investigation or supervision. As a result, the caseloads managed by today's officers differ significantly from those seen

when the federal probation system was established over a century ago. As it has for the past 20 years, the FPPA remains committed to adapting its training to meet these emerging challenges and will continue to develop and modify its training curricula as needed to fulfil the needs of the system.

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FIGURE 1
Officers trained by program, 2005 – present

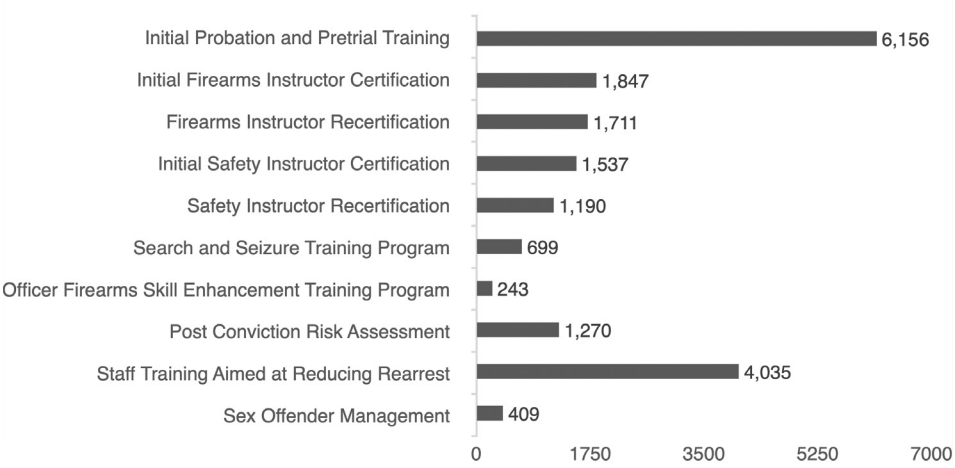
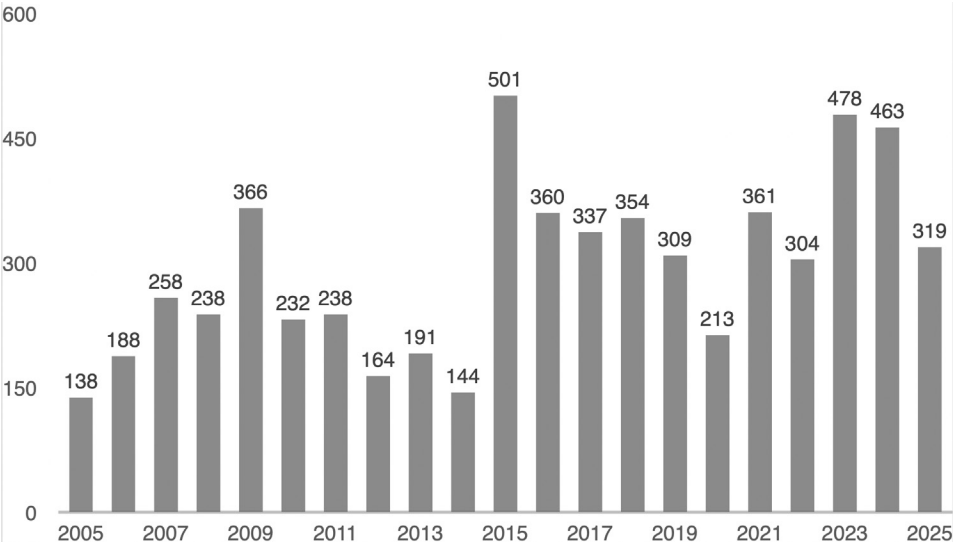


FIGURE 2
IPPT graduates by fiscal year, 2005 – present



The Federal Probation System: The Struggle To Achieve It and Its First 25 Years

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[*This article originally appeared in the June 1975 issue of* Federal Probation.]

THE FIRST PROBATION law in the United States was enacted by the Massachusetts legislature April 26, 1878. But it was not until 1925, when 30 states and at least 12 countries already had probation laws for adults, that a federal probation law was enacted. Through a suspended sentence United States district courts had used a form of probation for nearly a century. But the use of the suspended sentence was met with mounting disapproval by the Department of Justice, which considered suspension of sentence an infringement on executive pardoning power and therefore unconstitutional. The reaction of many judges ranged from "strong disapproval to open defiance." It was apparent the controversy had to be settled by the Supreme Court.

In 1915 Attorney General T. W. Gregory selected a case from the Northern District of Ohio where Judge John M. Killits suspended "during the good behavior of the defendant" the execution of a sentence of 5 years and ordered the court term to remain open for that period. The defendant, a first offender and a young man of reputable background, had pleaded guilty to embezzling $4,700 by falsifying entries in the books of a Toledo bank. He had made full restitution and the bank's officers did not wish to prosecute. The Government moved that Judge Killits' order be vacated as being "beyond the powers of the court." The motion was denied by Judge Killits. A petition for writ of mandamus was prepared and filed with the Supreme Court on June 1, 1915. Judge Killits, as respondent, filed his answer October 14, 1915. He pointed out that the power to suspend sentence had been exercised continuously by federal judges, that the Department of Justice had acquiesced in it for many years, and that it was the only amelioration possible as there was no federal probation system. In one circuit, incidentally, it was admitted the practice of suspending sentences had in substance existed for "probably sixty years."

On December 4, 1916, the Supreme Court handed down its decision (Ex parte United States, 242 U.S. 27). The unanimous opinion, delivered by Chief Justice Edward D. White, held that federal courts had no inherent power to suspend sentence indefinitely and that there was no reason nor right "to continue a practice which is inconsistent with the Constitution since its exercise in the very nature of things amounts to a refusal by the judicial power to perform a duty resting upon it and, as a consequence thereof, to an interference with both the legislative and executive authority as fixed by the Constitution." Probation legislation was suggested as a remedy. Until enactment of a probation law, district courts, as a result of the *Killits* ruling, would be deprived of the power to suspend sentence or to use any form of probation.

At least 60 districts in 39 states were suspending sentences at the time of the *Killits* case and more than 2,000 persons were at large on suspended sentences. Following the *Killits* decision two proclamations were signed by President Wilson on June 14, 1917, and August 21, 1917, respectively, granting amnesty and pardon to certain classes of cases under suspended sentences (see Department of Justice Circular No. 705, dated July 12, 1917).

Efforts To Achieve a Probation Law

The efforts to enact a probation law were fraught with difficulties the proponents of probation never anticipated. It was difficult to obtain agreement on a nationwide plan. As far back as 1890 attorneys general and their assistants expressed strong opposition not only to the suspended sentence but to probation as well. Attorney General George W. Wickersham was one exception. In 1909 he recommended enactment of a suspension of sentence law and in 1912 supported in principle a probation bill before a Senate committee.

The first bills for a Federal probation law were introduced in 1909. One of the bills provided for a suspension of sentence and probation and compensation of $5 per diem for probation officers. The bill was greeted with indifference by some and considerable opposition by others.

At the time of the *Killits* decision several bills had been pending before the House Judiciary Committee. At the request of the Committee, Congressman Carl Hayden of Arizona introduced a bill which provided for a suspended sentence and probation, except for serious offenses and second felonies, but made no provision for probation officers. Despite its limitations, the bill passed both the House and the Senate and was sent to President Wilson on February 28, 1917. On advice of his attorney general, he allowed the bill to die by "pocket veto."

It should be mentioned at this point that one of the prime movers for a Federal probation law and prominently in the forefront throughout the entire crusade for a Federal Probation Act was Charles L. Chute who was active in the early days with the New York State Probation Commission and from 1921 to 1948 was general secretary of the National Probation Association (now the NCCD) .

Many members of Congress were unfamiliar with probation. Some judges confused probation with parole, several using the term "parole" when sending to Mr. Chute their opinions about probation. When Federal judges were first circularized in 1916 for their views, about half were opposed to probation, regarding it as a form of leniency. Some favored probation for juveniles, but not for adults. Some were satisfied to continue suspending sentences and others believed the suspended sentence was beyond the powers of the court.

In 1919 Federal judges were asked again for their views as to a probation law. The responses were more favorable, but some still felt no need for probation, asserting that uniformity and severity of punishment would serve as a crime deterrent. Others continued to believe salaried probation officers were unnecessary and that United States marshals and volunteers could perform satisfactorily the functions of a probation officer.

In early 1920 Congressman Augustine Lonergan of Connecticut introduced a probation bill in the House resembling the New York State law; A companion bill was introduced in the Senate by Senator Calder of New York. This marked the beginning of a new effort to achieve a Federal probation law. A small but strong committee representing the National Probation Association in support of the bill wrote Attorney General A. Mitchell Palmer, hoping to obtain his endorsement of the bill. Of strict law and order inclinations, Palmer replied: ". . . after careful consideration I have felt compelled to reach the conclusion that, in view of the present parole law, the executive pardoning power and the supervision of the Attorney General over prosecutions generally, there exists no immediate need for the inauguration of a probation system." It was believed by the NPA committee that Palmer's reply was prepared by subordinates who had a longstanding opposition to probation.

On March 8, 1920, Mr. Chute succeeded in arranging a meeting with Palmer, bringing with him a team of Washington probation officers, staff members of the U.S. Children's Bureau, and others, including Edwin J. Cooley, chief probation officer of New York City's magistrates courts. Cooley, in particular, impressed the Attorney General who, the next morning, announced in Washington papers that he would use all the influence of his office to enact a probation law. He pointed out that under the existing law judges had no legal power to suspend sentences in any case nor to place even first offenders on probation. He said "federal judges can surely be trusted with the discretion of selecting cases for probation if state judges can," and added that probation had been successful in the states where it had been used the most and that a Federal probation system would in no way interfere with the Federal parole system (established in 1910).

The Volstead Act (Prohibition Amendment) passed by Congress in 1919 created difficulties in obtaining support of a probation law. Congressman Andrew J. Volstead of Minnesota, chairman of the Judiciary Committee, was opposed to any enactment which would interfere with the Act he authored. Any action to be taken on the bill thus depended to a large extent upon him. He, together with other prohibitionists then in control of the Congress, believed judges would place violators of the prohibition law on probation. In an effort to stem such action, the prohibitionists introduced a bill which provided for a prison sentence for every prohibition violator! They ignored the fact that there were overcrowded prison conditions.

Judges Voice Opposition to a Probation Law

Some judges continued to express opposition to probation in principle. Judge George W. English of the Eastern District of Illinois in a letter to Mr. Chute, dated July 10, 1919, said he was "unalterably and uncompromisingly opposed to any interference by outside parties, in determining who or what the qualifications of key appointees, as ministerial officers of my Court may be." He objected to Civil Service or the Department of Justice having anything to do with the appointment of probation officers.

Replying to a letter Mr. Chute wrote in December 1923 to a number of Federal judges seeking endorsement of a Federal Probation Act, Judge J. Foster Symes of the District of Colorado wrote:

> I have your letter of December 10th, asking my endorsement for a Federal probation act. Frankly, permit me to say that I do not favor any such law, except possibly in the case of juvenile offenders. My observation of probation laws is that it has been abused and has tended to weaken the enforcement of our criminal laws.
>
> What we need in this country is not a movement such as you advocate, to create new officials with resulting expense, but a movement to make the enforcement of our criminal laws more certain and swift.
>
> I believe that one reason why the Federal laws are respected more than the state laws is the feeling among the criminal classes that there is a greater certainty of punishment.

In response to Mr. Chute's letter Judge D.C. Westenhaver of the Northern District of Ohio wrote:

> Replying to your request for my opinion, I beg to say that I am opposed to the bill in its entirety. In my opinion, the power to suspend sentence and place offenders on parole should not be confided to the district judges nor anyone else ... In my opinion, the suspension, indeterminate sentence and parole systems wherever they exist, are one of the main causes contributing to the demoralization of the administration of criminal justice … I sincerely hope your organization will abandon this project. (12-14-23)

A letter from Judge John F. McGee of the District of Minnesota read, in part :

> I most sincerely hope that you will fail in your efforts, as I think they could not be more misdirected. The United States district courts have already been converted into police courts, and the efforts of your Association are directed towards converting them into juvenile courts also … In this country, due to the efforts of people like yourselves, the murderer has a cell bedecked with flowers and is surrounded by a lot of silly people. The criminal should understand when he violates the law that he is going to a penal institution and is going to stay there. Just such efforts as your organization is making are largely responsible for the crime wave that is passing over this country today and threatening to engulf our institutions … What we need in the administration of

> criminal laws in this country is celerity and severity. (12-19-23)

In his reply to Mr. Chute's letter, Judge Arthur J. Tuttle of Detroit wrote:

> There is a large element in our country today who are crying out against the power which the federal judges already have. If you add to this absolute power to let people walk out of court practically free who have violated the law, you are going to increase this sentiment against the federal judges … I don't think the bill ought to pass and I think this is the reason why you have failed in your past efforts. I am satisfied, however, that you are on the wrong track, that you are going to make a bad matter worse if you succeed in what you are trying to do … I think neither this bill nor any other bill similar to it ought to be enacted into law. (12-14-23)

It should be pointed out that Judge Tuttle later became an "enthusiastic booster" of probation. There also may have been a change in the attitude of the other three judges who are quoted as being opposed to a Federal probation law.

Notwithstanding the opposition of many judges to probation in the Federal courts, there were a number of judges, and also U.S. attorneys, who supported a probation law, referring to the proposed bill as "meeting a crying need," that it was "one of the most meritorious pieces of legislation that has been proposed in recent years," and that "it will remedy a most vital defect in the administration of the federal criminal laws."

Objections Raised by the Department of Justice

Opposition to probation, however, prevailed in the Department of Justice. One of the assistants to new Attorney General Harry M. Daugherty was convinced the Department should stand firmly against probation, commenting: "I thoroughly agree with Judge McGee and hope that no such mushy policy will be indulged in as Congress turning courts into maudlin reform associations … The place to do reforming is inside the walls and not with the law-breakers running loose in society."

In a 1924 memorandum to the Attorney General, a staff assistant wrote :

> It [probation] is all a part of a wave of maudlin rot of misplaced sympathy for criminals that is going over the country. It would be a crime, however, if a probation system is established in the federal courts. Heaven knows they are losing in prestige fast enough … for the sake of preserving the dignity and maintaining what is left of wholesome fear for the United States tribunal … this Department should certainly go on record against a probation system being installed in federal courts.

Even the Department's superintendent of prisons in 1924 referred to probation as "part of maudlin sympathy for criminals." (Note how "maudlin" has been used in the three statements quoted above—maudlin reform, maudlin rot, maudlin sympathy.)

On December 12, 1923, Senator Royal S. Copeland of New York, a strong advocate of social legislation, introduced in the Senate a new bill (S. 1042) which removed some of the recurring objections of the Department of Justice and some members of Congress, particularly the costs required to administer a probation law. The bill was sponsored in the House (H.R. 5195) by Representative George S. Graham of Pennsylvania, new chairman of the Judiciary Committee. The bill limited one probation officer to each judge. There was no objection to this limitation, but there was divided opinion on the civil service provision.

On March 5, 1924, Attorney General Daugherty wrote to Chairman Graham commenting on his bill:

> … we all know that our country is crime-ridden and that our criminal laws and procedure protect the criminal class to such an extent that the paramount welfare of the whole people is disregarded and disrespect for law encouraged. If it were practicable to devise a humanitarian but wise probation system whereby first offenders against federal laws could be reformed without imprisonment and same could be administered uniformly, justly, and economically, without encouraging crime and disrespect for federal laws, I would favor same. The proposed bill does not seem to provide such a system.

Daugherty stated further there were approximately 125 Federal judges who undoubtedly would insist on at least one probation officer and that salaries, clerical assistants, travel costs, etc., would amount to an estimated $500,000 per annum—a large amount at that time. He doubted, moreover, the feasibility of placing salaried probation officers under civil service and concluded by stating "the present need for a probation system does not seem to be sufficiently urgent to necessitate its creation at this time."

It should be pointed out that there was a growing understanding and appreciation of the value of probation as a form of individualized treatment. The prison system was unable to handle the increasing number of commitments. A high proportion of offenders were being sent to prison for the first time—63 percent during the fiscal year 1923. There also was a growing realization of the economic advantages of probation.

Probation Bill Becomes Law

The bills introduced by Senator Copeland (S. 1042) and Representative Graham (H.R. 5195) were reported favorably in the Senate and the House, unamended. On May 24, 1924, Senator Copeland called his bill on third reading: The Senate passed it unanimously. But in the House there were misgivings and opposition. The bill was brought before the House six times by Graham, only to receive bitter attacks by a few in opposition. One prohibitionist said all the "wets" were supporting the bill and that the bill would permit judges to place all bootleggers on probation! Another congressman believed there should be a provision limiting probation to first offenders.

An intensive effort was made among House members by the National Probation Association to overcome objections to the bill. On February 16, 1925, the bill was brought up again in the House and on March 2 for the sixth and last time. Despite continued opposition by some of the "drys" as well as "wets," the bill was passed by a vote of 170 to 49 and sent to President Coolidge, As former governor of Massachusetts he was familiar with the functioning of probation and on March 4, 1925, approved the bill. Thus, 47 years after the enactment of the first probation law in the United States, the Federal courts now had a probation law. It is interesting to note that approximately 34 bills were introduced between 1909 and 1925 to establish a Federal probation law.

For a more detailed account of the struggle to enact a Federal probation law, the reader is encouraged to read chapter 6, "The Campaign for a Federal Act," in *Crime, Courts, and*

Probation by Charles L. Chute and Marjorie Bell of the National Probation and Parole Association (now NCCD).

Provisions of the Probation Act

The Act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia,[1] (chapter 521, 43 Statutes at Large, 1260, 1261) gave the court, after conviction or after a plea of guilty or nolo contendere for any crime or offense not punishable by death or life imprisonment, the power to suspend the imposition or execution of sentence and place the defendant upon probation for such period and upon such terms and conditions it deemed best, and to revoke or modify any condition of probation or change the period of probation, provided the period of probation, together with any extension thereof, did not exceed 5 years. A fine, restitution, or reparation could be made a condition of probation as well as the support of those for whom the probationer was legally responsible. The probation officer was to report to the court on the conduct of each probationer. The court could discharge the probationer from further supervision, or terminate the proceedings against him, or extend the period of probation.

The probation officer was given the power to arrest a probationer without a warrant. At any time after the probation period, but within the maximum period for which the defendant might originally have been sentenced, the court could issue a warrant, have the defendant brought before it, revoke probation or the suspension of sentence, and impose any sentence which might originally have been imposed.

The Act authorized the judge to appoint one or more persons to serve as probation officers without compensation and to appoint one probation officer with salary, the salary to be approved by the Attorney General. A civil service competitive examination was required of probation officers who were to receive salaries. The judge, in his discretion, was empowered to remove any probation officer serving his court. Actual expenses incurred in the performance of probation duties were allowed by the Act.

[1] On August 2, 1949, the probation office of the U.S. District Court for the District of Columbia was transferred to the Administrative Office for budgetary and administrative purposes and on June 20, 1958, the Federal Probation Act became applicable to the District of Columbia (Public Law 85-463, 85th Congress).

It was the duty of the probation officer to investigate any case referred to him by the court and to furnish each person on probation with a written statement of the conditions while under supervision. The Act provided that the probation officer use all suitable methods, not inconsistent with the conditions imposed by the court, to aid persons on probation and to bring about improvement in their conduct and condition. Each probation officer was to keep records of his work and an accurate and complete account of all moneys collected from probationers. He was to make such reports to the Attorney General as he required and to perform such other duties as the court directed.

