

[Home](#)

## Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings From the Survey of Chief United States Probation Officers

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[Program Development and Training](#)  
[Type of Program and Eligibility Criteria](#)  
[Typology by Program Goal](#)  
[Correlates of Program Types](#)  
[Assessing Risk](#)  
[Other Eligibility Limitations](#)  
[Selection Process](#)  
[Incentives for Program Participation](#)  
[Reduction in Supervision Term](#)  
[Less Adversarial Procedures](#)  
[Program Structure](#)  
[Length](#)  
[Phases](#)  
[Interim Rewards](#)  
[Team Composition](#)  
[Program Responsibilities and Traditional Roles](#)  
[Judges](#)  
[Collaborative Decision-Making](#)  
[Informality](#)  
[Probation Office Staff Officers](#)  
[Managers, Supervisors, and Support Staff](#)  
[Counsel](#)  
[U.S. Attorneys](#)  
[Defense Counsel](#)  
[Service Providers](#)  
[Resource Commitment](#)  
[Time by Task and Participant](#)  
[Average Time Across Programs](#)  
[Program Reach and Graduation Rates](#)  
[Implications for Further Research](#)

**IN THE FALL OF 2010**, the Federal Judicial Center (Center) surveyed chief United States probation officers to gather information about the status of federal post-conviction supervision programs that are modeled on state and local drug and reentry courts. The survey was undertaken at the request of the Judicial Conference Committee on Criminal Law as part of a larger study of reentry programs in the federal system.<sup>1</sup> This report summarizes the survey

results in the areas of program goals, design, resources, and reach and discusses the role and resource implications of various design features.

The survey proceeded in two stages. On October 4, 2010, the 93 probation chiefs were polled on whether their districts had or were planning judge-involved supervision programs. Districts known from previous surveys or trainings to have programs were asked if the program was still operating and, if so, to confirm the start date.<sup>2</sup> Others were asked if they had or were planning a program described as follows:

The types of programs in which the Committee is interested are those that employ the authority of the court to impose graduated sanctions and positive reinforcements in a less formal team approach to supervising targeted offenders. The team involves a judge and typically representatives of the probation office, U.S. Attorney's office, and public defender or other defense bar representative. Service providers may also play a role as either members of or advisors to the team.<sup>3</sup>

This poll identified 41 districts that were (or would be by end of year 2010) operating 45 judge-involved supervision programs. On October 28, 2010, the Center sent a detailed survey to the chief United States probation officers in 36 districts that host 39 of these programs. (Courts participating in an experimental segment of the larger study of reentry programs<sup>4</sup> and programs in operation for less than six months were excluded.) All surveys were returned before the end of November.

## **Program Development and Training**

Over three-quarters of the federal judge-involved supervision programs were developed at the request of the court. This is a relatively new movement, with the majority of programs starting within the last two years. Almost all of the programs drew from other existing federal programs: team members in all but two courts travelled during the planning stage to observe at least one other district's program in action.

One-third of the program teams participated in a Center reentry team training program that emphasizes the collaborative and organizational elements of team supervision. Other prominent sources of information and training were the National Association of Drug Court Professionals—with at least one team member in 62 percent of the programs attending one or more of its annual training sessions; and the National Drug Court Institute, whose staff visited just under one-quarter of the program districts during their program development process.

[back to top](#)

## **Type of Program and Eligibility Criteria**

Despite the cross-fertilization of programs across districts, no two programs are identical. There are many sources of these differences, but most important from a design and research perspective is the program's goal as defined by the primary problem it is to address. Although the term "reentry" has been used widely in the judge-involved supervision context, the majority of the 39 surveyed programs target substance abuse rather than prisoner reentry.

### *Typology by Program Goals*

In the post-conviction context, reentry is defined as "the process of leaving prison and returning to society."<sup>5</sup> Reentry programs are therefore exclusively for ex-prisoners and are designed to address the whole range of issues critical to a prisoner's successful reintegration into the community. They are aimed at higher-risk offenders most in need of assistance, and target the services and oversight these higher-risk offenders receive based on a thorough, individualized assessment of their criminogenic risks and needs.

