

## Results-Based Management in Federal Probation and Pretrial Services

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**THE FEDERAL JUDICIARY** is committed to developing a results-based management and decision-making framework for its probation and pretrial services program. This article will describe progress in the largest area of that program: post-conviction supervision by probation officers. <sup>1</sup> The goal is to collect, analyze, and use data from probation officers' electronic case files and a variety of other sources to inform decision-making and drive performance improvements aimed at reducing recidivism and fostering long-term positive changes in individuals supervised. On an ongoing basis, we want the ability to test underlying assumptions about the relationship between supervision practices and supervision outcomes.

The process has necessarily been slow and methodical. After all, we are attempting to transform a large system that spans all 50 states and United States territories, <sup>2</sup> but also one that places considerable decision-making autonomy in each of the 94 district courts.

The governance structure of the federal judiciary is largely decentralized. The judiciary governs itself primarily through local mechanisms, with the Judicial Conference and the circuit councils setting policy and providing guidance where necessary. Judges at the local level enjoy considerable latitude to structure their court operations to suit local conditions. <sup>3</sup>

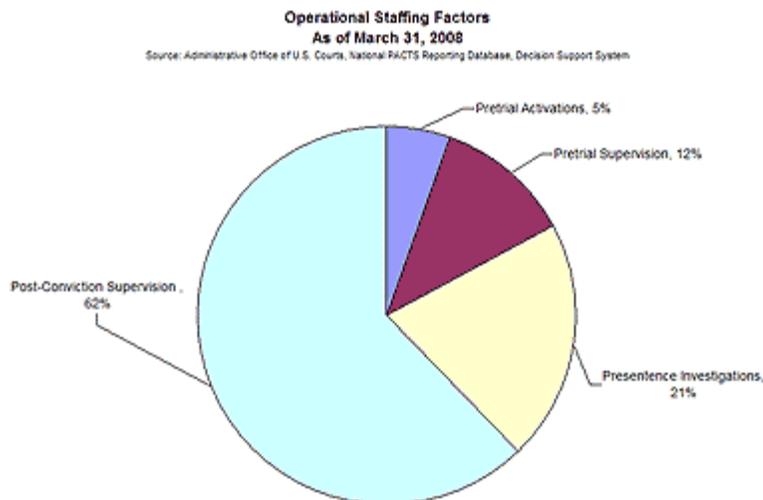
Day-to-day operations of probation offices are managed locally, including the hiring and managing of staff and the use of resources. <sup>4</sup> While chief probation officers may only be removed for "cause," they—and chief pretrial services officers—understandably conform their offices to the culture and practices of the court. This ensures adaptability to local conditions and responsiveness to the needs of the courts. It also can make implementation of national policies and initiatives challenging.

We have made progress toward becoming results-based in our decentralized system through consensus building, collaboration, and communication, which will be discussed below. Essential to making progress, however, has been the strong leadership of the Criminal Law Committee of the Judicial Conference of the United States. <sup>5</sup> The Committee, which has broad jurisdiction over the federal probation and pretrial services system, is firmly committed to the overall strategic direction to become results-based <sup>6</sup> and also has expressed support for the use of evidence-based practices (EBP) in developing probation and pretrial services policies. In that regard, the Committee was particularly influenced by a study in Washington State (see Aos, Miller, & Drake, 2006). Further, the Committee seeks to use empirical cost-benefit analyses in developing and justifying the annual budget request for the probation and pretrial services program.

Eventually, we will have the ability to measure performance for all parts of probation and pretrial services work: 1) pretrial services investigations; 2) pretrial services supervision; 3) presentence investigations; and 4) post-conviction supervision. Some efforts have been made in each area, but our initial focus has been on

post-conviction supervision because it is the single largest part of the system's workload and budget.

**Figure 1**



## Evidence-Based Practices

Our strategic goal to become a results-based program fits hand-in-glove with adopting evidence-based practices (EBP). In fact, while we build the outcomes-based system, we have been promoting EBP on our website, in our newsletter, and in other communications. [7](#) We have made presentations about our strategic goal and also promoted EBP at dozens of conferences, training events, and new chief orientations since 2006. [8](#) The Federal Judicial Center (FJC) [9](#) is complementing this effort in 2008 with programs for U.S. circuit, district, and magistrate judges that address offender re-entry and EBP. The AO has added staff with EBP expertise and has made them available to probation and pretrial services offices seeking training or guidance. We established the Research-to-Results (R2R) pilot in 18 sites [10](#) in 2006 to introduce various EBPs and learn more about how to implement them on a broader scale.

## How We Got Here

We have followed three tracks over the past several years to arrive at the simple goal of becoming a performance-based system. Each track is described in the first section of this paper:

- two “futures planning” conferences;
- a broad strategic assessment by a team of independent consultants; and
- a collaborative effort by court subject matter experts, FJC and AO staff to improve post-conviction supervision policies, including substance abuse and mental health issues.

The rest of the paper will describe how we developed a methodology to become a performance-based system and how we are developing the technology with which to make it a reality.

## I. The Three Tracks

### A. Futures Planning

*The End of “Nothing Works”.* Two futures-planning conferences of chief probation and pretrial services officers sponsored by the Federal Judicial Center (FJC) [11](#) were invaluable in developing a strategic vision unique to federal probation and pretrial services and reaching consensus on the system's goals and values. Nearly all chief probation and pretrial services officers participated in the first one in San Antonio in 2000, the theme of which was “Working Together to Shape the Future.” Structured brainstorming sessions were particularly successful at generating lively discussions not about what the system does, but about what the system should be trying to accomplish. Many participants noted that it was refreshing after so many years under the cloud of “nothing works” that they were once again agreeing that people *can* change, and that proactive interventions by officers *can* facilitate long-term, positive changes in offenders. A common

observation was “this is why I got into this business in the first place.”

The enthusiasm generated at the conference was accompanied by wide agreement that Congress and the public will hold the system increasingly accountable in the future and that we must establish desired outcomes that are clear, measured, and communicated. While other goals were identified, <sup>13</sup> the importance of clarifying and agreeing upon the core mission and creating a system by which to measure desired outcomes emerged as the top priorities.

The clearest direction that emerged from the futures exercises was agreement on the need for a shared understanding of our core mission *plus* increased accountability to one another, the public, and our funding sources for accomplishing the objectives that comprise the mission. <sup>14</sup>

Following the 2000 conference, the FJC established working groups of chiefs and FJC and AO staff to maintain the momentum. The efforts continued at another chiefs conference in Salt Lake City in 2002, when the chiefs reached agreement on a *Charter for Excellence*, a document that spells out a shared understanding about the work of probation and pretrial services officers, the goals that matter most, and the values that the system stands by.

