

Court & Community

An information series about U.S. Probation and Pretrial Services

The U.S. Probation and Pretrial Services System

A Vital Part of the Judiciary

The U.S. Probation and Pretrial Services System is a vital 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 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 or following a sentence of probation.

Report Preparation

Officers prepare reports that the court relies on in making decisions. Pretrial services reports help the court decide whether to release or detain defendants while they are awaiting trial. Presentence investigation reports 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 who are sentenced to a term of probation by the court or who are 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

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 a 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.

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 to assist them. 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 and local programs also are used.

Part of Each District Court

There are 94 U.S. district courts nationwide, which include the U.S. territories. U.S. probation and pretrial services offices are located

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in 93 of them. (Probation and pretrial services for the District of the Northern Mariana Islands are provided by the District of Guam.) Some districts have both a probation and pretrial services office. In other districts, probation and pretrial services are combined in one office. In one district, the District of Columbia, only the probation office is part of the federal probation and pretrial services system.

District-to-District Variations

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

Number of officers. Just because a district is large geographically does not mean it has more officers. The number of officers on board in each district depends on the district's workload.

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.

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 Funding and Administration

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.

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. In the Administrative Office, the Office of Probation and Pretrial Services reviews the work of probation and pretrial services offices, develops system policies, and supports system programs.

The Position of Officer

U.S. probation and pretrial services officers are federal law enforcement officers. Law enforcement officers are defined at 5 U.S.C. § 8401(17) as employees whose duties are primarily “the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.” As federal law enforcement officers, U.S. probation and pretrial services officers are subject to hazardous duty retirement and must retire when they reach age 57.

The officer's job presents a unique set of demands and challenges. It may entail considerable mental and physical stress. In investigating and supervising persons who may present a threat to the officers themselves or to the public, officers face potential danger daily. In some districts, officers are allowed to carry firearms on duty. Officers also have access to sensitive information. The system has put in place an officer integrity program to help ensure



that persons who apply for officer positions—and officers already performing the job—are fit to serve. The program includes:

- › Background investigations for officer job applicants and periodic reinvestigations for officers who are on the job.
- › Workplace drug testing conducted randomly and when chiefs suspect that officers may be using illegal drugs.
- › Medical standards that require medical examinations for officers as a condition of employment and also when the chief believes that an officer's performance or conduct is affected by a medical or psychological condition.



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Benefits of Supervision

In the federal courts, supervision is a way to monitor the actions and behavior of defendants and offenders released to the community. These persons are either awaiting trial, on probation, or on parole or supervised release after serving time in prison. U.S. probation and pretrial services officers provide supervision by carrying out duties to help ensure that persons under supervision obey the law and comply with the conditions set for their release. These duties include visiting defendants and offenders at home and at work, checking on their attendance at court-ordered drug or mental health treatment, and much more.

Supervision yields benefits for the community, for the courts, and for the defendants and offenders who come before the courts. A significant benefit is that supervision provides a cost-saving alternative to jail or prison. Supervision also potentially makes the community safer and the lives of defendants and offenders better. The actual cases presented here illustrate some of the many benefits of supervision.

Supervision protects the public by reducing the risk that persons under supervision will commit future crimes.

Mental health counseling, which included a polygraph examination to gauge the danger the offender posed to the community, revealed that an offender on supervised release in the Eastern District of Tennessee for transmitting pornography on the Internet was stalking an eight-year-old girl. The child's family was notified, the offender received treatment to address the problem, and a potential sexual assault was averted.

In the Southern District of Ohio, the probation office helped ensure community safety by dedicating considerable resources to the intensive supervision of one offender, a confirmed anti-abortionist convicted in two federal courts of damaging or conspiring to damage abortion clinics. A team of officers worked together to supervise the offender, who lived in a remote area, restricting the man's travel, monitoring his associates, and mobilizing to verify his whereabouts every time abortion clinics or their staffs were targets of violence. The offender completed his supervision without incident.

Supervision gives officers the means to enforce conditions ordered by the court, such as those requiring persons to perform community service or pay fines and restitution.

Twenty-one offenders in the Middle District of Florida, each ordered by the court to perform community service, participated in a week-long project in Ocala National Forest, which was coordinated by the probation office. The offenders' efforts resulted in numerous improvements to the park and saved thousands of taxpayer dollars.

The group cleared and dug trails, laid sod, installed tile in restrooms, and hung lighting. These were improvements that probably would not have been made otherwise because of lack of funds.

In the Eastern District of Wisconsin, a probation officer's rigorous enforcement of the conditions of supervision compelled one offender—a businessman who had embezzled from his employees' pension funds—to give back to his victims what he had taken.

Despite the offender's protests that he did not have money to pay restitution, the officer's scrutiny of the offender's affluent lifestyle and his questionable commingling of business and personal finances revealed otherwise. As a result of the officer's efforts, the offender paid \$40,000, the balance of restitution owed.