Civil Service Selection

It was not until August 4, 1926, that the U.S. Civil Service Commission announced an open competitive examination for probation officers, paying an entrance salary of $2,400 a year. After a probation period of 6 months, salaries could be advanced up to a maximum of $3,000 a year. In requesting certification of eligibles, the appointing officer had the right to specify the sex. Applicants had to be high school graduates or have at least 14 credits for college entrance. If the applicant did not meet these requirements, but was otherwise qualified, he could take a 1 1/4-hour noncompetitive "mental test."

The experience requirements were (a) at least 1 year in paid probation work; or (b) at least 3 years in paid systematic and organized social work with an established social agency (1 year of college work could be substituted for each year lacking of this experience with courses in the social sciences, or 1 year in a recognized school of social work). The age requirement was 21 through 54. Retirement age was 70. An oral examination was required, unless waived, for all eligible applicants.

Early Years of the Probation System

Civil Service examinations had to be conducted throughout the country. Lists of eligibles were not ready until January 1927. Thus it was not until April 1927, 2 years after enactment of the Federal Probation Act, that the first salaried probation officer was appointed. Two more were appointed in the fiscal year 1927, three in 1928, and two in 1929. The $50,000 appropriation recommended by the Bureau of the Budget for 1927 was reduced to $30,000 because the full appropriation of the preceding year had not been drawn upon except for expenses of volunteers. The appropriation for 1928, 1929, and 1930 was $25,000. It was increased to $200,000 in 1931. By June 30, 1931, 62 salaried probation officers and 11 clerk-stenographers served 54 districts.

Caseloads were excessive. In 1932 the average caseload for the 63 salaried probation officers was 400 ! But despite unrealistic caseloads, the salaried officers demonstrated that they filled a long-felt need. They assumed supervision of those probationers released to volunteers who had offered little or nothing in the way of help.

In August 1933, 133 judges were asked for their views as to salaried probation officers. Of the 90 judges responding, 34 expressed no need for salaried officers. Seventy-five were opposed to civil service appointments. At least 700 volunteers were being used as probation officers. Among them were deputy marshals, narcotic agents, assistant U.S. attorneys, lawyers, and even relatives. In a few instances clerks of court and marshals combined probation supervision with their other duties.

Probation Act Is Amended

There was dissatisfaction among judges with the original Probation Act. An attempt was made in 1928 to amend it by doing away with the civil service provisions and giving judges the power to appoint more than one probation officer. The Act, moreover, made no provisions for a probation director for the entire system. Until the appointment of a supervisor of probation in 1930, following an amendment to the original law, the probation system was administered by the superintendent of prisons who also was in charge of the prison industries and parole. There were no uniform probation practices nor statistics.

On June 6, 1930, President Hoover signed an act amending the original probation law, 46 U.S. Statutes at Large 503-4 (1930). The amended section 3 removed the appointment of probation officers from civil service and permitted more than one salaried probation officer for each judge. When more than one officer was appointed, provision was made for the judge to designate one as chief probation officer who would direct the work of all probation officers serving in the court or courts. Appointments were made by the court, but the salaries were fixed by the Attorney General who also provided for the necessary expenses of probation officers, including clerical service and expenses for travel when approved by the court.

Section 4, as amended, provided that the probation officer perform such duties with

respect to parole, including field supervision, as the Attorney General may request. Provision also was made for the Attorney General to investigate the work of probation officers, to make recommendations to the court concerning their work, to have access to all probation records, to collect for publication statistical and other information concerning the work of probation officers, to prescribe record forms and statistics, to formulate general rules for the conduct of probation work, to promote the efficient administration of the probation system and the enforcement of probation laws in all courts, and to incorporate in his annual report a statement concerning the operation of the probation system. The Attorney General delegated these functions to the director of the Bureau of Prisons.

Supervisor of Probation Appointed

In December 1929 Sanford Bates, newly appointed superintendent of Federal prisons (title changed by law in 1930 to Director, Bureau of Prisons), asked Colonel Joel R. Moore to be the first supervisor of probation. Colonel Moore, who had been employed with the Recorders Court of Detroit for 10 years, accepted the challenge and entered on duty June 18, 1930.

Colonel Moore's first assignment was to sell judges on the appointment of probation officers, to establish policies and uniform practices, and to locate office facilities for probation officers. In July 1930, on recommendation of Colonel Moore and Mr. Bates, the following appointment standards were announced by the Department of Justice:

1. Age: the ideal age of a probation officer is 30 to 45; it is improbable that persons under 25 will have acquired the kind of experience essential for success in probation work.
2. Experience: (a) high school plus 1 year of paid experience in probation work, or (b) high school plus 1 year in college, or (c) high school plus 2 years successful experience (unpaid) in a probation or other social agency where instruction and guidance have been offered by qualified administrators.
3. Personal qualifications: maturity plus high native intelligence, moral character, understanding and sympathy, courtesy and discretion, patience and mental and physical energy. (D. of J. Circular No. 2116, 7-5-30, p. 1)

Since the Attorney General had no means of enforcing the qualifications established by the Department of Justice, appointments to a large extent were of a political nature. Among those appointed as probation officers in the early years were deputy clerks, prohibition agents, tax collectors, policemen, deputy marshals, deputy sheriffs, salesmen, a streetcar conductor, a farmer, a prison guard, and a retired vaudeville entertainer! Relatives of the judge were among them. A master's thesis study by Edwin B. Zeigler in 1931 revealed that 14 of the 60 probation officers in service at that time had not completed high school, 14 were high school graduates, 11 had some college work, 11 had graduated from college, and 9 had taken some type of graduate work.

The 1930 personnel standards were in effect until January 1938 when efforts were made by the Attorney General to improve them. The new standards included (1) a degree from a college or university of recognized standing or equivalent training in an allied field (1 year of study in a recognized school of social work could be substituted for 2 years of college training); (2) at least 2 years of full-time experience in an accredited professional family or other casework agency, or equivalent experience in an allied field; (3) a maximum age limit of 53; (4) a pleasing personality and a good reputation; and (5) sufficient physical fitness to meet the standards prescribed by the U.S. Public Health Service.

When Colonel Moore entered on duty he was confronted with the task of how to utilize most advantageously the $200,000 appropriated for the fiscal year 1931 when, as already stated, there were 62 probation officers and 11 clerk-stenographers. Quarters and facilities for probation services were meager. The officer in Mobile kept office hours between sessions of court at a table for counsel in the court room. The Los Angeles officer held down the end of a table in the reception room of the marshal's quarters. In Macon, Georgia, the probation officer was given space, without charge in the law office of a retired lawyer friend. The officer for the Middle District of Pennsylvania had his office at his residence.

"Neither the courts nor the Department of Justice had exercised paternal responsibilities for the probation officer's needs," Colonel Moore recalled. "He (the probation officer) had to shift pretty much for himself. Only a fervent spirit and a dogged determination to do their work gave those new probation officers the incentive to carry on."

In the depression days it was difficult to obtain sufficient funds for travel costs. Probation travel was new to the Budget Bureau. "We had to fight for every increase in travel expenses for our continually growing service," said Colonel Moore.

Restricted in both time and travel funds, Colonel Moore had to maintain most of his field contacts through correspondence. In October 1930 a mimeographed News Letter was prepared for probation personnel. In July 1931 it became *Ye News Letter*, an issue of 17 pages. In Colonel Moore's words, "It served as a morale builder and a source of inspiration, instruction, and as an incentive to greater efforts. Its chatty personal-mention columns, its travel notes, and reporting of interesting situations helped to unify aims and to build coherence in activities."

Inservice training conferences were conducted in the early years as a regular practice. The first such conference met in October 1930 with the American Prison Congress. Thirty-two officers attended. A second conference, attended by 62 officers, was held in June 1931 in conjunction with the National Conference of Social Workers. Training conferences continued throughout the early years in various parts of the country, often on college and university campuses.

When Colonel Moore left the Federal probation service in 1937 to become warden of the State Prison of Southern Michigan, there were 171 salaried probation officers with an average caseload of 175 per officer. Commenting on Colonel Moore's 7 years as probation supervisor, Sanford Bates said: "The vigor and effectiveness of the federal probation system in its early years were in large part due to his vision and perseverance."

Expansion Phase

Following the resignation of Colonel Moore, Richard A. Chappell, who was appointed a Federal probation officer in 1928 and named chief probation officer for the Northern District of Georgia in 1930, was called to Washington in 1937 to be supervisor of probation in the Bureau of Prisons. In 1939 he was named chief of probation and parole services, succeeding Dr. F. Lovell Bixby when he was appointed warden of the Federal Reformatory at Chillicothe, Ohio.

On August 7, 1939, a bill to establish the Administrative Office of the United States Courts was approved by President Roosevelt, the statute to take effect November 6. On that date Elmore Whitehurst, clerk of the House Judiciary Committee, was appointed assistant director. On November 22, Henry P. Chandler,

a Chicago attorney and past president of the Chicago Bar Association, was named director by the Supreme Court and entered on duty December 1. He served as director for 19 years until his retirement in October 1956.

Probation officers were excluded from the Act establishing the Administrative Office and like United States attorneys and marshals were subject to the Department of Justice. The Department argued that the supervision of probationers, like that of parolees, was an executive function and should remain with the Department. On January 6, 1940, Mr. Chandler brought the matter in writing to Chief Justice Hughes who believed that probation officers, being appointed by the courts and subject to their direction, were a part of the judicial establishment and that the law for the Administrative Office in the form enacted contemplated that probation officers should come under it. Later in January the Judicial Conference adopted that view and settled the question.

In meeting with James V. Bennett, director of the Bureau of Prisons, Mr. Chandler stated that if he assumed supervision of the probation service he would make every effort to build upon the values that had been developed under the Department and "to coordinate the administration of probation still with the correctional methods that remain in the Department of Justice." The Judicial Conference instructed Mr. Chandler to undertake his duties in relation to probation "in a spirit of full cooperation with the Attorney General and the Director of the Bureau of Prisons."

When steps were taken to arrange for transfer of the appropriation for the probation service to the Administrative Office there was objection from the House Appropriations Committee which believed there would be a relaxing of the appointment qualifications for probation officers and that probation officers would pay little attention to the supervision of parolees who were a responsibility of the Department of Justice. The Committee reluctantly agreed to the transfer of the appropriations but did so with this warning from Congressman Louis C. Rabaut:

> We have agreed to this change with "our tongues in our cheek," so to speak, hopeful that the dual problem of probation and parole can be successfully handled under this new set-up. If proper attention is not given by probation officers to the matter of paroled convicts, however, you may expect a move to be made by me and other members of the committee to place this probation service back under the Department of Justice.

On July 1, 1940, general supervision of the probation service came under the Administrative Office. On recommendation of Mr. Bennett, Mr. Chappell was appointed chief of probation by Mr. Chandler, and on the recommendation of Mr. Chappell, Victor H. Evjen, who had been a probation officer with the Chicago Juvenile Court and the United States District Court for the Northern District of Illinois, was appointed assistant chief of probation. These two constituted the headquarters professional staff until 1948 when Louis J. Sharp, Federal probation officer at St. Louis, was appointed as a second assistant chief of probation.

In all of their contacts with judges and probation officers Mr. Chandler and his Probation Division staff emphasized that the duties to supervise persons on probation and parole were equal and that parole services were in no way to be subordinated. He made it clear that he would not cease to appeal to judges to appoint only qualified officers who would perform efficiently and serve the public interests. In reporting the appropriation bill for 1942 Congressman Rabaut said: "It is with considerable pleasure and interest that the committee has observed that, in the matter of recent appointments of probation officers, there has apparently been no compromise whatever with the standards which were previously employed, when this unit was in the Department of Justice, as to the character or type of applicants appointed."

Judicial Conference Establishes Appointment Qualifications

At its October 1940 meeting the Judicial Conference expressed its conviction "that in view of the responsibility and volume of their work, probation officers should be appointed solely on the basis of merit without regard to political considerations, and that training, experience, and traits of character appropriate to the specialized work of a probation officer should in every instance be deemed essential qualifications." No more specific qualifications were formulated at that time, but pursuant to a resolution of the Judicial Conference at its September 1941 session the Chief Justice appointed a Committee on Standards of Qualifications of Probation Officers to determine whether it would be advisable to supplement the 1940 statement of principle by recommending definite qualifications for the appointment of probation officers and, if so, what the qualifications should be. To assist the work of the Committee, Mr. Chappell corresponded with 30 recognized probation leaders throughout the country, requesting their views as to qualifications for probation officers. He also conferred with the U.S. Civil Service Commission.

In its report[2] the Committee recommended the following requisite qualifications :

> (1) Exemplary character; (2) Good health and vigor; (3) An age at the time of appointment within the range of 24 to 45 years inclusive; (4) A liberal education of not less than collegiate grade, evidenced by a bachelor's degree (B.A. or B.S.) from a college of recognized standing, or its equivalent; and (5) Experience in personnel work for the welfare of others of not less than 2 years of specific training for welfare work (a) in a school of social service of recognized standing, or (b) in a professional course of a college or university of recognized standing.

The Committee recommended that future appointments of officers be for a probation period of 6 months, and that district courts be encouraged to call on the Administrative Office for help in assessing the qualifications of applicants and conducting competitive examinations if desired by the court. The report of the Committee was unanimously approved and adopted by the Judicial Conference at its September 1942 meeting.

Although most of the probation leaders with whom Mr. Chappell corresponded favored selection by civil service, the Committee stated in its report that this method had been tried before with results not altogether satisfactory. The Committee did not consider whether it was desirable to return to the civil service system.

It should be brought out that neither the Administrative Office nor the Judicial Conference could go beyond persuasion since there was no legal limitation of the power of appointment in the district courts. The standards of qualification were not readily accepted by all judges, some of them relying upon the term "equivalent" as a loophole.

[2] See *Federal Probation*, October-December 1942, pp. 3-7.

During the 10-year period following the October 1940 Judicial Conference statement as to the essential qualifications of probation officers and the 1942 requisite qualifications (see footnote 2), 161 appointments were made. Of that number, 94, or 58.4 percent, met the requirements of both education and experience (compared with 39.7 percent prior to 1940), 16.1 percent met the requirement of education only, 11.2 percent met only the experience requirement, and 14.3 percent met neither requirement. Appointments since 1950, however, were in increasing compliance with the Conference standards.[3]

Inservice Training

Institutes.—Mention has been made of the training conferences held by Colonel Moore during the early years of the probation service. Inservice training institutes of 3- and 4-day duration continued throughout the thirties and forties to be a helpful means of keeping probation officers abreast of the latest thinking in the overall correctional field, acquiring new insights, skills, and knowledge, and utilizing specialized training and experience to their fullest potential. Institutes were held in five regions of the country at 2-year intervals. They consisted of work sessions, small group meetings, formal papers by correctional and social work leaders, and discussions of day-to-day problems. They generally were held in cooperation with universities, with members of their sociology, social work, psychology, and education departments and school of law serving as lecturers. Representatives of the Bureau of Prisons central office and its institutions, the U.S. Board of Parole, and the U.S. Public Health Service addressed the institutes and participated in forum discussions.

Training Center.—In November 1949 the Administrative Office in cooperation with the U.S. District Court for the Northern District of Illinois established a training center at Chicago for the Federal probation service. Under the direction of Ben S. Meeker, chief probation officer at Chicago, the training center sought and obtained the cooperation of the University of Chicago in developing courses of instruction. Recognized leaders in the correctional and related fields served on the Center's faculty. An indoctrination course was offered for newly appointed officers shortly following their entrance on duty and periodic refresher courses for all officers.

Monographs.—In 1943 the Probation Division published a monograph, The *Presentence Investigation Report* (revised in 1965) to serve as a guideline for conducting investigations and writing reports. In 1952 *The Case Record and Case Recording* was prepared in an effort to establish uniform case file procedures.

Manual.—In 1949 a 325-page Probation Officers Manual, prepared principally by Mr. Sharp, was distributed to the field. Prior to this time probation policies, methods, and procedures had been disseminated largely through bulletins and memoranda.

Periodical.—Federal Probation, published quarterly by the Administrative Office in cooperation with the Federal Bureau of Prisons, was another source of training through its articles on all phases of the prevention and control of delinquency and crime, book reviews, and digests of professional journals. As previously mentioned, the Quarterly had its beginning in 1930 as a mimeographed *News Letter*. In September 1937, after acquiring the format of a professional periodical, its title was changed to *Federal Probation* and was edited by Eugene S. Zemans. It made its first appearance in printed form in February 1939 with Mr. Chappell, then supervisor of probation in the Bureau of Prisons, as editor until 1953 when he was appointed a member, and later chairman, of the U.S. Board of Parole. When the Federal Probation System was transferred to the Administrative Office in 1940, Mr. Chappell, in addition to his responsibilities as chief of probation, continued as editor.

The quality of articles in the journal attracted the attention of college and university libraries and a wide range of persons in the correctional, judicial, law enforcement, educational, welfare, and crime prevention fields. It was mailed upon request, without charge. In 1950 the controlled circulation was approximately 4,500 and included 25 countries.[4]

Since 1940 the journal has been published jointly by the Administrative Office and the Bureau of Prisons. It was first printed at the U.S. Penitentiary at Fort Leavenworth, Kansas, and later by the Federal Reformatory at El Reno, Oklahoma, in their respective printshops operated by the Federal Prison Industries, Inc. Approximately 98 percent of the inmates assigned to the printing plant had no prior experience in printshop activities.

Investigation and Supervision

The investigative and supervisory functions of the Federal Probation System throughout its first 25 years were substantially the same as they are today. It has worked continuously in close association with the Bureau of Prisons and since 1930 also with the Board of Parole when the amendment to the original probation act provided that probation officers would perform such duties relating to parole as the Attorney General shall request. It cooperated with the two narcotic hospitals of the U.S. Public Health Service at that time, transmitting to them copies of presentence reports on addicts committed as a condition of probation, keeping in touch with the families of addict patients, and supervising them following their release.

Probation officers worked cooperatively with Federal law enforcement agencies (Federal Bureau of Investigation, Secret Service, Narcotic Bureau, Alcohol Tax Unit; Post Office Inspection Service, Immigration Service, Securities and Exchange Commission, Intelligence Unit of the Internal Revenue, and the Military Police and Shore Patrol), obtaining from them arrest data, sharing information about defendants, and notifying each other of violations of probation and parole. Community institutions and agencies were called on for assistance in helping probationers and parolees to become productive, responsible, law-abiding persons.

In 1944 the Federal Probation System was asked by the Army and the Air Force to supervise military prisoners released from disciplinary barracks.

Investigations.—Although it is a long-standing and well established principle that probation cannot succeed unless special care is exercised by the court in selecting persons for probation, presentence reports in the early years were perfunctory in many instances, some consisting of a single paragraph based on limited knowledge and even on biases and hunches! In 1930 a 4-page printed presentence worksheet served as the basis for a report to the court. The filled-in worksheet frequently comprised the report. It contained a limited space under each of the following headings: (1) Complaint, (2) Statement of Defendants

[3] After implementation of the Judiciary Salary Plan, adopted by the Judicial Conference in 1961, all but one of the probation officers appointed through December 1974 met the minimum requirements, including a bachelor's degree. Approximately 38 percent had a master's degree. Only one officer was not a college graduate. He had 16 years' prior experience as a Federal probation officer and was reappointed after an interim period of 7 years as a municipal court probation officer.