There are five federal judge-involved reentry programs that target higher-risk supervised releasees,<sup>6</sup> regardless of their substance abuse history or any other specific problem. Three of these five programs are limited to offenders newly received for supervision—a critical period in the prison-to-community transition. The other programs are either open only to offenders with a

particular type of problem and/or accept probationers (who are not returning from prison) as well as supervised releases.

- Three reentry-drug focused programs target offenders who are returning from prison to the community, but only if they have a documented history of substance abuse.
- The majority of the programs—20—follow a general “drug court” model, available to probationers as well as supervised releasees as long as they have a documented history of substance abuse. (One of these operates as an alternative to revocation and targets only substance abusers who are charged with a violation.)
- Three programs target probationers or supervised releasees who have problems other than substance abuse. One targets gangs, another mental health, and a third Native Americans who lack coping skills.
- The remaining seven (7) programs are available to any higher-risk probationer or supervised release who meets the risk criteria set for the program.

It is not surprising that so many of the programs focus on substance abuse given the reported success of drug courts at the state and local level, and the availability of training from drug court professionals. There were, however, no significant differences across program types in the frequency with which they sought training from the National Association of Drug Court Professionals or the National Drug Court Institute during program development.<sup>7</sup>

### *Correlates of Program Types*

Looking at program eligibility criteria beyond the basic reentry and problem focus that define the different program types, there are only two that differentiated significantly among programs. As might be expected, programs designed to address substance abuse or another specific type of problem are significantly less likely than others to target high-risk offenders *per se*, and the programs focused on substance abuse are more likely to accept offenders already under supervision in addition to the new arrivals.

### *Assessing Risk*

Across program types, 44 percent of the programs target high-risk and 25 percent target moderate-risk offenders. The Risk Prediction Index (RPI)<sup>8</sup> score is used to determine the degree of risk in all but two of these programs. RPI scores for program eligibility in the 27 programs that target high- or moderate-risk offenders range from 3–6 at the low end to 7–9 at the high end, with a span of 6–9 the most common RPI risk criteria, adopted by seven programs.

In addition to risk level criteria, some programs also have offense type eligibility requirements to address the *nature* of a potential participant’s risk. All types of offenders except sex offenders are eligible or eligible under certain circumstances to participate in the majority of programs, and 28 percent of the programs do not automatically exclude sex offenders. The two program types that target substance abuse have a higher tendency to automatically exclude violent offenders, illegal aliens, and those with serious mental health problems.<sup>9</sup>

The actuarial risk levels adopted by the programs, and their inclusion of many very serious offenders, indicate that most aim their intensive programs at offenders at the higher levels of need and risk. On the other hand, most programs also predicate participation on some evidence that an offender is willing to change. All of the programs but two (one a reentry program, the other the Native American program) are voluntary; in 77 percent, the participant must have verbalized a readiness to change.

### *Other Eligibility Limitations*

For practical reasons associated with the length and requirements of a program, the eligibility rules of a majority of the programs have a minimum term of supervision or time remaining under supervision (ranging from 12 to 36 months, with 24 months the most common) and include geographical constraints that require participants to live in the jurisdiction where the court convenes and/or in an area where appropriate services are available.

### *Selection Process*

The probation office is involved in the initial screening for participants in all programs, and solely responsible for making the preliminary recommendation in 28 (72 percent). Once screened as eligible, the final decision to accept or offer participation to an offender is most commonly made by team consensus, but five programs rely on team majority and in eight programs the program judge or the probation office makes the final selection.

### *Incentives for Program Participation*

The 37 programs that are voluntary vary significantly in the percentage of offenders who agree to participate, from a reported low of 3 percent to a reported high of 100 percent. The median across programs is 80 percent. The high volunteer rate in a number of programs is likely influenced by officer pre-screening of offenders on issues related to their likelihood of volunteering, e.g., assessing willingness to change *before* offering the program.