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Supervision may provide substance abuse treatment to enable defendants and offenders to cope without relying on drugs or alcohol.

Desperate to hide her drug use and beat the drug testing that the court required her to undergo, a defendant on pretrial supervision in the Eastern District of North Carolina ingested a homemade drug-masking agent that contained bleach. She was lucky to survive.

The woman's pretrial services officer, working with contract counselors, arranged to place her in an inpatient drug treatment

program, where she responded well to treatment.

To support her and her boyfriend's cocaine habits, a teller embezzled bank funds. The woman, who was from a stable, middle-class family and who had not used drugs until she met her boyfriend, was placed in a diversion program, rather than jail, in the Northern District of Ohio.

Pretrial services enrolled the woman in a drug treatment program—which she successfully completed—and put her in touch with a support group for women in abusive relationships. She was able to leave her boyfriend, who had threatened her constantly.

Supervision may provide educational or vocational training that boosts defendants' and offenders' capacity to earn a living.

A woman came to the probation and pretrial services office in the Eastern District of Texas with multiple problems: depression, a history of drug use, and illiteracy. The court ordered mental health treatment and participation in a literacy program as conditions of the woman's supervision.

Working with a contract treatment provider, the pretrial services officer had the woman evaluated for both depression and dyslexia, helped her find an appropriate educational program, and arranged for individual counseling.

Supervision . . . potentially makes the community safer and the lives of defendants and offenders better.

A defendant who was arrested in the Northern District of Ohio for distribution of heroin and possessing a firearm during the commission of a crime had a 13-year heroin addiction and spoke no English. He withdrew from heroin while in detention and then was placed in residential treatment.

The probation office located a community group that serviced the area's small Hispanic population, and the group was willing to translate for the man and give him English lessons. His English improved immensely. He transferred to an independent living program, received individual counseling, and attended weekly Alcoholics Anonymous and Narcotics Anonymous meetings. He also got a job for the first time in his life.

As an alternative to incarceration, supervision allows individuals to live with their families, hold jobs, and be productive members of society.

In spite of a strong recommendation for detention from the assistant U.S. attorney, a defendant who was from the Eastern District of North Carolina but arrested in New York City was placed in a halfway house at the pretrial services officer's recommendation. That way, he could work to support his wife and children.

During supervision, he got a job, sent money home to his family, and contributed toward his subsistence cost at the halfway house. He complied with all conditions of release and did so well on supervision that eventually he was allowed weekend visits with his family at the home of relatives nearby.

While awaiting sentencing for trying to rob a bank by calling in a bomb threat, a single mother of three in the Northern District of Ohio was able to hold a job, remain sober, and continue caring for her children with the help of an intensive outpatient substance abuse program and psychological counseling arranged for by the pretrial services office.

Supervision may provide mental health treatment to enable defendants and offenders to function better in the community.

Intensive supervision by the probation officer has kept an offender in the District of Delaware stable for nine months now, the most time the individual has been stable without hospitalization since age 13.

Released after serving a sentence for mailing threatening communications, the offender—a schizophrenic with a history of substance abuse and violence—had no job, no home, and no relatives. The officer found him temporary shelter and arranged for the probation office to pay for the medication that allowed the man to function.

Quick action to arrange for emergency psychological counseling and halfway house placement most likely prevented the suicide of an offender who was on supervised release in the Middle District of Florida. His wife had left him, he was living in a hotel, and he had been robbed of his savings when he got drunk, got a gun, and called his probation officer to apologize for disappointing her. The officer kept him talking, tracked him down, and provided immediate assistance.



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Probation Officers

In the 94 federal judicial districts nationwide, U.S. probation officers play an integral role in the administration of justice. Probation officers serve as the community corrections arm of the federal court system. They provide to the court two important services: investigation and supervision.

U.S. probation officers make an important contribution to the federal criminal justice process. 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 obey the law rather than commit further crime.

Officers' responsibilities require them to work not only with federal judges and other court professionals, but with U.S. attorneys, defense attorneys, 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.

Investigation

By order of the court, the officer conducts a presentence investigation, gathering and verifying important information about the offender and the offense. 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, 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, birth/marriage/divorce records, school records, employment records, military service 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.

Report Preparation

The officer prepares a presentence report that 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 report's primary purpose 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 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

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must distinguish between verified and unverified information and between fact and opinion.

The presentence report not only helps the court choose an appropriate sentence, but provides important information that is useful to other agencies.

Information in the report helps the Bureau of Prisons choose the institution where the offender will serve the sentence, select prison programs to help the offender, and make the offender's release plans. The information also helps the U.S. Sentencing Commission monitor sentencing guidelines application and helps the U.S. probation officer assigned to supervise the offender assess the risk the offender poses and the offender's needs.