[4] As of December 31, 1974 the circulation was 38,500 and included more than 50 countries.

and Others, (3) Physical Condition, (4) Mental Condition, (5) Personal and Family History, (6) Habits, Associates, and Spare-Time Activities, (7) Employment History, (8) Home and Neighborhood Conditions, (9) Religious and Social Affiliations, (10) Social Agencies, Institutions, and Individuals Interested, (11) Analytical Summary, and (12) Plan, In Brief, Proposed. These were the outline headings generally followed at the time by juvenile courts and progressive adult courts and continued to be those recommended for use by Federal probation officers until 1941 when the Probation Division, with the assistance of the Bureau of Prisons and a small committee of chief probation officers, prepared a mimeographed guideline which set forth a standard outline, some investigation methods and procedures, and suggestions for writing the report. In 1943 the guidelines were broadened in scope and reproduced in the printed monograph, *The Presentence Investigation Report* (revised in 1965). This monograph contributed to uniformity in the format and content of reports across the country. Uniformity was essential then as today inasmuch as officers called on the network of offices in other cities for verification of data and information to complete their reports. In some instances data requested made up the larger part of a report. Uniform reports, as today, were also helpful to the Bureau of Prisons in commitment cases and to the Board of Parole in its parole considerations.

In the early years some judges did not require presentence reports, relying, in the disposition of their cases, on the report of the U.S. attorney, the arrest record, and the defendant's reputation locally. In other courts investigations were made in a relatively low proportion of cases. A few courts required investigations in virtually all criminal cases.

Rule 32-c of the *Federal Rules of Criminal Procedure* (1933) prescribed that the probation service of the court shall make a presentence investigation report to the court before the imposition of sentence or the granting of probation unless the court directed otherwise. Although it was anticipated this was to be the normal and expected procedure, some courts required no investigation unless requested by the judge. It was argued that either way, the same ends were being achieved.

Reliable statistics on the number of defendants receiving presentence investigations were not maintained during the first 25-year period. What constituted a completely developed presentence report had not been defined. A partial report touching on only a few areas of what was considered to be a full-blown report was counted as a full report. Moreover, when two or three officers contributed data to the presentence report in its final form, each officer often would report a presentence investigation. This resulted in more investigations than defendants! It is estimated that in the forties between 50 and 60 percent of the defendants before the court received presentence investigations.

In addition to presentence investigations, probation officers conducted postsentence investigations, special investigations for the U.S. attorney on juveniles and youth offenders, investigations requested by Bureau of Prisons institutions, and also prerelease, violation, and transfer investigations on parolees, persons on conditional release, and military parolees.

Supervision.—As already stated, Federal probation officers supervised only probationers until 1930 when the 1910 Parole Act was amended, giving them, in addition, responsibility for the field supervision of parolees. In 1932 the Parole Act was further amended, providing for the release of prisoners prior to the expiration of their maximum term by earned "good time." They were released "as if on parole" and were known as being on conditional release (now referred to as mandatory release). They became an additional supervision responsibility of the probation officer.

As previously mentioned, the Federal Probation System, in response to a request from the Army and the Air Force in 1946, offered its facilities for the supervision of military parolees. And in 1947 the Judicial Conference recommended that courts be encouraged to use "deferred prosecution" in worthy cases of juveniles (under 18), and that they be under the informal supervision of probation officers. Under this procedure, which still prevails, the U.S. attorney deferred prosecution of carefully selected juveniles and placed them under supervision of a probation officer for a definite period. On satisfactory completion of the term the U.S. attorney could dismiss the case or, in instances of subsequent delinquencies, process the original complaint forthwith. Thus the Federal probation officer supervised five categories of offenders: probationers, parolees, persons on conditional release, military offenders, and juveniles under deferred prosecution.

Mention should be made of the Federal Juvenile Delinquency Act (18 U.S.C. 5031-5037), enacted June 16, 1938, which gave recognition to the long-established principle that juvenile offenders need specialized care and treatment. The Act defined a juvenile as a person under 18 and provided that he should be proceeded against as a juvenile delinquent unless the Attorney General directed otherwise. He could be placed on probation for a period not to exceed his minority or committed to the custody of the Attorney General for a like period.

Attention should also be called to the Federal Youth Corrections Act (18 U.S.C. 5005-5026), enacted September 30, 1950. The Act established a specialized procedure for dealing with youthful offenders 18 and over, but under the age of 22 at the time of conviction, who were considered tractable. The Act provided for a flexible institutional treatment plan for those committed under it. Where the offense and record of previous delinquencies indicated a need for a longer period of correctional treatment than was possible under the Federal Juvenile Delinquency Act, a juvenile, with approval of the Attorney General, could be prosecuted as a youth offender.

The probation officer played a prominent role in the detention pending disposition, investigation, diversion,[5] hearing (or criminal proceeding), and supervision of the juvenile and the youth offender.

The number of juveniles coming to the attention of probation officers, including those not heard under the Act, reached a high of 3,891 in 1946, followed by a decline through 1950 when there were 1,999 juveniles. Those heard under the Act ranged from a low of 43 percent of all juveniles in 1939, the first year the Act was operative, to a high of 69.6 percent in 1946, or an average of approximately 66 percent for the period 1939 through 1950.

In 1939, 41 percent of the juveniles were proceeded against under regular criminal statutes compared with a low of 1.5 percent in 1944. For the period 1944 through 1950 the proportion heard under criminal procedure averaged slightly less than 3 percent and the proportion handled without court action (diverted or dismissed) was approximately 30 percent.

Table 1 gives the supervision caseload from 1930 to 1950:

Violation rates.—In any assessment of violation rates it should be kept in mind

[5] Where it was agreed upon by the U.S. Attorney to be in the best interests of the Government and the juvenile or youth offender, every effort was made to divert him to local jurisdictions under the provisions of 18 U.S.C. 5001, enacted June 11, 1932.

they seldom are comparable from district to district. Officers with heavy workloads, for example, may not be as responsive to violations as those with smaller workloads. A court which is more selective in its grant of probation may be expected to have a lower proportion of violations. A "when to revoke" policy may differ among probation officers and among judges, even in the same district. Some courts may revoke probation for a technical infraction of the probation conditions while others do so only for violation of law. An efficient police department or sheriff's office may bring to the probation officer's attention a greater proportion of arrests. Varying conditions and circumstances from district to district and from one year to another, such as unemployment, social unrest, changes in criminal statutes, etc., would preclude comparable data and valid comparisons. But despite these variables, violation rates for probationers, interestingly, changed but little from 1932, when violation figures were first available, to 1950.

Violation rates maintained by the Administrative Office from 1940 to 1948 were computed on the same basis as that adopted before the probation service was transferred from the Department of Justice, viz, the proportion of all persons under supervision during the year who violated. Although this method was used by a number of nonfederal probation services, the late Ronald H. Beattie, chief statistician for the Administrative Office, believed a more realistic measure would be a rate based on the number removed from supervision during the year and the number who committed violations. Beginning with 1948, violation rates were computed on this basis. Under this method the violation rate for probationers that year, for example, was 11.8 percent instead of 3.9 percent under the method used in previous years. The average violation rate for the 10-year period from 1941 to 1950 was 11.5 percent for probationers, 14.1 percent for parolees, 14.4 percent for persons on conditional release, and 3.3 percent for military parolees.

In 1959 probation officers were requested to submit to the Administrative Office reports on all violations, whether or not probation was revoked. Prior to this the practice had been to report only violations in those instances where probation had been revoked. This improved procedure helped to achieve uniformity in reporting violations.[6]

Postprobation adjustment studies.— Starting in 1948 a postprobation study of 403 probationers known to the Federal probation office for the Northern District of Alabama was conducted by the sociology department at the University of Alabama. These probationers' supervision had terminated successfully during the period July 1, 1937, to December 31, 1942. They were interviewed by probation officers in the districts where they resided at the time of the study and their records were cleared with the Federal Bureau of Investigation, local courts, and local law-enforcement offices. During a postprobation median period of 7 1/2 years, 83.6 percent had no subsequent convictions of any kind (see *Federal Probation*, June 1951, pp. 3-11).

In 1951 the sociology department at the University of Pennsylvania conducted a similar evaluative study of 500 probationers whose supervision under the probation office for the Eastern District of Pennsylvania had been completed during the period 1939 to 1944. The study, which covered a 5-year period for each probationer, found that 82.3 percent had no subsequent conviction. In an effort to assure a high degree of comparability between

TABLE 1.
Supervision caseload from 1930 to 1950

FY ended June 30	# of Probation officers	Number under supervision	Average caseload per officer[1]
1930	8	x[2]	x
1931	62	x	x
1932	63	25,213	400
1933	92	34,109	371
1934	110	26,028	237
1935	119	20,133	169
1936	142	25,401	179
1937	171	29,862	175
1938	172	27,467	185
1939	206	28,325	160
1940	233	34,562	148
1941	239	35,187	147
1942	251	34,359	137
1943	265	30,974	117
1944	269	30,153	112
1945	274	30,194	110
1946	280	30,618	109
1947	280	32,321	115
1948	285	32,613	114
1949	287	29,726	103
1950	303[3]	30,087	100

[1] *In 1956 the Probation Division adopted a weighted figure to reflect the workload of an officer. The new method of computation included presentence investigations in addition to supervision cases. A value of 4 units was given to each presentence investigation completed per month and 1 unit for each supervision case. Thus, if an officer completed 6 investigations per month and supervised 51 persons, his workload was 75 (24 plus 51). This method was continued until 1969 when the weighted figure was discontinued. Instead, the average number of presentence investigations, respectively, were shown for each officer.*

[2] *No figures available.*

[3] *On December 31, 1974, there were 1,468 probation officers.*

[6] In 1963 another step was taken to obtain greater uniformity in reporting and also an understanding of the nature of the violations reported. Violation rates were determined for three types of violations— technical, minor, and major. A technical violation was an infraction of the conditions of probation, excluding a conviction for a new offense. A minor violation resulted from a conviction of a new offense where the period of imprisonment was less than 90 days, or where any probation granted on the new offense did not exceed 1 year. A major violation occurred when the violator had been convicted of a new offense and had been committed to imprisonment for 90 days or more, placed on probation for over 1 year, or had absconded with a felony charge outstanding. This method of reporting violations continues today.

the two studies, the sampling procedures in both studies were reported to be virtually identical (see *Federal Probation*, September 1955, pp. 10-16).

Probation and the War

This account of the first 25 years of the Federal Probation System would not be complete without commenting on the significant work performed by probation officers during World War Il. They were engaged in many activities related to the war effort such as helping selective service boards determine the acceptability of persons with convictions, dealing with violators of the Selective Service Act, assisting war industries in determining which persons convicted of offenses might be considered for employment, cooperating with the Army in determining the suitability of persons with convictions who had been recruited or inducted, and supervising military parolees. Together with the Bureau of Prisons the Administrative Office succeeded in removing barriers to employment of persons considered good risks despite criminal records. The U.S. Civil Service Commission relaxed its rules, permitting, on recommendation of the probation officer, employment of probationers in government with the exception of certain classified positions. These activities relating to the prosecution of the war were performed by probation officers in addition to their regular supervisory and investigative duties. The supervision caseload during the war years averaged 119 per officer—with a high of 137 in 1942.

In the summer of 1946, as previously mentioned, the Administrative Office, at the request of the Department of the Army, agreed to have probation officers investigate parole plans of Army and Air Force prisoners and supervise them following release on parole from disciplinary barracks. Probation officers worked in close conjunction with The Adjutant General's Office and the commandants of the 16 disciplinary barracks at that time. The service rendered by probation officers was expressed by military authorities as "of inestimable value to the Army and Air Force" in the operation of their parole programs. The success of their parole program, they said, "may be attributed largely to the keen human interest and thorough professional guidance which the officers of the federal probation service extend to each parolee under their supervision, even under conditions which have taxed their facilities."

The number of supervised military parolees reached its peak at the close of fiscal year 1948 when there were 2,447 under supervision. The following year the number dropped to 1,064, and in 1950 to 927.

Through September 1946 a total of 8,313 probationers had entered the armed services through induction or enlistment and maintained contact throughout their service with their probation officers. Only 61, or less than 1 percent, were known to have been dishonorably discharged.

During the war 76 probation officers, or approximately 28 percent of all probation officer positions in 1945, entered military service. The chief and assistant chief of probation also entered service. During their absence Lewis J. Grout, chief probation officer at Kansas City, Missouri, served as chief, and Louis J. Sharp, probation officer at St. Louis, Missouri, was assistant chief.

Here ends a capsule history of the struggle for a Federal Probation Act which began as far back as 1909, and some of the highlights of the Federal Probation System during its first quarter century of operation.

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The Federal Probation System: The Second 25 Years, 1950-1975

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[*This article originally appeared in the 50th anniversary special issue of* Federal Probation *in June 1975*.]

MY BRIEF IS to survey the Federal Probation System in its second quarter century, 1950-1975. So much has happened that this article can capture but a fraction of events.

In 1950, Henry P. Chandler, then director of the Administrative Office of the United States Courts, was courageous enough to try to predict the pattern of the next 25 years of Federal probation. Happily, retrospection is more reliable than prediction and my task is easier. Mr. Chandler wrote:

> It does not seem likely that there will be any substantial change in the present functions of federal probation officers in the next 25 years. These functions are principally presentence investigation and the supervision of persons on probation and parole.[1]

In a formal sense, this statement still identifies the principal functions of the Federal probation officer, but there have been many dramatic changes which elude Henry Chandler's prevision.

There has been a remarkable growth in the use of probation, and what was a minority disposition has become the most common sentence. There has also been a whole series of conceptual changes about the nature of probation and parole, both moving from a jurisprudence of unfettered judicial and parole board discretions towards systems of judicial and administrative rights permeated by due process controls. The energetic intercession of the courts in the definition of certain due process and civil rights of prisoners has flowed over into the areas of parole and probation. The controversy over disclosure versus confidentiality of presentence reports, the emerging trends in criminal pretrial procedures encompassing plea bargaining, bail selection, deferred prosecution or judgment, and a series of rules and practices circumscribing the imposition and nature of probation and parole conditions and defining the procedures to be adhered to in probation and parole revocations, have both complicated and altered probation and parole practices.

From a qualitative service point of view, the past two decades have seen the addition of a remarkable array of new resources and programs. Of major significance has been the expansion of sentencing alternatives available to the Federal judges. Prior to the decade of the fifties, except for juveniles, the alternatives were either a flat sentence or probation. Now, a series of indeterminate and mixed dispositions are available, including a complex set of sentencing procedures for narcotic law violators.

Other important changes have followed passage of the Criminal Justice Act (1966), which laid the foundation for the Federal Defenders program; The Prisoners' Rehabilitation Act which authorized work release, emergency furloughs and the establishment of "residential treatment centers" by the Federal Bureau of Prisons; and the act establishing the Federal magistrates and the subsequent increase in misdemeanant probation. In addition, the availability of Employment Placement Personnel, and the movement of Vocational Rehabilitation services into the correctional field, have modified probation and parole practice.

With these trends has come a maturing and professionalizing of the Federal Probation System. A strong tradition of in-service training, combined with sound education qualifications which became mandatory by action of the Judicial Conference of the United States in 1961 and which became effective with implementation of the Judiciary Salary Plan in 1964, has created an outstanding service. Contributing to this professionalization has been an active goal-oriented Federal Probation Officers Association, which has worked closely with the Division of Probation and the Judicial Conference Committee on the Administration of the Probation System.

Concepts of professionalism were advocated by the earliest leaders in the Federal Probation System and were strongly supported by Mr. Chandler, the first director of

[1] Henry P. Chandler, "The Future of Federal Probation," *Federal Probation*, June 1950.

the Administrative Office. In 1943 the Judicial Conference recommended standards which culminated in the mandatory qualifications approved by it in 1961. Since that time, the appointment of officers meeting the requirements of a college degree and 2 years of prior professional experience has become standard, with 41 percent of the applicants entering the service in fiscal year 1974 having completed the master's degree.[2] This is in rather dramatic contrast to the fact that only 58 percent of the officers appointed during the period from 1943 to 1949 met the qualifications desired.[3]

The Training Tradition

As Mr. Evjen has noted in the preceding article, the tradition of in-service training for Federal probation officers commenced in the 1930s through periodic regional institutes. In 1949 the idea for an ongoing training center in Chicago grew out of a conference between Richard A. Chappell, chief of the Division of Probation, Judge William J. Campbell of the U.S. District Court for the Northern District of Illinois, and the late Frank T. Flynn of the faculty of the School of Social Service Administration at the University of Chicago. With strong support from Judge Campbell and the University of Chicago, the Judicial Conference authorized the opening of the Center in 1950.[4] Thus commenced a program of training and research at Chicago which was to last for the next 20 years.

Although it will remain for others to assess the ultimate value of the Chicago Training Center, it seemed to me that during the period from 1950 to 1970, in addition to its training value, the Center in Chicago provided a highly unifying and coordinating influence. The selection of officers to attend the sessions was entirely in the hands of the Division of Probation in Washington, and, through a well-planned mix of officers from district courts everywhere, the Center served as a common meeting ground for personnel from around the country. Much of the earlier provincialism and preoccupation with local concerns disappeared as officers discovered that the problems of working with probationers and parolees, whether from Atlanta, Boston, San Antonio, or Seattle, were identical. The Chicago Center also served a major administrative function, as it provided the opportunity for members of the Probation Division of the Administrative Office, the U.S. Board of Parole, the Federal Bureau of Prisons, and staff members of the military correctional programs to meet and discuss administrative and policy developments with field officers.[5]

In 1970, with the advent of the Federal Judicial Center and the availability of funds and staff to carry on a much more comprehensive training program geared to the entire personnel of the courts, the Chicago Center had fulfilled its mission and the training function was gradually transferred to the Center in Washington.

Federal Judicial Center

The benchmark in the training tradition of the Federal judiciary was reached with the passage in 1967 of Public Law 90-219[6] establishing the Federal Judicial Center (FJC), now located in the handsome facilities of the Dolley Madison House.

Under the leadership of the first director, Associate Justice of the Supreme Court Tom Clark, his successor, Senior Circuit Judge Alfred P. Murrah, and the present director, Senior Judge Walter E. Hoffman, a wide spectrum of training and research programs has developed.[7]

One of the first research and demonstration projects sponsored jointly by the Federal Judicial Center, the National Institute of Mental Health, and the University of Chicago Law School Center for Studies in Criminal Justice headed by Professor Norval Morris was designed to evaluate the role and potential usefulness of nonprofessional case aides.[8] The action phase of this research involved the employment of up to 40 part-time probation officer case aides on the staff of the probation office of the Northern District of Illinois, Chicago, Illinois.

These aides, largely blue collar, were recruited from among residents—including ex-offenders—of the neighborhoods involved in the study. This project demonstrated the usefulness of such assistants and led to the creation by the Judicial Conference of a paraprofessional position, probation officer assistant, within the hierarchy of Federal Probation System positions. Twenty such positions were authorized in 1973.[9]

Other research projects carried out in a variety of probation offices reflect a desire to test and evaluate traditional practice. In his account of the Federal Probation System,

[2] In addition to meeting the academic standards, 75 percent of the 345 officers appointed in fiscal year 1974 had an average of 4 1/2 years of prior experience in probation or parole work. (Div. of Prob., Admin. Office U.S. Courts: Memorandum to all Fed. Probation Officers, November 7, 1974).

