

Leadership Perspective from the Field: Key Districts Initially Affected by the COVID-19 Pandemic

Christina Oscanoa, Chief, Program Development Branch
 Probation and Pretrial Services Office
 Administrative Office of the U.S. Courts
 Vanessa L. Starr, U.S. Probation Officer Specialist
 Eastern District of Pennsylvania

IN AN EFFORT to capture and preserve a record of what it was like for leaders in our system during this unprecedented time, we conducted interviews with several chief U.S. probation officers in the districts that were initially affected by the pandemic. These interviews were undertaken to obtain leadership insights from the individuals in significant leadership roles having to make critical decisions. At times, these decisions were made multiple times a day to ensure the safety of their staff and the people they supervise. Several of these districts suffered devastating loss of life at a level never experienced in their lifetimes from what would become a national emergency brought about by the COVID-19 pandemic.

Western District of Washington

The first district affected by the pandemic was the Western District of Washington. Because they were the first to have to find answers to how to safely work and supervise caseloads with COVID-19, this district proved to be an asset to the rest of the system, shortening the learning curve of other districts by generously sharing experiences and offering guidance. Now-retired Chief U.S. Probation Officer Connie Gits provided her initial thoughts and responses to the situation.

How are we going to do this? My first thought was how do we protect our staff and how do we protect those we serve? I had to go into action

mode and not over analyzing it, because as a chief you have to take action. Some of my colleagues thought I was an alarmist, overreacting, neurotic, and needing to calm down, especially when I started some of the first phone calls (Connie's Corona Calls). The opinions of my peers were very reflective of the nation and how it was similarly divided. I decided not to expend the energy on trying to convince others, and decided it was important to take action with my chief judge, my staff, and my stakeholders. When we were seeing people in the field, we carried extra masks and if someone (under supervision) refused to wear one, then we terminate the contact. It's about the safety issue, which is uncomfortable to do, but nothing is worth it. Exposing yourself to COVID-19 and then bringing it home to loved ones and exposing them was not an option.

There were judges that were coming into the courthouse. This was concerning. I have a very good relationship with the chief judge and was very fortunate to be able to be talk with my chief judge. I had to draw boundaries with the judges. The judges knew I had my staff's best interest at heart, for the protection of everyone.

....Do you understand how that impacts the court staff, the probation and pretrial staff? The judges expect these people to come into the courthouse, and that was not fair...and nobody is going to say anything to the judge. So, I had to ask my chief judge for his support. I don't

want my staff coming in for hearings, conducting interviews, or going to our federal detention center, where COVID-19 was ramping up. I had to tell the judge that I'm not letting my staff come in...think about what we bring into the courtroom. Over 75 percent of our work is done in the community, we bring the greatest exposure into a courtroom.

We obtained personal protective equipment, masks, face shields, and painter-like suits, as it was unclear at the time how it was spread. It was a challenge, but we had a bit of an advantage because it started here first, and we were able to obtain them easily. We had them in cars, distributed individually, and for each office. It was a lot of logistics in the distribution of equipment, it required a great deal of communication, coordination, with the point person, procurement person, and budget analyst.

I started these calls, I called them "Corona Calls." I started setting up calls and then later partnered with the FJC [Federal Judicial Center] because they had a platform I could use to have more people. I didn't do that [start the calls] for any attention for myself. We were ahead of the curve and I felt an obligation to help my other colleagues in other districts... here's how to get ready and don't dilly dally. You got to do it now. It was the West Coast and the East Coast, and it was moving towards the middle. It didn't feel right to not share with others what we were experiencing.

Now that I've retired, when I look back on

it now, I was operating in the moment hoping I was doing what's right. As a chief you never know about how people feel about your decisions. I had a nice gift, in that when I left [retired] people were able to express that to me. "Thank you so much for protecting us," "For making us your priority," "For caring about us," "For making decisions that people didn't like." It was touching and made me feel good.... the protection of the staff and the community was paramount.