Special Skills and Responsibilities

Some officers use special skills, work with particular caseloads, and take on specialized responsibilities to further investigation, supervision, and officer safety goals. Experience, on-the-job training, and training from outside sources prepare officers for specialist positions.

For example, drug and alcohol treatment specialists closely supervise drug- or alcohol-dependent offenders, require them to undergo drug testing, 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.

Conditions of Release

The officer recommends conditions of release in the presentence report. These are the conditions under which the court releases the offender to the community. Conditions address many areas of the offender's life—including personal, financial,

Supervision

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 address public safety and offender rehabilitation goals.

Supervision begins with assessing the offender, identifying potential supervision problems, and making a supervision plan. The officer assesses the potential risk the offender poses, which affects the amount of personal contact the officer has with the offender.

The supervision plan addresses the offender's problems and how to resolve them. Problems are any circumstances that limit the offender's ability or desire to complete supervision successfully.

In supervising offenders, officers hold weighty public safety responsibilities. They use risk control techniques designed to detect and deter criminal behavior. Such techniques include verifying offenders' employment and income sources, monitoring their associates, restricting their travel, and requiring them to undergo correctional treatment.

and health issues—and help structure the offender's movement and behavior.

The court imposes two kinds of conditions: mandatory and discretionary. Mandatory 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.

Discretionary conditions give the officer the authority to administer additional sanctions and provide correctional

Correctional treatment is key to controlling the risk offenders may pose and to helping them change behavior that contributes to criminality. 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.

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. If necessary, officers ask the court to modify the conditions to provide for home confinement, financial disclosure, or other conditions to reduce risk.

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.

treatment to address specific risks the offender may present to himself or herself, others, and the community in general. For example, they 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.



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Community Service

A Condition Set by the Court

What is community service? Community service is unpaid work by an offender for a civic or nonprofit organization. Public libraries, soup kitchens, recycling centers, literacy programs, conservation programs, and senior citizen centers all are likely recipients of community service.

In the federal courts, community service is not a sentence but a special condition of probation or supervised release. In preparing a presentence report, on which the court relies in choosing a fair sentence, the probation officer may recommend that the court require community service.

The court requires that the offender complete a specified number of hours of community service within a given time frame. For corporations—and sometimes for individuals—the court may designate a particular task to be completed rather than a certain number of hours to be worked. Businesses may be required to donate their employees' time and skills to community service projects.

The Officer's Role

Probation officers play a vital role in making community service work. They work closely with the community organizations in which offenders are placed and with the offenders themselves.

Officers seek agencies that are willing to take on offenders, to supervise them adequately, and to provide them with sufficient and suitable work. The agencies must be nonprofit, tax exempt, and not politically partisan. They must serve a valid need in the community. Officers make certain that agencies

know how community service works and what it requires of them.

The officer's task is to assign to the community agency a responsible individual who can provide valuable services. In matching the offender to the agency, the officer's top consideration is the court's sentencing objective. Is the community service intended primarily to be a punishment, or is it more to help the offender develop job skills?

Then the officer considers the offender's interests and abilities, as well as any potential stumbling

Valuable Services

A work crew spends a week in a national forest, clearing trails and constructing campsites.

A college student cares for and feeds autistic and wheelchair-bound children at a school for the disabled.

A construction company builds a dike in a state wildlife refuge that has been ravaged by floods.

A homemaker delivers meals to senior citizens and shut-ins at home.

A heavy equipment operator grades roads, plows snow, and bulldozes sanitary landfill on an Indian reservation.

Employees of a software design company teach computer skills to middle school students in a low-income neighborhood.

None of them get paid. They are neither volunteers, Good Samaritans, nor community activists. They are people—and businesses—convicted of crimes and ordered by the court to perform community service.

blocks, such as a conflict with the offender's work schedule, child care problems, or a lack of transportation.

The officer meets with the offender and the agency to discuss expectations, confirm the work schedule and duties, and answer questions. The officer periodically visits the agency to monitor the offender's service and also resolves any problems. The officer also informs the court of the offender's progress—or lack of it.

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The Benefits

Community service is a flexible, personalized, and humane sanction, a way for the offender to repay or restore the community. It is practical, cost-effective, and fair—a “win-win” proposition for everyone involved.

Community Service Gives Offenders—

- › A sanction that is less restrictive than prison.
- › A sanction that allows them to meet their job and family commitments.
- › The chance to give something back to society and to help others.
- › An opportunity to get work experience, job skills, and references.
- › A boost to their self-esteem.

Community Service Gives the Community—

- › Free labor.
- › Services that oftentimes would not be available because of lack of funding.
- › Saved taxpayer dollars that would otherwise go for prison costs.
- › The chance to participate in the correctional process.
- › An opportunity to change negative perceptions about offenders.

Community Service Gives Victims—

- › A sanction that makes tangible demands on offenders.
- › The satisfaction of knowing that offenders did not evade responsibility for their crimes.