[3] Henry P. Chandler, "The Future of Federal Probation," *Federal Probation*, June 1950. Note: During the ensuing decade, the pressure for qualified appointments continued and in the year 1960, 18 new probation officers were appointed to fill vacancies. Of the 18, all had college degrees and 10 had master's degrees. Annual Report, Administrative Office of the U.S. Courts.

[4] Annual Report, Administrative Office of the U.S. Courts, 1949. For a detailed description, see Ben S. Meeker, "The Federal Probation Service Training Center," *Federal Probation*, December 1951. To further the work of the Center, the Judicial Conference in 1956 authorized three additional positions: a deputy director of training, a training officer and a secretary. The late Wayne L. Keyser was appointed to the position of deputy director, and was subsequently succeeded by Harry W. Schloetter, who is now chief probation officer of the San Francisco office.

[5] It is important to keep in mind that throughout this period the Division of Probation continued to sponsor regional institutes which fulfilled an important supplemental function to the work of the Chicago Center. In the far-flung Federal Probation System regionalization is vital, and periodic regional institutes serve a valuable function as they afford opportunities for district officers to get to know one another and share in the discussion of interdistrict concerns. The recent rapid expansion in the number of officers has precipitated some logistic problems in the scheduling of regional institutes. It is the hope of many in the Service, however, that the Federal Judicial Center will find a way to preserve the tradition of regional institutes.

[6] Public Law 90-219, December 20, 1967, Title 28 USC, Ch. 42 Sec. 62L-629, "Federal Judicial Center."

[7] The 1974 Annual Report, Federal Judicial Center (pp. 28-29) is a comprehensive multisection report on a wide variety of research studies, conferences, and training activities at all levels of the Federal judiciary. All together, some 1,731 members of the judicial branch attended conferences and seminars sponsored by the Center. Included were 10 orientation seminars for 333 newly appointed probation officers, six refresher courses attended by 197 probation officers, a management institute for chiefs, deputy chiefs, and supervising officers, one regional conference and a special invitational seminar for 68 probation officers held in conjunction with the Seventh Circuit Judicial Conference, Milwaukee, Wis., May 1974.

[8] Donald W. Beless, William Pilcher, and Ellen Jo Ryan, "Use of Indigenous Nonprofessionals in Probation and Parole," *Federal Probation* 16 (March 1972). See also: R. D. Clements, *Para-Professiona1s in Probation and Parole: A Manual*, Center for Studies in Criminal Justice, U. of C. Law School (1972) and *Final Report: Phase I and Phase Il, Probation Officer Case Aide Project*, CSCJ, U. of C. Law School (1973).

[9] Annual Report of the Director of the Administrative Office of the U.S. Courts, 1973, p. 271. Currently, under an extension of the NIMH funding, a study is being made of the way in which these aides are being utilized in six offices: Chicago, New York City, Washington, D.C., San Francisco, Los Angeles, and Pine - Ridge, S.D.

Merrill Smith has characterized the recent past as "a decade of innovation."[10] An experiment in the District of Columbia probation office with group counseling techniques demonstrated a useful new procedure.[11] In California, a project known as "The San Francisco Project" conducted a research demonstration program designed to evaluate optimum caseloads.[12] A major research demonstration project sponsored jointly by the Social and Rehabilitation Services of the U.S. Department of Health, Education, and Welfare and the Federal Probation System to evaluate the intensified use of vocational rehabilitation resources, conducted in eight probation districts, is another example of such research.[13]

Administrative Developments

After nearly 17 years of leadership as the pioneer director of the Administrative Office, Henry P. Chandler retired in 1956. Thanks to his foresight and deep conviction about the importance of probation and parole, these aspects of the Federal system of justice gained a firm foundation.

Mr. Warren Olney Ill, a former Assistant Attorney General of the United States, was subsequently named director. Observing certain needs in the probation arm, he urged the establishment of a Judicial Conference committee on the administration of probation. This committee was created in 1963. Judge Luther W. Youngdahl of the District of Columbia was appointed chairman.

Judicial Conference Committee on the Administration of the Probation System.—The importance of this Committee cannot be overstated. Prior to its creation, although various committees of the Judicial Conference gave assistance to probation, no one committee was devoted exclusively to the support and improvement of the Federal Probation System.

From the outset, the Probation Committee sought counsel from the Division of Probation and the Federal Probation Officers Association on the needs of the Federal Probation System. Support for training and research, refinements in presentence investigation procedures, an evaluation of deferred prosecution, an extension of field consultation to district probation offices, and support for the existing administrative structure of Federal probation and parole services, are among the activities undertaken by the Committee. In 1963 a subcommittee of the Probation Committee under mandate of the Judicial Conference, undertook a revision of *The Presentence Investigation Report* (1943) which had given yeoman service for over 20 years. With assistance from representatives of the Probation Division, the Bureau of Prisons, outside experts, and field personnel, a comprehensive review was completed and adopted by the Probation Committee in February 1965. These new standards were issued as Publication 103, *The Presentence Investigation Report*.

One of the more dramatic areas in which the cooperative efforts of the Federal Probation Officers Association and the Probation Committee were effective related to a series of bills proposed by the Attorney General, to transfer the Federal Probation System from the Federal judiciary to the Department of Justice. This proposal, which surfaced in the spring of 1965, came without warning to the district courts and probation offices, and aroused immediate opposition. Studies of the proposal by a subcommittee of the Committee on the Administration of the Probation System and by the Board of the Federal Probation Officers Association (FPOA) reinforced the opposition. The Judicial Conference, at its March 10-11 meeting in 1966, accepted the report of its Probation Committee and adopted a resolution opposing the proposed transfer of the Probation System to the Justice Department.[14]

During subsequent sessions of Congress, similar bills were introduced, but died in Committee.[15] Note should also be made that the Federal Probation Officers Association presented the issue to the American Bar Association, which registered official opposition to the bills at its annual meeting in 1966.

Administrative Office Stability Reflected in Probation Division Continuity.—Unlike many agencies of the government, where top officials, for political and other reasons, come and go with great frequency, the Administrative Office of the United States Courts has been a remarkably stable and nonpolitical agency. Thus, through its nearly 36-year history, there have been only four directors. Following Mr. Olney's resignation in 1967, Mr. Ernest C. Friesen, Jr., who had been an Assistant Attorney General in the Justice Department, was named director. In February 1970 he left to direct the Institute for Court Management, University of Denver School of Law, and on July 1, 1970, Mr. Rowland F. Kirks was appointed director of the Administrative Office.[16]

Director Kirks' interest in probation was immediately evident, as he made it a point to attend and talk with probation officers at each of the Regional Training Institutes then being held. He was quick to assess the needs of the Federal Probation System, particularly in the area of manpower, and let it be known

[10] Merrill A. Smith, As a Matter of Fact: An Introduction to Federal Probation. The Federal Judicial Center, Washington, D.C., 1973, P. 76.

[11] Herbert Vogt, "An Invitation to Group Counseling," *Federal Probation*, September 1971.

[12] Robinson, Wilkins, Carter, and Wahl, The San Francisco Project. See also —Final Report 73 (1969). See also, Adams, Chandler, and Neithercutt, "The San Francisco Project: A Critique," *Federal Probation*, December 1971.

[13] Proceedings of the Judicial Conference of the United States, 1963. Other members were: Judge William B. Herlands, Southern District of New York; Chief Judge Walter E. Hoffman, Eastern District of Virginia; Judge Frank M. Johnson, Jr., Middle District of Alabama; Chief Judge Thomas M. Madden, District of New Jersey; Judge John W. Oliver, Western District of Missouri; Judge James B. Parsons, Northern District of Illinois; Judge Francis L. Van Dusen, Eastern District of Pennsylvania; Judge Albert C. Wollenberg, Northern District of California.

[14] The Board of Directors of the FPOA, reflecting the opinion of its membership-at-large, issued a position paper on June 1, 1965, opposing the transfer and listing what it had identified as the major needs of the service, the prime one being manpower rather than reorganization. (*Some Observations on the Needs of the Federal Probation—Parole Service*, Mimeo. June 1, 1965 - Archives FPOA.) See also, Albert Wahl, "Federal Probation Belongs with the Courts" *Crime and Delinquency*, Vol. 12, No. 4, October 1966, p. 371. The Subcommittee of the Judicial Conference Probation Committee under chairmanship of Judge William Herlands of the Southern District of New York prepared a comprehensive report on the legal history and background of the Federal Probation System and concluded that a conflict of interest could develop were the Probation System placed under the office of the chief prosecutor of the government. (*Report of the Proceedings of the Judicial Conference*, 1966).

[15] A review of the annual reports of the Judicial Conference Committee on the Administration of the Probation System indicates that the Conference reaffirmed its opposition to such transfer in March 1967, February 1968, March 1969, March 1970, and again as recently as September 1973.

As an alternative, the Judicial Conference of the United States and the Federal Probation Officers Association had gone on record in support of a bill to expand the Advisory Corrections Council established by 18 USC 5002.

[16] At the time of his appointment to the Administrative Office, he was Commanding General of the 97th U.S. Reserve Command and had also been a board member of a number of organizations, including the District of Columbia Board of Education and the Advisory Board of the Salvation Army.

throughout the service that he would aggressively support budget proposals to enlarge the staff complement of probation officers to meet recognized standards.

The Division of Probation.—During this time the Division of Probation had been characterized by stability in purpose and leadership. Under the team direction of Chief Chappell and Assistant Chiefs Evjen and Louis J. Sharp[17] the Federal Probation System moved forward. In 1956 after nearly 20 years of distinguished probation leadership, Mr. Chappell resigned to accept appointment as a member of the U.S. Board of Parole. Meantime, Mr. Evjen's talents as editor of *Federal Probation*, which was now recognized worldwide, had placed that quarterly in the forefront of correctional journals. Mr. Evjen continued to serve as editor of the journal as well as assistant chief until his retirement in 1972. At that time, *Federal Probation* had a circulation of 35,000 and was being distributed to 50 foreign countries.

Continuing the tradition of promoting career officers from the districts to leadership positions in Washington, Mr. Sharp, originally of the St. Louis Federal probation office, followed Mr. Chappell as chief. Upon Mr. Sharp's retirement, Merrill A. Smith, who had come to Washington in 1954 as an assistant chief from the Los Angeles office, was named chief of the Probation Division in June 1966.

After 31 years in Federal probation service, Mr. Smith retired in 1972. At that time Wayne P. Jackson, who had been promoted from the Chicago office to an assistant chief's position in the Division of Probation, was appointed chief.[18]

One of the most significant developments during this period was the expansion of the Probation Division staff. The Federal Probation Officers Association had been urging this move for several years in order to provide field consultation services to district probation officers throughout the Nation. In 1965 the Judicial Conference Committee on the Administration of the Probation System gave support to this proposal, and an experimental project employing the services of a regional consultant was instituted. This project proved successful and led to the present operation in which regional areas are assigned to five Probation Division assistants. These regions coincide with those of the U.S. Board of Parole and Federal Bureau of Prisons which will greatly facilitate improved communication at the district level.

Caseload Expansion

During the last 25 years the caseload of the Federal Probation System has expanded dramatically. On June 30, 1951, there were 29,367 persons under the supervision of Federal probation officers. On June 30, 1974, that total had more than doubled as 59,534 persons were under supervision.[19]

During this same time span, the investigative caseload increased at an even higher rate. In fiscal 1951, 25,443 investigative reports were statistically tabulated, including 8,367 civil and military preparole investigations. In contrast to this total, during fiscal 1974, the probation service completed 77,146 investigations (see tables 1 and 2).

The marked growth of responsibility for Federal probation officers ought not to be measured quantitatively alone, but qualitatively, in relation to the increased types of treatment and rehabilitative programs developed during this period. Among the most significant was the dramatic increase in the

[17] Mr. Louis J. Sharp was promoted from the Federal probation office in St. Louis to an assistant chief's position in Washington in January 1944.

[18] It is significant to note that since the creation of the Division of Probation in 1940, all administrative appointments to that Division have been made from within the Federal Probation System. All appointments have been made on a merit basis via promotions. Currently, the two senior assistant chiefs are William A. Cohan, Jr., formerly of the Federal probation office in Cleveland, and Donald L. Chamlee, now editor of *Federal Probation*, who came from the Federal probation office in Sacramento, Calif. The six other assistant chiefs, each of whom covers a regional area, are Michael J. Keenan, formerly of the Cleveland office, Guy Willetts, formerly of the Raleigh, N.C., office, Hubert L. Robinson, formerly of the New York City office, Frederick R. Pivarnik, formerly of the Hartford, Conn., office, Thomas J. Weadock, Jr., formerly of the San Francisco office, and Joseph C. Butner, formerly of the Las Vegas office. These men came to the central office with backgrounds of solid field experience, which has added much to the efficiency and stability of the system.

[19] Annual Reports, Adm. Office, U.S. Courts, 1951, p. 174 and 1974, p. VI 11-5. Note: As we go to press, the total under supervision exceeds 61,000.

TABLE 1.
Persons under supervision fiscal years ending June 1951 and 1974

	1951	1975
Total	29,367	59,534
Probation	21,413	40,306
Parole	4,258	12,353
Conditional release	2,873	1,909
Military parole	823	270
Deferred prosecution	[1]	1,058
Magistrate's probation	[2]	3,638

[1] *Not reported*
[2] *Not applicable*

TABLE 2.
Investigations completed during fiscal year ending 1974[1]

Total	77,146
Limited presentence investigations	1,943
Collateral investigations	9,203
Preliminary investigations for U.S. attorney	862
Postsentence, Bureau of Prisons	658
Pretransfer investigations	8,603
Alleged violation investigations	6,630
Preparole and other prerelease investigations	6,965
Special investigations (persons in confinement)	4,628
Furlough and work release investigations	1,140
Parole supervision reports	5,895
Parole revocation hearing reports	1,127

[1] *In 1963 a change in statistical reporting procedures made exact comparisons difficult between the 25,443 investigations in 1951 and the 77,146 investigations made in 1974.*

number of sentencing alternatives made available to the courts and the impact of these new procedures on probation. New duties also developed as a result of more definitive probation and parole supervision guidelines and more complex revocation procedures.

Investigation and Supervision of Military Offenders.—ln his article, Mr. Evjen has recounted the 1946 agreement of the Federal Probation System to conduct military preparole investigations and handle supervision of military parolees for the Departments of the Army and Air Force.[20] Typically, this was done without additional personnel, and caseloads continued to grow without comparable increase in probation officer positions until the 1956-57 fiscal years when 165 new probation officer positions were funded.[21] This brought the caseload averages, which had been running between 95 and 100 per officer, down to 70 (1957).

These figures did not, however, take into consideration the presentence, preparole and other investigations which were increasing at a steady pace. These pressures and the addition of a variety of new responsibilities, were requiring officers to spread themselves much too thinly. Some of these added responsibilities merit more detailed review.

Impact of Sentencing Alternatives

Youth Corrections Act.—ln the early 1950s came the Youth Corrections Act (18 USC 5005-5026), providing for study and observation of youthful offenders referred to the Bureau of Prisons, and requiring special supervision progress reports on youthful and young adult offenders.

Indeterminate Sentencing Act: Adults.—In 1958, an indeterminate sentencing act was passed (18 USC 5208-5209), which included a provision for the study and observation of adult offenders by the Bureau of Prisons. Courts again turned to probation officers for assistance in evaluation and selection of offenders for such study.

Then came such important congressional legislative enactments as the Criminal Justice Act (1964) and the Prisoner Rehabilitation Act (1965). Under these acts, home furloughs, work release programs, community treatment centers (halfway houses) and other resources were added and field officers soon found themselves involved in verifying home furlough plans, evaluating work release proposals, and cooperating closely with the Bureau of Prisons in these community programs. Subsequently Public Law 91-492 amended 18 USC 3651 to authorize residence in a residential community treatment center as a condition of probation, parole, or mandatory release. The use of such facilities involved a new set of relationships and an important investment of time.

The Narcotic Addict Rehabilitation Act of 1966.—Title I of this Act provided for civil commitment of selected narcotic addicts to the Surgeon General of the United States for treatment at a U.S. Public Health Service Hospital or a private facility under contract. The Act provided for aftercare supervision, and again the Federal Probation System was designated as a primary supervision resource.

Title 11 of the NARA involved the Federal Probation System more intensively as section 4251 related to convicted addicts committed to the custody of the Attorney General for treatment at public health or privately contracted clinics. Release procedures were set by the U.S. Board of Parole, but overall responsibility for aftercare devolved upon probation officers. In most metropolitan districts one or more teams of probation officers specialize in handling these cases.[22]

Expansion of Probation Officer Positions

During the fifties and sixties there were dramatic increases in the size of caseloads as well as in the complexities and pressures attendant upon the district probation officer's job. Each year the Division of Probation offered sound documentation of the need for both central and district staff expansion, but, as noted above, except for the years 1956 and 1957, budget requests for sufficient numbers of district probation officers to approach the recommended standards of 35 to 50 cases per officer were not approved. However, as a result of a combination of fortuitous circumstances the bottleneck was finally broken, and major probation officer staff expansion was begun in 1973.

In 1972 an opportunity developed for direct testimony to be given to two key congressional committees on the needs of the Federal Probation System. These committees—the "Kastenmeier Committee" (Subcommittee No. 3 of the House Committee on the Judiciary), chaired by Congressman William Kastenmeier of Wisconsin and the "Burdick Committee" (Subcommittee on Penitentiaries of the Senate Committee of the Judiciary), chaired by Senator Quentin Burdick of North Dakota—were both holding hearings on proposed legislation to improve Federal corrections. In March 1972 an invitation was extended to members of the Division of Probation of the Administrative Office, to testify before the Kastenmeier Committee on the needs of the Federal Probation System. As chief of the Chicago office, which was then involved in a research project of interest to the Subcommittee, I was also invited to testify.[23] At that time I was also president of the Federal Probation Officers Association, and at the hearing suggested that the Subcommittee might like to hear from other members of the FPOA Board. Subsequently, I received word that Congressman Kastenmeier and members of his Subcommittee would welcome an opportunity to meet informally with members of the Board of Directors of the Association. This invitation was accepted and on April 11, 1972, all 10 members of the Board

[20] Victor H. Evjen, 'The Federal Probation System: The Struggle to Achieve It and Its First Twenty-five Years," *Federal Probation*, June 1975.

[21] It is of interest to note that although the Division of Probation had been pressing for additional funds, congressional appropriations were not forthcoming until Senate Report No. 61 (March 14, 1955), 84th Congress, was published. This was a report of the Juvenile Delinquency Subcommittee of the Senate Committee on the Judiciary, which in the course of its work reviewed the operation of the Federal Probation System. The Subcommittee found the caseloads excessive and officers' salaries below par. The Subcommittee strongly recommended that compensation be increased and field staff expanded. Following this report Judge William J. Campbell, chairman of the Judicial Conference Committee on the Budget, succeeded in gaining House and Senate Appropriations Committee support of a 2-year budget expansion raising the total complement of officers from 316 in 1955 to 481 in 1957.

[22] Periodic urinalysis tests are required of all addict parolees, and although these tests are usually contracted out to local medical clinics, the administrative management of this program has required a significant investment of probation service time.

Another act (P.L. 92-293) amended 18 USC, 3651-4203, expanding the eligibility definition to include users of "controlled substances" such as marihuana, barbiturates, amphetamines and hallucinogens, and authorized probationers, parolees, and mandatory releasees to be referred for treatment. Managing these caseloads and keeping in touch with the various public and private drug-abuse resources is a time-consuming duty.