Southern District of New York

Meanwhile, the Southern District of New York was shortly also dealing with the intense impact of the pandemic. New York City (NYC) was an epicenter of the coronavirus disease 2019 (COVID-19) outbreak in the United States during spring 2020. Approximately 203,000 cases of laboratory-confirmed COVID-19 were reported in NYC during the first three months of the pandemic. The crude fatality rate among confirmed cases was 9.2 percent overall and 32.1 percent among hospitalized patients.¹ Chief U.S. Probation Officer Michael Fitzpatrick provided an account of his initial thoughts and responses during that time.

It was March 16, 2020, and I was in the office for a meeting to advise staff that we were moving to step 1 of our shutdown plan. There were a lot of nervous faces in that meeting, because if you think back to March 16, nobody really knew what was going on. That was a Monday, we were at step 4 by Tuesday, that is how quickly it moved. Things went from full operation to only having a duty officer in each office division location. No one was allowed to enter the courthouse. Everything stopped except people getting released from jail...that kept happening. We started a virtual intake process where people released were given instructions to call. I was concerned about missing people being released. We used the "red flag report" as a check and balance and set up the virtual intakes to complete everything except taking an initial drug test.

Keeping staff morale up has been difficult; we've used Microsoft Teams for retirement events and employee recognition events. We tried to keep constant communication and keep people informed about what was going

on. One thing we know that we will be facing is an incredible wave of presentence investigations that is going to hit us eventually. I did an analysis looking at the last six months (April–September): we had 233 guilty pleas. The previous 5 years looking at that same period, the lowest number of guilty pleas and verdicts we had was over 700. So, although arrest slowed during the COVID shutdown, looking at that modeling for this district, we are likely to get presentence investigations 17 months after an arrest. So, we're talking about the people who were arrested a year and a half ago. They're all sitting out there.... There's going to be a back-log of guilty pleas and sentencings once court operations resume. We'll need to prepare staff and brace for that wave of work.

To safeguard staff, we allowed virtual contacts and home inspections using whatever technology available, FaceTime, Zoom, etc. For staff that needed to go into the office we purchased PPE for everybody: masks, faceguards, hand sanitizer, gloves, everything you could think of. Initially, one challenge was the availability of PPE, there was price gouging going on and although we had the money we had to shop around for reasonable prices. All the court offices in the district purchased PPE together to get better economy of scale. We also realized we needed to learn and train people how to properly use the equipment. We hired an epidemiologist, who consulted us on developing policies for bringing people back into the courthouse when that time comes.

Looking back, in reference to if there was a resource I wish I had at the beginning of this, it would be a stockpile of PPE. It would have been helpful to know where we could have gone to get that right away. We have a lot of flexibility as to how we write policy and how we design programs in our district. Having that flexibility was very helpful. We've never had to use it in the way we did now. I procured things I've never thought I would be procuring as a chief.

Eastern District of New York

Chief Pretrial Officer Roberto Cordeiro provided an account of the initial impact of the pandemic in the Eastern District of New York Pretrial Services Office. The Eastern District of New York, like the Southern District of New York, was faced early on with the impacts of COVID-19. Chief Cordeiro provides a perspective from a pretrial standpoint during a time when we as a system were still learning and adapting to the challenges brought on by the pandemic. At this point the number of

infections was beginning to rise in other parts of the country.

We first heard about COVID-19 in the fall of 2019, and here in New York Eastern, we're always very sensitive because we are a Port of Entry location. We also have two airports. So, anything that's happening in the world raises the attention of our stakeholders. We frequently talk about it because we could easily be impacted by anyone flying in.

I recall the situation with Ebola and having multiple meetings to discuss that because we obviously were getting flights from all the different countries who were dealing with that issue. So it was no different with COVID-19, these conversations were already taking place, but I remember the first time that we received notice was mid-February that this is on the horizon, and that we need to keep an eye on this. We were given a set of guidelines to consider. At that time, in mid-February, there wasn't much national attention. There were a few reports coming out of the administration but nothing serious. So, we weren't changing reporting practices or the way we were interacting with defendants coming in. All of that was left unchanged at that time.

Then I recall that later in February going into the first week of March things happened, and so quickly. It was so reactive. I remember sending emails in the morning and I was overriding those instructions by two o'clock in the afternoon. It was happening at such a pace that I was reading some reports in the morning, thinking about it, talking about it with my management team, having a stakeholder meeting at 10 a.m. and then changing everything by 11:30 a.m. It was at such a fast pace that you knew there had to be some concerns among staff.