[back to top](#)

## **Reduction in Supervision Term**

The primary incentive offered for participation is a reduction in the term of supervision for offenders who graduate from the program.<sup>10</sup> Most commonly—in over 80 percent of the programs, the reduction is a year off, but there are some variations. In one program, the reduction varies depending on the length of the supervision term, e.g., 1 year off a 3-year term, 18 months off a 4-year term, 2 years off a 5-year term. In others, supervision is terminated regardless of the length of the remaining supervision term, either when the offender graduates from the program (1 program) or after 12 months of successful post-graduation traditional supervision (4 programs). In another program, each team member makes a recommendation of from one year off to immediate discharge after 12 months of successful post-graduation traditional supervision.

There are also variations in the certainty of the reward. One aspect of certainty is whether offenders are told up front that, if they are successful, their supervision term *will* be reduced (55 percent of the programs) or that the reduction will be *recommended* to the court (45 percent of the programs). This feature of the reward is related to whether or not the program is headed by an active district judge, reflecting the reality that, in most circumstances, magistrate judges will be recommending the early termination of supervision to the district court judge with jurisdiction over the case.

A second element of certainty is the vesting of the reduction. In 55 percent of the programs, the reduction vests upon a successful offender's graduation, but

- in 26 percent there are other “good behavior” requirements (e.g., additional months of sobriety or successful supervision) that must be satisfied after graduation, and
- in 18 percent the reduction is granted at graduation but does not vest, i.e., it can be rescinded for subsequent noncompliance.

Vesting at the time of graduation is no more likely in programs in which offenders are told up front that they will get the reduction than in those in which the promise is for a recommendation; and neither of the certainty elements correlates with reported volunteer rates.<sup>11</sup>

### *Less Adversarial Procedures*

All but one of the programs are structured to use graduated sanctions under less adversarial procedures to address offender noncompliance of varying degrees.<sup>12</sup> These programs require participants to consent to the imposition of specified sanctions by the program judge under the less formal program process. This allows a broader range of sanctions—up to and including short jail time<sup>13</sup>—to be implemented without delay while maintaining the offender in the program and outside of normal violation procedures.<sup>14</sup> Noncompliance involving violations of at least moderate severity are handled under less formal program procedures in 79 percent of the programs, including 18 percent that handle high severity violations within the program.

Just over one-third of the programs also utilize less formal hearings conducted within the program to address whether a charged violation occurred if disputed by the offender. Of the 25

programs that instead refer contested noncompliance issues for consideration under regular violation procedures, three-quarters either maintain the offender in the program or permit return regardless of the outcome.

Most programs maintain commitment to the eventual reintegrative goal even when revocation is necessary, with 79 percent permitting—and one requiring—a revoked offender to return to the program upon re-release.

[back to top](#)

## **Program Structure**

### *Length*

Absent noncompliance, the amount of time from program start to graduation ranges across programs from 5 to 18 months, with 12 months—the “best case” duration of 33 programs—by far the most common. In keeping with the commitment to success, all programs permit offenders who have some difficulty meeting supervision goals but remain engaged to take longer—usually up to 18 months—to meet graduation requirements.

### *Phases*

The majority of programs have just one pre-graduation phase, during which offenders meet regularly with the team weekly (1 program), bi-weekly (4 programs), monthly (15 programs), or quarterly (1 program); but 10 of these programs have a post-graduation phase requiring that offenders complete an additional 12 months of successful traditional supervision after graduation to earn the reduction in their supervision term.

There are 17 programs that have from two to four pre-graduation phases that step offenders through decreasing levels of intervention and oversight (e.g., program team sessions, reporting to the probation officer, drug testing) as the participants reach increasingly demanding benchmarks of success (e.g., finding a job, attending program and treatment sessions as required, remaining drug-free for specified periods of time). Of the 17 programs with pre-graduation phases, all but three require offenders to meet with the program team weekly or bi-weekly during the first phase, and reduce to monthly sessions by the last phase.

