

THE U.S. PROBATION AND PRETRIAL SERVICES SYSTEM

WHAT IT IS

The U.S. Probation and Pretrial Services System is a part of the federal judiciary. The system's mission is to investigate and supervise defendants and offenders. U.S. probation and pretrial services officers provide these services. Their core responsibilities—investigation, report preparation, and supervision—are explained briefly below.

INVESTIGATION

Officers investigate defendants and offenders for the court by gathering and verifying information about them. Pretrial services officers investigate defendants who are charged with federal crimes and awaiting a court hearing. Probation officers investigate offenders who are convicted of crimes and awaiting sentencing, as well as those who are serving a term of supervision after release from prison.

REPORT PREPARATION

Officers prepare reports that the court relies on in making decisions. These are pretrial services reports that help the court decide whether to release or detain defendants while they are waiting for trial and presentence investigation reports that help the court impose fair sentences for offenders in accordance with federal sentencing guidelines and applicable federal law. Officers also prepare other reports for the court, including reports that address individuals' adjustment to supervision and their compliance with conditions of release.

SUPERVISION

Officers supervise defendants and offenders in the community and in doing so reduce the risk these persons pose to the public. Pretrial services officers supervise defendants released pending trial. Probation officers supervise offenders conditionally released on probation by the court or on parole or supervised release after they are released from prison.

Officers intervene with a variety of strategies aimed at maximizing defendant and offender success during

the period of supervision. These strategies include techniques both to control and to correct the behavior of persons under supervision to help ensure that these individuals comply with the conditions of release the court has set for them and remain law abiding. As part of risk control—and by order of the court—officers may direct defendants and offenders to services that help them stay on the right side of the law. These services include substance abuse or mental health treatment, medical care, training, or employment assistance. Treatment providers under contract to the U.S. courts provide many of these services. Social service resources provided by state programs also are used.

HISTORY

Congress laid the foundation for probation first. The Federal Probation Act of 1925 established a probation system in the U.S. courts and gave courts the power to appoint probation officers and to place defendants on probation. The Administrative Office of the U.S. Courts assumed responsibility for the probation system in 1940.

Pretrial services came along more than 50 years after probation as the means to reduce both crime committed by persons released to the community pending trial and unnecessary pretrial detention. The Pretrial Services Act of 1982 authorized implementation of pretrial services nationwide.

SOME FACTS AND FIGURES

— There are **94** U.S. district courts nationwide, which include the U.S. territories. U.S. probation and pretrial services offices are located in **93** of them. (Probation and pretrial services for the District of the Northern Mariana Islands are provided by the District of Guam.)

— **37** of the districts have both a probation and pretrial services office. In **55** of the districts, probation and pretrial services are combined in one office headed by a chief probation officer. In one district, the District of Columbia, only the probation office is part of the federal probation and pretrial services system.

– Within the districts, U.S. probation and pretrial services offices are established in more than **500** locations across the country.

– More than **8,100** officers and support employees (including automation, personnel, budget, procurement, and clerical employees) staff these locations and make up the system.

– Congress annually appropriates funds for the federal judiciary, and the system’s budget is part of that. This funding is used to pay employee salaries and support various programs for defendants and offenders—substance abuse testing and treatment, mental health treatment, and home confinement with electronic monitoring.

DISTRICT-TO-DISTRICT VARIATIONS

The system shares a mission and functions as a single entity in many ways, but some characteristics vary district to district. Here are some examples:

– **Number of officers.** The number of officers on board in each district depends on the district’s workload. Some districts have fewer than 10 probation and pretrial services officers. Others have more than 200. Just because a district is large geographically does not mean that it has more officers. For instance, the District of Alaska covers 568,000 square miles while the District of Rhode Island covers just 1,200 square miles. Both have about the same number of officers.

– **Workload.** Officer workload is not the same in every district. Sometimes efforts on the part of law enforcement—the Department of Justice—generate increases in arrests, for instance, for drug and immigration crimes. Such action can dramatically increase criminal filings in a given district and impact the workload of judges and officers alike.

Nationally, in fiscal year 2002, federal probation and pretrial services officers supervised almost 186,000 defendants and offenders and conducted more than 156,000 investigations. The chart on this page gives more national workload statistics.

– **Rural/urban differences.** Working as a probation or pretrial services officer in a big city is considerably different than doing that same job in a rural or sparsely populated area. Officers working in less populated areas sometimes must travel long distances to fulfill their supervision responsibilities. They may have access to fewer resources than their urban counterparts do, especially for substance abuse or mental health treatment and employment assistance. On the other hand, officers in metropolitan areas often must carry out their supervision duties in high-crime areas.