I recall the month of March just really being critical. I was primarily listening and giving directions, and checking the way we operate in this busy district to plan to go completely remote by the end of the month. What to do with arraignments? This is a constitutional function that we are responsible for. So, what do we do with these arrangements? Do we go completely remote? If so, there's really no such thing as completely remote, arraignments in pretrial still needs [a pretrial officer] to meet with the person. Even if it's just after the fact to install location monitoring equipment, the marshals need to be present, agents need to be in the building. There were all sorts of questions about the protocols and how to go about doing this as safely as possible. Plus, with new information

¹ Bialek, S., Bowen, V., Chow, N., et al.; CDC COVID-19 Response Team. Geographic differences in COVID-19 cases, deaths, and incidence—United States, February 12–April 7, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:465–71.

coming in every day.

The Eastern District of New York was the most affected in the beginning. We heard reports with Connie's District in the Western District of Washington. She was very good at coaching us all through the first few steps of what she was going through. But after a week or so our numbers were just so much more than anybody else, particularly in Queens and parts of Brooklyn. They were just growing every day by the thousands. In the month of March in New York City we had over 200,000 cases of COVID-19. In the last week of March, there were 500 deaths per day.

There were reports of streets being closed because they had refrigerated trucks for bodies. Our officers were witnessing that as they were going out in the street. That was in the news every day, there were ships coming to the ports to serve as hospitals. There was this panic amongst everyone because we just didn't know how bad this was going to be.

By the second week of March, we completely suspended in-person reporting and any drug testing coming into the building. The court really cut down on immigrations ceremonies, grand jury trials, and anything that created activity and traffic coming into the courthouse was canceled. Once the court started decreasing the traffic, we did the same thing. Therefore, reducing the need to have officers meet with defendants because we were going to go completely into a very minimal skeleton crew. We canceled field [visits], which was tough because we're a district that has almost 300 location monitoring cases. There's a lot of activity that happens in the field, so we had to make difficult decisions. How do we handle the volume? With 300 cases, there were a good number of cases daily where equipment just fails. How do we get to them? How do they come to us? When we have that contact, how long should it be? Who should be doing this? There were all sorts of decisions to figure it out. Once we got through those first few weeks, we figured out a system that could address the most high-risk cases and deal with the emergency situations and the Constitutional part of our job, which was to deal with arraignments and first appearances. After that we started figuring out the finer details of making sure that officers had protection. This was happening so fast; I didn't even have time to go and purchase face masks or sanitizing equipment until this point.

All new arrests and activations in the beginning were slow, but we were extremely busy with emergency bail hearings. So, we

basically looked at a list of about 500 detainees who were high-risk cases, older people with underlying conditions or anyone who had dealt with cancer in the past and had weak immune systems. These folks were all identified early on and we then had to go through all those cases and have bail emergency hearings almost daily.

March, April, and May we were still dealing with those bail emergency hearings and we were obviously incurring a lot of new cases and all of them for the most part were being released on location monitoring. There was that issue of, you know, how do we hook them up safely?

Towards the end of March there was more information out there and advice coming from the CDC with suggestions on how to set up our space. We were supplying staff with masks, purchasing plexiglass for offices and interview rooms, and making sure there was enough personal protection equipment. We made sure that was all available for folks to use. We made sure that there was very little staff in the office and those who were in were asked to keep their personal space and have very little contact with others. We went almost completely virtual.

District of New Hampshire

Chief U.S. Probation Officer Jonathan Hurtig at the time was serving as the chair of the Chief's Advisory Group (CAG). The CAG's purpose is "To provide advice to the Administrative Office on policies, procedures, and programs affecting the probation and pretrial services system and to provide chiefs an opportunity for input into the development of national policies." The Chief's Advisory Group membership includes six chief probation officers and two chief pretrial services officers. Members are elected in a regional election process to two-year terms with ratification by the director. The term of office of the representatives begins on Jan. 1 and expires on Dec. 31 of the second year of service. The members represent all circuits, and traditionally the group meets face-to-face twice a year with monthly remote calls. The chair of the CAG is elected by majority vote of the members and serves a two-year term with ratification by the director of the Administrative Office.