**Figure 2**  
*Charter for Excellence*



*Conceived at the Federal Judicial Center's 2000 and 2002 National Chiefs' Conference*

At the 2002 conference, chiefs agreed that the *Charter* would be a useful tool to help shape a common system culture and influence how everyone in the system does his or her work on a day-to-day basis. They felt that *Charter* principles could influence how we implement policy, procedures, and other operational

processes. They suggested that events at the district, circuit, and regional levels could be centered around promotions of the *Charter*. Toward this end, the FJC formed a working group made up of chiefs and AO and FJC staff to keep emphasis on the *Charter* and ensure its lasting relevance. <sup>15</sup> The group, whose work continues, has tracked how probation and pretrial services offices have implemented the *Charter* and continues to look for ways to maximize its value to the probation and pretrial services. <sup>16</sup>

### *B. The Strategic Assessment*

The AO contracted with a team of independent consultants, led by IBM Business Consulting Services, <sup>17</sup> in 2000 to conduct a comprehensive strategic assessment of the federal probation and pretrial services system. The purpose of the study was to make recommendations for ensuring the future quality and success of the probation and pretrial services system through analysis, comparative research on other systems, and broad consultation with outside experts, judges, probation and pretrial services staff, and other stakeholders.

The IBM “Study Team” collected and analyzed quantitative and qualitative data to identify what the system does well, what could be improved, and what factors facilitate or impede the quality of service delivery in each of the system’s functional areas, including pretrial services investigations and supervision, presentence investigations, and post-conviction supervision. More specifically, the Study Team:

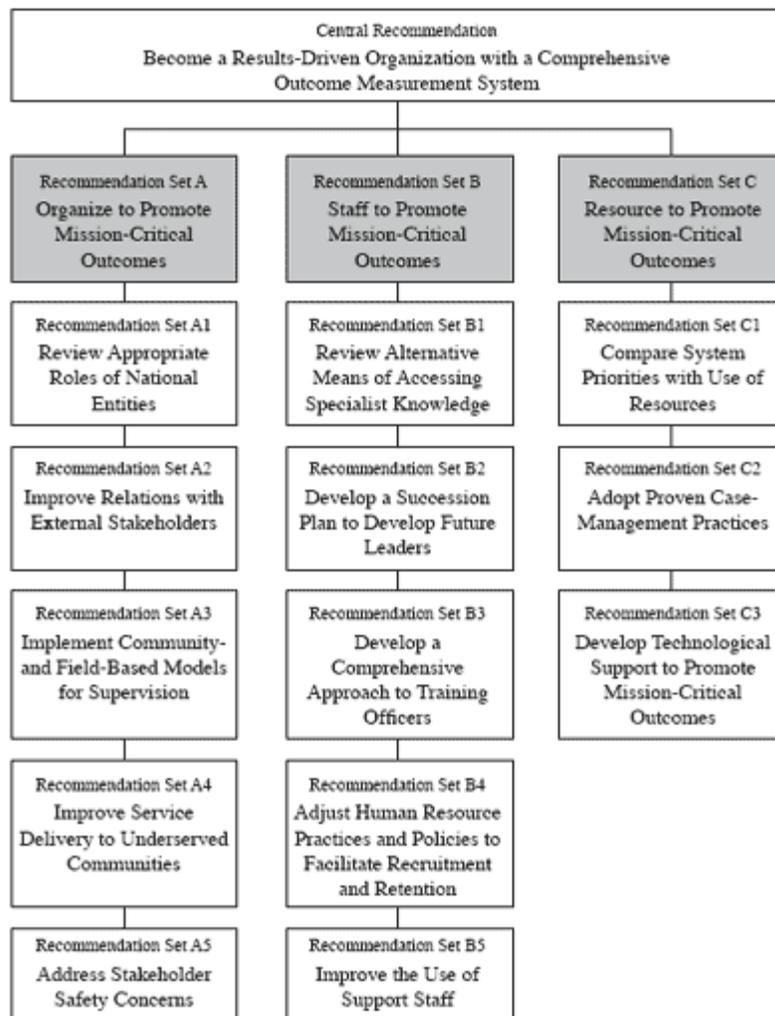
- reviewed all relevant statutory and regulatory directives, policy and program guidance, planning documents, and research studies;
- analyzed historical and projected workload, budget and staffing data;
- conducted interviews with more than 300 individuals, including past and present system leaders on the Criminal Law Committee and the Chiefs Advisory Group, and the AO, and other stakeholders in the Department of Justice, the Federal Judicial Center, the United States Sentencing Commission, the General Accountability Office, prosecutors, defense bar, and staff of the Senate Judiciary Committee;
- conducted focus groups totaling 170 individuals from 20 district courts; <sup>18</sup>
- surveyed a random sample of 110 federal district judges and 115 federal magistrate judges <sup>19</sup>;
- surveyed all chief probation and pretrial services officers; <sup>20</sup>
- researched how other probation and pretrial services operations are generally organized. <sup>21</sup>

The result of the Study Team’s work was published in a September 2004 report (see *Strategic Assessment*, 2004) that noted “staff are highly regarded by internal and external stakeholders” and that “stakeholders generally reported satisfaction with system functions.” The report also noted: “Although considerable resources are devoted to reviewing the extent to which district procedures and activities comport with national standards, the system currently conducts only limited assessment of the outcomes of its work.”

The Study Team explained that it was not possible to assess the effectiveness of policies and procedures because the system did not have a performance-based management system that links mission and goals to strategies and anticipated outcomes. The IBM report contained three sets of recommendations, each with several steps. The main recommendation was to “become a results-driven organization with a comprehensive outcome measurement system”. The consultant recommended that we seek expert assistance to deal with the complexities of creating such a system. The complete list of recommendations is shown below.

### **Figure 3**

#### *Recommendations Overview*



### C. Fine Tuning Our Post-Conviction Supervision Practices

In January 2000, at around the same time that the AO and chiefs were working with the FJC on our “desired future,” and while the team of consultants was getting started on the strategic assessment, the AO formed a working group to review and update the supervision policies contained in *The Supervision of Federal Offenders* (Monograph 109). <sup>22</sup> One objective was to ensure that recent crime legislation and court decisions were reflected in our policies. Another was to incorporate practices from the literature that had been shown by research to reduce recidivism.

