

Rowing in the Right Direction: Movement on the Recommendations on the Strategic Assessment of the Federal Probation and Pretrial Services System

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IN DECEMBER 1998, the Judicial Conference of the U.S. Court's Committee on Criminal Law met and discussed the pressures on the probation and pretrial services system. The pressures had their roots in workload growth and new technologies and research findings that required rapid change to operations. Since there was no indication that the pressures would abate, the Committee recommended to the Administrative Office of the U.S. Courts that a strategic assessment be undertaken and a plan be developed to aid the probation and pretrial services system in navigating the challenges in the years ahead.

Shortly after, the AO began the solicitation process for outside experts with experience with strategic assessments and planning. In September 2000, the AO contracted with the team of IBM, the Urban Institute, and Wooten Associates ("the consultants"). The consultants examined scores of the system's policy and planning documents, interviewed more than 300 stakeholders, and analyzed volumes of budget, staffing, and workload data. Based on that information, the consultants issued a report in September 2004 entitled *Strategic Assessment: Federal Probation and Pretrial Services System*. In the report, they made 16 recommendations, with the central theme being that the probation and pretrial services system should "become [more of] a results-driven organization with a comprehensive outcome measurement system" (See Figure 1).

The AO set out to implement the recommendations, tackling the most feasible and those of greatest importance first. In terms of importance, in consultation with the Chiefs Advisory Group, the AO prioritized those recommendations dealing with officer safety

and post-conviction supervision, with the latter deemed most associated with public safety and representing the largest component of the system's work. That focus has since been expanded to include pretrial services supervision, with plans to include presentence reports and pretrial services reports in the near future.

Overall, considerable progress has been made in implementing the recommendations of the consultants. The AO's most significant achievement has been the creation of an automated system that independently obtains and interprets criminal records on persons under, and formerly under, supervision. The ability to collect and standardize arrest records from hundreds of federal, state, and local agencies had never been successfully done before, and the development of a study cohort of nearly 400,000 persons for a six-year period is equally unprecedented.

The rearrest data made available by the system has assisted in the development of the pretrial and post-conviction risk assessment devices ("PTRA" and "PCRA") and helped determine the impact of the AO's program entitled Staff Training Aimed at Reducing Rearrest (STARR). The rearrest data also helped confirm that Judicial Conference policies on earlier termination have not compromised community safety.

The rearrest data is shared with individual courts for their specific populations. The reports are posted in another application created by the AO called the Decision Support System ("DSS"), which has "business intelligence" and operational reporting functionality so districts can better gauge trends related to their outcomes. Relatedly, the AO has supported data quality efforts to ensure that the

information relied on by the districts is accurate and timely.

