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Year-in-Review Report (Fiscal Year 2004)

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[The following is taken from the Fiscal Year 2004 report of the United States Probation and Pretrial Services System. The full report, including figures 1-9 and 11, and introductory matter about the Federal Probation and Pretrial Services System, is available on the www.uscourts.gov web site.]

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NATIONAL STATISTICS— PRETRIAL SERVICES

Pretrial Services Case Activations

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

Nature of the Charge

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

Demographics

The fiscal year 2004 defendant population is 85 percent male, which represents no change from the previous fiscal year. There is minor change in the population's race and ethnicity, with white Hispanics increasing three percent and white non-Hispanics decreasing two percent. The largest percentage of defendants (23 percent) is in the 18-25-age range, with lower percentages in older age groups *Pretrial Services Supervision* Title 18 § 3142 requires judicial officers to order the release or detention of federal defendants pending trial. If a defendant is released, it is done under conditions determined to be the least restrictive necessary to reasonably assure that the defendant will appear in court for all further proceedings and not endanger the safety of any other person or the community. Among the release conditions that may be imposed is pretrial services supervision.

The Supervision Population

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

The number of defendants under pretrial services supervision is considerably lower than the number of pretrial case activations because approximately 20 percent of the defendants are

released on their own recognizance (without a condition of pretrial services supervision) and the others are detained in custody.

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

Other Alternatives to Detention

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

Pretrial Release Outcomes

In fiscal year 2004, pretrial services closed 37,749 cases of defendants who had been released to the community and their cases reached final adjudication. Of the defendants released pending trial in fiscal year 2004, the large majority appeared in court as required and was not rearrested. Eighty-six percent of those released to the community satisfactorily completed their term of supervision.

Only two percent failed to appear (FTA) for a court proceeding and two percent each were revoked because they were (a) rearrested for a new felony charge or (b) rearrested for a new misdemeanor. The release of eight percent of defendants was revoked for “technical” violations of their release conditions.

In these cases, the pretrial services officer reported to the court violations of conditions such as home confinement, refraining from drug or alcohol use, or travel conditions.

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NATIONAL STATISTICS— PROBATION

Presentence Investigations

Selection of an appropriate sentence is one of the most important decisions made in the criminal justice system. The primary tool for helping the court fulfill this responsibility is the presentence investigation report. The Federal Rules of Criminal Procedure assign the task of conducting presentence investigations to United States probation officers.

During fiscal year 2004, probation officers completed 65,860 presentence investigations for the courts, a decrease of two percent from fiscal year 2003.

Supervision

Population Size and Composition

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

Type of Supervision

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

The number of probationers decreased by two percent.

Of the offenders under supervision on the last day of the fiscal year, 70 percent were serving terms of supervised release, 26 percent were sentenced to probation, and 3 percent were on parole. Over the years, the proportion of offenders under supervision who had served time in prison increased from less than one-third in 1986 to more than two-thirds of the population in 2004. This long-standing trend in the changing nature of the supervision population reflects a combination of full implementation of the Sentencing Reform Act (effective November 1, 1987) and legislation in the mid-1980s that established mandatory minimum prison terms for many drug offenses. ² *Nature of the Offense* The distribution of offense types in fiscal year 2004 was nearly the same as that in 2002 and 2003. The largest percentage of offenders committed drug offenses and just under one-third were convicted of fraud or other property crimes. Immigration cases comprise a significantly smaller proportion of the post-conviction population than the pretrial services population—3 versus 24 percent—because many immigration defendants are deported rather than released to post-conviction supervision.

Demographics

The demographic distribution of offenders under supervision on the last day of fiscal year 2004 is essentially the same as last year's profile. The offender supervision population is 79 percent male and 50 percent white. Hispanic offenders represent a considerably smaller proportion of this population than of pretrial defendants because they are more likely than non-Hispanics to be charged with immigration offenses and thus more likely to be deported than released to supervision.

Sixty percent of the offenders under supervision were 35 or older.

Treatment Services

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

Substance Abuse: This year, 38,192 offenders—25 percent of the supervision population—received substance abuse treatment from local providers under contract to federal probation offices. Over the last year, the post-conviction substance abuse treatment population increased by 18 percent. For pretrial defendants, the substance abuse treatment population increased 12 percent.

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

Supervision Outcomes

In fiscal year 2004, 62,617 offenders were terminated from supervision, up 24 percent from the number removed in fiscal year 2003. Of these, 71 percent successfully terminated supervision (a 6 percent decrease over last year), 11 percent were terminated from active supervision or revoked due to a new offense, ³ and 18 percent were revoked for a “technical violation” of release conditions such as remain on home confinement, refrain from use of drugs or alcohol, or participate in substance abuse or mental health treatment.

National Initiatives

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

charts, at www.uscourts.gov/publications/probationyear_in_review.htm.]

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Figure 10: Number of Offenders Receiving Treatment

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

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[Evidence of Professionalism or Quackery: Measuring Practitioner Awareness of Risk/Need Factors and Effective Treatment Strategies](#)

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

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

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

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Evidence of Professionalism or Quackery: Measuring Practitioner Awareness of Risk/Need Factors and Effective Treatment Strategies

¹ The Correctional Program Assessment Inventory (CPAI) (Gendreau & Andrews, 1994) is an evaluative assessment tool used to rate the integrity of correctional programs according to six related areas (program implementation, client pre- service assessment, characteristics of the program, characteristics of staff and practices, evaluation, and miscellaneous). Because research is mounting on the relationship between program integrity and program effectiveness (see Holsinger, 1999), the CPAI is beneficial, given that its design allows program administrators to observe the areas where improvement is needed.

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Motivational Interviewing for Probation Staff: Increasing the Readiness to Change