*The Supervision of Federal Offenders* helped lay the groundwork for transforming post-conviction supervision into an outcomes-based program. First of all, it clearly defined the desired outcomes of post-conviction supervision as “the execution of the sentence and the protection of the community by reducing the risk and recurrence of crime and maximizing offender success during the period of supervision and beyond.” <sup>23</sup>

The goal of supervision in all cases is the successful completion of supervision during which the offender commits no new crimes, is held accountable for victim, family, community and other court-imposed responsibilities, and prepares for continued success through improvements in conduct and condition. The emphasis on *continued success* after the period of supervision is in recognition that our ultimate goal is to change the offender’s behavior and thereby protect the community and reduce costly recidivism.

The new policy recognizes that successful reentry into the community is fostered by having the probation officer engage the offender as early as possible in planning, preferably while the offender is still in custody. Early involvement allows the officer to identify basic survival needs and interventions that will support the offender and make success more likely (see Taxman, Byrne, & Young, 2003). While good probation officers have always developed initial case plans that recognize the risks, needs, and strengths of each individual

offender and apply a corresponding level of supervision, the policy now clearly emphasizes this practice in all cases: “The purpose of supervision planning is to create an evolving, individualized outcome-based plan of action to monitor compliance with the conditions of release and intervene as necessary to address any identified risks.”

Whether to control risk or provide treatment, the level of supervision should be proportionate to what is needed and not more. Officers use the Risk Prediction Index (RPI) [24](#) to statistically estimate the likelihood that the offender will be arrested or have supervision revoked, but they also consider other types of risks presented by the individual, including the risk of committing sexual abuse or associating with criminals. Officers also identify needs, such as for stable residence, meaningful employment, and substance abuse and/or mental health treatment. They also identify strengths on which the offender may build to increase the likelihood of success, such as a particular talent, strong motivation, and a supportive prosocial community network of family and/or friends. We recognize the need for a standard risk/needs assessment tool for use in the federal system and hope to have one soon, but in the meantime it is the policy that probation officers assess each offender on a case-by-case basis using the RPI and all information available and tailor the case plan accordingly.

Community supervision is now more clearly viewed as a dynamic, issues-driven process in which the probation officer must stay informed and be responsive, intervening as necessary with strategies tailored to changing risks, needs, and strengths of each individual under supervision. Planning must include specific goal-directed objectives to be accomplished by the offender and monitored by the officer. The offender must be actively engaged in planning his own future. The officer is expected to develop different or additional approaches in response to emerging risk issues or instances of noncompliance, and to discontinue planned strategies that no longer have a purpose or are not working .

To achieve the desired outcomes of supervision, probation officers are expected to apply the principles of good supervision in every case. Their application will help to ensure that supervision resources are applied where they are needed the most and are not wasted on cases where little or no intervention is necessary.

Good supervision is:

- individualized—tailored to the offender’s risks, needs, and strengths
- proportional—involving the least intrusive means necessary
- purposeful—directly related to the case objectives
- multidimensional—using concurrent strategies from a variety of disciplines
- proactive—actively monitoring changes in behavior
- responsive to changes— adjusting as needed on an ongoing basis

Before issuing the revised *Supervision of Federal Offenders* (Monograph 109), the AO and the FJC had partnered to develop a training and implementation plan. Among other reasons, we wanted to ensure that the new focus on outcomes and the officer’s proactive role was understood. [25](#)

The AO established a separate working group in 2005 to focus specifically on the supervision of offenders in need of substance abuse and mental health treatment. [26](#) The group met often over the next two years to develop proposed revisions that would bring the *Supervision of Federal Offenders* in line with current knowledge in the field of substance abuse treatment and probation supervision. Substance abuse treatment concepts were clarified.

- A Model for Positive Change: This section outlines a conceptual model that explains how to assist offenders in making long-term changes to their behavior.
- Role of the General and Treatment Specialist Officer: This section outlines the responsibility of the officer and responsibility of the treatment specialists.
- Confidentiality and Disclosure: This section addresses the complexities of what information must be kept confidential and under what circumstances this information can be released.
- Correctional Strategies: This section provides detail about strategies that will encourage offender behavior change. Topics covered in this section include case planning, treatment referrals, treatment matching, program fidelity, and the use of incentives.
- Controlling Strategies: Despite all of the probation officer’s efforts to the contrary, some offenders fail to comply with the conditions of the court. This section provides guidance in monitoring and

responding to non-compliance. Topics covered in this section include drug and alcohol testing and responding to relapse.

The section dealing with mental health treatment was also updated to reflect current knowledge in the field of mental health treatment and probation supervision, including treatment for both mental health and substance abuse disorders, as the working group reasoned that it is often difficult to disentangle the two disorders. Examples of guidance that are new to the monograph include the following:

- **Correctional Strategies:** This section addresses how to intervene in order to stabilize an offender's mental illness while identifying and addressing the root cause(s) of criminal behavior. Topics in this section include case planning, screening and assessment, treatment selection, treatment fidelity, and the use of incentives.
- **Controlling Strategies:** Mental illness symptoms can cause non-compliance in probation supervision. This section provides guidance to understand and treat mental illness while keeping both the offender and the community safe. Topics addressed in this section include managing non-compliant behavior, managing decompensation, responding to threats of violence and emergency mental health commitments.
- **Concurrent Planning:** Offenders with mental illness may need lifelong formal medical care to manage their symptoms. This section provides guidance for officers to assist offenders in establishing community-based services that will exist beyond the term of supervision.

Chiefs, deputy chiefs, supervising officers and the AO are again working with the FJC to introduce the new changes to the *Supervision of Federal Offenders* and provide training. [27](#)

## **II. Building the Infrastructure**

### *A. Developing the Methodology*

In March 2004, the AO invited experts on outcome measurement methodology to serve on an ad hoc panel to help refine operational definitions and associated measures for each “desired outcome” and suggest statistical approaches for analyzing the information that will assure “apples-to-apples” comparisons and allow benchmarking with other programs. The panel was made up of the directors of research for the Federal Judicial Center and the Federal Bureau of Prisons, and academics from Temple University and the University of Maryland. [28](#)

The panel recommended that the AO use the same measures of recidivism used at the Federal Bureau of Prisons because of the significant population overlap and because the research could be efficiently coupled. The AO thus adopted two measures of recidivism: 1) arrests for new criminal offenses, and 2) charges for new criminal offenses with revocations resulting in a return to federal prison. The panel also recommended following cohorts of offenders received for supervision for uniform follow-up periods, including periods beyond the conclusion of supervision.