[23] My invitation on that occasion was prompted by the Subcommittee's interest in a research project on the use of probation officer case aides being conducted in the Chicago District. Accompanying me to present testimony were the project action director, William Pilcher, now chief probation officer in Chicago, and David Dixon, a probation aide who is now a full-time probation officer assistant in the Chicago Office.

and our Association Newsletter editor met with Congressman Kastenmeier and members of his Subcommittee. In this unprecedented meeting each of us representing different regions of the country was invited to comment on the problems and[24] needs of the Federal Probation System as well as on the Subcommittee's proposed legislation.

Among the members of the Subcommittee who questioned us closely were Representatives Abner Mikva and Thomas Railsback of Illinois. Ultimately this testimony proved to be crucial as the House Appropriations Subcommittee reviewed and severely cut the budget request for new probation officer positions. However, when that budget cut came to the floor of the House for what was expected to be routine approval, Representative Mikva moved for restoration and approval of the full budget. Although his motion was defeated, there was spirited debate on the issue and the needs of the Federal Probation System received wide attention. At the next session of Congress, the House Appropriations Subcommittee again cut in half the budget request which was for 340 new probation officer positions, but when this reduced budget item came up for action by the full House, Representative Railsback moved for restoration of the 170 officer positions. His motion was supported by other congressmen, and the final vote that day approved the full budget. Thus was the 1973 budget request for 340 positions approved and a major breakthrough made in the log-jam which had held the Federal Probation System back for so many years.[25]

To illustrate the importance of this action, one need but compare the number of probation officer positions and caseload averages during the fifties and sixties with the recent figures. Table 3 reflects the expansion in probation officer positions from 303 in 1950 to 1,148 in 1974, and the consequent reduction in average supervision caseloads from 99 to 52. (The number of probation officer positions in 1975 is 1,468.)

Federal Probation Officers Association

Contributing to the improvement and professionalization of the probation service during the past two decades has been the Federal Probation Officers Association (FPOA). The need for such an organization had been recognized and informally proposed in 1950. At a Great Lakes Regional meeting in Madison, Wisconsin, in 1953, an interim ad hoc prototype of the Association was formed.[26] Within a year widespread support had developed and a slate of officers was nominated. The Association came into being on January 1, 1955, with the service-wide election of Richard A. Doyle, chief probation officer for the Eastern District of Michigan at Detroit, as president. Mr. Doyle's leadership had been widely recognized, and, with support from an active Board of Directors representing all the regional probation areas, a new force in the history of Federal probation was created.[27]

The basic objectives of the Association as a professional standard setting organization were set forth in a brochure distributed throughout the service. These objectives have remained as the basic guides to the purpose and role of the Association. One of the first activities in which the Association rendered a real service occurred in 1956 when the U.S. Civil Service Commission questioned the eligibility of Federal probation officers for retirement under the hazardous occupation provisions of the Civil Service Retirement Act. Although the Probation Division had submitted excellent documentation supporting the eligibility of probation officers, no action was forthcoming and it became evident that additional support was needed. The FPOA thereupon employed legal counsel to prepare and submit a strong case for continuing the previous retirement program. This action proved effective, and the Civil Service Commission reinstituted the policy of approving retirement applications of probation officers under the hazardous occupation clause.

Early in its history the Association gave strong support to the development of mandatory professional qualifications for appointment to the position of Federal probation officer. It also provided input to the Division of Probation in developing the standard salary and promotion schedule for probation officers implemented in 1964.

From the outset the Association has conscientiously strived to balance a strong supportive role to the work of the Division of Probation and the Judicial Conference

[24] The annual meeting of the FPOA Board was planned coincidental with this informal meeting with the Subcommittee. FPOA Board members present were: Walter Evans (vice president, Portland, Oreg.), Bertha Payak (secretary-treasurer, Toledo, Ohio), Kennith Beighle (Tyler, Texas), Henry Long (Alexandria, Va.), Ezra Nash (Birmingham, Ala.), Roosevelt Paley (Los Angeles, Calif.), Logan Webster (Pittsburgh, Pa.), Guy Willetts (Raleigh, N.C.), Ted Wisner (Grand Rapids, Mich.), Edward Coventry (Seattle, Wash.—Newsletter editor), and myself. Later that year, in July 1972, Judge F.L. Van Dusen of the U.S. Court of Appeals for the 3rd Circuit and chairman of the Judicial Conference Committee on Probation, Merrill Smith, chief of the Division of Probation of the Administrative Office, and I were invited to testify before Senator Burdick's Subcommittee on Penitentiaries. That occasion provided another opportunity to document the problems and personnel needs of the Federal Probation System.

[25] In accordance with standard procedures the budget as approved by the House was then reviewed by a Senate-House Committee and the Senate approved the full budget. The testimony before the Burdick Subcommittee is believed to have been helpful here.

[26] At that meeting a tentative constitution and bylaws were adopted, and chief probation officers Marshall McKinney (East St. Louis), Richard Johnson (Kansas City, Mo.) and myself (Chicago) were elected interim officers.

[27] The membership rate among both rank-and-file and administrative Federal probation officers has been high, averaging 85 to 90 percent of the total officer complement. Minutes of the Fall Meeting, FPOA Board of Directors, 1972 and 1973.

TABLE 3.
Size of staff and supervision caseload[1]

Fiscal year ending June 30	Number of officers supervision	Number Average ending June	Probation under caseload per officer
1950	303	30,087	99
1955	316	30,074	95
1960	506	34,343	68
1965	522	39,332	75
1970	614	38,409	63
1973	808	54,346	67
1974	1,148	59,534	52

[1] *These supervision caseload averages do not reflect the heavy volume of presentence and other investigations conducted by Federal probation officers. In 1974 over 77,000 investigations of all types were completed by probation officers, or an average of 67 investigations per officer. (Annual Report, Administrative Office of the U.S. Courts, 1974, P. V111-3.)*

Committee on the Administration of the Probation System with an independent capacity for inquiry and constructive criticism. The work of the Association is done through its Board of Directors, its active standing committees, and a series of ad hoc committees. The Board meets twice a year, once in Washington, D.C., and once regionally moving from area to area each year.

At the annual meeting each year in Washington, D.C., the Board schedules separate meeting sessions with representatives of the Board of Parole, the Bureau of Prisons, the Division of Probation, the director, the legal counsel, and other members of the Administrative Office of the United States Courts. These sessions have proved most valuable as frank and open discussions of problems and various program plans are reviewed.

The board and committees of the Association have been concerned with professional standards; manpower needs (clerical and professional); upgrading of salaries, equipment and space; a variety of projects related to legislative proposals; coordination of goals and activities of other national associations such as the American Correctional Association, of which the FPOA is an affiliate member, and the National Council on Crime and Delinquency.

The Association also publishes a quarterly Newsletter and bestows an engraved plaque, known as the "Doyle Award" on an outstanding officer each year. The activities of the Association in meeting with members of a key congressional committee, and in urging retention of the current well-tested decentralized court administration of probation have been reported above.

Service to the Federal Parole Board

During the past 25 years the responsibility of the probation officer as official agent of the U.S. Board of Parole has been fully accepted. Preparole investigations and parole supervision services are so standard that the effective coordination of probation and parole has become one of the hallmarks of the Federal Probation System.

In recent years, release planning has been assisted by the employment placement specialists assigned to the districts by the Bureau of Prisons. To assist in the management of heavy caseloads, various systems of case classification have been attempted. In January 1971 a set of proposed parole supervision guidelines was distributed by the Board of Parole throughout the Federal probation service, with a request for experimentation with the guidelines. District offices were also asked to estimate the staff numbers required to fully implement the guidelines. Specific criteria for classifying caseloads as to the need for maximum, medium, or minimum supervision were included. It immediately became evident that to place these standards in operation would require a major increase in the manhours devoted to parole supervision. The recent breakthroughs in probation officer manpower made it possible to implement these guidelines in 1974.

This expansion of manpower is also timely as the civil rights movement of our times has had a marked effect on parole and probation procedures. Perhaps nowhere is this more evident than in the procedure related to revocation of probation or parole. Following the widely reported *Hyser decision*[28] which spelled out certain minimum due process protections to which an alleged parole violator is entitled, Federal probation officers were designated preliminary interviewing agents of the Board of Parole and well defined steps in the subsequent revocation procedures were outlined.[29] These procedures, while legally desirable, are time-consuming. Some have suggested that U.S. magistrates be assigned these duties.

Pressured by court decisions and influenced by its own research findings the Board of Parole has initiated a series of procedural and organizational changes. Of particular interest is the Board's decentralization which provides for five regional boards in areas coterminous with the Bureau of Prisons regions and those served by the Probation Division regional staff. Regionalization along these lines places the Board in closer touch with the field probation and parole services.

The Board has also taken a bold step toward the development of principles to guide selection in the grant or denial of parole. These new rules serve to further clarify the rights of parole applicants, as do new procedures for appeal of adverse parole decisions.

[28] *Hyser v. Reed, 318 F.2d (D.C. Cir. 1963).*

[29] Under these new rules, parolees were afforded an opportunity to elect to have a full-dress parole revocation hearing at the point of the alleged violation before a parole examiner or parole board member. The new rules also afforded the parolee the right to have counsel, request witness, and respond to the allegations contained in the parole violation warrant.

Sentencing Institutes

Accompanying the discovery that prisoners, too, have civil rights has been a growing concern over disparity in sentencing. In the early 1950s, James V. Bennett, director of the Federal Bureau of Prisons, called attention to the undue disparity among sentences imposed on similar offenders for similar crimes. Concern over this issue developed in the Federal judiciary and among members of Congress, and in 1958 Congress enacted a joint resolution, "authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing and for other purposes.[30]

The first Sentencing Institute was held in Boulder, Colorado, in July 1959, and it is significant to note that one of the principles agreed upon stated that, "probation should generally be utilized unless commitment appears advisable as a deterrent, or for the protection of the public, or because no hope of rehabilitation is evident."

At a Sentencing Institute held at Highland Park, Illinois, October 1961 for judges from the 6th, 7th and 8th Judicial Circuits, while consensus was not achieved, there was substantial support for the Denver proposition that probation should receive preferential consideration and efforts should be made to reduce undue disparity.[31] Participating as consultants at this institute were probation officers, U.S. Board of Parole members, and Bureau of Prisons staff representatives. Sets of presentence reports on actual cases were distributed for sentencing discussion. Participating probation officers were observed to be far from unanimous in their opinions on these cases.[32]

In the Federal Court in Detroit a study of disparity in presentence recommendations of probation officers revealed the need for more consistency. One remedy there is to provide a form on which the supervisor of the officer preparing the presentence report and the chief probation officer record their

[30] Public Law 85-752, August 25, 1958, amending 28 USC 334.

[31] At that Institute note was taken that over a 5-year period—1956-1961—the use of probation varied from 15.7 percent of all convicted defendants in one district to 64.5 percent in another.

[32] It is of interest to note that at this and subsequent Sentencing Institutes tabulations made of the disparities among probation officers' recommendations reflected about the same degree of difference as among judges!

recommendations so the sentencing judge has three opinions to consider.

Obviously there is continuing need for research in this area and as Federal Judge Marvin E. Frankel and others have said, a need to develop a codified jurisprudence of sentencing.[33] Such research should examine probation officer evaluations in presentence reports as disparity among probation officers' recommendations in similar cases probably contributes to disparity in sentencing.

Sentencing Councils.—Another approach to the goal of sentencing consistency is to be found in the limited but significant emergence of sentencing councils. The first such council in the Federal system was established in Detroit when Chief Probation Officer Richard A. Doyle suggested the idea to the late Chief Judge Theodore Levin of that court. Judge Levin saw merit in the suggestion and the council came into being in 1960.[34] In essence, the procedure provided for a team or committee of judges to serve in an informal but regularly scheduled advisory capacity to their peers on sentencing. The chief probation officer or other member of the probation staff is available for consultation.

In 1962 Chief Judge William J. Campbell sponsored the establishment of a sentencing council in Chicago patterned after the Detroit Council. I served as secretary of this council for over 10 years and observed that the council deliberation contributed to greater equality in sentencing. New judges particularly valued the counsel of experienced colleagues. The vital importance of adequate presentence reports was also dramatically evident in the deliberations of the council.[35]

Trends

None of us can predict with certainty, but as we look about, it is evident that new duties will continue to challenge the Federal Probation System. The heart of the work will center on presentence investigations and field supervision services but new modes are on the horizon.

Close upon the heels of the 1965 revision of The Presentence Investigation Report came a movement to experiment with a shorter presentence report. "Selective" presentence reporting became the goal, and under auspices of the Committee on the Administration of the Probation System, a subcommittee prepared a supplemental guide containing criteria for abbreviated reports in less serious cases.[36] The disclosure of presentence reports is moving even closer as the latest proposed amendment to Rule 32 of the Federal Rules of Criminal Procedure provides for limited mandatory disclosure. Although in the past many of us resisted this move, no dire consequences seem to have developed where disclosure is already in effect.

In some districts plea bargaining has involved probation officers in a new short-term interviewing role. The recent emphasis on pretrial diversion by the Department of Justice may expand this area of service. Of particular interest is Title II, of the new Speedy Trial Act of 1974, which sets up a pretrial services officer to perform a host of services in connection with bond supervision and other pretrial referrals. In five pilot jurisdictions this role will be filled by a probation officer.

The decentralization of the U.S. Board of Parole and Federal Bureau of Prisons operations will ensure a greater sharing of information and skills at the community level. As the Federal Judicial Center moves ahead with its systems research and greatly expanded training, new avenues of service and more efficient management techniques will evolve.

Conclusion

On a broader level perhaps a jurisprudence of sentencing will ultimately evolve and as my colleague Professor Norval Morris suggests, the criminal justice system will move toward a "principled sentencing program" in which "the least restrictive sanction necessary to achieve defined social purposes" may be imposed.[37]

Thus, while recognizing the utility of imprisonment, Professor Morris reaffirms the general trend enunciated by the American Bar Association Committee on Standards for Criminal Justice, the American Law Institute, and the National Institute on Crime and Delinquency that a presumption in favor of probation should be the norm.

None can gainsay the social utility and economy of probation when the costs of imprisonment are over $6,000 per prisoner per year while probation incurs but a 12th of that cost.[38] Nor does this measure the social and economic values of the wage earning probationer. For years the Division of Probation recorded average annual earnings of Federal probationers and during the decade of the fifties, the reported earnings varied from $30 million in 1950 to $50 million in 1960. Today it is estimated that the earnings of Federal probationers approach the $80 million mark. Who can estimate the far more important social values which flow from the maintenance of intact family structures supported by the assistance and encouragement of a Federal probation officer?

[33] Marvin E. Frankel, Criminal Sentences—Law Without Order. New York: Hill and Wang, 1972, p. 113. For an additional excellent reference, see Hogarth, *Sentencing as a Human Process,* University of Toronto Press, 1971.

[34] Subsequently, in April 1961, Mr. Doyle was invited to address the meeting of the Sixth Circuit Judicial Conference, on the pioneer work of the District Council. See Richard A. Doyle, "A Sentencing Council in Operation," *Federal Probation*, September 1961; and Talbot A. Smith, "The Sentencing Council and the Problem of Disproportionate Sentences," *Federal Probation*, June 1963. See also Charles T. Hosner, "Group Procedures in Sentencing: A Decade of Practice," *Federal Probation*, December 1970.

[35] In Chicago the procedure called for delivery of duplicate copies of presentence reports to each judge sitting on the council 3 days before the weekly meeting. At the council meeting each judge reported his recommendation on each case up for sentencing the following week. If there was wide disparity among the judges, discussion would ensue. All suggestions are just that, as the ultimate sentencing responsibility rests with the judge to whom the case has been assigned, and he remains completely free to accept or reject the suggestions of his colleagues.

Although the operation of formally constituted sentencing councils has not gained widespread use, there is currently increased interest in this procedure as a possible alternative to appellate review of sentencing.

[36] Selective Presentence Investigation Report, Publication No. 104, Division of Probation, Administrative Office of the U.S. Courts, February 1974.

[37] Norval Morris, *The Future of Imprisonment*. Chicago: University of Chicago Press, 1974, p. 59.

[38] *Annual Report*, Administrative Office of the U.S. Courts, 1974, p. VI11-4 shows cost of probation $480.57 per probationer per year.

The Federal Probation and Pretrial Services System Since 1975: An Era of Growth and Change

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ANTI-CRIME INITIATIVES, ADVANCES in technology, new management approaches—all have molded the growth and development of the federal probation system since Ben Meeker recounted 25 years of the system's history in the 1975 issue of *Federal Probation*. In the past two and one-half decades the system has weathered significant changes. Events and developments have generated new responsibilities for officers, changed the way in which they perform their duties, and spurred tremendous growth in the number of personnel needed to get the job done.

Pretrial services was just getting started in the federal system as a demonstration project in 10 courts in 1975 but expanded nationwide during the 1980s and is now fully implemented in every district court. That we now refer to the federal probation and pretrial services system is evidence in itself of the importance of pretrial services as part of the system's mission.

Skepticism concerning the effectiveness of the rehabilitation model and indeterminate sentencing was already growing in 1975, but few could have foreseen the sweeping changes brought about by the enactment of the Comprehensive Crime Control Act of 1984. The virtual replacement of rehabilitation by a "just deserts" model and the phasing out of parole marked a definitive end to an era which began with such optimism for the ideals of "human reclamation." Now, sentencing guidelines and mandatory minimum sentences set the tone and the probation officer-as-caseworker role no longer predominates. While the pendulum yet may swing back from crime control to individualized treatment, the system has undergone a profound transformation. The repercussions of it may be with us for years to come.

One impact of the transformation to the crime control model is that most offenders now serve prison terms before they are supervised in the community by federal probation officers. In 1975, 7 of 10 offenders under supervision were received for probation supervision directly from the courts and a relatively small part of the caseload was made up of offenders on parole. As 1997 began, only 4 of 10 offenders under supervision were on probation and the majority of offenders had completed prison terms before being supervised in the community.

A new sentence created by Congress in 1984—supervised release—to be served by offenders after they complete prison terms, combined with an increase in drug prosecutions and other serious cases to cause a shift away from probation cases. The first offenders released on supervised release were received in 1989. In 1996 over 47,000 offenders were on supervised release, representing 52 percent of the national caseload. Adding the remaining parole cases still in the system to this total, the ratio of probation to post-prison supervision cases has nearly reversed since 1975, as Table 1 shows.

Where once there was a simple officer/clerk dichotomy there is now a variety of officer specialties to match the growing complexity of the work, including sentencing guidelines, substance abuse treatment, mental health treatment, and electronic monitoring. Decentralization of personnel and financial management from the Administrative Office of the U.S. Courts to the individual courts

TABLE 1.
Comparison of Persons Under Supervision of U.S. Probation Officers (1975 and 1996)

	1975[1]	1996[2]
District Court Probation	40,274	25,071
Magistrate Judge Probation	5,388	8,839
Parole and Special Parole	15,284	6,609
Mandatory Release	1,754	1,669
Military Parole	302	531
Supervised Release	0	47,381
TOTAL	63,002	90,100

[1] *Source: Annual Report of the Director of the Administrative Office of the United States Courts (1975).*

[2] *Source: Internal report of Statistics Division of the Administrative Office of the United States Courts reflecting data from calendar year 1996.*

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has given rise to a variety of administrative support specialties as well, including budget and fiscal reporting, procurement, property management, personnel administration, accounting, and contracting.