### *Interim Rewards*

All but two programs offer interim rewards before graduation, most commonly public acknowledgement of success and written acknowledgement of achievement. Over half—56 percent—of the programs also give token gifts, and one-third offer phase advancement or other reduced reporting requirements as offenders meet interim goals throughout the program. These are used as tools to shape pro-social behavior and to encourage active participation and program completion.

[back to top](#)

## **Team Composition**

Collaborative teamwork is a key element of the drug court movement that gave impetus to judge-involved supervision programs. All of the surveyed programs operate with a team, comprising—at a minimum—a program judge and federal probation office staff. Three programs have no other team members, whereas ten of the surveyed programs feature a full team comprising a prosecutor, defense counsel, and service provider in addition to the judge and probation office staff who participate in *all* program tasks. These tasks include selecting program participants, staffing cases with the team before court sessions with offenders, attending court sessions with offenders, and helping to select appropriate rewards for offender achievements and sanctions for offender noncompliance.

Service providers are far less likely than either of the attorneys to play any of the key program roles—particularly selecting participants. When the programs were grouped by whether or not they targeted substance abuse, those that did were significantly more likely to include a service provider as a team member and to have that service provider perform all program tasks. This highlights that the role, if any, of a service provider on the team—and the type of provider

included—reflects as it should the nature of the population being served.

[back to top](#)

## **Program Responsibilities and Traditional Roles**

Judge-involved supervision programs are designed to provide for collaborative, intensive team supervision and therefore add responsibilities to the traditional roles played by the judges, probation office staff, attorneys, and service providers involved. Some of these responsibilities are natural extensions of traditional roles, while others require new skills and ways of thinking. All require additional time and attention.

### *Judges*

Most judge-involved supervision programs are specifically designed to move judges away from their independent adjudicative role to one in which they collaborate with criminal justice and community service professionals in a less formal team approach to monitoring and motivating offenders' pro-social behavior and personal growth. Program judges undertake these responsibilities in addition to their regular duties, with none receiving a reduction in case assignments.

In the 39 programs surveyed, 64 judges were involved routinely as the program judge—25 active district judges, 6 senior district judges and 33 magistrate judges.<sup>15</sup> An additional 23 judges participated occasionally as backup program judges.

Depending on the program, program judges schedule sessions with offenders weekly (18 percent), bi-weekly (36 percent) or monthly (46 percent). The sessions are scheduled to last anywhere from 30 minutes to 3 hours, with most programs setting aside an hour. From 3 to 30 offenders participate in each session, with a median of 10 participants across programs.

### *Collaborative Decision-Making*

Most program judges are part of a collaborative decision-making structure. In all but two of the programs, the judge convenes a case conference among team members prior to each court session to discuss offenders' progress and appropriate rewards and sanctions. Depending on the program, these sessions are scheduled from 15 minutes to 2 hours, with most programs setting aside an hour.

A consensus process is used in the majority of programs to select appropriate rewards, but the sanctioning decision in the majority of programs is left to the judge with input from the team. This style of decision-making provides for collaborative input, but recognizes that both program requirements and broader federal supervision policy require an appropriate, proportional response to *each* act of offender noncompliance. Where there is disagreement among team members as to what is appropriate, someone has to decide if there was noncompliance and, if so, the appropriate sanction. These decisions fall within the traditional role of the judge; no other team member has the authority to impose the full range of program sanctions.

### *Informality*

Despite the less formal structure of the programs, almost three-quarters of the 64 program judges conduct the offender sessions robed, and 30 of these are also seated on the bench in the traditional court setting. Other judges mix elements of formality, wearing robes but sitting at a conference table with offenders and other team members, while only five (5) sit at a conference table with the others in street clothes rather than judge's robes—the least formal configuration.<sup>16</sup>

### *Probation Office Staff Officers*

The role of probation officers in judge-involved supervision programs fits squarely within their traditional and statutory responsibilities (18 U.S.C. § 3603). These duties include keeping the court informed of the conduct and condition of a person under supervision and using “all suitable methods, not inconsistent with the conditions specified by the court” to aid a person under supervision and “bring about improvements in his conduct and condition.” Further, current supervision policies are based on the same principles that undergird judge-involved

supervision programs: targeting supervision resources at higher-risk offenders, targeting the services these higher-risk offenders receive to their criminogenic risks/needs, and transitioning to less structure throughout the period of supervision.