Regarding substance abuse, the panel recommended that the AO use definitions in common use by the substance abuse treatment and prevention community, including SAMHSA and NIDA, regarding the characteristics of the abuse, interventions, and treatment, and both program outcome and treatment outcome. The AO adopted the following definition of substance abuse: the use of illegal drugs or maladaptive patterns of use of alcoholic beverages and other legal substances, including prescription drugs. Because legal and illegal substances are treated differently under this definition, the two should be treated differently in the results-based framework. Drug abuse is the use of illegal drugs, including occasional use, maladaptive patterns of use and dependence. Alcohol abuse is a maladaptive pattern of alcohol use or dependence on alcohol.

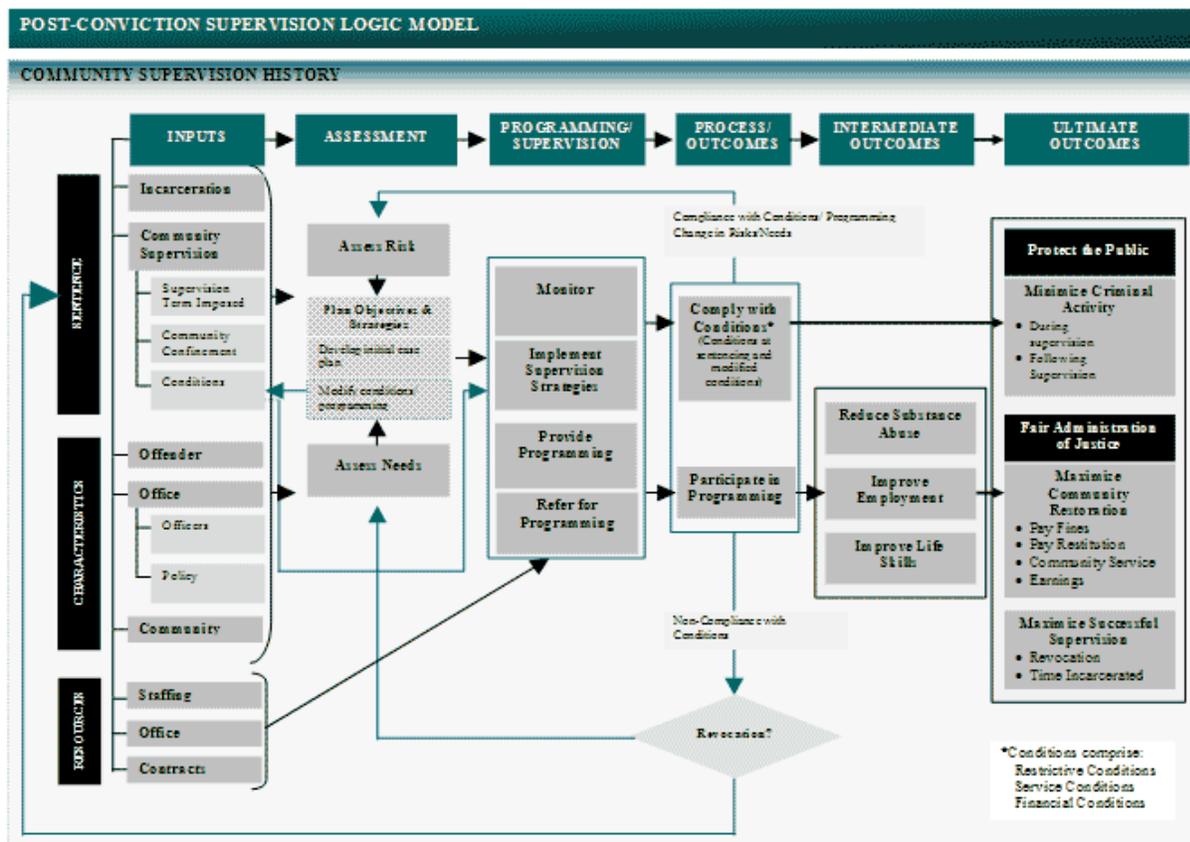
The AO created a Data Analysis Branch to evaluate, analyze, and recommend data quality improvements that address data accuracy, timeliness, and accessibility. We also formed a “data quality improvement working group” chaired by a chief probation officer; developed and distributed a data quality manual; created a data quality web site; and held regional conferences in Philadelphia, Memphis, and San Diego for a total of 287 data quality analysts and managers from probation and pretrial services offices from every district. The essential message we conveyed repeatedly was that data will become more and more important in the future

and that each probation and pretrial services office needs to develop local data quality improvement programs.

In April 2005, the AO contracted for expert help in identifying the steps that must be taken to develop the technical aspects of the results-based framework. As a start, the contractor conducted a comprehensive search of official sources [29] and created a glossary of key terms identified by the ad hoc expert panel and others that would be used in the development and documentation of our outcome-based decision-making framework, [30]. We hope this will avoid confusion about terms and definitions as we proceed.

With input from system stakeholders, the contractor also developed a “logic model” that depicts how supervision and programming support for persons under supervision are thought to be linked to desired outputs, interim outcomes, and ultimate outcomes. The purpose was to help visualize how we can test underlying assumptions about the relationship between what the system *does* and what it is trying to *accomplish*, and what other factors are thought to influence this relationship. The contractor recommended seeking expertise in advanced statistical techniques that can be applied to test the relationships in the logic model between discretionary processes while controlling for inputs that are primarily static and outside the control of the probation officer [31].

Figure 4



In September 2006, the AO entered into a contract to obtain that expertise. [32] The contractor first refined the logic model in order to organize its analyses and begin to quantify the paths of the model. Refinements will continue over time, but the evolving logic model reasonably represents the commonly-accepted understanding of how the system works.

The contractor created an analysis file made up of data from more than 100,000 supervision terms commenced in fiscal years 2005 and 2006. This cohort will be followed over time, with additional data being added from other judiciary sources and external sources to the analysis file as it becomes available. When this is complete, we will have a sound baseline on which to conduct more sophisticated analyses to see relationships among variables in ways not previously possible and move us closer to having the capacity to conduct causal analysis.

## B. Upgrading the Technology

A basic challenge that we face is transforming a data-collection system that had evolved over the years for administrative purposes into one that could also be used for research. For example, for accounting purposes we tracked spending on substance abuse treatment, but not treatment or relapse prevention services for which there were no expenditures. Likewise, we knew what we paid for drug testing and the results when officers used contract laboratories, but not when they used other testing methods paid for locally. While we had data concerning actual revocations, we lacked data concerning strategies applied to non-compliance with conditions short of revocation.

We had already begun in October 2001 to roll out a second major generation of the Probation and Pretrial Services Automated Case Management System (PACTS) well before the *Charter for Excellence* (2002), the new *Supervision of Federal Offenders* (2004) and the Strategic Assessment (2004) were complete. We have since tried to address limitations by adding data elements to PACTS that will support our analyses, but have had mixed results. For example, a July 2004 release added data elements to capture data for non-contract treatment services, including in-house, “free” community-based programs, and private providers paid by the offender. Unfortunately, the use of the new data elements is spotty across the system as many officers fail to enter the information. This has been true with other data elements as well.