Technology has radically changed day-to-day operations. Dictaphones and electric typewriters have been replaced by personal computers on every desk. Skilled automation staff persons are now needed to keep an office running. Cellular telephones, lap-top computers, digital imaging equipment, on-site laboratories, handheld drug testing devices, and electronic monitoring would have awed an officer in 1975 but are already commonplace in 1997.

When Ben Meeker wrote his article in 1975, the probation system was in the midst of a period of unprecedented growth after having held steady at just over 600 officers and about 450 clerks through the late 1960s and early 1970s. As table 2 illustrates, the growth leveled off again before beginning a long, steady climb which has continued to the present.

Selected Milestones in the History of the System

The following is a list of milestones in the history of the federal probation and pretrial services system for 1975 to the present. Although the list is by no means complete, it gives a sense of how the system has evolved in the past 22 years by briefly explaining some of the significant events, mandates, and developments.

The information is derived from Reports of the Proceedings of the Judicial Conference of the United States, Administrative Office of the U.S. Courts annual reports and memoranda, *News and Views*, monographs, and General Accounting Office reports. Dates in some cases are approximate because some initiatives actually spanned several years (for instance, from the time it took from Judicial Conference approval of an initiative to actual policy implementation). Also, readers should note that three entities with important roles in the history of the system underwent various name changes over the years: the Judicial Conference Committee on Criminal Law (formerly, the Committee on the Administration of the Probation System and the Committee on Criminal Law and Probation Administration), the Administrative Office of the U.S. Courts' Federal Corrections and Supervision Division (formerly, the Probation Division and the Probation and Pretrial Services Division), and the Chiefs Advisory Council (formerly, the Chiefs Management Council).

TABLE 2.
Federal Probation and Pretrial Services System Growth in Staff, 1970-1996

	Probation Officers	Pretrial Services Officers	Total Officers	All Other Staff	Grand Total	Differences	% Changes
1996	3495	507	4002	2466	6468	85	1.3
1995	3465	491	3956	2427	6383	98	1.6
1994	3454	483	3937	2348	6285	217	3.6
1993	3431	473	3904	2164	6068	181	3.1
1992	3361	439	3800	2087	5887	755	14.7
1991	2846	329	3175	1957	5132	801	18.5
1990	2396	277	2673	1658	4331	407	10.4
1989	2169	233	2402	1522	3924	252	6.9
1988	2069	189	2258	1414	3672	361	10.9
1987	1903	123	2026	1285	3311	131	4.1
1986	1870	98	1968	1212	3180	110	3.6
1985	1779	91	1870	1200	3080	152	5.2
1984	1724	72	1796	1122	2918	156	5.6
1983	1614	71	1685	1077	2762	33	1.2
1982	1625	82	1707	1022	2729	-113	-4.0
1981	1659	91	1750	1092	2842	-46	-1.6
1980	1708	95	1803	1085	2888	2	.1
1979	1694	100	1794	1092	2886	-16	-.5
1978	1703	91	1794	1108	2902	49	1.7
1977	1662	86	1748	1105	2853	223	8.5
1976	1541	79	1620	1010	2630	255	10.7
1975	1423	--	1423	952	2375	507	27.1
1974	1124	--	1124	744	1868	526	39.2
1973	784	--	784	558	1342	264	24.5
1972	618	--	618	460	1078	41	4.0
1971	602	--	602	435	1037	-5	-.5
1970	601	--	601	441	1042	-13	-1.2

1975

Pretrial Services Demonstration—In January 1975, Congress passed the Speedy Trial Act of 1974. Title II of the Act authorized the Director of the Administrative Office to establish in 10 judicial districts "demonstration" pretrial services agencies to help reduce crime by persons released to the community pending trial and to reduce unnecessary pretrial detention. The agencies were to interview each person charged with other than a petty offense, verify background information, and present a report and recommendation to the judicial officer considering bail. The agencies also were to supervise persons released to their custody pending trial and to help defendants on bail to locate and use community services. Five of the agencies were to be administered by the Probation Division and five by boards of trustees appointed by the chief judges of the district courts.

Mandatory Retirement—At its March 1975 meeting, the Judicial Conference approved guidelines for exempting U.S. probation officers from mandatory retirement when, in the judgment of the Director of the Administrative Office of the U.S. Courts and the chief judge of the district, such exemption is in the public interest. Factors to be considered were the benefits to the government, the degree of difficulty in replacing the employee, and the need for the employee to perform essential service in a time of emergency. Exemptions were limited to one year at a time. This action followed Public Law 93-350, enacted July 12, 1974, which made significant changes to the special provisions for the retirement of law enforcement officers, including probation officers. One of the changes—to be effective January 1, 1978—required mandatory separation of an employee eligible for immediate retirement on the last day of the month in which he becomes 55 years of age or completes 20 years of service if then over the age. The age for mandatory separation was increased to 57 in 1990.

1976

Parole Commission and Reorganization Act—The Act, which became effective May 14, 1976, created a new United States Parole Commission, to replace the Board of Parole. The Commission was to have a minimum of five regions, each headed by a regional commissioner, as well as a National Appeals Board. The Act, among other things, changed the standards of eligibility for parole; set new criteria for parole determination; required written notice of parole decisions within 21 days including statements of reasons for denial; required the Commission to make available to the prisoner all relevant material including the presentence report, which it took into consideration in parole determination; and mandated a preliminary and full parole revocation hearing.

News and Views—The Probation Division began publishing a national newsletter as a means to improve communication throughout the system and to replace many of the memoranda sent to the field. The first issue of *News and Views* was dated September 27, 1976. It reported on a Bureau of Prisons study of community treatment centers, gave an update of the 1-year-old pretrial services agencies, and featured a piece by a U.S. probation officer in the District of Columbia on applying Reality Therapy principles to probation casework. Division Chief Wayne P. Jackson stated the purpose of the newsletter in a front-page message to the readers: "Through NEWS and VIEWS we hope to keep you up-to-date on Administrative Office projects and activities and to create a vehicle through which you may share your experiences and information with other officers."

1977

Guide to Judiciary Policies and Procedures—The Administrative Office of the U.S. Courts introduced a new system for presenting policies and procedures for the day-to-day operation of the judiciary. The new *Guide to Judiciary Policies and Procedures*—a series of manuals, each covering a specific area (judicial conduct, bankruptcy, and federal public defenders, for example)—was to replace bulletins and memoranda as a means by which Administrative Office divisions disseminated policy to the courts. The October 17, 1977, issue of *News and Views* informed readers that probation officers would receive only two volumes of the *Guide*—Volume 1, the Administrative Manual, and Volume X, the Probation Manual.

Probation Information Management System (PIMS)—At its September 1977 meeting the Judicial Conference Committee on the Administration of the Probation System approved the development of a management information system. Goals were to establish a modern information system for field managers, provide up-to-date information to guide judges in selecting sentences, generate national statistics for budget and planning purposes, and create a database for research. The system was pilot tested in 1983 at the probation office in the Northern District of Ohio.

1978

Contract Services for Drug-Dependent Offenders Act of 1978-—The Act transferred contract authority to provide aftercare treatment services for drug-dependent persons under supervision of the federal probation system from the Attorney General of the United States to the Director of the Administrative Office of the U.S. Courts. The new law alleviated a rather cumbersome situation: The Federal Bureau of Prisons had contracting and funding authority, while U.S. probation provided the supervision for persons placed in contract aftercare treatment programs. The Administrative Office formed a task force to implement the provisions of the Act. The group's responsibilities included developing procedures for providing drug aftercare services to persons under supervision and training on the drug aftercare program for chiefs and line officers. In 1987 the Administrative Office was given authority to contract for services for alcohol-dependent offenders as well.

The Presentence Investigation Report (Publication 105)—The monograph updated Publications 103 and 104 and introduced the "Core Concept," a flexible model for preparing presentence investigation reports that required officers "to develop a core of essential information which is supplemented by additional pertinent data." The purpose was to encourage more succinct reports. In 1984 Publication 105 was revised in light of new legal developments including passage of the Victim and Witness Protection Act of 1982.

Code of Conduct for Probation Officers—On September 22, 1978, the Judicial Conference adopted a Code of Conduct for United States Probation Officers that applied to all probation officers and pretrial services officers. Standards for officer comportment were conveyed in seven canons that promoted such tenets as integrity and impartiality. Refusing gifts and favors, abstaining from public comment about court matters, regulating extra-official activities, and refraining from partisan political activity were some of the requirements of the code. In 1995 the judiciary adopted a new "Consolidated Code of Conduct for Judicial Employees." The new code consolidated and replaced five existing judicial employee codes of conduct, effective January 1, 1996, including the code for probation and pretrial services officers.

Chiefs Management Council—An outgrowth of the national chiefs meeting held in 1978, the Council was made up of one elected representative chief U.S. probation officer from each of five regions. The purpose of the group, as *News and Views* reported, was "to provide a vehicle through which chief probation officers can provide input to the planning, management, and development of policy for the probation system." At its first meeting in October 1979 at the Probation Division, the group set guidelines for terms of office, selection of alternates and replacements for unfinished terms, and the exchange of agenda items before regularly scheduled meetings.

GAO Report/The Federal Bail Process Fosters Inequities—In 1978 the General Accounting Office issued a report on the federal bail process throughout the country, which included a review of the experimental pretrial services agencies. Among the report's recommendations were that the federal judiciary make bail decisions more equitable and reduce the differences in conditions of release by clarifying the legitimate purposes of bail, providing judicial officers with information and guidance on how the bail decision criteria listed in the Bail Reform Act of 1966 relate to determining appropriate conditions of release, and providing the means for judicial officers to have more complete and accurate information on defendants in making bail decisions. The report supported the continuation and expansion of the pretrial services agency function of providing verified information about defendants.

1979

Final Report on the Implementation of Title II of the Speedy Trial Act of 1974—The Administrative Office of the U.S. Courts submitted its fourth and final report to Congress on the accomplishments of the "demonstration" pretrial services agencies created in 1975 in 10 judicial districts. The report, "on the basis of the favorable observations of judges, magistrates, and others, and the overall favorable statistical results of the program . . . recommended that statutory authority be granted to continue the pretrial services agencies permanently in the 10 demonstration districts, and, further, that statutory authority be given for the expansion of the program to other district courts when the need for such services is shown." The report also recommended that the district courts be authorized to appoint pretrial services officers under standards to be prescribed by the Judicial Conference and that the Judicial Conference authorize, upon the recommendation of the Director of the Administrative Office and the recommendation of the district courts and judicial councils concerned which district courts should have pretrial services units. These units would be independent of the probation service, except in those districts in which the caseload would not warrant a separate unit.

1980

Upgrade of Chief Positions—In March 1980 the Judicial Conference approved upgrading the position of chief probation officer. This was the first change to the classification of chief positions since the Judicial Conference approved the Judicial Salary Plan in 1961. The effect was to raise the grade level of chief probation officer positions in small, medium, and large probation offices from grades JSP-13, -14, and -15 to grades JSP-14, -15, and -16, respectively. Chiefs were upgraded again in 1987 and 1990.

Risk Prediction Scale (RPS 80)—At its January 1980 meeting the Committee on the Administration of the Probation System decided to adopt a single method for initial classification of all incoming probationers. The Federal Judicial Center's Research Division conducted a validation study of four different prediction scales and found that modification of the USDC 75, the Risk Prediction Scale (RPS 80), would offer the best combination of predictive efficiency and ease of use. The Probation Committee called for nationwide use of the RPS 80.

1981

Work Measurement Study for Probation—At the request of the Judicial Conference Committee on the Budget, the probation system reevaluated its staffing formula. A work measurement study of U.S. probation offices was conducted at 24 probation offices during January through June 1981. Measurement was completed onsite using a work category description encompassing 31 distinct categories of probation work. As a result of the study, nine workload factors were identified as primary indicators of the staffing requirements of probation offices.

1982

Pretrial Services Act of 1982—The Act authorized expansion of pretrial services to each district court and granted an 18-month evaluation period for each court to determine whether to establish separate offices or provide pretrial services through the probation office. The evaluation period was to allow identification of "those courts capable of providing pretrial services within existing resources and those which will need additional resources and will therefore be required to utilize the special districts provision of the statute."

Victim and Witness Protection Act of 1982—0n September 30, 1982, Congress passed the Act, which the President subsequently signed into law. The new law affected the federal sentencing process, requiring a victim impact statement in the presentence report, requiring the court to consider the issue of restitution, increasing penalties for intimidation of witnesses, and expanding protection for witnesses and victims of crimes.

Senior Officer Positions/JSP-13—At its September 1980 meeting the Judicial Conference approved the establishment of drug and alcohol treatment specialist and senior probation officer standards with target grades of JSP-13. In 1982 the House Committee on Appropriations approved funds to support reclassification of the positions. In justifications for the reclassifications, the Administrative Office of the U.S. Courts pointed to the level of expertise and skill required of officers performing these jobs and the difficulty of the work they are assigned.

GAO Report/Federal Parole Practices: Better Management and Legislative Changes Are Needed—In July 1982 the General Accounting Office (GAO) issued a report on its review of the Parole Commission and the parole decision-making process. The review revealed that major improvements were needed, not only within the Commission, but also within those components of the judicial and executive branches of the federal government that provide information to the Commission for its use in rendering parole decisions. GAO conducted the review because of the controversy within Congress over whether parole should be abolished or continue to be part of the federal criminal justice system.

1983

The Supervision Process (Publication 106)—As its introduction stated, the monograph "brings together the best experience on the subject of supervision in the Federal Probation System and provides a systematic and goal-directed approach to the supervision process." Publication 106 addressed offender classification and supervision planning, special conditions of supervision, and counseling in the supervision process.

Federal Probation Sentencing and Supervision Information System (FPSSIS)—In 1983 the Administrative Office of the U.S. Courts' implementation of FPSSIS was an effort to collect better sentencing data for judges and probation officers. It also anticipated Congress' possible enactment of sentencing reform legislation calling for the formulation of sentencing guidelines. Data collection began on July 1, 1983. Data—which were captured on a 58-item worksheet by the probation officer, coded onto modified versions of the Probation Form 3 by the probation clerk, then forwarded to the Administrative Office for computer processing—addressed offender and offense characteristics, supervision status changes, and supervision adjustment or outcome.

Employment and Training of Ex-offenders: A Community Program Approach—The U.S. probation system formed a partnership with the National Alliance of Business to address the issue of meaningful employment for ex-offenders. They tested a model delivery system for providing comprehensive training and employment services in three pilot sites. A U.S. probation officer from the Northern District of California was "on loan" to the Alliance to develop and test the program. One product of the effort was a 75-page resource guide for community leaders to use in developing exoffender employment programs to fit their local needs.

1984

Comprehensive Crime Control Act of 1984—The Act resulted in many changes in the federal criminal justice system, a number of which had both immediate and long-range impact upon the specific duties and overall scope of the job of U.S. probation and pretrial services officers. It brought about major revisions to the law in many areas including bail, sentencing, criminal forfeiture, youthful offenders, treatment of offenders with mental disorders, and the insanity defense. A "legislative update" in the October 9, 1984, issue of *News and Views* noted the crime bill's progress through the House and Senate and the speculation as to whether the President would approve the legislation. It stated: "If the bill becomes law, it will mark one of the most significant occurrences in the Federal criminal justice system in this century."

Sentencing Reform Act of 1984—The Act established a determinate sentencing system with no parole and limited "good time" credits. It promoted more uniform sentencing by establishing a commission to set a narrow sentencing range for each federal criminal offense and required courts to explain in writing any departure from sentencing guidelines. In effect, the Act phased out the U.S. Parole Commission and established the U.S. Sentencing Commission.

Bail Reform Act of 1984—The Act permitted courts to consider danger to the community in setting bail conditions and to deny bail altogether where a defendant poses a grave danger to others. It tightened the criteria for post-conviction release pending sentencing and appeal. The Act also provided for revocation of release and increased penalties for crimes committed while on release and for bail jumping.

Criminal Fine Enforcement Act of 1984—Applying to all offenses committed after December 31, 1984, the law increased the maximum fines for felonies and misdemeanors. As the Act states, its purpose was to "make criminal fines more severe and thereby to encourage their more frequent use as an alternative to, or in addition to, imprisonment; to encourage the prompt and full payment of fines; and to improve the ability of the Federal Government to collect criminal fines when prompt or full payment is not forthcoming."

1985

GAO Report/Presentence Evaluations of Offenders Can Be More Responsive to the Needs of the Judiciary—In April 1985 the General Accounting Office (GAO) issued a report on how presentence evaluations (psychological or psychiatric) can be improved to be more helpful to judges before they sentence defendants. GAO found that "the Judicial Conference and the Federal Prison System have not (1) established criteria for the selection of appropriate defendants for presentence evaluation, (2) developed and disseminated guidance to judges and probation officers on the types of questions that experts can be expected to answer, and (3) established an evaluation system to assess whether studies performed for the district courts are responsive to their needs." GAO recommended that the Judicial Conference and the Attorney General work together to address these issues.

1986

Special Curfew Program—Reducing the inmate population in Community Treatment Centers (CTCs) was the goal of the program, a cooperative effort between the Bureau of Prisons, the Parole Commission, and the federal probation system undertaken in response to the budget requirements of the Gramm-Rudman-Hollings balanced budget law. The program was initiated in 1986 as an alternative to CTC residence for inmates who already had acceptable release plans, who no longer needed the services of the CTC, and who were merely awaiting their parole release date. Instead of continuing CTC residence for these inmates, the Parole Commission advanced their parole date by a maximum of 60 days and imposed a special condition of parole subjecting the parolees to a curfew. For these parolees, the program required a minimum weekly contact with the probation officer during the 60-day period.

Death of U.S. Probation Officer Thomas E. Gahl—On September 22, 1986, U.S. Probation Officer Thomas E. Gahl of the Southern District of Indiana was slain by a parolee under his supervision. Mr. Gahl, who was 38 years old, was gunned down during a home visit. He was the first, and only, federal probation officer to be killed in the line of duty to date.

1987

Criminal Fines Improvement Act of 1987—The Act had an impact on sentencing decisions related to fines as well as procedures for receiving fine payments. It authorized the Director of the Administrative Office of the U.S. Courts to establish procedures and mechanisms for the receipt of fines; clarified factors to consider in imposing fines; and gave the judicial branch, along with the Attorney General, the authority to receive and disburse payments of restitution.

The Presentence Investigation Report for Defendants Sentenced Under the Sentencing Reform Act of 1984 (Publication 107)—The monograph was published by the Probation and Pretrial Services Division to guide officers in preparing presentence reports and to set a uniform format for presentence reports throughout the federal judiciary. It reflected the radical changes in content and format of the presentence report that were necessary to accommodate the new sentencing process mandated by the Sentencing Reform Act of 1984 and fully explained the officer's role in guideline sentencing. Several revisions have been made to Publication 107 since the initial printing including revisions to set standards for preparation of a presentence report when the defendant is an organization or corporation and standards for preparing petty offense presentence and postsentence reports.

Probation and Pretrial Services Automated Case Tracking System (PACTS)—The Probation and Pretrial Services Automated Case Tracking System (PACTS) was initiated in 1987 as an extraction of the Probation Information Management System (PIMS). PACTS was a joint project of the Administrative Office of the U.S. Courts, user representatives from the courts, and the Training Center in San Antonio, Texas. The goal was to develop a decentralized data system to serve probation and pretrial services offices. PACTS was designed with the capability to exchange data with other systems including the automated Judgment and Commitment Order and the CRIMINAL docketing system. In 1991 the system was approved for national expansion.