Community Service Gives the Courts—

- › A fair and cost-effective sanction.
- › A sentencing alternative that serves sentencing goals.

Who Participates?

With a careful selection process, courts can use community service successfully with a wide spectrum of offenders: corporations and individuals, first offenders and recidivists, the indigent and the affluent, juveniles and senior citizens.

Success depends on the offender’s ability to accept the community service obligation and see it through.

Not every offender is a good candidate for community service. Persons who present a threat to the community—such as those with a current drug or alcohol addiction, a history of assault or sexual offenses, or serious

emotional or psychological problems—are not eligible to participate. Courts look for offenders with personal and social stability, who are willing and motivated, and who have no history of violence.

Success depends on the offender’s ability to accept the community service obligation and see it through. Sometimes, though, offenders do not comply with their community service order. If an offender is often late or absent, performs unsatisfactorily, or behaves unacceptably, the officer takes action. The offender may face sanctions ranging from a reprimand to revocation of supervision.

Goals of Community Service

Community service addresses the traditional sentencing goals of punishment, reparation, restitution, and rehabilitation:

Punishment. Community service adds a punitive measure to probation. It restricts offenders’ personal liberty and requires them to forfeit their leisure time.

Reparation. Community service allows offenders to atone or “make the victim whole” in a constructive way.

Restitution. Community service may be regarded as a substitute for financial compensation to individual victims or a form of symbolic restitution when the community is the victim.

Rehabilitation. Community service fosters a sense of social responsibility in offenders and allows them to improve their self-image through serving the community. It also instills a work ethic and helps offenders develop interests and skills.



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Employment for Persons Under Supervision

A Key to Successful Supervision

Employment is a standard condition the court sets for a person's release to the community. The condition requires that the person under supervision work at a lawful occupation unless excused by the officer for school, training, or other acceptable reasons.

Providing persons with the means to earn a living wage is a key to success during the period of supervision and beyond. Research suggests a significant link between employment and a positive supervision outcome. Research also suggests that as income increases, likelihood of failure decreases. People who are gainfully employed are less likely to commit crime. They are more likely to pay any fines and restitution ordered by the court. They are more likely to support themselves and their families and pay taxes.

The Challenge of Finding and Keeping a Job

Finding and keeping a job may be a challenge for someone who either has been convicted of a crime and is reentering the community after serving time in prison or who has been charged with a crime and is awaiting trial.

The obstacles these individuals may face are numerous and complex. They may lack the education or skills required to get a job. They may find that the law bars them from holding a particular job because of their criminal record. They may lack the decision-making and conflict-resolution skills necessary to keep a job.

Low intellect or mental disability may hamper their ability to perform in the workplace. Their communities may offer only limited employment opportunities.

Employers may be reluctant to hire them because of their criminal backgrounds and lack of work experience. Employers may not be willing to offer them flexibility in their work schedules to satisfy the conditions the court set for their release, such as obligations to meet with their officers, get treatment, or appear in court.

These individuals may object to the constraints of supervision and lack motivation to change. They may

Gainfully Employed

Alberta is a high school dropout serving a term of supervised release for aiding and abetting money laundering. With the help of a job coach and a job-readiness program, she gets a commercial driver's license and lands a position as a municipal bus driver—a significant improvement over her previous fast-food jobs.

Philip, a former police officer, is on supervision for distribution of cocaine. Attending school with the help of a vocational rehabilitation program, he finds work as a carpenter apprentice and regains the means to support his family.

U.S. probation and pretrial services officers supervise persons like Alberta and Philip who are released to the community by the federal courts and the U.S. Parole Commission.

Officers protect the community by reducing the risk that these persons will pose a threat to society. They monitor the activities and behavior of these individuals and direct them to services in the community to help them. Ensuring that these persons find and keep a job is an important part of what officers do.

be struggling with complicated circumstances in their lives, including substance abuse or poor health. They may be without the means to fulfill the basic needs—such as food, housing, transportation, and child care—they would need to address before taking on a job.

Despite the considerable challenges, many persons under supervision want to turn their lives around. They have supportive

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families and friends and goals for a better future. Fortunately for these individuals, many employers are willing to give them a chance and help them get back on their feet—as long as they are reliable, willing to learn, and willing to work hard.

The Officer's Role

As part of their duties, officers keep tabs on the employment-related activities of persons under supervision and make sure they use the resources available to them.

Officers verify the job-seeking efforts of these persons. They make sure that the jobs these persons take do not present temptation or opportunity to commit crime and thus pose a threat to other people or the community (such as a convicted embezzler taking a job in a bank). Officers also verify that persons under supervision are working by contacting these individuals at their job sites, reviewing their pay stubs, and keeping in touch with their employers.

Officers also look for any warning signs that employment is not going well. Does the person fail to report for work on time or at all? Lose jobs or change jobs frequently? Maintain a lifestyle inconsistent with his or her income? If so, officers step in, investigate, and address any problems.