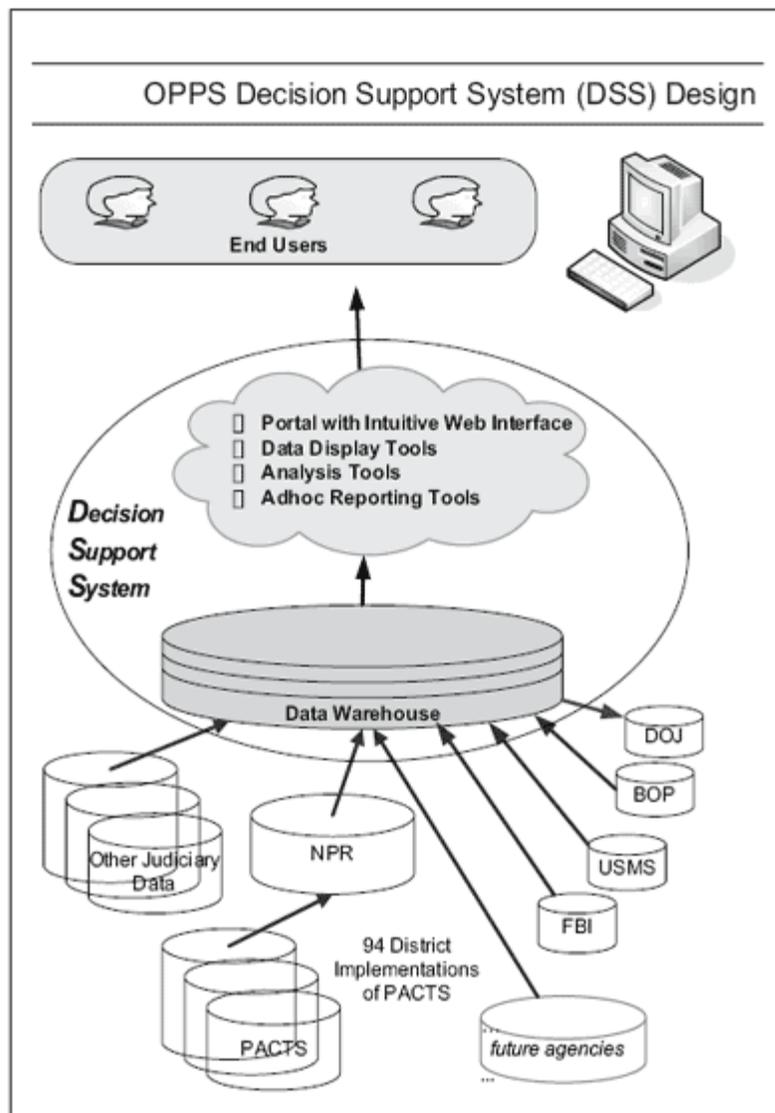
We recognize that officers are not normally keen on collecting data and doing paperwork more relevant to research than to day-to-day operations. Plus, we would rather they spend their time supervising offenders and serving the court. For both these reasons, our long-term goal is to extract outcome measures and other data directly from the automated case management tool used by officers in their day-to-day duties. We are developing the Electronic Reporting System (ERS), for example, to allow treatment vendors, drug labs, and even offenders to communicate with officers via the Internet. This will make case management more efficient for officers while also allowing us to capture that information for research purposes. In this way, data will simply be a by-product of officers using the system and its collection would be mostly invisible. Further, we assume that data actually used by the officer in the course of managing cases will be more accurate than data entered solely for statistical gathering purposes.

“PACTS Generation 3” is currently under development as a replacement for the current generation, and is expected to be rolled out in fiscal year 2011. PACTS Gen3 will be more useful to officers as a day-to-day tool and will be more intuitive. It is being designed from the ground up by officers<sup>33</sup> for officers and will likely carry a significantly different user interface from the current version of PACTS. There will be one record per offender regardless of how many districts may have investigated or supervised the individual. Further, it will for the first time create a single national database containing all cases opened by probation officers in all 94 districts. PACTS Gen3 will result in a superior case-management tool providing managers and policy makers with a greatly enhanced outcomes-based framework. It will better enable users to “plug-in” locally developed applications. With one record per client, users will simply click on the screen to transfer information and will no longer have to send electronic and paper documents

While PACTS will remain our principal data source, we are working with other parts of the judiciary<sup>34</sup> and other government agencies to add a variety of rich sources to the analyses and move us closer to cause-effect analyses of relationships among variables. So far, we have agreements with the Bureau of Prisons,<sup>35</sup> the FBI,<sup>36</sup> and the Bureau of the Census to obtain data, and are in discussions with others.<sup>37</sup>

Simultaneously, we are developing the Probation and Pretrial Services Decision Support System (DSS)<sup>38</sup> as the means to integrate those mountains of data in a single “data warehouse” that we call the National PACTS Reporting (NPR) System. In combination with business intelligence (BI) tools, we will be able to combine the data in any order at different levels of summarization over various time periods.<sup>39</sup> In short, it will turn data into useful information.

### Figure 5



### III. Collaboration and Communication

Over the past eight years we have pursued the goal of creating a results-based system with a comprehensive outcome-measurement system. Despite our decentralized structure, system leaders reached consensus in developing the *Charter* that we are a national system with shared goals and values and will work collaboratively to achieve those goals. Further, we have shaken off the “nothing works” era and reinforced a system-wide belief that proactive interventions by officers *can* facilitate long-term, positive changes in offenders.

Our efforts have been collaborative: working groups of chiefs, deputy chiefs, supervising officers, senior officers, and line probation and pretrial services officers from all over the system have been involved in different parts of the effort. <sup>40</sup> We have worked closely with the FJC and have consulted criminal justice experts from academia <sup>41</sup> and entered into contracts for technical expertise and business intelligence software. Slowly B but surely B a results-based decision-making framework is taking shape.

Ongoing communication about our strategic direction would be important in any case, but is especially so in the federal probation and pretrial services system due to mandatory retirement at age 57. Of the 119 chiefs on board at the time of the 2000 National Chiefs Conference, when the call to become outcomes-based was first uttered, a total of 92 (77 percent) retired over the next eight years. Given that high rate of turnover, the AO has paid particular attention to maintaining continuity. We have made presentations about our strategic direction and tied it to a promotion of EBP at dozens of conferences, training events, and new chief orientations. In 2006, we held the first of many “Chiefs and Deputy Chiefs Administrative Meetings” as a means to discuss the strategic direction in which we are going as well as EBP and “nuts and bolts”

administrative issues. These meetings have been particularly helpful in discussing our strategic direction [42](#).

