

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

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[The following article, reprinted from the March 1997 issue of *Federal Probation*, marks the conclusion of the series of historical articles on the federal probation and pretrial services system that we have been running in honor of this anniversary year for our system.]

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

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

Skepticism concerning the effectiveness of the rehabilitation model and indeterminate sentencing was already growing in 1975, but few could have foreseen the sweeping changes brought about by the enactment of the Comprehensive Crime Control Act of 1984. The virtual replacement of rehabilitation by a "just deserts" model and the phasing out of parole marked a definitive end to an era which began with such optimism for the

ideals of "human reclamation." Now, sentencing guidelines and mandatory minimum sentences set the tone and the probation officer-as-caseworker role no longer predominates. While the pendulum yet may swing back from crime control to individualized treatment, the system has undergone a profound transformation. The repercussions of it may be with us for years to come.

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

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

Where once there was a simple officer/clerk dichotomy there is now a variety of officer specialties to match the growing

complexity of the work, including sentencing guidelines, substance abuse treatment, mental health treatment, and electronic monitoring. Decentralization of personnel and financial management from the Administrative Office of the U.S. Courts to the individual courts has given rise to a variety of administrative support specialties as well, including budget and fiscal reporting, procurement, property management, personnel administration, accounting, and contracting.

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

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

## Selected Milestones in the History of the System

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

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

## 1975

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

*Mandatory Retirement*—At its March 1975 meeting, the Judicial Conference approved guidelines for exempting U.S. probation officers from mandatory retirement when, in the judgment of the Director of the Administrative Office of the U.S. Courts and the chief judge of the district, such exemption is in the public interest. Factors to be considered were the benefits to the government, the degree of difficulty in replacing the employee, and the need for the employee to perform essential service in a time of emergency. Exemptions were limited to one year at a time. This action

followed Public Law 93-350, enacted July 2, 1974, which made significant changes to the special provisions for the retirement of law enforcement officers including probation officers. One of the changes—to be effective January 1, 1978—required mandatory separation of an employee eligible for retirement on the last day of the month in which he becomes 55 years of age or completes 20 years of service if then over the age. The age for mandatory separation was increased to 57 in 1990.

## 1976

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

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

## 1977

*Guide to Judiciary Policies and Procedures*—The Administrative Office of the U.S. Courts introduced a new system for presenting policies and procedures for the day-to-day operation of the judiciary. The new manuals,

each covering a specific area (judicial conduct, bankruptcy, and federal public defenders, for example)—was to replace bulletins and memoranda as a means by which Administrative Office divisions disseminated policy to the courts. The October 17, 1977, issue of *News and Views* informed readers that probation officers would receive only two volumes of the Guide—Volume 1, the Administrative Manual, and Volume X, the Probation Manual.

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

## 1978

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

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

legal developments including passage of the Victim and Witness Protection Act of 1982.

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

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

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

## 1979

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

## 1980

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

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

## 1981

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

## 1982

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

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

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

*GAO Report/Federal Parole Practices: Better Management and Legislative Changes Are Needed*—In July 1982 the General Accounting Office (GAO) issued a report on its review of the Parole Commission and the parole decision-making process. The review revealed that major improvements were needed, not

only within the Commission, but also within those components of the judicial and executive branches of the federal government that provide information to the Commission for its use in rendering parole decisions. GAO conducted the review because of the controversy within Congress over whether parole should be abolished or continue to be part of the federal criminal justice system.

## 1983

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

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

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

## 1984

*Comprehensive Crime Control Act of 1984*—The Act resulted in many changes in the federal criminal justice system, a number of which had both immediate and long-range

impact upon the specific duties and overall scope of the job of U.S. probation and pretrial services officers. It brought about major revisions to the law in many areas including bail, sentencing, criminal forfeiture, youthful offenders, treatment of offenders with mental disorders, and the insanity defense. A “legislative update” in the October 9, 1984, issue of News and Views noted the crime bill’s progress through the House and the Senate and the speculation as to whether the President would approve the legislation. It stated: “If the bill becomes law, it will mark one of the most significant occurrences in the Federal criminal justice system in this country.”

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

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

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

## 1985

*GAO Report/Presentence Evaluation of Offenders Can Be More Responsive to the Needs of the Judiciary*—In April 1985 the General Accounting Office (GAO) issued a report on how presentence evaluations (psychological or psychiatric) can be improved to be more helpful to judges before they sentence defendants. GAO found that “the Judicial Conference

and the Federal Prison System have not (1) established criteria for the selection of appropriate defendants for presentence evaluation, (2) developed and disseminated guidance to judges and probation officers on the types of questions that experts can be expected to answer’ and (3) established an evaluation system to assess whether studies performed for the district courts are responsive to their needs.” GAO recommended that the Judicial Conference and the Attorney General work together to address these issues.

## 1986

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

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

## 1987

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

*The Presentence Investigation Report for Defendants Sentenced Under the Sentencing*

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

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

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

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

*GAO Report/Sentencing Guidelines: Potential Impact on the Federal Criminal Justice System*—In September 1987 the General Accounting Office (GAO) issued a report to Congress on the potential impact of sentencing guidelines on the federal criminal justice system. GAO interviewed officials from the judiciary, the Department of Justice, and other groups concerned with the federal criminal justice system and reviewed the Sentencing Commission's analyses of increases in future prison populations and how much the guidelines would contribute to those increases. As GAO reported, "It seems widely accepted that the guidelines will result in increased workloads for virtually all components of the criminal justice system. However, the full impact of the guidelines will become clear only when there is empirical evidence on how they are implemented."

## 1988

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

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

## 1989

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

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

## 1990

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

terms, and addressed the feasibility of either the courts or the U.S. Sentencing Commission having a “safety valve” authority to provide for departure from mandatory minimums.

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

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

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

## 1991

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

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

## 1992

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

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

pretrial services system have capable leaders to fill the slots of retiring chiefs.

## 1993

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

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

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

*Court Personnel System (CPS)*—In September 1993 the Judicial Conference approved the implementation of the Court Personnel System, a new system for classifying court employee positions. CPS replaced the 30-year-old Judicial Salary Plan (JSP), substituting 32 benchmark positions for the JSP’s more than 180 landmark positions. CPS allowed court executives the flexibility to arrange and classify new positions. The new system also was cost driven; it required

in-depth evaluation of staffing decisions and their impact on future budgets. CPS was activated in selected lead courts in 1995 and thereafter in the remainder of courts circuit by circuit.

## 1994

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

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

## 1995

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

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

## 1996

*Long-Range Plan*—In December 1996 the Judicial Conference approved a long-range plan to guide the federal court system into the 21st century. The plan consists of 93 recommendations and 76 implementation strategies.

A December 15, 1995, memorandum from the Director of the Administrative Office of the U.S. Courts stated that the plan "will provide an integrated vision and valuable framework for policy making and administrative decisions by the Conference, its committees, and other judicial branch authorities." Recommendation 31 of the plan reads: "A well-supported and managed system of highly competent probation and pretrial services officers should be maintained in the interest of public safety and as a necessary source of accurate, adequate information for judges who make sentencing and pretrial release decisions."

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

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

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

## 1997

*Firearms Regulations*—On March 11, 1997, the Judicial Conference approved new firearms regulations. The new regulations eliminate the need for state clearance for officers to carry firearms, required the district court to approve the district's firearms program, and extended the use of lethal force from self-defense only

to include the right to protect a fellow probation or pretrial services officer from death or grievous bodily harm. Also, the new regulations did not carry the presumption, as had previous policies, that officers should not carry firearms.

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

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