The judge-involved supervision programs add to what would be expected from a regular supervision plan the requirement that the offender report to the program team at regular, specified intervals. In addition, unlike the general guidance provided by supervision policies, many programs set specific contact levels for offender reporting to the probation office, many of which start quite high (weekly or bi-weekly) and decrease over time. These specific requirements may or may not be different from what would have been required absent the program, but are likely to be more intensive for officer and offender alike. The collaborative team approach also adds to the officer's role much of the responsibility for coordinating, if not the team itself, then the information that is reported to the team on a regular basis.

In the 39 programs surveyed, 101 probation officers—64 line officers and 37 specialists—supervise program offenders, with a range of from 1 to 8 officers across programs. Two-thirds of the programs have either one officer (11 programs) or two officers (15 programs) involved. Most (90 percent) of these officers are not dedicated to the program but also supervise other offenders.

Perhaps because of the prevalence of mixed caseloads, three-quarters of the programs do not limit the number of program offenders or total (program and non-program) offenders that may be supervised by an officer involved in the program at any given time. In the few programs that set caseload limits, the most common was a limit of 20 program offenders (with a range of from 5 to 25 across 8 programs) and a total caseload limited to 35–40 offenders.

Questions about the size and structure of officers' caseloads must be assessed carefully to be sure that officers have adequate time to carry out program tasks, fieldwork demands, and the supervision of non-program offenders who do not have such a high profile with the court. This is particularly important if the program excludes the riskiest offenders, who will require an equally intense, if perhaps differently focused, plan of action.

#### *Managers, Supervisors, and Support Staff*

In addition to the officers who provide supervision, other probation personnel often serve as team members or provide support to the team. Office managers (the chief, deputy chief, and/or assistant deputy chief) routinely attend court sessions with offenders and/or the planning conference in 17 of the programs, and supervisors attend in 23. Other staff, including backup officers, specialists, and administrative personnel, routinely participate in three programs each. This is in keeping with the traditional role of managers, supervisors, specialists, and others to support the work of officers, but in a different and more public context.

#### *Counsel*

A primary goal of federal supervision in general and judge-involved supervision programs in particular is to facilitate offenders' success in maintaining a law-abiding lifestyle as contributing members of the community both during the period of supervision and beyond. This does not contradict prosecutorial public safety goals or defense goals to promote clients' interests, but is a shift from the customary prosecutorial focus on pursuing public safety by conviction and punishment, and the defense focus on serving their clients through advocacy and protection of rights. Further, the direct non-adversarial contact among team members and with offenders is a new role for counsel, as is the expectation that they are to help shape a program participant's behavior by administering rewards and graduated sanctions—rather than traditional legal consequences alone—to promote new ways of thinking and positive behavioral outcomes.

#### *U.S. Attorneys*

Representatives from the U.S. Attorney's Office played some role in 35 of the 39 programs surveyed and were full team partners playing each key role in 24. Few programs expect U.S. attorneys also to perform traditional investigative or evidentiary presentation tasks in their role as a team member. Only three programs expect them to investigate allegations of noncompliance, and five expect them to assist in the presentation of evidence at informal program court sessions to address noncompliance.

## *Defense Counsel*

Defense counsel—usually representatives from the Federal Public Defender’s Office—played some role in 36 of the 39 programs and were full team partners in 23. The programs are split as to the extent to which defense counsel are also called upon to play their traditional roles.

- In 56 percent of the programs, the defender representative advises offenders who have been offered a slot in the program as to the pros and cons of participation; in 44 percent they do not.
- The same 56 percent majority (although not the same programs) expect the defender to represent program offenders charged with noncompliance during either the informal program sanctioning process or all (formal and informal) phases of the violation process, while in 44 percent of the programs, there is no attorney-client relationship between program offenders and the defense representative on the team. One program started out with the defender as offender representative, but moved to having no attorney-client relationship.