## Conclusion

As we get closer to completing the technical infrastructure, we get more excited about the possibilities of testing assumptions about the relationship between what officers *do* with actual accomplishments. Most of us got into this business to make a difference and will welcome the possibility to learn how to do that more effectively. We inherited an excellent system from those who came before us, and want to leave it not just in good shape, but with the means for continuous improvement for many years to come.

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#### **Results-Based Management in Federal Probation and Pretrial Services**

<sup>1</sup>. Statutory duties are set forth at 18 U.S.C. section 3603. The federal probation system was established in 1925; its original mission was to supervise offenders placed on probation by the court. The mission was expanded to include parolees (1930), mandatory releasees (1932), military releasees ((1946), supervised releasees (1987) and conditional releasees (1992).

<sup>2</sup>. There are approximately 375 office sites, including headquarters and branch offices, in 94 districts.

<sup>3</sup>. Management authority, ultimately, is vested in the “court” itself, which is generally defined by statute as the judges for the circuit or district in regular active service. 28 U.S.C. ' ' 43(b), 132(b), 151. This authority is derived both from the court’ s inherent power to control its own operations and from a series of specific powers conferred by statute, including the authority to appoint and remove employees. The Director of the AO has statutory responsibilities for the courts, but has delegated substantial financial and administrative authority directly to chief judges. The chief judges, in turn, may sub-delegate authority to court unit executives, including chief probation and chief pretrial services officers. *Compendium of Chief Judge Authorities* (October 2002). Office of Judges Programs, Administrative Office of the United States Courts.

<sup>4</sup>. Each probation and pretrial services office is led by a chief who is appointed by the district court and is responsible for local office procedures and policy implementation. Chiefs report directly to the chief district judge or another district judge designated by the chief judge. At the district level, probation and pretrial services officers interact with local representatives of the executive branch law-enforcement agencies, state and local law enforcement agencies, federal and state social services agencies, local treatment providers, and community-based organizations.

<sup>5</sup>. The Judicial Conference of the United States makes policy for the administration of the United States courts (Section 331 of title 28). The Chief Justice of the United States is the presiding officer. Membership is comprised of the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each regional judicial circuit. Judicial Conference committees review issues with established jurisdictions and make policy recommendations to the Conference. The probation and pretrial services program falls under the jurisdiction of the Committee on Criminal Law. The Administrative Office of the United States Courts (AO), Washington, DC assists in the development of the judiciary’s policies, and oversees their execution for the Judicial Conference. The AO Director has statutory

responsibilities to make recommendations concerning the work of probation and pretrial services officers to the courts, formulate rules for the proper conduct of their work, and promote the efficient administration of the probation system and the enforcement of probation laws in all United States courts (18 U.S.C. section 3672). The AO's Office of Probation and Pretrial Services (OPPS) has primary responsibility for the probation and pretrial services program, and works in collaboration with probation and pretrial services staff in the courts in working groups and advisory groups. OPPS also provides staff support to the Committee on Criminal Law.

6. The Committee instructed the AO to 1) develop the capacity to empirically measure results and 2) move in a strategic direction that would organize, staff, and fund the probation and pretrial services system in ways that promote mission-critical outcomes. JCUS-SEP 04. The Committee has received progress reports about building the results-based framework, fostering evidence-based practices, improving data quality, or strategic resourcing at each of its meetings since establishing the strategic direction in 2004.

7. The website is called "Research to Results" and includes information about the principles of EBP, implementation guidance, risk and needs assessments, evaluation, and resources available. Our newsletter, *News & Views*, has contained numerous articles about EBP and reentry initiatives in the courts. Also, the Office of Probation and Pretrial Services sends an email containing information of interest to chiefs every Friday. Many of those messages have conveyed information about evidence-based practices.

8. In 2006, we made presentations at the FJC's National Chiefs Conference in San Diego; the AO's Chief and Deputy Chief Administrative Meetings in St. Augustine, Scottsdale, and Redondo Beach; new chiefs orientation; treatment services training; and several district and circuit conferences. In 2007, we made presentations at the AO's Chief and Deputy Chief Administrative Meetings in Chicago, Boston and Las Vegas; the Defendant/Offender Workforce Development Conference in Charlotte; the FPPOA's National Training Institute in Nashville; treatment services training; a conference of chiefs from the 1 st, 2 nd, and 3 rd Circuits in Newport; the 9th Circuit chiefs in Honolulu; the 10th Circuit Conference in Jackson; the Tri-District Florida Conference in Miami; the 6th and 7th Circuit Conference in Lexington; new chiefs orientation; and several district-wide training conferences. In 2008, we made presentations at the FJC's National Chiefs Conference in Chicago; the AO's Chief and Deputy Chief Administrative Meetings in San Antonio and White Fish, MT; the Reentry Conference in Cleveland; the 4th Circuit Leadership Conference in Myrtle Beach; the Western Regional EBP and Treatment Services Conference in Los Angeles; the National Treatment Conference in Charlotte; the Research to Results (R2R) Training in Sioux City, Iowa, and several district-wide training conferences.

9. Among their initiatives, in 2008 the FJC scheduled programs for both district and magistrate judges on "Facilitating Offender Re-Entry to Reduce Recidivism: Innovative and Evidence-based Practices in the Federal Courts"; they have also included materials on Re-Entry and the "Research to Results" Grantee Districts for Evidence-based Practices in conference materials and on their IntraWeb site.

10. There are 16 districts participating: Delaware, Hawaii, Illinois Central, Iowa Northern, Michigan Eastern, Michigan Western, Massachusetts, Minnesota, Missouri Eastern, Nebraska, Nevada, New Hampshire, New York Western, North Dakota, Oregon, and South Dakota. There are 18 sites because both the probation office and the separate pretrial services office in Hawaii and Michigan Eastern are participating.

11. The Federal Judicial Center (FJC) was created by Congress in 1967 as the education and research agency for the federal courts.

12. Of course "nothing works" is a phrase commonly used by "get tough" politicians and others following the publication of *What Works? - Questions and Answers About Prison Reform*, Robert Martinson, *The Public Interest*, Number 35, Spring 1974.

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13. Participants also agreed on four other goals for the future: the system will require all its components to cooperate for effective continuity of service; collaboration and communication in service to the whole will lead to success; offender supervision should move from the office to the community; and staff should share a commitment to the mission and treat all persons with dignity and respect .