Budget Decentralization—The Judicial Conference approved implementation of a five-court, 3-year pilot project—in the Second Circuit Court of Appeals and Southern New York, Western Washington, Northern California, and Arizona district courts—to decentralize the budget. The project, which began on October 1, 1987, tested the benefits of expanding the role of the courts in managing local operating budgets.

Training of Firearms Instructors—The probation and pretrial services system's first firearms instructors were trained in 1987 at 2-week instructor schools held in Tuscaloosa, Alabama, and Galveston, Texas. In 1985 the Probation Committee had taken steps to ensure that officers received uniform firearms training by approving the Probation Division's plan to develop a national firearms training program and policy. The plan called for officers to be trained as district firearms instructors to teach firearms handling and safety in their respective districts.

GAO Report/Sentencing Guidelines: Potential Impact on the Federal Criminal Justice System—In September 1987 the General Accounting Office (GAO) issued a report to Congress on the potential impact of sentencing guidelines on the federal criminal justice system.

GAO interviewed officials from the judiciary, the Department of Justice, and other groups concerned with the federal criminal justice system and reviewed the Sentencing Commission's analyses of increases in future prison populations and how much the guidelines would contribute to those increases. As GAO reported, "It seems widely accepted that the guidelines will result in increased workloads for virtually all components of the criminal justice system. However, the full impact of the guidelines will become clear only when there is empirical evidence on how they are implemented."

1988

Community Control Project—An 18-month electronic monitoring pilot project began in January 1988 in the Central District of California and the Southern District of Florida. The goal was to determine whether community control with electronic monitoring was a viable alternative to community treatment center placement for a select group of persons released directly from prisons. Under the project, a maximum daily average of 100 inmates were paroled directly from federal institutions to the districts. Selected inmates had their parole dates advanced and spent 2 to 4 months of initial supervision under home detention/electronic monitoring. The Bureau of Prisons funded the electronic monitoring service, and the U.S. Parole Commission directed the evaluation of the project.

Community Service: A Guide for Sentencing and Implementation (Publication 108)—The monograph focused on community service—the condition of probation that requires the offender (either an individual or a corporation) to provide unsalaried service to a civic or nonprofit organization. Publication 108 briefly recounted the history of community service, discussed how community service addresses sentencing objectives, and gave practical information about referring offenders to agencies for appropriate work assignments. The publication was geared to probation officers who supervise offenders on community service but also was of interest to judges who impose community service as a condition of probation.

1989

Drug Demonstration Project—The Anti-Drug Abuse Act of 1988 required the Director of the Administrative Office of the U.S. Courts to establish a demonstration program of mandatory drug testing of criminal defendants in eight federal judicial districts for a period of 2 years. The initiative began on January 1, 1989, and incorporated a two-phase program of testing of all criminal defendants before their initial appearance and all felony offenders released on probation or supervised release for offenses committed on or after January 1, 1989. Based on the results of the project, the Administrative Office of the U.S. Courts in 1991 submitted to Congress a final report that recommended that Congress authorize the expansion of pretrial services urinalysis tests for inclusion of the results in the pretrial services report but that Congress not establish a system of mandatory post-conviction testing for all post-conviction felony offenders.

Fiftieth Anniversary of the Administrative Office of the U.S. Courts—The Administrative Office of the U.S. Courts was established by an act of Congress in 1939. The Judicial Conference, in a resolution issued on September 20, 1989, and signed by Chief Justice William Rehnquist, recognized the Administrative Office on the occasion of its 50th anniversary. The resolution read in part: "As the responsibilities of the courts have grown over the years, so have those of the agency. With limited staff and funds, the Administrative Office has provided those services essential to the sound operation of the United States Courts."

1990

Mandatory Minimum Sentences—In March 1990 the Judicial Conference voted "to urge Congress to reconsider the wisdom of mandatory minimum sentence statutes and to restructure such statutes so that the U.S. Sentencing Commission may uniformly establish guidelines for all criminal statutes to avoid unwarranted disparities from the scheme of the Sentencing Reform Act." The Conference reiterated its concern at its March 1993 meeting. Testifying before Congress in July 1993, Judge Vincent L. Broderick, chairman of the Judicial Conference Committee on Criminal Law, called mandatory minimum sentences "the major obstacle to the development of a fair, rational, honest, and proportional federal criminal justice sentencing system." Judge Broderick discussed the effects of mandatory minimums, including unfair, long prison terms, and addressed the feasibility of either the courts or the U.S. Sentencing Commission having a "safety valve" authority to provide for departure from mandatory minimums.

The Federal Employees Pay Comparability Act of 1990—The Act raised the mandatory retirement age from 55 to 57 for all law enforcement officers covered under federal retirement provisions. On March 12, 1991, the Judicial Conference approved a change in the entry age limit for U.S. probation and pretrial services officers to under 37 at the time of the officer's initial appointment. The new age limit allowed officers to complete 20 years of service and gain retirement benefits by the time they reached mandatory

retirement age. Raising the entry age also broadened the pool of potential job applicants.

Decentralized Substance Abuse Contracting—In 1990 the Director of the Administrative Office of the U.S. Courts delegated to chief judges of the district courts—for redelegation to chief probation and pretrial services officers—procurement authority for contracts not exceeding $100,000 for substance abuse or mental health treatment. This "decentralizing" of the authority for the contracting process gave districts more flexibility in managing their substance abuse and mental health allocation and permitted more timely awarding of contracts and payment to vendors. The new process took effect for fiscal year 1991 new contracts.

Cellular Telephone Pilot Project—The Committee on Judicial Improvements, in 1990, approved the use of cellular telephones by U.S. probation and pretrial services officers in four pilot districts—California Eastern, Florida Southern, New Jersey, and Texas Northern. A report to the Committee from the Subcommittee on Technology read: "A good case probably can be made for the use of cellular telephones for the management and supervision of time-critical case assignments, for highly sensitive case assignments involving individuals in crisis, and for cases involving electronic monitoring of individuals through home confinement and other forms of intense supervision." A December 20, 1994, memorandum, from the Probation and Pretrial Services Division informed chiefs that limited funds were available to purchase cellular phones and transmission services. Attached was a proposed model cellular phone policy to help guide officers in their use of the equipment.

1991

Supervision of Federal Offenders (Monograph 109)—New mandates brought about by the Comprehensive Crime Control Act of 1984, a changing supervision population, and the need for more effective methods of controlling offenders in the community spurred a revamping of the federal supervision process. Monograph 109 served as a guide. It introduced the concept of "enhanced supervision," the goal of which was to use probation resources more efficiently by identifying high-risk offenders, focusing attention on enforcing special conditions of probation, controlling risk to the community, and providing correctional treatment. Monograph 109 was updated in 1993 to include a chapter on managing noncompliant behavior.

Geographic Salary Rates—In September 1991, the Judicial Conference approved geographic pay differentials for probation and pretrial services officers and assistants (excluding chiefs) in eight metropolitan areas specified in section 404 of the Law Enforcement Pay Reform Act of 1990. The Los Angeles, New York, Chicago, and Washington, DC, areas were among those affected. The differentials ranged from 4 to 16 percent.

1992

Judicial Officers Reference on Alternatives to Detention (Monograph 110)—The purpose of the publication, as stated in a memorandum signed by the Director of the Administrative Office of the U.S. Courts and sent to judges and other court personnel, was "to aid judicial officers faced with the serious and often complex issues of release and detention." Judicial Conference concern about the pretrial detention crisis led to the development of the monograph, which describes and discusses 13 alternatives to detention and 7 conditions of release that often are imposed in conjunction with the alternatives.

Leadership Development Program—In 1992 the Federal Judicial Center launched a program to prepare probation and pretrial services officers for leadership positions in the federal courts. The Center designed a 3-year developmental program that required—among other things—a report on management practices, a tour of temporary duty in a public or private sector organization or another district, and attendance at leadership development seminars. One factor compelling the Center's initiation of the program was Judicial Conference concern that the probation and pretrial services system have capable leaders to fill the slots of retiring chiefs.

1993

Mission Statement—In 1993 the Chiefs Advisory Council and the Judicial Conference approved a mission statement for the probation and pretrial services system, as follows: "As the component of the federal judiciary responsible for community corrections, the Federal Probation and Pretrial Services System is fundamentally committed to providing protection to the public and assisting in the fair administration of justice." The accompanying vision statement held, "The Federal Probation and Pretrial Services System strives to exemplify the highest ideals in community corrections."

Substance Abuse Treatment Program Review—In 1993 the substance abuse treatment program was the focus of a comprehensive review by the Administrative Office. The review considered all aspects of the program including treatment, testing, and training. A panel of state program administrators, academicians, and probation and pretrial services officers was convened to define the "state of the art" in drug testing and treatment. The study results were used to measure the overall effectiveness of the program and to make improvements.

Staffing Equalization Plan—As a downsizing measure, the Judicial Conference in 1993 approved a Staffing Equalization Plan, applying to all clerks offices and all probation and pretrial services offices. The purpose of the plan was to "equalize" staffing by reducing the number of employees in court units that had more than the authorized number of employees and increasing the number of employees in court units that had fewer than the authorized number of employees. The plan offered incentives for understaffed courts to hire employees from overstaffed courts and also provided for bonuses for the employees willing to transfer. The effort was to avoid the layoffs, furloughs, and other reductions that were possible because of funding limitations.

Court Personnel System (CPS)—In September 1993 the Judicial Conference approved the implementation of the Court Personnel System, a new system for classifying court employee positions. CPS replaced the 30-year-old Judicial Salary Plan (JSP), substituting 32 benchmark positions for the JSP's more than 180 landmark positions. CPS allowed court executives the flexibility to arrange and classify new positions. The new system also was cost driven; it required in-depth evaluation of staffing decisions and their impact on future budgets. CPS was activated in selected lead courts in 1995 and thereafter in the remainder of courts circuit by circuit.

1994

United States Pretrial Services Supervision (Publication 111)—The monograph established national standards for pretrial services supervision, focusing on monitoring defendants' compliance with conditions of release. Publication 111 defined pretrial supervision and its purpose and described how officers manage noncompliant behavior.

Performance Evaluation and Rating for Objective Review and Management

(PERFORM)—A committee of the Chiefs Advisory Council developed a comprehensive personnel evaluation instrument to use for every job description in the probation and pretrial services system. The instrument was designed for use with the Court Personnel System.

1995

Mobile Computing—A work group made up of employees of the Administrative Office of the U.S. Courts and staff from 10 probation and pretrial services offices was formed to make plans to explore the feasibility of developing mobile computing capabilities for probation and pretrial services officers. With mobile computing, officers use portable handheld computers that give them access to tools and information that, before this initiative, were available to them only at their desks. The new technology offers officers a way to do their field work more efficiently.

Indian Country Initiatives—The Administrative Office of the U.S. Courts, the Department of Justice, and the Department of the Interior developed a pilot project to address problems hindering federal enforcement of major crimes in Indian Country. The project featured a systematic evaluation of federal and tribal justice systems. The goal of the study was to develop a plan to provide technical and other assistance to strengthen tribal judicial systems; create effective options for probation, treatment, and sanctions; and obtain resources for crime prevention.

1996

Long-Range Plan—In December 1996 the Judicial Conference approved a long-range plan to guide the federal court system into the 21st century. The plan consists of 93 recommendations and 76 implementation strategies. A December 15, 1995, memorandum from the Director of the Administrative Office of the U.S. Courts stated that the plan "will provide an integrated vision and valuable framework for policy making and administrative decisions by the Conference, its committees, and other judicial branch authorities." Recommendation 31 of the plan reads: "A well-supported and managed system of highly competent probation and pretrial services officers should be maintained in the interest of public safety and as a necessary source of accurate, adequate information for judges who make sentencing and pretrial release decisions."

Parole Commission Phaseout Act of 1996—The Judicial Improvements Act of 1990 had provided for the handling of "old law" cases by extending the U.S. Parole Commission 5 years, to November 1, 1997. Then Congress passed the Parole Commission Phaseout Act of 1996, which extended the Commission to November 1, 2002. It also provided for a gradual reduction in the number of commissioners and required the Attorney General to report to Congress annually as to whether it is most cost effective for the Commission to remain a separate agency or whether its function should be assigned elsewhere.

National Certification Program in Drug and Mental Health Treatment—The Federal Corrections and Supervision Division began two initiatives to set national proficiency standards for probation and pretrial services officers who provide supervision and treatment for offenders/defendants identified as needing mental health or substance abuse treatment services. The goal was to provide the means to "credential" these officers and provide them uniform training.

Sweat Patch Project—In April 1996 the Federal Corrections and Supervision Division launched a pilot project to test the sweat patch, a new drug detection device. The aim of the project was to determine the proficiency and wearability of the sweat patch, which is a band-aid-type device that collects illicit drugs through sweat rather than urine. The patch was found suitable for officers to use as a routine screening tool.

1997

Firearms Regulations—On March 11, 1997, the Judicial Conference approved new firearms regulations. The new regulations eliminate the need for state clearance for officers to carry firearms, required the district court to approve the district's firearms program, and extended the use of lethal force from self-defense only to include the right to protect a fellow probation or pretrial services officer from death or grievous bodily harm. Also, the new regulations did not carry the presumption, as had previous policies, that officers should not carry firearms.

Risk Prediction Index (RPI)—The Judicial Conference approved a new instrument to assess risk of recidivism of offenders to replace the RPS 80. The Federal Judicial Center developed the RPI, a statistical model that uses information about offenders to estimate the likelihood that they will be rearrested or have supervision revoked. The computerized version of the RPI calculates an offender's score after the officer types in the answers to eight worksheet questions. The RPI was designed to be easy for officers to use and as a helpful tool in developing supervision plans.

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The History of Training in the Federal Probation and Pretrial Services System[1]

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THE EARLY PERIOD (1925–1950). On June 6, 1930, Congress amended the Probation Act, enabling the probation system to operate as a centrally-administered, national organization. By 1930, the federal probation system was made up of eight salaried probation officers and a number of officers appointed on a volunteer basis. They were tasked with a supervision caseload of 4,280 probationers. Given the small number of federal probation officers, little is known about training between 1925 and 1930. In October 1930, the forerunner of today's Probation and Pretrial Services Office (not yet located in the Administrative Office of the U.S. Courts, but still part of the Justice Department), began distributing "Ye Newsletter" to provide insight and guidance to federal probation officers around the country (Meeker, 1960; Brown, 1997). In 1937, after significant growth in the system, the budding newsletter would be renamed *Federal Probation* (Meeker, 1960).

The year 1930 also saw the first federally sponsored probation training institute in Louisville at the University of Kentucky. The University's Department of Social Work, the State Division of Probation and Parole, and representatives from the federal probation system delivered the training to 32 federal officers, 38 state officers, and 7 students. A second institute was jointly organized with the National Probation Association in Connecticut and another was conducted in Minneapolis, Minnesota, in June 1931 (Flynn, 1940; Sharp, 1951). As the system began to grow in the 1930s, the federally organized training institutes that followed took place in two-year intervals in five regions of the country (Meeker, 1960). In her survey on probation training trends throughout the country, Helen D. Pigeon notes that the federally sponsored programs were among the most successful (1941).

Throughout these first decades when federal probation was still in its infancy, the preferred educational background and the core training needs to be addressed during the training institutes remained a constant source of contention. An early assessment of training by Frank T. Flynn debated the merit of university-based training versus on-the-job, apprenticeship training (1940). Correctional scholars and administrators contemplated whether probation constituted a "professional field distinctive and removed from social work" (Flynn, 1940). Evidence of the divisiveness of this issue is apparent in Flynn's comment, "more space than is available would be needed for a complete presentation of this phase of the problem, but in general the trend to accept work with delinquents as part of the field of social work is so significant among competent practitioners that further discussion seems pointless" (Flynn, 1940). Flynn recognized that despite the debate on the type of training needed, the general consensus was that probation officers should be highly trained professionals. His personal assertion was that on-the-job apprentice training was insufficient and that further specialized training was essential (1940).

A 1938 report by the Attorney General noted the growing agreement that probation officers should be equipped, trained, and competent to supervise offenders. The Declaration of the Principles of Parole, set forth at the National Parole Conference in 1939, expressed this need: "The supervision of the paroled offender should be exercised by qualified persons trained and experienced in the task of guiding social readjustment." The Attorney General called for "an initial period of training of at least four weeks and subsequent periodic instruction courses." (Summary article, *Federal Probation*, 1938). While training opportunities of this intensity and duration existed in parts of the country for state systems (Pigeon, 1941), the federal probation system did not realize

[1] This article is reprinted from the Sept. 2015 issue of *Federal Probation*, and the designations for the authors replicate those at the time of writing. Ronald Ward is now retired, and Aaron McGrath is chief of probation in the District of Alaska.

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this goal of a national, centralized training center until 1950.

Training institutes continued in the 1940s to serve as the federal probation system's chief method for administering training to newly appointed officers as well as in-service refresher training to experienced officers (Pigeon, 1941).The institutes relied on cooperation with the faculty of a host university and featured professors from the sociology, legal, and psychology departments. Guest presenters included leaders from the public health, mental health, and education fields, as well as representatives of the headquarters office. The training institutes also hosted speakers from the Federal Bureau of Prisons, the U.S. Parole Board, the U.S. Public Health Services, and the correctional programs of the military branches. The subject matter in these courses offered an extensive orientation and provided an overview of other topics such as "general social problems, the field of delinquency, specific problems in casework in probation and parole procedures, and focused attention on casework relating to behavior problems" (Pigeon, 1941).

Below is a sample two-day training agenda at one of these institutes in the late 1940s:

- Development of casework skills (8 hours)
    - Techniques of probation and parole supervision
    - Techniques of presentence investigation[2]
    - Techniques of Interviewing
    - Handling offenders with serious personality disorders
    - Planning for release from institutions
    - Case Records and Case Recording
- Information, administration, and procedures (6 hours)
- Behavior Motivation and Crime Causation (1 hours)
- Business Session for Probation Officers (1 hour) (Sharp, 1951).

In 1940, oversight of the federal probation system was transferred from the Department of Justice to the Administrative Office of the U.S. Courts. In its 1945 Annual Report, the AO identified an important goal as the "expansion of the conferences (referring to regional in-service conferences) into a more intensive and definite program of in-service training in federal probation, particularly for new officers" (Meeker, 1951). In creating such a desired training program, administrators grappled with the realization that each district applied minimum personnel standards in the way it saw fit, resulting in the appointment of staff with a wide array of knowledge and professional experience. Louis Sharp, then Assistant Chief of the Division of Probation at the AO, wrote in 1951, "it has been recognized in the federal service for some time that desirable as the regional training institutes had been, the probation service had advanced to the point where something more was needed, particularly for officers coming new into the service" (Sharp, 1951). With the growing consensus that a uniform training program was needed, the creation of a national training center was approved in 1949 by the Judicial Conference of the United States (Meeker, 1951). The District of Illinois Northern, with the support of a chief judge who advocated strongly for centralized training, led the effort to bring this idea to fruition.

The 1950s and the Creation of the Federal Probation Training Center in Chicago

With the approval of the Judicial Conference, the AO collaborated with the District of Illinois Northern and the University of Chicago to create the first Federal Probation Training Center. Illinois Northern's Chief U.S. Probation Officer, Ben S. Meeker, was named the first national training director. The first national training class was held for two weeks in May 1950 at the university. The center's staff at its inception included an assistant director, a training officer, and a secretary librarian (Meeker, 1951).