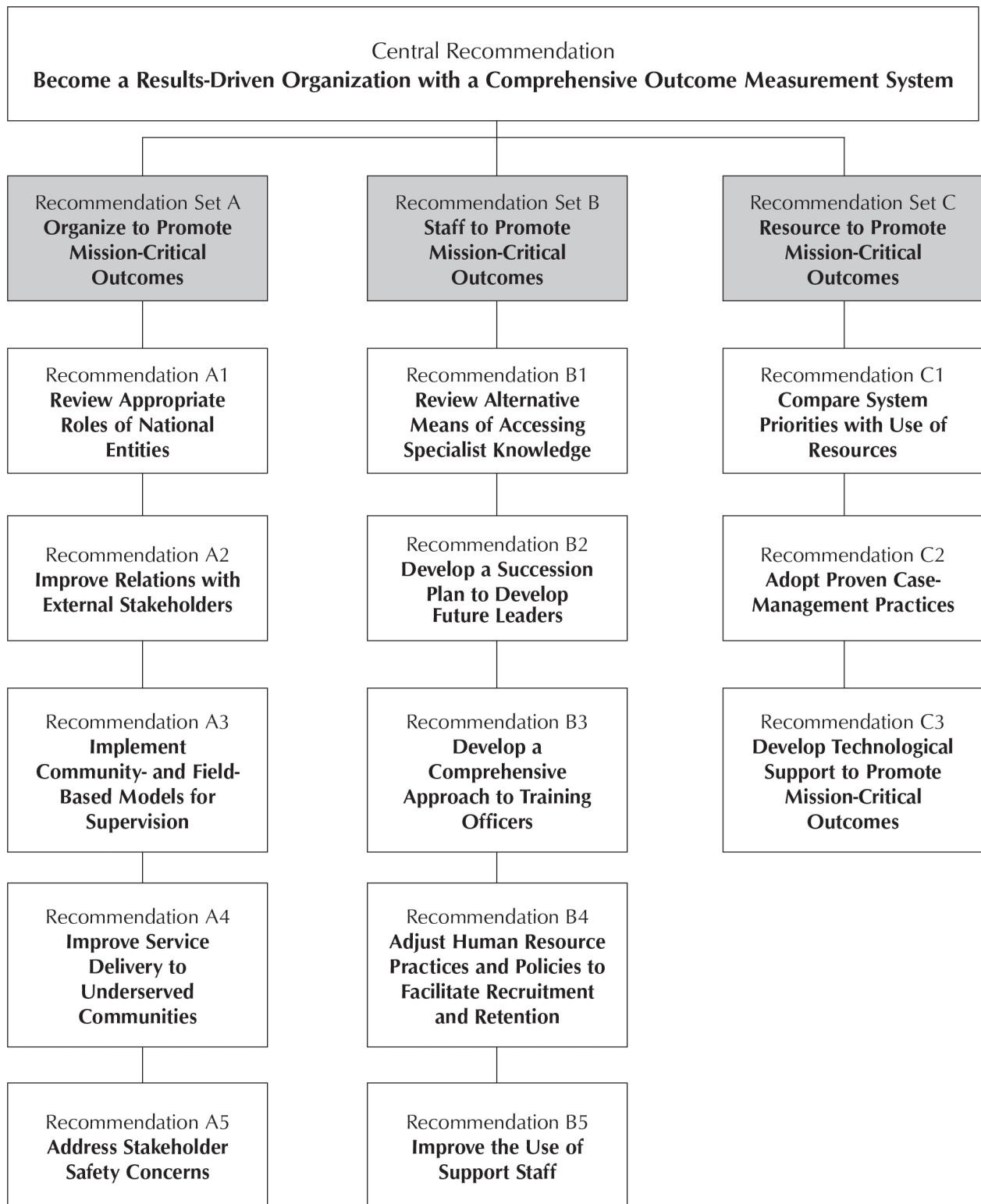
Another major accomplishment for the AO has been the establishment of a National Training Academy that provides new officers with core skills and safety training. When the consultants made their recommendations, new probation and pretrial services officers received less than one week of national training, and the curriculum did not include safety or firearms training. Now, new officers receive six weeks of comprehensive training that encompasses both operational and safety issues. The Academy, which is located in Charleston, South Carolina, also certifies district-based firearms and self-defense instructors to ensure the quality of ongoing safety training once new officers return to their districts. More recently, the Academy courses have been expanded to include training on the use of actuarial risk instruments, recidivism reduction, and safe enforcement of court-ordered search and seizure conditions.

While the AO has increased its investment in core skills and safety training for officers, the Federal Judicial Center has focused on helping courts with leadership development and succession planning, areas that the consultants had found lacking.

Also consistent with the consultants' recommendations, various policies and procedures have been revised to be more "evidence-based." Most of the revisions relate to prioritizing resources for the higher-risk and tailoring supervision activities to the specific criminogenic risk factors presented by the individual in that higher-risk population.

Based on the consultants' recommendations, the AO has also developed and

Figure 1: Recommendations Overview



supported a variety of technologies to make officers more mobile and in turn more effective and efficient. A number of other efforts were made to consolidate systems and generally make technology more of a tool, rather than an administrative record-collection system that provided no direct benefit to officers.

Other recommendations from the consultants have become less urgent or even unnecessary temporarily, if not permanently, because of changing circumstances. For example, the sluggish economy since 2008 and downsizing in the courts have made the issue of staff retention less pressing. Still other issues have not yet been worked on due to staffing and funding limitations. For example, improvements in supervision services to historically underserved communities, such as those in Indian country, have not been adequately addressed.

Below (Attachment A) is a more detailed account of the action taken on the various recommendations.

Attachment A: Recommendations and Actions Taken

Central Recommendation: Become a Results-Driven Organization with a Comprehensive Outcome Measurement System

1. Accomplished: Policy guidance has been modified to identify specific and measurable desired outcomes.
2. Accomplished: Performance baselines have been established, or are in the process of being established, in all major program areas. They include pretrial release rates for defendants at low actuarial risk of nonappearance or criminal activity, timeliness of presentence reports, and rearrest rates of persons under supervision and satisfaction of fines, restitution, and other special conditions.
3. Accomplished: Independent measures of outcomes have been developed through arrest records from other agencies and case processing times from clerks' office records.
4. Pending: Development of various measures, including user satisfaction, for pretrial services and presentence reports may commence this year, funding permitting. The results of user satisfaction surveys can be coupled with process measures already in place to determine the

impact of current policies, procedures, and practices.

5. Pending: Using existing baseline data, establish specific performance goals in each subject area.

Recommendation A1: Review Appropriate Roles of National Entities

1. Accomplished: All key partner agencies participate in the Committee's biannual meetings, the U.S. Sentencing Commission, the Department of Justice, Bureau of Prisons, and the Federal Judicial Center.
2. Accomplished: There are a variety of Memorandums of Understanding (MOUs) between the AO and key partner agencies clarifying roles, expectations, and mutual goals.
3. Accomplished: Ongoing meetings between AO staff and staff from all key partner agencies help manage day-to-day affairs and ensure efficient operations of the federal criminal justice system.