All of the officer's supervision activities are designed to increase the chance that the person under supervision will complete supervision successfully. If these individuals are to meet family and financial obligations, pay taxes, and stay on the right side of the law, employment is vitally important.

Officers truly can make a difference by helping people find meaningful employment—not just any job, but a job that fits their abilities and enables them to live as productive members of the community.

Resources and Assistance

A critical part of the supervision duties of officers is to build relationships with people in the community who can help persons under supervision find and keep jobs.

Officers develop partnerships with a wide spectrum of organizations and individuals who can help with employment and related needs. These include federal agencies, community nonprofit and faith-based organizations, local and state employment and education services, local chambers of commerce, and employers.

Community resources are invaluable in preparing persons under supervision for the workforce. They provide an array of services, bear the costs of these services, and address many different needs. These resources provide the following services and more:

- › Assess talents, skills, and interests.
- › Provide job training and career guidance.
- › Conduct workshops to address how to search for a job, prepare a resume, fill out a job application, dress for an interview, and answer questions about criminal history.
- › Offer literacy programs that teach how to read and write English.
- › Provide case management and follow-up services to boost job retention.
- › Assist with basic needs, including clothing, transportation, health care, and child care.

Officers join forces with city and state authorities to sponsor job fairs for persons on supervision. They team up with employment specialists at Federal

Bureau of Prisons halfway houses to address employment before persons are released from prison and collaborate with the Bureau of Prisons and the U.S. Department of Labor to help inmates transition from prison to the community through placement in vocational and apprenticeship programs.

Officers truly can make a difference by helping people find meaningful employment. . . .

Officers conduct job readiness training to supplement services provided by community resources. To prepare persons under supervision for employment, they coach them in how to make informed decisions about job opportunities, educational and training requirements, licensing and bonding requirements, working conditions, and career paths. They also work with employers to explain the advantages of hiring persons under supervision, such as state tax incentives and the federal bonding program.

Tools and training improve officers' ability to help persons under supervision with employment. Officers use the Internet to visit job banks and to find job openings, details about careers, and labor market information. They keep informed of changes in technology and business practices and shifts in demands for goods and services. They develop resource guides with helpful information about education, employment, housing, community services, and financial assistance. Some officers take workforce development training to become better at matching individuals with job opportunities.



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Home Confinement

Arrested and charged with possession of a controlled substance with intent to distribute, William, a 30-year-old man with a history of substance abuse, awaits his “day in court,” which is 3 months away.

Meanwhile, William must remain at home, except for a few select activities. During the week, he leaves the house for his job as a welder at precisely 7 a.m. and returns home no later than 5 p.m. He attends a 7 p.m. meeting of Narcotics Anonymous at the local library every Thursday. He grocery shops at 2 p.m. every Saturday and goes to church—always attending the 10 a.m. service—every Sunday.

William is not just on a rigid schedule, he is under home confinement. Instead of sending him to jail, the court decided to release him to the community on the condition that he remain at home, except for certain approved activities. An ankle bracelet worn 24 hours a day can electronically monitor his presence in his home, or a Global Positioning System (GPS) tracking device can monitor his location in the community.

A Supervision Tool

Home confinement is a tool that helps U.S. probation and pretrial services officers supervise, or monitor, defendants and offenders in the community. In the federal courts, home confinement is not a sentence in and of itself but may be a condition of either probation, parole, supervised release, or pretrial release.

A person placed under home confinement is confined to his or her residence, usually linked to an electronic monitoring or GPS system, and required to maintain a strict daily activity schedule. When the person is allowed to leave home,

and for what reasons, is determined case by case.

Home confinement’s purpose depends on the phase of the criminal justice process in which it is used. In all cases, it is a means to restrict a person’s activity and to protect the public from any threat the person may pose.

In pretrial cases, home confinement is an alternative to detention used to assist in ensuring community safety. In post-sentence cases, home confinement is used as a punishment, viewed as more punitive than regular supervision but less restrictive than imprisonment.

Courts may use home confinement as a sanction for persons who violate the conditions of their supervision. Also, the Bureau of Prisons may use it for inmates released to serve the last part of their sentence under the supervision of U.S. probation officers.

A person placed under home confinement is . . . usually linked to an electronic monitoring or GPS system.

The home confinement program in the federal courts has three components or levels of restriction. *Curfew* requires the program participant to remain at home every day at certain times. With *home detention*, the participant remains at home at all times, except for pre-approved and scheduled absences, such as for work, school, treatment, church, attorney appointments, court appearances, and other court-ordered obligations.

Home incarceration calls for 24-hour-a-day “lock-down” at home, except for medical appointments, court appearances, and other activities that the court specifically approves.