These varied approaches to the role of defense counsel highlight the need for each program to address how to handle the potential conflict that can arise when the same attorney is both a team member—with responsibilities to the team—and also someone with responsibilities to clients defined by professional ethics.

## *Service Providers*

The traditional role of community service providers is to provide service, prepare reports for the probation officer on offenders’ status and response to treatment, and recommend appropriate modifications to treatment plans. These tasks continue in any judge-involved supervision program, but the reports and recommendations would be more frequent to accommodate the program’s session schedule.

Providers who are team members take on additional tasks of participating in face-to-face discussions with the team and the offender to, as needed, review the status of a particular offender or offer a broader perspective outside the criminal justice system and/or perhaps even facilitate the team process itself. It is particularly important to clarify the role(s) a service provider is expected to play in programs that do not target one specific type of problem.

[back to top](#)

## **Resource Commitment**

Time commitment to the program will depend, in part, on the number and composition of the supervision teams, the frequency and length of the court sessions with offenders and who attends, and whether the team holds pre-session preparatory conferences before the court sessions and, if so, how much time is set aside.<sup>17</sup>

We combined program information with team composition information to estimate the amount of time that a single team<sup>18</sup> devotes to conducting and meeting to prepare for sessions with offenders during the year. The number of routine attendees at the court session was multiplied by the time usually scheduled for these sessions,<sup>19</sup> and the result then multiplied by the number of sessions scheduled during the year, i.e., 52 if held weekly, 26 if bi-weekly, and 12 if monthly. The attendee count includes one judge and one probation officer plus any prosecutors, defense counsel, service providers,<sup>20</sup> and other probation office staff reported as routinely attending these sessions. We repeated the calculations for the preparatory meetings and added the two for an estimated total time commitment.

### *Time by Task and Participant*

The range in the estimated time required by each team per year for basic program tasks varies across program from a low of 39 hours to a high of 936 hours, with the totals resulting from various combinations of program design decisions.

The low-end annual team time commitment, estimated at 39 hours, is for a program in which

the judge, probation officer, and supervisory probation officer meet every other week for 30 minutes with an average of 12 offenders. There is no preparatory team conference. The estimated per team judge time commitment is 1.1 hours per month.

Two programs share the high-end 936-hour annual time commitment. One is a program in which an expanded team (full team plus a probation supervisor) meets weekly for two hours with, on average, 12 offenders. Each session is preceded by a one-hour preparatory conference. The per team judge time commitment is 13 hours per month. The second is a program that features weekly one-hour sessions with, on average, five (5) offenders and is preceded by a one-hour preparatory conference. The high time commitment stems primarily from the involvement of up to four (4) additional probation office staff in both the court session and preparatory conference.

#### *Average Time Across Programs*

The average estimated total time across all programs is 321 hours annually (median = 260 hours annually). Judges average approximately 53 hours a year, or 4.4 hours per month (median = 39 hours annually, or 3.2 hours per month). The probation time is the greatest because multiple staff often attend the court sessions (31 programs) and/or the preparatory conferences (28 programs).

Neither average estimated total time nor judge time were related to program type, but programs in which active district judges serve as program judges committed significantly less time than others.

[back to top](#)

### **Program Reach and Graduation Rates**

At the time of the survey, a total of 1,413 offenders had participated in the 39 programs. The range across programs was from 4 to 160, depending on the length of time the program had been in operation and the number of participants at any one time. The range in the number of offenders who participate (or, for newer programs, are expected to participate) at any given time is from 5 to 55 (median of 10 participants), affected primarily by the number of judges—and therefore teams—involved in the program.

Of the 1,413 participants, 839 were no longer in the program, having either graduated, quit the program, terminated unsuccessfully, or been administratively discharged (e.g., became ill, transferred out of district). Of these former participants, 422 graduated—but not all programs had been operating long enough at the time of the survey to have had a graduation. Based on the 32 programs that were operating long enough to have had at least one graduation (821 former participants in all), the overall graduation rate was 51.4 percent. Across these programs, the rate ranged from 0 to 88 percent, with a median of 40.5 percent.