Over the next 10 years, sessions were offered monthly; a total of 100 to 150 officers were trained annually. Officers were invited to return every four years for a week of in-service training. Special training sessions were conducted for chiefs, deputy chiefs, and supervisory officers in Chicago and at the AO. The mission of the training was to help equip officers to perform their duties effectively and provide a centralized location where they could come together and share ideas. Training center staff also conducted research to improve all facets of the important work of probation officers (Meeker, 1960).

During the course of the two-week program, officers participated in classes on the history of the probation system and the probation office's relation to other court units, government agencies, and community resources. The University of Chicago provided faculty from its School of Social Service Administration in addition to inviting guest lecturers. A report on the center's early training program indicated that trainees attended brief lectures from guests from: the Social Service Exchange, the Salvation Army, the Catholic Charities, the County Welfare Department, the Mental Hygiene Clinic of the Veteran's Administration, and the National Probation and Parole Association, and figures from academia such as correctional scholar Frank T. Flynn, renowned anthropologist Dr. Margaret Mead, and psychoanalyst Dr. Karen Horney. Trainees later observed court proceedings, learned about the motivations for criminal behavior through case studies, and were taken on field trips to area agencies. The center's main cadre was made up of officer-instructors from the Northern District of Illinois and the Administrative Office, and evaluations revealed that trainees found the teaching of probation staff to be most relevant and beneficial (Meeker, 1951; Sharp, 1951).

The training center also sought to function as a hub for discussion on the best practices across the country. Training literature from a 1964 manual used by the training center summarized results from a national survey of probation officers. Among the topics included were how officers determine the frequency of home contacts, processes for verifying employment and education, confidentiality, and the need for pre-commitment counseling—a form of interview to relieve the offender's anxiety before being transported to a correctional facility to serve a sentence. The materials also highlight the methods of collecting restitution, the process of initiating violation proceedings, the treatment of probationers with addiction to narcotics, and the processes for transferring cases between jurisdictions. According to the manual, its aim was to "stimulate the further examination of specific supervision practices" (Federal Probation Training Center, 1964).

The Federal Probation Training Center in Chicago continued to operate until 1972, when the Federal Judicial Center assumed the responsibilities of training all federal probation officers.

In the 1960s, administrators continued to contemplate the core training needs of probation officers. A 1966 article in *Federal Probation* highlighted the need to change toward a more research-based approach to supervision of offenders: "Considering the magnitude of crime and delinquency in the country, and the immense resources of time, money, and talent which must be devoted to

[2] Training in the area of presentence investigations began early on, but national guidance on procedures was not publicized until 1943 when the first policy monograph was adopted.

solving or merely containing these problems, it is apparent that we are past the point where good intentions, intuition, trial and error, charismatic wizardry, or merely habit and tradition can remain the major determinants of policy and practice in the field of probation." The author stated that "the alternative is obvious: research and training" (Taylor et al., 1966).

The Judicial Conference and Administrative Office recognized the need to conduct research and dedicate more resources to education and training, but also saw the barriers to doing so at the AO and district court level. Administrators acknowledged that given the "limitations in staff, an ever-increasing volume of housekeeping functions, an overall lack of funds—and even of authority—it has been necessary for the judges themselves to devote considerable time… to the development of these programs" (Wheeler, 1966). Most research taking place at the time was conducted by universities operating within the constraints of regional and local grants.

The Federal Judicial Center

In 1967, the Federal Judicial Center (FJC or the Center) received statutory authority to conduct research and training for the judiciary and to provide guidance to the Judicial Conference of the United States. In 1971, the administration of training sessions was transferred from the Chicago Training Center to the FJC. The FJC operated the training program from the historic Dolley Madison house, the former home of the widow of President James Madison. The building also served as the headquarters of General George McClellan during the Civil War and later became the National Aeronautics and Space Administration building. The facility was located across from the White House in Lafayette Square, and officers were housed nearby at the Burlington Hotel (Huebner et al., 1997).

Newly appointed officers came to the FJC for a one-week training program, and the Center also developed programs for experienced officers, some of which were held at the Center headquarters and others conducted in each judicial district. By 1973, the Center developed training for chief probation officers, and in 1975, training expanded still further to include programs for probation officer assistants and probation clerks (Sisson, 2015).

For the first several years of the probation training at the FJC, all curricula and subsequent lesson modifications required the approval of U.S. Supreme Court Chief Justice Warren Burger. In providing training, the Center enlisted the assistance of chief probation officers and representatives from other judicial agencies. "They worked under the direction of several center staff members who had been hired for their experience with another institution that had a mandate to deliver a national training agenda—the military. The center's programs were organized, tightly scheduled and efficient" (Huebner et al., 1997). Training was delivered primarily through lecture and the use of visual aids, including a chalk board, flip charts, 16mm film presentations, and overhead transparencies. The Center also conducted in-service training for probation officers both on-site and on an exported basis. The in-service training at the center was conducted in three-year intervals (Anderson, 2015).

Following the enactment of the Speedy Trial Act of 1974, pretrial services offices were established as an experiment in 10 judicial districts, and the FJC quickly responded by establishing a training program for officers with pretrial services responsibilities (Lynott, 2015). The pretrial services component of training expanded with the 1982 signing of the Pretrial Services Act, which led to pretrial services officers being hired across the country. Pretrial Services would continue to be a part of the new officer training program.

During the 1970s the probation system tripled in size and training demands began to outgrow the facility at the Dolley Madison house. At this point most training programs were conducted in a leased federal facility near Union Station (Sisson, 2015). These programs were augmented by regional trainings.

In the late 1970s during the petroleum crisis, fuel shortages spurred FJC staff to evaluate how to use new methods of training on a national scale. Former FJC Management/Training Branch Chief Jack Sisson recalled sitting on a flight across the country and penning an idea on index cards for a new method to deliver training on a national scale. When he returned to Washington, he immediately began to create an official proposal, which was subsequently approved by Chief Justice Burger. The proposal resulted in the creation of a new training infrastructure: The development of training coordinators in 30 of the largest districts in the country. The training coordinator was responsible for organizing and facilitating training for each district's officers. After the program's efficiency and effectiveness were established early on, the program was adopted nationally and training coordinators were hired in all districts. To support an expanded training network, the FJC facilitated communication between training coordinators and FJC headquarters by sharing lesson plans, publishing training-related articles in *Federal Probation*, and creating a new national newsletter called, "What's Happening." Training coordinators were later used as adjunct faculty for regional training sessions and this concept proved to be an important, lasting change for the system (Sisson, 2015).

In 1986, the FJC entered into an agreement to use the University of Colorado's Continuing Education Center to conduct new officer and in-service training programs (Anderson, 2015). Training at this venue continued until relocation in 1989 to the Maritime Institute of Technology and Graduate Studies (MITAGS) in Baltimore, MD (Leathery, 2015; Lynott, 2105; Sisson, 2015). Training at MITAGS was expanded to two weeks and covered an array of topics, including pretrial services, presentence writing (especially useful due to the newly implemented sentencing guidelines), supervision, and courtroom testifying skills. With each new monograph issued by the AO to guide the practices of probation and pretrial services officers, the FJC provided subsequent training (Anderson, 2015). The FJC's new officer program also included a tour of the U.S. Supreme Court and, by 1993, a tour of the Administrative Office of the U.S. Courts, located in the newly-constructed Thurgood Marshall Federal Judiciary Building, which would also become headquarters to the FJC (Lynott, 2015; Siegel, 2015).

In 1995, the FJC discontinued the use of the MITAGS facilities and reduced the new officer training to one week. This remodeled orientation program concentrated on the core duties of probation and pretrial services officers and continued to provide materials to aid with in-district training. In April, 1998, the Center launched the Federal Judicial Television Network (FJTN) to provide educational and training programs throughout the judiciary, including probation and pretrial services (Buchanan, 2015).

The FJC continued to broaden its in-service training and provided "train the trainer" programs on many specialized subjects. The Center developed packaged programs in concert with subject matter experts, chiefs, managers, AO staff, and other court unit executives and trained local court staff to deliver the programs in-district. The FJC also continued to develop robust manager training

programs for supervisory and deputy chief probation officers and host chiefs conferences, which at this writing are still hosted by the FJC (Sisson, 2015; Sherman, 2015).

Another major accomplishment of the FJC was the 1992 creation of the Leadership Development Program (LDP). This program was a response to Criminal Law Committee concerns about the aging demographic of the system's leadership and the need to develop quality leaders. From its inception, the program sought to develop in its participants a personal approach to management, new skills in the area of change management, and an ability to benchmark the achievements of probation and pretrial services, broaden participants' understanding of judicial administration, and learn from the best practices of other probation and pretrial services officers across the country. Program participants complete a management practice report and an in-district project, and then apply their leadership skills in a temporary duty assignment with another district, governmental branch or agency, or a private corporation. By 2015, 865 probation and pretrial services staff had completed the program. On their paths to career advancement, many chiefs, deputies, supervisors, and senior officers have completed this important program (Siegel, 2012, 2015).

United States Sentencing Commission

With the passage of the Sentencing Reform Act of 1984, the United States Sentencing Commission was established. Before the Commission became operational, the constitutionality of the federal sentencing guidelines was challenged by over 200 federal judges. In 1987, while the debate over the guidelines was in full swing, the Sentencing Commission, in conjunction with AO and FJC staff, proceeded with training on the origin and application of the guidelines, and the FJC developed most of the materials for this training.

The training began with one judge and two probation officers from each district. To deliver most of the training, the Commission primarily relied on a probation officer (on temporary duty at the Commission) who had been previously trained on the sentencing guidelines. It was not until 1989 that the Supreme Court ruled that the guidelines were legal and must be applied in all sentencing proceedings. At that time, the Commission began to bolster its staff and expanded its guidelines training (Henegan, 2015). In 1987, the FJC incorporated the sentencing guidelines into the new officer curriculum and invited representatives from the Commission to teach these blocks of instruction (Lynott, 2015). The sentencing guidelines, presented by the Commission staff, continue to be a feature of the new officer program.

The AO's Office of Information Technology Systems

The AO's Office of Information Technology Systems Deployment and Support Division (SDSD) began training clerks and IT professionals in 1991 to use a Unix-based terminal system designed to collect quantitative data for both the Administrative Office and the probation and pretrial services offices in each district. In 2001, training conducted in San Antonio introduced officers to the newly developed, web-based PACTS case management system designed to serve as a database for maintaining client personal information, case information, case plans, and chronological case entries (chronos). In 2002, the SDSO expanded its delivery of training to include distance learning in the form of the first Electronic Learning Modules (ELMs). The training modules were posted online to accommodate the demanding schedules of the modern officer and provide time-efficient delivery of the subject matter. In 2008, interactive web-based training was introduced to support other probation-related systems, such as the Safety Incident Reporting System (SIRS), Access to LAw enforcement Systems (ATLAS), and Decision Support Systems (DSS), as well as to introduce new modules in PACTS. Since then, SDSD Probation Pretrial Services Project leads Malcolm Johns, Cindy Caltagirone, and Steve Moore have led their teams in providing training resources to continually support the essential IT systems upon which the system now relies, including iPACTS, PSX, and PACTS Gen3.

The Evolution of Officer Firearms and Safety Training

While various training programs in the federal probation and pretrial services system began around 1930, a December 1997 *Federal Probation* article written by Paul W. Brown and Mark J. Maggio noted that a review of 68 training agendas between 1938 and 1972 revealed no mention of officer safety training. Nonetheless, the November 1935 edition of "Ye News Letter," *Federal Probation*'s predecessor, included a memorial to U.S. Probation Officer Joseph Delozier of the Northern District of Oklahoma, who died from an accidental gunshot wound after he dropped a personally-owned firearm on the ground, discharging the weapon and causing a fatal injury. As Brown and Maggio would observe, "interestingly, the article reflected no concern, warning, or controversy about Delozier being armed" (Brown & Maggio, 1997). By 1990 the Southern District of Texas appears to have established the first firearms program in the federal probation system. According to a Fifth Circuit senior judge, the first probation officer in that district was appointed in 1931 and proceeded to carry a firearm. It appears that the practice continued by other officers in that district without actual legal authority to do so (Brown & Maggio, 1997).

No official authority was granted to probation officers to carry firearms until 1975, when the Judicial Conference authorized probation officers to carry firearms, with their chief's permission, in the absence of a federal statute granting that authority.

National Firearms Training Program

In September 1985, pretrial services officers were authorized by the Judicial Conference to carry firearms, subject to the same policy limitations in effect for probation officers. Also in 1985, the first national firearms training program was approved. In addition to physical training on the use of a firearm, the program included guidance on the appropriate use of firearms and officer safety. This program formed the core curriculum for all firearms training and, until issuance of the Director's Firearms Regulations for U.S. Probation and Pretrial Services Officers, served as the principal source of guidance on the safe handling and use of weapons. The national firearms training program materials approved in 1985 provided the first written guidance on the use of force (Brown & Maggio, 1997).

During the late 1980s and early 1990s, the national firearms program expanded, and the number of officers authorized to carry firearms across the nation continued to rise. The first firearms training program was implemented in 1987 when the first district firearms instructors were trained and certified in a two-week program presented by the FBI and AO instructors. The AO's Probation Division acted as the certifying agency, and the FBI conducted training exercises. By 1991, the AO's Probation Division had assumed full responsibility for the firearms training. This practice continued and various sites throughout the country were used to conduct firearms

training to certify instructors who in turn bore the responsibility of training and certifying officers in their respective districts.

Recognizing the need for alternatives to the use of lethal force, in March 1996 the Judicial Conference adopted a policy authorizing probation and pretrial services officers to purchase, carry, and use oleoresin capsicum (OC) spray, and approved the draft Safety Manual for the probation and pretrial services system (JCUS, 1996). The safety manual, which was distributed to officers in the field, included the use-of-force continuum, a model to govern self-defense responses by probation and pretrial services officers. To provide training on use-of-force considerations and defensive tactics, the AO developed instructor certification programs similar to those delivered to the firearms training programs. The FJC also provided safety training materials and FJTN programs to enhance officer safety. The AO's firearms and safety training continued until the establishment of the Probation and Pretrial Services National Training Academy.

Establishment of the Probation and Pretrial Services National Training Academy

As described throughout this writing, the role and training methods for the probation and pretrial services system have varied over the years. One goal has always been to create a national system and yet recognize the individuality of each district. It finally became evident that without a central training academy, much like other law enforcement agencies have, a national identity would not be fully recognized. In an August 2003 issue of *News and Views*, the internal newsletter of federal probation and pretrial services, an article written by the chair of the Chief's Advisory Group reported that a survey of chiefs showed overwhelming support throughout the federal probation and pretrial services system for a national training academy (Howard, 2003). Support in the federal system for a national training academy was also conveyed by AO Assistant Director John Hughes in his weekly messages (Hughes, weekly message #91). In response, the AO created a Performance Development Working Group, of which the CAG chair was a member, along with six other chiefs and staff from the AO and FJC. The working group explored possible sites for the academy and discussed curricula needs for new officers. Subsequently, the working group recommended that the AO locate the academy at the Federal Law Enforcement Training Center (FLETC) in Charleston, SC, and that the new officer program be designed as a four-to six-week training. Further, the working group recommended that the AO continue to provide firearms and safety training and related certifications at the FLETC training site.

After lengthy dialogue, the AO and the FJC reached agreement on the training roles the two agencies would occupy. These roles were outlined in an August 4, 2003, issue of *News and Views*. The article reported that with the help of the Chiefs Advisory Group (CAG), the Office of Probation and Pretrial Services (OPPS) would develop and bring into existence a national academy for new officers, and the FJC would continue its new officer orientation program until the academy was operational. At that time, the FJC would shift its resources to meet the needs of experienced officers, specialists, and all levels of supervisory staff (Chiefs Advisory Group and OPPS, 2003).

Because of the interagency partnership with the FLETC, the academy could utilize state-of-the-art facilities, trained role players, student dormitories, and supporting instructors and staff at a reduced cost to the AO. Therefore, in late 2004, funding was secured and the AO hired 12 staff, 8 probation administrators, 3 support staff, and Sharon Henegan as the first academy director. The academy staff established a mission statement to provide federal probation and pretrial services officers with the training necessary to perform their duties effectively, efficiently, and as safely as possible while upholding the integrity, values, and dignity of the federal judiciary. In January 2005, the first new officer pilot program commenced. The initial program was three weeks in length and focused primarily on firearms and safety, but included classes on ethics and officer identity, overview of the federal court system, sexual harassment, diversity awareness, lifestyle management, and non-emergency vehicle operation training.

In January 2006, the program was expanded to five weeks, adding core classes to the curriculum such as pretrial services and presentence investigations and pretrial and post-conviction supervision. In January 2007, the training was expanded to six weeks, where it remains today, excluding a nine-month period in 2015 during which training was abbreviated to four weeks to offset a lengthy backlog of new officers awaiting training.

To keep curriculum current and relevant, academy staff conduct annual reviews of all lesson plans, with the input of subject matter experts and incorporating the latest research in the fields of law enforcement, corrections, and educational teaching methodology. The training program also incorporates several electronic learning modules, live practical examinations in the form of courtroom testifying exercises, realistic field-based simulated interactions, written examinations, and other methods of student evaluation.

As the probation and pretrial services system has moved to implement the principles of evidence-based practices, the academy has sought to model this philosophy in all aspects of training. After pretrial and post-conviction risk assessment tools were developed, the academy provided stand-alone in-service training on the tools to prepare officers for certification in addition to including the tools in the new officer training program. With the emergence of core correctional practices research, the Probation and Pretrial Services Office (PPSO) developed and delivered Staff Training Aimed at Reducing Rearrest (STARR), a package of skills designed to increase the officer's effectiveness in building rapport with the defendant/offender, addressing criminal thinking with the aim of reducing recidivism. After several select districts were trained, the decision was made to move most of these training sessions to the training academy to take advantage of the many resources offered by the FLETC. Given the number of districts that have embraced the STARR training curriculum, the program will be fully integrated into the new officer curriculum in 2016. In the FLETC curriculum review conferences, it has been noted that among other law enforcement agencies, the probation and pretrial services new officer program always receives some of the highest remarks for student and subsequent supervisor satisfaction evaluations. To date, 2,562 probation and pretrial services officers have graduated from the new officer program at the academy.

Academy staff continue to deliver all firearms, safety, and search and seizure training at the FLETC campus. These comprehensive programs are designed to provide relevant and realistic experience in various training environments. These training programs are designed to certify instructors who return to their districts to oversee firearms qualification and training in these areas. The training programs provide instructor candidates with opportunities not only to improve their skill level but also to learn how to engage in teach backs to their peers.

The firearms and safety branch of the training academy also reviews curricula regularly and applies evidence-based practices in developing and updating all components of these programs. The instructors receive continued training on the latest techniques, strategies, and delivery methodologies for firearms and safety.

The following statistics show the number of officers trained in Academy programs since the NTA's inception in 2005.

- Firearms Certification programs—1678
- Safety Certification programs—1222
- Search & Seizure Training program—269
- Post-Conviction Risk Assessment program—538
- Staff Training Aimed at Reducing Re-Arrest—789

The Academy also serves as the center for the PPSO Training and Safety Division and serves as a resource on the development, evaluation, and revision of all national policy for firearms, safety, search and seizure, restraints, and Use of Force, including the update of policy documents (e.g., Director's Regulations on Firearms and Use of Force) and the oversight of firearms and safety Office Reviews and After Action plans. In addition, the Academy serves as the clearing house and communication point for firearms and safety policy-related issues.

The current academy staff is made up of an Academy Director/Division Chief, two branch chiefs (training and skills and firearms and safety), probation administrators, and instructors on long-term detail to both the AO and the FLETC.

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