Chief Hurtig recalled:

... [T]he system's varied response was agile in comparison to some other industries and entities. Right away we started communication with one another, looking for ways to continue

to carry out our core mission while keeping staff and the people we serve safe.

How districts adapted, and what they had to adapt to varied depending on a couple of different things. First, how COVID-19 impacted them in their communities. Those that were hit hard, initially, had to take steps sooner; also [there was] the culture of the particular court and what judges were comfortable with and allowing their office to do. State mandates and restrictions had an impact on what different districts could do as well. But over time I think every district when they had to, based on what they were experiencing with numbers, adapted well and impressively.

We all embraced the use of technology and utilizing virtual supervision techniques. We moved quickly to try to modify treatment contracts and to allow for Telehealth. We met with various epidemiologists to discuss ways in which to keep staff safe while still having contact with people. The system responded well, especially when you think about it being a decentralized system where there's no straight directive coming out telling us what exactly to do. In some ways that gives us more agility and flexibility to implement things faster, but it also creates large inconsistencies and variations in what districts did. Overall, I think from the outside looking in, what we were able to do was impressive.

The informal as well as the structured communication that we had early on with the COVID-19 calls [Connie's Corona Calls] that occurred on a weekly basis or sending out information on a regular basis sooner as opposed to waiting for the weekly message [PPSO weekly messages], I think all of that really had a positive impact. Early in the process, the CAG communicated with Fitz that we needed to have real-time structured communication, and that we couldn't wait for a Friday message to come or wait for a memo from the Director. It was critically important that we receive updated information, and all of us receive that information in real time as soon as possible. So, he [Fitz] began sending emails and real-time information daily to the chiefs.

Things varied so much from one district to another; the biggest thing was the impact of COVID-19 in a particular community. Obviously, if you look at Seattle it affected them first. If you look at New York, particularly in the city and talking about the five boroughs, they were devastated. Some of the larger metropolitan areas were impacted hard. They needed to address things a little bit differently than the districts that weren't

impacted initially. I think that was the largest driving factor but the other big piece is, the court, the court culture, and what the particular court was comfortable with regarding restricting access to the facility for people, and whether or not they felt comfortable having officers going out and conducting fieldwork. Depending on the chief's relationship with the court and how they work together, I think that influenced a lot of things.

When it came to procuring personal protective equipment, I was lucky enough to have a procurement person that was sort of a bulldog in the process and she was able to get us everything we needed. Early in the process we were able to equip staff with everything they needed to do their jobs. But I do think that at least early on that procuring equipment restricted a lot of folks from doing things because personal protective equipment just wasn't available.

Districts were left to sort of fend for themselves. We were lucky here because we had a robust pandemic policy already in place, along with a supply of a thousand masks and different things like that. They weren't the N95 masks, but we had an ample supply of gloves, masks, gowns, etc., to get us through the initial step until we were able to procure other things. But it was like the "Wild Wild West" in terms of trying to get equipment. I know it became an issue in one of the CAG meetings. As a result of that, we put together a list of companies and sites that we were able to successfully purchase things from and then make that information available across the country. It was a challenging thing.

I was concerned about staff wellness prior to the pandemic, and much more concerned about it now. The biggest issue continues to be staff figuring out how to balance all of this. I have a very high percentage of my staff that have young school-age children. How do you manage to get all this done? Working, being a parent, being a teacher, all of it and not losing your mind. It's extremely challenging. I think as a chief, you must be flexible. You must be adaptable; you have to be understanding, you have to get used to people not working the traditional office hours.

What are the long-term effects going to be on folks? I think there's going to be a lot of positives that we can take from all this, but I also think there may also be a lot of collateral damage for people to work through.

During the pandemic, it reminds us about getting back to basics. We need to focus on working with the people under supervision and

putting out good reports, presentence reports, bail reports, and focusing on the right things. We have to free up officers' time to do that. We've added on so much responsibility for officers to do the administrative stuff that it takes away their ability to actually work with people. Reducing some of the administrative tasks as much as we can will benefit us all.