Home confinement benefits the courts in that it costs much less than incarceration. Moreover, courts may order persons placed under home confinement to pay all or part of monitoring costs. Home confinement also enables defendants and offenders to continue to contribute to the support of their families and pay taxes.

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The Officer's Role

Close supervision by officers is a crucial component of the home confinement program. Supervision helps deter further crime, ensure the safety of the community, and bring order to the defendant or offender's life.

Officers monitor program participants to ensure that they are working, maintaining a stable living arrangement, and not engaging in prohibited behavior such as substance abuse. Officers also check monitoring equipment at least monthly to make sure that it is working and to look for signs of tampering.

The officer's job is demanding, time-consuming, and sometimes dangerous. It requires frequent phone calls to make sure participants are adhering to their approved schedules; frequent unannounced, face-to-face visits; and 24-hour, 7-day response to alerts from monitoring centers.

Who Participates?

Officers screen defendants and offenders to determine eligibility for home confinement. Certain categories of serious or repeat offenders are not recommended to participate.

Prior criminal record, history of violence, and medical and mental health conditions and needs are factors that officers carefully consider. Previous failures on supervision, risk to the public, third-party risk (such as previous incidents of domestic violence in the household), and the person's willingness to participate also are considerations.

With electronic monitoring, the residence and telephone service also influence the decision. The cooperation of all occupants of the home is essential. The person in the household who subscribes to phone service must be willing to allow the phone to be used for electronic monitoring purposes, which places restrictions on access to the phone and on special features such as call waiting.

Success or Failure?

For persons placed under home confinement, how well they comply with the conditions set expressly for them determines whether they succeed. Post-conviction participants who comply with program rules may be eligible to use earned leave. Earned leave is a privilege that allows participants to be away from home for a set time period for approved activities.

Program participants who do not comply with the conditions of their supervision

may face sanctions ranging from reprimand, to loss of earned leave privileges, to revocation proceedings. The most serious violations include violations for new criminal conduct, violations that compromise public safety, and absconding from supervision.

Violations that concern the home confinement program in particular include not adhering to the approved leave schedule, going to an unapproved location or activity, and tampering with equipment.

Electronic Monitoring and GPS

In most cases, U.S. probation and pretrial services officers use electronic monitoring or GPS technology in supervising persons placed under home confinement.

With electronic monitoring, the individual wears a tamper-resistant transmitter on the ankle or wrist 24 hours a day. The transmitter emits a radio frequency signal that is detected by a receiver/dialer unit connected to the home phone. When the transmitter comes within range of the receiver/dialer unit, that unit calls a monitoring center to indicate that the person is in range or at home. The person must stay within a specified distance of the receiving unit to be considered in range.

While electronic monitoring detects and reports the time a person enters and exits his or her home, GPS makes it possible to actually monitor the person's whereabouts in the community. With GPS, the individual is required to carry a tracking device.

The Administrative Office of the U.S. Courts contracts with monitoring companies to provide equipment and around-the-clock electronic and GPS surveillance to U.S. probation and pretrial services offices nationwide.

The monitoring centers provide daily reports that document program participants' activities 24 hours a day. They also track all key events and report them promptly to the officers who supervise persons on home confinement. Key events include equipment tampering, unauthorized absence from home, failure to return home after an authorized absence, and leaving home early or returning home late.

Key events also may be triggered by equipment malfunctions and loss of electrical power or phone service. Participants must notify officers immediately if they lose electrical power or phone service, if they remove the transmitter because of an emergency, or if they experience any problems with the monitoring equipment.



Court & Community

An information series about U.S. Probation and Pretrial Services

Mental Health Treatment

A Supervision Tool

Mental health treatment is a tool that helps U.S. probation and pretrial services officers supervise or monitor defendants and offenders in the community. Treatment, which includes services such as psychological/psychiatric evaluations; individual, family, or group counseling; and medication, is provided to persons who suffer from mental health problems. These persons either are under pretrial supervision while awaiting a court appearance, on probation, or on parole or supervised release after serving time in prison. Treatment is ordered either by a U.S. district court or the U.S. Parole Commission as a condition of releasing defendants and offenders to the community.

Mental health treatment provides officers with the ability and means to identify, assess, and provide care for defendants and offenders with mental disorders.

Treatment helps officers enforce the conditions imposed by the court or Parole Commission, control the danger defendants and offenders with mental health problems may pose to society, and promote law-abiding behavior. For defendants under pretrial supervision, treatment helps officers reasonably assure that these persons appear in court and that society is protected from potential harm.

Mental health treatment helps defendants and offenders in many ways. It helps them address issues that may have led to their problems with the law. More importantly, it puts in motion strategies aimed at stabilizing them so they do not present a danger to themselves or others. Thus, treatment maximizes

public safety and the person's potential for living and functioning effectively in the community.

What is a Mental Health Problem?