SYSTEM ADMINISTRATION

Unlike many federal agencies, the U.S. probation and pretrial services system is not centralized. Local administration is in the hands of chief probation officers and chief pretrial services officers, who are directly responsible to the courts they serve. These chiefs do their own hiring, manage their own budgets, and retain considerable autonomy to run their offices.

Two national entities oversee and support the system. The **Judicial Conference of the United States**, presided over by the Chief Justice, includes a group of committees that sets policy for the courts. The Judicial Conference’s Criminal Law Committee focuses expressly on probation and pretrial services issues.

The **Administrative Office of the U.S. Courts** carries out the Judicial Conference’s policies and provides the courts with a broad range of administrative, management, and program support. The Administrative Office’s Office of Probation and Pretrial Services reviews the work of probation and pretrial services offices, develops system policies, and supports system programs.

U.S. PROBATION & PRETRIAL SERVICES SYSTEM (as of 9-30-02)

Persons Under Supervision in the Community

Convicted Offenders	108,792
Pretrial Defendants	26,282
Total Supervised	135,074

Types of Supervision (post-sentence)

Number on Supervised Release	73,189
Number on Probation	31,272
Number on Parole	3,014

Special Conditions

Home Confinement/Electronic Monitoring

Convicted Offenders	2,623
Pretrial Defendants	1,933

Substance Abuse Treatment

Convicted Offenders	35,763
Pretrial Defendants	8,009

Mental Health Treatment

Convicted Offenders	12,339
Pretrial Defendants	2,222

Investigations Conducted

Presentence Investigations	63,256
Pretrial Services	91,314

Office of Probation and Pretrial Services
Administrative Office of the U.S. Courts
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PROBATION OFFICERS

Did you know?

In the 94 federal judicial districts nationwide, U.S. probation officers play an integral role in the administration of justice.

U.S. probation officers constitute the community corrections arm of the federal court system.

U.S. probation officers provide to the court two important services: *investigation* and *supervision*.

U.S. probation officers make an important contribution to the federal criminal justice process. Simply stated, their mission is to investigate and supervise offenders whom the courts have conditionally released to the community on probation, parole, or supervised release. By serving as the court's fact-finder, controlling the risk offenders may pose to public safety, and providing offenders with correctional treatment, officers help ensure that persons previously convicted of crime choose a law-abiding lifestyle rather than further criminal behavior. Their responsibilities require them to work not only with federal judges and other court professionals, but with U.S. attorneys, defense attorneys, Federal Bureau of Prisons and U.S. Parole Commission officials, state and local law enforcement agents, treatment providers, and community leaders. Officers deliver services that benefit the court, the community, and the offender. Their primary duties are briefly described below.

1. The officer conducts a presentence investigation, gathering and verifying important information about the offender and the offense.

By order of the court, the officer makes a thorough investigation—a presentence investigation—into the circumstances of the offense and the offender's criminal background and characteristics. The officer gathers information in two ways: by conducting interviews and by reviewing documents. The cornerstone of the investigation is the interview with the offender, during which the officer inquires about such things as the offender's family, education, employment, finances, physical and mental health, and alcohol or drug abuse. The officer also conducts a home visit to assess the offender's living conditions, family relationships, and community ties and to detect alcohol or drugs in the home.

Besides interviewing the offender, the officer interviews other persons who can provide pertinent information about the offender and the offense, including the defense counsel, the prosecutor, law enforcement agents, victims, the

offender's family and associates, employers, school officials, doctors, and counselors. The officer also reviews various records and reports, including court records, financial records, criminal history transcripts, probation/parole/pretrial services records, birth/marriage/divorce records, school records, employment records, military service records, school records, medical records, and counseling and treatment records. The officer verifies the information gathered, interprets and evaluates it, and presents it to the court in an organized, objective report called the presentence report.

2. The officer prepares a presentence report that helps the court determine the appropriate sentence.

The presentence report contains information about the offense, the offender, the impact of the offense on the victim, and sentencing options under the federal sentencing guidelines. It also includes information about the offender's ability to pay fines and restitution. The primary purpose of the report is to provide information that enables the court to impose a fair sentence that satisfies the punishment, deterrence, and corrective goals of sentencing. The officer considers applicable statutes and the federal sentencing guidelines, applies them to the facts of the case, and comes up with a recommended sentence and a justification for it.

Because the presentence report is so crucial to the sentencing process, it must be accurate and distinguish between information that is verified and unverified and between fact and opinion. The presentence report not only helps the court choose an appropriate sentence, but provides important information to help with the following:

' Federal Bureau of Prisons - Choosing the institution where the offender will serve the sentence. Selecting prison programs that will help the offender. Making the offender's release plans.