[back to top](#)

### **Implications for Further Research**

This examination of judge-involved supervision programs indicates a wide range of goals, philosophies, and design features that affect the public resources a program requires and the level of intervention with offender participants. The next step is to get a better understanding of how various program features are related to program success. Do participants in some programs adjust better than those in other programs? If so, is this due to characteristics of the offenders who are in the program or to characteristics of the program itself—or to some combination of the two?

To begin to answer these questions with respect to existing programs, we would need to examine the relationship between supervision outcomes (e.g., re-arrests, termination status) and information from the survey about key program design features (e.g., program type, team composition, time commitment and decision-making style), while controlling for offender characteristics known to affect supervision outcomes (e.g., RPI score, nature of substance abuse, employment status).

The Center is currently working with the Office of Probation and Pretrial Services to assess the feasibility of combining survey data with information from the Probation and Pretrial Services Automated Case Tracking System (PACTS) to explore these relationships.

[back to top](#)

[Endnotes](#)

[Figures](#)

[Tables](#)

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## Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings From the Survey of Chief United States Probation Officers

### Figures

[Population Targeted by Federal Judge Involved Supervision Programs](#)

[Relationship Between Type Of Program And Other Eligibility Requirements](#)

[Participant Selection and Incentives to Participate](#)

[Q 54: Are offenders told when deciding about participating in the program that, upon program graduation, his/her sentence will be reduced or that there will be a recommendation that the sentence be reduced?](#)

[Percent of Programs in Which Counsel and Service Providers Play Various Roles](#)

[Percentage of Programs in Which Service Providers Perform Program Tasks, by Target Population](#)

[Decision-Making Style](#)

[Q 46: Is a defender team member expected to represent program offenders alleged to have violated program rules or conditions of supervision?](#)

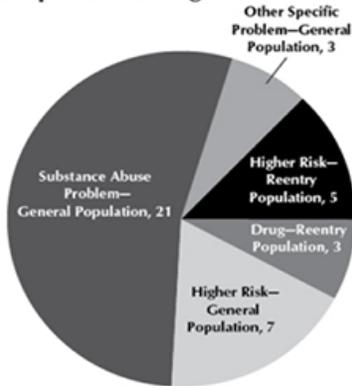
[Estimated Annual Total Time Commitment by Task](#)

[Estimated Annual Total Time Commitment by Team Member](#)

[Graduation Rates for Those 32 Programs in Operation Long Enough to Have Had at Least One Graduation](#)

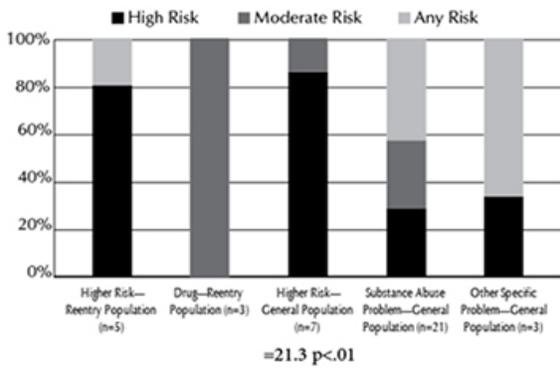
[Average Estimated Annual Hours Committed to Court Sessions with Offenders and Preparatory Conferences, by Type of Program Judge](#)