14. from *Summary of the Futures Workshops at the Federal Judicial Center's Chief U.S. Probation and Pretrial Services Officers' 2000 National Conference* (unpublished FJC report).

15. The standing membership of the Charter Committee is: 1) the chair of the FJC's Training & Education Committee, 2) the chair of the AO's Chiefs Advisory Group, 3) one staff member of the AO's Office of Probation and Pretrial Services, 4) one staff member of the FJC's Education Division; and two to four persons selected as at-large members by committee consensus based on demonstrated commitment to implementing the *Charter*.

16. The FJC intranet site contains a Charter Self-Assessment tool, a Charter Implementation Guide, and Ten Tools to Shape District Culture. The ten tools are:

1. Organize regular forums on a regular basis for giving and receiving feedback on the state of the district's culture.
2. Foster horizontal and vertical communication to empower all in decision making.
3. Give positive reinforcement to staff who demonstrate the values.
4. Speak at every annual and district meeting about the values, beliefs, and behaviors that comprise the district's culture.
5. Plan and hold events to celebrate actions and achievements that are true to the district values and beliefs.
6. Make sure that management staff have a clear grasp of and a commitment to the preferred culture in order to ensure continuity at the point of your retirement.
7. Model the values, beliefs, and actions that you want.
8. Involve staff in the development of "culture-defining statements," such as vision, mission, core values, and guiding principles.
9. With all staff, develop a list of the "Ten Cultural Imperatives" that epitomize what must be in place in the district to have an excellent workplace culture.
10. Hire and promote those who share the core values.

17. The Administrative Office of the United States Courts awarded a contract in September 2000 to PricewaterhouseCoopers. In 2002, IBM Global Services purchased the consulting arm of PricewaterhouseCoopers. The staff originally assigned to the project continued to work on it as part of IBM Business Consulting Services. IBM led a team that included The Urban Institute's Justice Policy Center and Wooten Associates, Inc. The lead AO staff member was Senior Policy Analyst Barbara Meierhoefer.

18. There were six focus group sites that were termed "cluster site visits" because in addition to the six "host districts," there were representatives from fourteen more districts in attendance. All circuits were represented, but the focus groups were not considered to be "representative" of the system as a whole. Rather they were selected as examples to illustrate how local differences can affect the issues that officers face and the day-to-day nature of their work. The visits were for two-and-one-half days and were run by the IBM Study Team with the assistance of a staff member from the AO's Office of Probation and Pretrial Services.

19. The surveys were distributed to 155 randomly selected district judges with a return of 110 (71 percent), and to 150 randomly selected magistrate judges with a return of 115 (77 percent).

20. A total of 129 of the 130 chief probation and chief pretrial services officers completed the survey in January 2002. The return rate of 99 percent was described as "astonishing" by the IBM project manager. The survey collected information office organization and case management practices; programmatic and administrative expertise; field equipment and telecommuting; management and communication; planning and assessment; office information systems; staff

recruitment; retention, skills and training; program services; local practices; supervision policies; and support from central agencies, including the AO.

<sup>21</sup>. The Study Team looked at the state systems in New York, California, and Texas, and the national systems of Canada and the United Kingdom.

<sup>22</sup>. The working group was chaired by Chief Probation Officer David Sanders (Nevada). The lead AO staff person was Senior Policy Analyst Barbara Meierhoefer. The working group members were Chief Probation Officer Terry Callahan (Utah); Chief Probation Officer Elaine Terenzi (Florida Middle); Chief Pretrial Services Officer Hence Williams (New Mexico); Deputy Chief Probation Officer Antony San Giacomo (New York Western); Deputy Chief Probation Officer Tom Sanders (Texas Eastern); Assistant Deputy Chief Sandra Fry (Texas Northern); Senior Education Specialist Kate Lynott (Federal Judicial Center). Many others were involved in subcommittees or helped review and comment on drafts.

<sup>23</sup>. With input from the Chiefs Advisory Group, the Study Team was also able to establish preliminary functional goals. For the overall goal of executing the sentence, the group suggested the following operational goals: pay maximum, feasible amount of fines and restitution; complete community service; support dependents; and adhere to other conditions imposed. To bring about offender success the group suggested the following operational goals: improve employment status; reduce substance abuse; improve mental health stability; improve family/community stability; and commit no new crime during or beyond the period of supervision.

<sup>24</sup>. The RPI is a statistical model developed by the Federal Judicial Center and approved by the Judicial Conference of the United States in March 1997. While the model is static and is used only at the beginning of a term of supervision, it has been tested extensively and shown to be a strong predictor of recidivism for federal offenders.

<sup>25</sup>. We posted an implementation package intended for use at the local level on the judiciary's intranet. The FJC produced a broadcast on the Federal Judicial Television Network in March 2003 to introduce the new monograph and explain its significance. Between July and November 2003, the FJC delivered a program called "Supervising for Results" at circuit-wide conferences in all circuits. The FJC also made available an array of training programs in areas that reinforced key principles, including those for supervising substance abusers, sex offenders, and cyber-criminals. The AO established "points-of-contact" (POC) in each district to facilitate and exchange of information. Most communications were by email, but in 2004 and 2005, the AO also brought together groups of POC from across the country for face-to-face training. The POC model proved helpful not only in providing information to the courts about the new monograph, but in obtaining information from the officers trying to implement the new policies.

<sup>26</sup>. The working group was chaired by Chief Probation Officer Elaine Terenzi (Florida Middle). The working group members were Chief Probation Officer Chris Hansen (Nevada); Chief Pretrial Services Officer Holly Renner High (Ohio Southern); Chief Probation Officer Theodore Johnson (Pennsylvania Western); Chief Pretrial Services Officer Donald Ranheim (Nebraska); Chief Probation Officer Valerie Martin (Michigan Western); Chief Probation Officer Vanessa Thurman (Oklahoma Western), Drug and Alcohol Treatment Specialist David Sem (Vermont); and Kate Lynott (Federal Judicial Center). AO staff included Probation Program Administrators Scott VanBenschoten and Michelle Spidell, and Program Services Branch Chief Kimberly Moseley Golder. Many others helped review and comment on drafts.

<sup>27</sup>. The new concepts were introduced at circuit and regional training in the spring of 2008 for substance abuse and mental health treatment specialists. Face-to-face training is planned for circuit and regional conferences in fiscal year 2009.