' U.S. Sentencing Commission - Providing information useful for monitoring sentencing guidelines application. Providing information useful for research.

' U.S. Probation Officer Supervising the Offender - Assessing the risk the offender poses. Assessing the offender's needs.

3. The officer recommends the conditions under which offenders are released to the community.

The officer proposes conditions of release in the presentence report. These conditions help structure the offender's movement and behavior in the community. They address many areas of the offender's life, including personal,

financial, and health issues. The court imposes two kinds of conditions: standard and special. Standard conditions apply to all offenders. For example, they forbid the offender to commit another federal, state, or local crime; require the offender to report as directed to the probation officer; and prohibit the offender's use of alcohol or drugs. Special conditions give the officer the authority to administer additional sanctions and provide correctional treatment and address specific risks the offender may present to himself or herself, others, and the community in general. For example, special conditions may require the offender to serve a period of home confinement, undergo drug testing or treatment, or disclose financial information.

When supervision begins, the officer assigned to supervise the offender fully explains the conditions of release and the consequences of not complying with them. The offender receives a written statement that sets forth the conditions.

4. The officer supervises offenders in the community to make sure they comply with court-ordered conditions of release.

Officers supervise, or monitor, all offenders conditionally released to the community by the federal courts, the U.S. Parole Commission, and military authorities. Community supervision gives officers the means to carry out the court's sentence and to accomplish offender rehabilitation and public safety goals.

Officers hold weighty public safety responsibilities. In supervising offenders, officers use risk control techniques designed to detect and deter criminal behavior. Such techniques include verifying employment, verifying income sources, monitoring offenders' associates, requiring offenders to undergo drug testing, and restricting offenders' travel. Also, if necessary, officers ask the court to modify the supervision conditions to provide for home confinement, financial disclosure, or other conditions to reduce risk. Supervision begins with assessing the offender, identifying potential supervision problems, and making a supervision plan. Assessment is a determination as to the potential risk the offender poses and affects the amount of personal contact the officer has with the offender. The supervision plan identifies the offender's problems and how to resolve them. Problems are those circumstances that limit the offender's ability or desire to comply with supervision and that directly affect the offender's ability to complete supervision successfully. Examples of such problems—and supervision plans to address them—are shown in the chart on this page.

Officers periodically evaluate offenders' responses to supervision and revise supervision plans as necessary. Officers keep informed of the conduct and condition of offenders throughout supervision; help them improve, consistent with the court's order; and keep records of supervision activities. Offenders who do not comply with supervision conditions face sanctions ranging from reprimand to revocation proceedings. The most serious violations include violations for new criminal conduct, violations that compromise public safety, and absconding from supervision.

Supervision problem	Supervision plan
The offender is unemployed and on welfare. She has moved four times in the past year. Her two children are having problems at school.	Refer the offender to a community agency that will teach her a marketable skill. Make two personal contacts per quarter to require her participation in the job program.
The offender has several convictions for drunk driving and assault and battery where the complainant was his wife.	Make twice monthly personal contacts with the offender and his wife to see if the offender is drinking and how he interacts with his family. Check with his employer to see if alcohol abuse is affecting his attendance or performance. Refer him for an evaluation to determine alcohol abuse.
Offender is a known gang member with a history of drug trafficking.	See the offender twice a month at his home or his job to monitor his activities. Check regularly with the police department's intelligence division to see if the offender is associating with known criminals. Thoroughly investigate any requests by the offender to travel outside the district.

5. The officer controls the risk offenders may pose to themselves and others by providing correctional treatment to help offenders become productive members of the community.

Officers provide correctional treatment that helps offenders live law-abiding lives. These are activities designed to rehabilitate offenders by changing behavior that contributes to criminality and to reintegrate offenders into the community. Correctional treatment encompasses many services, including drug or alcohol treatment, mental health treatment, educational or vocational training, medical care, and employment assistance. The officer's job is to locate and use community resources to address offender needs in these areas or to arrange for services.

6. The officer uses special skills, works with particular caseloads, and takes on specialized responsibilities to further investigation, supervision, and officer safety goals.

Some officers hold specialist positions or perform special duties that require certain skills or expertise. Experience, on-the-job training, and training received from outside sources prepare officers for such positions. For example, drug and alcohol treatment specialists closely supervise drug- or alcohol-dependent offenders, require them to undergo drug testing and treatment, and arrange for appropriate treatment such as detoxification or counseling. Mental health treatment, home confinement, community service, sentencing guidelines, financial investigation, employment, and firearms are some other specialty areas.