District of North Dakota

Wade Warren, Chief U.S. Probation Officer in the District of North Dakota, provided his account of the events and reactions related to staff wellness and how his district was affected. Chief Warren at this time also serves as a member of the U.S. Probation and Pretrial Wellness Committee. Chief Warren is focused on navigating his district through the pandemic as well as assisting the wellness committee in collecting and disseminating wellness resources nationally.

The U.S. Probation and Pretrial Wellness Committee, composed of probation and pretrial services staff, focuses on staff's physical, mental, and emotional well-being. The committee works to promote stress-reducing resources through biennial conferences, maintaining online wellness resources, and offering in-district wellness assistance with staff support.

Chief Warren recalls that:

... [O]ver a decade ago, when a coworker took her own life, the Wellness Committee was created. It was the event that moved the system forward in this area. I think people paid attention to that and recognized the impact this job has over a long period of time. The first few years our mission was suicide prevention and some programs at the training academy on resiliency. In 2017, Matt Rowland [former Chief of the Probation & Pretrial Services Office at the AO] moved the Wellness Committee under the [Federal Probation and Pretrial] Academy [in Charleston, SC], so we had a budget and were able to offer several trainings. People have become more comfortable talking about the effects of the job openly and going to get help. We have become a much younger agency, and they take their wellness more seriously. The rise in officer/staff suicide has moved the system to make changes. Talking about the effects of the job and talking openly about getting help and removing the stigma. Wellness has become a top priority. The districts also have moved towards wellness, especially towards peer-to-peer support. It has been over 12 years in the making.

We have an active wellness website and we

try to make that a go-to resource. Since the pandemic we have done everything virtual. We've helped sponsor several virtual wellness trainings with the FJC. Wellness is a topic that is always at the top of the list.

The committee tries to also support districts when creating their own wellness trainings. We try to determine what might be of real use to staff. The pandemic has impacted families with school-age children, there obviously seems to be impact there, so not just on operations but on people's personal lives. On the wellness side, I don't know that we really know the kind of mental health effects the pandemic will have on our staff. Maybe some things will show up afterwards or people will disclose things later. We'll have to wait and see.

For the District of North Dakota in preparing for the pandemic, I reacted quickly to information I received in mid-February. I knew what we needed to prepare and start to get ready for COVID. We were ready the first week of March. I created a PowerPoint for staff and got everyone ready. We were all ready with teleworking capability, having prepared previously for snow days.

About 45 percent of our work is on reservations in the northern tier, so we previously approached the AO on telemedicine. With the pandemic we moved a lot more cases to telemedicine. More of our contacts were conducted curbside, using FaceTime, and phone calls. There might have been an initial escalation of revocations that eventually leveled off with some initial compliance issues.

For staff, people struggled with the lack of connection. Our staff, out of 43 employees, we have had 9 positive cases. We had one staff member who should have been hospitalized but the hospital was full; thankfully it was controlled. I think there is a lot to be learned from this pandemic. From a wellness perspective, the mental health effect of the pandemic on people I think will be underestimated.

There was a slow impact of the pandemic in North Dakota. I found that officers would let their guard down and wouldn't necessarily have their masks on and would be very relaxed. There is a desire to get back to normal, but there really wasn't resistance from staff in implementing safety protocols.

Final Takeaways

The initial responses to the pandemic varied by districts based on geographical location, the impact of COVID on their community, and individual state mandates. The unanimous sentiment of the chiefs interviewed

was the need to rapidly change operational plans while maintaining communication with staff to provide consistency through these uncertain times. Early in the pandemic, communication occurred often, even daily. Chiefs were making decisions on a variety of operational issues such as office staffing and what that looked like; fieldwork and the protocols; supervision practices and

technological tools; and safety protocols related to personal protective equipment (PPE). Several districts consulted with epidemiologists to develop and create best practices for staff to remain safe and healthy while conducting their duties. Another notable theme from chiefs was the extraordinary collaboration, communication, and support provided to one another during the

pandemic, which was an event on a scale that none of them had ever experienced before and produced a level of challenge they had never encountered in our system. The acts of convergence within a decentralized system will be one of the more powerful takeaways of the events that took place in 2020.