A defendant or offender is considered to be suffering from some form of mental disease or defect when the individual's behavior or feelings deviate so substantially from the norm as to indicate disorganized thinking, perception, mood, orientation, and memory. Mental health disease or defect may range from the mildly maladaptive to the profoundly psychotic and may result in:

- › Unrealistic thinking.
- › Marked inability to control impulses.

- › Grossly impaired judgment.
- › Aberrant behavior.
- › An inability to care for oneself or meet the demands of daily life.
- › A loss of contact with reality.
- › Violence to oneself or others.

What these individuals may suffer from ranges from anxiety and depression to more chronic disorders such as bipolar disorder, schizophrenia, or pedophilia.

Treatment maximizes public safety and the person's potential for living and functioning effectively in the community.

Identifying Mental Health Problems

Officers identify persons with mental health problems in various ways. Individuals may come to the probation or pretrial services office already diagnosed with a mental health disorder. Or, officers may identify these persons through information in case files, interviews with the individuals and their families and friends, or consultation with mental health professionals.

An important consideration in identifying persons with mental health problems is whether they also are substance abusers. These types of cases include individuals suffering from co-occurring disorders and require officers to develop supervision plans that address both problems.

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A Supervision Challenge

Supervising persons with mental health problems can be very difficult. Compared to the average defendant or offender, the individual with mental health challenges routinely needs more intensive monitoring, often requires specialized or individualized treatment, and potentially may be more dangerous if he or she has a prior history of violence, suffers from a psychotic or substance abuse disorder, or fails to take prescribed medications.

In supervising these individuals, the officer refers the person to a mental health program that provides appropriate services. The officer makes sure the person understands—to the extent possible—the treatment plan and the requirements of supervision.

Officers must remain especially patient and flexible with persons with mental problems in that their ability to respond to supervision requirements may be hampered by cognitive impairments, delusions, or side effects from medication. Officers also must remain especially observant and respond immediately to any signs of danger, such as suicide threats, or any indications that the person is not taking medication or is withdrawing from everyday life.

Because of the complexity of these cases, the U.S. probation and pretrial services system has designated some of its officers as mental health specialists. More often than not, these specialists have a background in mental health and, in some cases, are licensed/certified clinical social workers, psychologists, or professional counselors.

The mental health specialists are skilled in identifying individuals with mental health challenges, brokering community treatment services, and working with treatment providers.

Providing Treatment

Licensed/certified psychiatrists, psychologists, or masters-level counselors, clinicians, and other professionals in the community provide treatment under an agreement with the United States courts. These treatment providers meet the standards of practice established by their state's professional regulatory board.

The Director of the Administrative Office of the U.S. Courts, under 18 U.S.C. § 3672, has the authority to “contract with any appropriate public or private agency or person for the detection of and care in the community of . . . a person suffering from a psychiatric disorder . . .” Blanket purchase agreements or purchase orders are awarded through a competitive process.

The officer serves as coordinator of treatment services, matching the defendant or offender with appropriate treatment providers, monitoring the person's progress in and compliance with treatment, controlling procurement funds,

and overseeing the various treatment providers.

No single treatment approach will help every person who requires mental health treatment. To be able to address defendants' and offenders' individual needs, officers must solicit for various services, including:

- › Psychological/psychiatric evaluation and testing.
- › Individual, group, and family counseling.
- › Sex offense-specific individual or group therapy for sex offenders.
- › Sex offense-specific evaluations for sex offenders.
- › Polygraph and other physiological testing for sex offenders.
- › Substance abuse counseling.
- › Medication.
- › Transportation to and from treatment facilities.
- › Emergency financial assistance for food or clothing.
- › Clinical consultation between officers and mental health professionals to discuss supervision issues.

Success or Failure?

Often, officers try various treatment approaches. They use a graduated sanctions approach to give individuals an opportunity to comply with the conditions of release the court has set. These efforts are not always successful,

however, particularly if the person is severely mentally ill, fails to take medications, and poses a potential threat to the public. In these cases, officers may initiate court proceedings to determine the most suitable plan for the individual.



Substance Abuse Treatment

A Supervision Tool

Substance abuse treatment is a tool that helps U.S. probation and pretrial services officers supervise, or monitor, defendants and offenders in the community.

Treatment, which includes urine testing and services such as counseling and detoxification, is provided to persons who abuse illegal drugs, prescription drugs, or alcohol. These individuals either are on probation, on parole, on supervised release after being in prison, or on pretrial supervision while waiting to appear in court. Treatment is ordered either by the U.S. district court or by the U.S. Parole Commission as a condition of releasing these persons to the community.

For officers who supervise substance abusers, treatment provides the means to directly address these individuals' alcohol or drug abuse and to control their behavior. Treatment is key to enforcing the conditions set for their release, ensuring that they choose to obey the law rather than commit crime, and controlling the danger they may pose to the community.

In the case of persons under pretrial supervision, treatment also helps the officer reasonably assure that these persons return to court as required rather than fleeing.