Recommendation A2: Improve Relations with External Stakeholders

1. Accomplished: Provided electronic directories and data exchange systems to improve the flow of information between the courts and Bureau of Prisons to speed inmate designations and facilitate prisoner reentry back into the community.
2. Accomplished: Entered into MOUs with the U.S. Marshals Service and the Bureau of Prisons, respectively, to fund alternative to pretrial detention and to supervise low-risk inmates in the community, substantially reducing detention and incarceration costs.
3. Accomplished: Developed the electronic Law Enforcement Notification System (LENS) to notify federal, state, and local law enforcement of information on defendants and offenders as required by the Violent Crime Control Act and various other regulations.
4. Accomplished: Maintain membership on the Federal Reentry Round Table with various federal criminal justice partners to improve prisoner reentry and identify effective alternatives to incarceration.
5. Accomplished: Maintain membership on the Federal Offender Reentry Group (FORGe), linking reentry points-of-contact in the courts with the reentry coordinators in every BOP institution.
6. Accomplished: Established a pretrial outreach effort with prosecutors, defense

attorneys, and judges to share strategies for reducing unnecessary pretrial detention.

7. Accomplished: Established court liaisons to serve as points-of-contact with the Bureau of Prisons and the Federal Bureau of Investigation on matters related to defendants and offenders affiliated with gangs, organized crime, and terrorist groups.

Recommendation A3: Implement Community- and Field-Based Models for Supervision

1. Accomplished: National policy has been revised to specifically provide for field-based supervision, including field activities during non-traditional business hours, such as evenings, weekends, and holidays.
2. Accomplished: Incorporated field-based scenario training for new officers at the national training academy.
3. Accomplished: The AO's office review process has been revised to specifically include assessment of the fieldwork conducted by each probation and pretrial services office, with results of the assessment being reported back to the chief judge of the district.
4. Accomplished: Developed national reports tracking field-based supervision activities, broken down by risk level and other client characteristics. Since release of those reports, field activity commensurate with client risk level has increased on a national level.
5. Accomplished: The judiciary has established a dedicated fund for courts to purchase and maintain mobile technologies to support field-based supervision activities.
6. Accomplished: Created or modified computer applications for officers to access case information remotely or otherwise facilitate officers' fieldwork: the Probation/Pretrial Document Imaging Module (PDIM) in PACTS, Access to Law Enforcement Systems (ATLAS), the Law Enforcement Notification System (LENS), the Electronic Reporting System (ERS), and the Offender Payment Enhanced Report Access (OPERA) system.

Recommendation A4: Improve Service Delivery to Underserved Communities

1. Accomplished: The AO has joined chiefs from several districts with large Native American and juvenile offender populations to develop strategies to address their unique treatment needs. To date, most of

those strategies have been carried out at the local level.

2. Accomplished: The AO has provided programs, such as Staff Training Aimed at Reducing Rearrest, to districts with historically underserved communities. In addition, districts have trained officers in Motivational Interviewing and Cognitive Behavioral Therapy to render treatment directly to defendants and offenders when outside treatment providers are unavailable.
3. Pending: The AO will investigate the possibility of using “tele-treatment” for defendants and offenders in remote locations or where treatment would be otherwise unavailable.

Recommendation A5: Address Stakeholder Safety Concerns

1. Accomplished: Established a National Training Academy, leveraging the considerable resources of the Federal Law Enforcement Training Center in Charleston, South Carolina. The Academy offers a comprehensive safety program that includes a six-week training program for new officers that embeds firearms and safety training in overall officer skill instruction. In addition, the Academy certifies, and cyclically re-certifies, instructors for each district who provide standardized in-house training and testing on safety and firearms issues. Academy staff also review each district’s safety and firearms program and provide technical assistance upon request.
2. Accomplished: Developed a national Safety Information Reporting System (SIRS) to collect data related to safety incidents involving officers and district staff to understand the degree to which work is affected by safety issues. Data is tracked over time to identify trends and modify policies, procedures, and training accordingly.

Recommendation B1: Review Alternative Means of Accessing Specialist Knowledge

1. Accomplished: Based on the recommendation of the Committee, the Conference has endorsed seeking legislation that would make it easier for an officer with special skill sets in one district to perform services for another district. For example, officers with expertise in computer forensics can consult more freely with officers in other districts who supervise cyber-offenders

and can aid in computer monitoring and searches.

2. Accomplished: Judicial Conference policy was changed to allow court units to reprogram funds across districts in connection with voluntary shared services arrangements, allowing for shared specialist positions between districts.