<sup>28</sup>. The panel members were James Eaglin, Director of Research for the Federal Judicial Center; William Sayler, Director of Research for the Federal Bureau of Prisons, William Burrell from Temple University, and Faye Taxman from Virginia Commonwealth University. Dr. Barbara Meierhoefer, Senior Policy Analyst at the AO, facilitated the discussions. A subsequent

meeting of the panel in July 2005 also included Calvin Johnson, Research Director for the District of Columbia's Court Services and Offender Supervision Agency.

<sup>29</sup>. Official sources included: Administrative Office of the U.S. Courts, American Psychiatric Association, Department of Health and Human Services, Department of Justice, Department of Labor, Federal Bureau of Investigation, Federal Bureau of Prisons, Internal Revenue Service, National Criminal Justice Reference Service, and the National Institutes of Health.

<sup>30</sup>. The contractor provided definitions for the various types of counseling and treatment, categories of mental disorder, earnings, education level, employment, family stability, home confinement, marital status, offense types, prior criminal history, referral for service, relapse, remote location monitoring, residence, restitution, risk level, sex offender, substance abuse, technical violation, travel restrictions, and wages.

<sup>31</sup>. The contractor made other recommendations regarding data quality, data reduction, and data analysis. Data reduction is a process applied when the goal is to aggregate or amalgamate information contained in large data sets into more manageable information. They presented several types of analysis, including univariate and bivariate analysis, logistic regression, survival modeling, linear and multiple regression, and trend analysis (*From Theory to Practice: The Lifecycle Document for the Results-based Management Framework for the Federal Probation and Pretrial Services System* (November 2005). Caliber, an ICF Consulting Company, Fairfax, Virginia). Reprinted in *Federal Probation*. (September 2006).

<sup>32</sup>. The contractor is Abt Associates. For more information see their Web site at: [www.abtassociates.com/index.cfm](http://www.abtassociates.com/index.cfm)

<sup>33</sup>. The chair of the working group is Assistant Deputy Chief Probation Officer Jeff Chambers (South Dakota). Other members are Pretrial Services Officer Joely Andrews (Florida Middle), Probation Officer Chris Deglow (Kentucky Western), Probation Officer Specialist Frank Fuller (Virginia Western), Deputy Chief Pretrial Services Officer Sean Harmon (Texas Southern), Supervisory Probation Officers Peter Merrigan (New York Southern), Rod McKone (Arizona), Ray Owens (Florida Middle), and Robert Walford (California Southern), and Drug and Mental Health Specialist Frank Smith (Florida Southern). Officer Standards Branch Chief Janette Sheil and PACTS Program Manager Kathy Ryan co-facilitate the group for the Office of Probation and Pretrial Services at the AO.

<sup>34</sup>. Case Management/Electronic Case Filing (CM/ECF), FAST, Civil/Criminal Accounting Module (CCAM) and Human Resources Management Information System (HRMIS).

<sup>35</sup>. We now have a link to the Bureau of Prisons' *Sentry* system. Among other uses, *Sentry* enables us to develop the Offender Projected Release Reporting Module in 2006. This module enables probation officers to search BOP records and view information on offenders scheduled for release, which helps officers with their pre-release plans.

<sup>36</sup>. National Criminal Information Center (NCIC) and Uniform Crime Reporting (UCR) systems.

<sup>37</sup>. Others include the Bureau of Justice Statistics, Department of Labor, Internal Revenue Service, and Social Security Administration.

<sup>38</sup>. The Decision Support System project began in 2005 in coordination with the Administrative Office's Information Technology Project Management Process. Detailed functional and technical requirements were documented in *DSS Functional Requirements, Version 1.0*, and approved in January 2007.

<sup>39</sup>. In March 2006, the AO convened a working group of chief probation and chief pretrial services officers and AO staff to begin to discuss how DSS might be useful at both the district and national level. The working group saw a demonstration of prototype that could be accessed using a web browser and also how they could easily change how information is presented. For

example, they looked at post-conviction supervision information and were able to see supervision cases at the national level and B with a few clicks B could change the display to a circuit, district, office, and even to a single case. The working group members in March 2006 were Chief Probation Officer David Keeler (Michigan Eastern); Chief Probation Officer Christopher Maloney (New Jersey); Chief Pretrial Services Officer Timothy McTighe (Washington Eastern); Chief Probation Officer Richard Houck (DC). AO staff included Deputy Assistant Director Matthew Rowland; Senior Policy Analyst Dr. Barbara Meierhoefer; and DSS Project Manager Paul Halvorson

<sup>40</sup>. The Chiefs Advisory Group provides advice on all matters concerning the probation and pretrial services system; its members are elected by their peers and appointed for two-year terms by the AO Director. Other groups are appointed for specific purposes. Those appointed for purposes related to becoming an outcome-based system are the Decision Support Working Group; the Supervision of Federal Offenders Working Group; the Substance Abuse and Mental Health Working Group; the National PACTS Working Group; the PACTS Modification Working Group; the Technology Advisory Group; and the Treatment Expert Group.

<sup>41</sup>. At various times, we have consulted Faye Taxman, George Mason University ( May 16, 2007; July 31, 2007), Christopher Lowenkamp, University of Cincinnati (May 16, 2007 ); Ed Latessa, University of Cincinnati (November 21, 2006).

<sup>42</sup>. In 2006, we held Chief and Deputy Chiefs Administrative Meetings in St. Augustine, Scottsdale, and Redondo Beach; in 2007 we held them in Chicago, Boston, and Las Vegas; the 2008 schedule includes San Antonio, White Fish (MT), and Fort Lauderdale; the 2009 schedule includes Myrtle Beach, Santa Fe, and New York City.

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## Research 2 Results (R2R) - The Pretrial Services Experience

<sup>1</sup> See National Institute of Corrections and the Crime and Justice Institute, “*Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention,*” April 30, 2004 .

<sup>2</sup> See Marie VanNostrand, Ph.D. “*Legal and Evidence Based Practices: Application of Legal Principles, Law, and Research to the Field of Pretrial Services*” (National Institute of Corrections and Crime and Justice Institute, 2007).

<sup>3</sup> The National Institute of Corrections and the Crime and Justice Institute published a series of three articles during April 2007; *Implementing Evidence-Based Principles in Community Corrections: (1) Leading Organizational Change and Development; (2) The Principles of Effective Intervention; and (3) Collaboration for Systemic Change in the Criminal Justice System.*

<sup>4</sup> National Institute of Corrections and the Crime and Justice Institute, “*Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention,*” April 30, 2004, p. 2.

<sup>5</sup> Ibid., p. 1.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> See Title 18, United States Code, section 3142.

<sup>9</sup> Ibid.

<sup>10</sup> See Marie VanNostrand, Ph.D. “*Legal and Evidence Based Practices: Application of Legal*