Ideally, treatment yields benefits for substance-abusing defendants and offenders. It can motivate them to abstain from drugs or alcohol and teach them to cope without using these substances. It can reduce the risk that they will commit future crime—for instance, that they will resort to robbery or assault to support their drug use.

It can influence them to become productive members of society rather than a drain on community resources.

A National Program

The U.S. probation and pretrial services system's Substance Abuse Treatment Program (SATP) provides the framework for supervising

persons with drug problems. Administered by the Administrative Office of the U.S. Courts since 1979, the SATP is a national program that guides probation and pretrial services officers in identifying and treating substance abusers. The program's goal—to promote abstinence from drugs—is achieved through close supervision, drug testing, and appropriate treatment.

In 1983, the U.S. probation and pretrial services system created substance abuse specialist positions to provide intensive supervision to substance abusers. This step allowed districts to set up specialized caseloads to meet the demands these particular cases generate.

Specialists are senior officers whose job is to manage the SATP in their offices. They oversee contract treatment services to ensure that contractors deliver the services required. They may supervise a caseload or may just monitor contracts. They serve as experts in confronting substance abuse and intervening to provide appropriate treatment and train and direct their fellow officers in substance abuse matters.

Identifying Substance Abuse

Officers identify substance abuse in various ways. Defendants or offenders may simply tell their officers that they have a substance abuse problem. Repeat offenders may have been identified previously as drug users. Or officers—who are trained to look for the physical and behavioral signs of substance abuse—may determine that a person has a problem.

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Officers may identify these persons through information in records and reports (including information from state and local law enforcement agencies), interviews with the individuals and their families, or drug testing.

Officers may detect substance abuse in observing defendants and offenders at work, at school, and in the community. For instance, during home visits, officers look for alcohol, drug contraband, and other evidence of substance abuse. Also, officers may use formal evaluations and testing methods to screen for substance abuse.

An important consideration in identifying substance abusers is whether they also suffer from mental health problems. These types of cases require officers to develop supervision plans that address both problems.

Success or Failure?

For persons required to undergo testing and treatment, how well they comply with the conditions set expressly for them determines whether they successfully complete supervision.

In the U.S. probation and pretrial services system, national policy sets minimum standards for the number of specimens and counseling sessions required monthly. If specimens are negative and counseling sessions go well, however, the number of urine collections and sessions required decreases over time. The treatment process, with its gradually decreasing requirements, takes about a year to complete.

If substance abuse continues despite treatment, revoking supervision may be in order. While officers should try any viable treatment approaches before initiating revocation, substance abusers must face the consequences of their actions. If they continue to submit positive specimens, fail to give specimens, give adulterated specimens, or otherwise fail to comply with court-ordered treatment, officers report such noncompliance to the court.

Testing

Urinalysis is an important component of substance abuse treatment. Surprise collection and testing of urine samples gives officers an effective means to detect drug use and determine whether persons under supervision have refrained from using drugs. Testing usually is unscheduled or random. The person being tested has less than 24 hours' notice that a specimen will be collected.

The Administrative Office of the U.S. Courts contracts with laboratories to test urine specimens for the presence of drugs or their metabolites. The laboratories routinely test for five major categories of drugs: opiates, cocaine, amphetamines, phencyclidine, and marijuana.

The laboratories also provide specimen collection supplies to probation and pretrial services offices, perform tests to confirm positive test results, and furnish expert testimony or affidavits for court proceedings.

In addition to the services provided by the contract laboratories, officers use other means to test for substance abuse. Some probation and pretrial services offices have on-site urine testing equipment. Some use hand-held drug testing kits. Some use the sweat patch, a band-aid-like device that tests perspiration for the presence of drugs. To test for alcohol, officers use breathalysers.

Treatment

Treatment is sometimes provided directly by officers. But most often, it comes either from community programs that provide services at no cost to the federal government or from treatment providers who are under contract to the United States courts.

Treatment provides the means to address . . . alcohol or drug abuse and to control . . . behavior.

The Director of the Administrative Office of the U.S. Courts, under 18 U.S.C. § 3672, has the authority to “contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict, or a drug-dependent person. . . .”

Treatment providers nationwide provide substance abuse services under contracts awarded through a competitive

process. The substance abuse specialist coordinates treatment services, matching the defendant or offender with appropriate treatment providers, monitoring the person's progress in and compliance with treatment, controlling treatment and testing funds, and overseeing the various treatment providers.

No single treatment approach will help every person. To be able to address defendants' and offenders' individual needs, officers require access to various types of treatment. For that reason, contractors provide a full range of services, including intake assessments; individual, group, family, and intensive outpatient counseling; physical examinations; detoxification; psychotherapy; and psychological/psychiatric work-ups. Contractors also may provide substance abuse prevention and relapse prevention programs and vocational testing, training, and placement.