Recommendation B2: Develop a Succession Plan to Develop Future Leaders

1. Accomplished: With the AO focused more on new officer, safety, and operational training, the FJC has dedicated its resources to management and leadership training for experienced officers and managers that facilitates the development of future system leaders.
2. Accomplished: At their own expense, and coordinated by the Chiefs Advisory Group, chief probation and pretrial services officers hold two to three meetings a year to discuss administrative matters. The chiefs specifically decided to include their duties in the meetings to ensure a better flow of information and development of future leaders, calling the meetings Chiefs and Deputies Administrative Meetings (CDAMs).

Recommendation B3: Develop a Comprehensive Approach to Training Officers

1. Accomplished: A National Training Academy was established by the AO at the Federal Law Enforcement Training Center in Charleston, SC. The Initial Probation and Pretrial Training program (IPPT) was designed as a basic training program for newly-appointed federal probation and pretrial services officers. This six-week, 228-hour program comprises classroom training, laboratory training, practical exercise, and electronic learning models.
2. Accomplished: The National Training Academy developed a formal method of curriculum review based on current position descriptions and program data to ensure that training provided is both relevant and effective. In addition, the Federal Law Enforcement Training Center conducts an assessment of the effectiveness of new officer training, and most recently awarded the training program the highest possible rating.
3. Accomplished: The AO developed Staff Training Aimed at Reducing Rearrest

(STARR) to help officers formally incorporate evidence-based techniques into their interactions with defendants and offenders. To date, 980 officers have been trained from 38 districts.

4. Pending: Initial research has shown STARR’s effectiveness at recidivism reduction. However, the system still needs to develop the means to gauge retention and use of STARR skills by officers and a more formalized process to certify STARR instructors and coaches. In addition, follow-up research is needed to confirm that STARR has remained effective and test possible revisions based on emerging community corrections theory.

Recommendation B4: Adjust Human Resource Practices and Policies to Facilitate Recruitment and Retention

1. No Action: Since the consultant’s recommendation, financial pressures have required a downsizing of probation and pretrial services staff. Buyouts, early-outs, and even lay-offs have taken precedence over recruitment and retention.

Recommendation B5: Improve the Use of Support Staff

1. No Action: Since the consultant’s recommendation, the number of support staff has decreased by 56 percent, the result of both financial pressures and greater automation. With the reduction in support staff, no action has been taken on this recommendation.

Recommendation C1: Compare System Priorities with Use of Resources

1. Accomplished: Consistent with the Criminal Law Committee’s strategic resourcing philosophy, the AO made changes to the staffing formula that supports the prioritization of supervision on the defendants and offenders who pose the greatest risk to the community. Defendants and offenders with the greatest risk of recidivism (as measured by actuarial risk prediction instruments) and with the greatest criminogenic needs receive a greater proportion of allocated staffing funds. Similarly, funding priority is reserved for the most complex and influential bail and presentence investigations.

Recommendation C2: Adopt Proven Case-Management Practices

1. Accomplished: Based on the Committee's recommendation, the Conference has approved policy revisions for post-conviction supervision that incorporate "evidence-based practices." Program and office reviews conducted by the AO now focus on districts' application of those practices.
2. Accomplished: The AO has put in place a structure to encourage officers to use the evidence-based practices embedded in Staff Training Aimed at Reducing Rearrest (STARR).
3. Accomplished: In 2010, the AO began an initiative called Research-to-Results. This initiative encouraged 16 districts to implement practices that research indicates are effective at reducing recidivism. The AO provided limited funding to districts that

provided a compelling justification for their proposed best practice.

Recommendation C3: Develop Technological Support to Promote Mission-Critical Outcomes

1. Accomplished: The AO developed the Decision Support System (DSS), an enterprise data warehouse specifically for probation and pretrial services. DSS allows system leaders at the AO and in each district to monitor statistics on the volume and nature of cases at the national, circuit, district, and officer levels. DSS provides at a glance key outcome and process measures, such as rates for rearrest and revocation, employment, and collection of fines and restitution.
2. Accomplished: The AO created an automation infrastructure that allows it to study and report to stakeholders on its

most important outcome: protection of the community by minimizing criminal activity during supervision and beyond. An electronic file suitable for sophisticated statistical analysis is maintained on all offenders who began supervision in fiscal year 2005 to the present. This file, which contains arrest information from official state and federal criminal records coupled with comprehensive data on offender, district, and community characteristics, represents over 400,000 offenders. The AO is actively working on a counterpart data file for persons who are investigated and supervised by pretrial services.

3. Pending: Additional modifications are still needed to the Probation and Pretrial Services Automated Case Tracking System (PACTS) to secure more uniform data on noncompliance, revocations, and certain case planning and intervention activities.