### Population Targeted by Federal Judge-Involved Supervision Programs

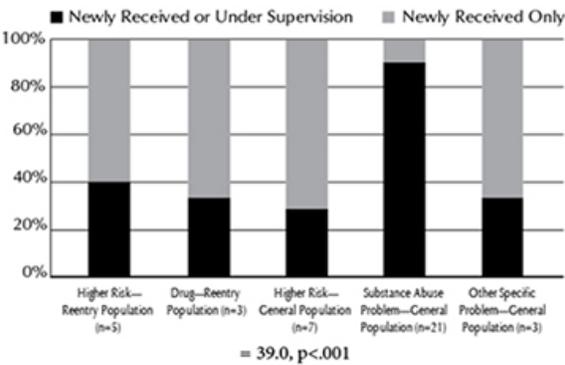


### Relationship Between Type Of Program And Other Eligibility Requirements\*

Q 9: What general level of offender risk is targeted by your program?\*\*\*



Q 4: Does your program's target population include:†



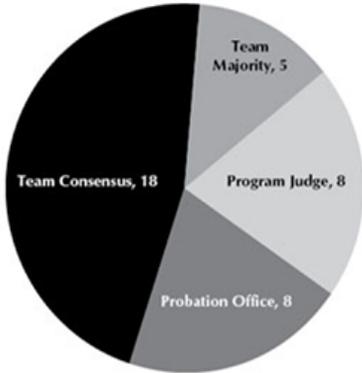
\* The graph displays the percentage of all programs of a particular type that target high, moderate or "any" risk and the percentage of programs that do or do not target offenders newly received for supervision. Given the small number of programs in each category, the percentages per se are clearly not stable, but are displayed for ease of comparison across type of program to indicate the source of the significant relationship.

\*\* Respondents were also given a choice of "Low Risk" but no one selected this answer.

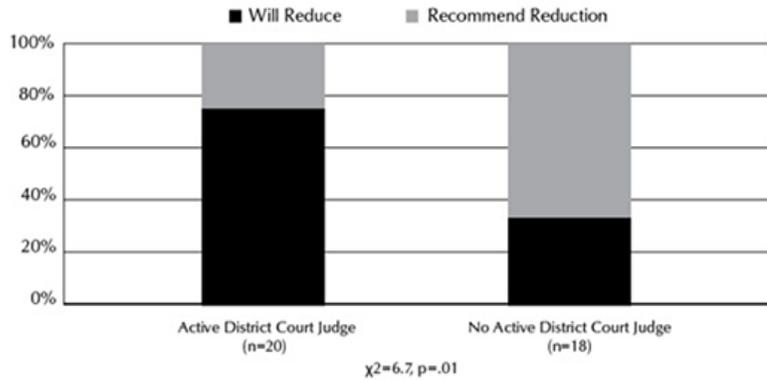
† The survey asked in a series of yes/no questions if the program targeted "Offenders Newly Received For Supervision," "Offenders Under Supervision Charged with a Violation," and/or "Offenders Under Supervision (regardless of violation status)." The graph combines the two "Under Supervision" categories.

### Participant Selection and Incentives to Participate

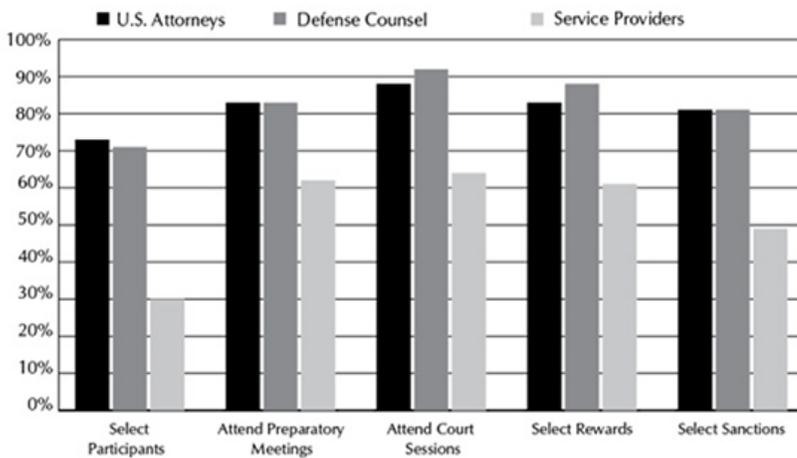
Q17: Are final decisions to select program participants or, if voluntary, to offer the program to offenders made by:



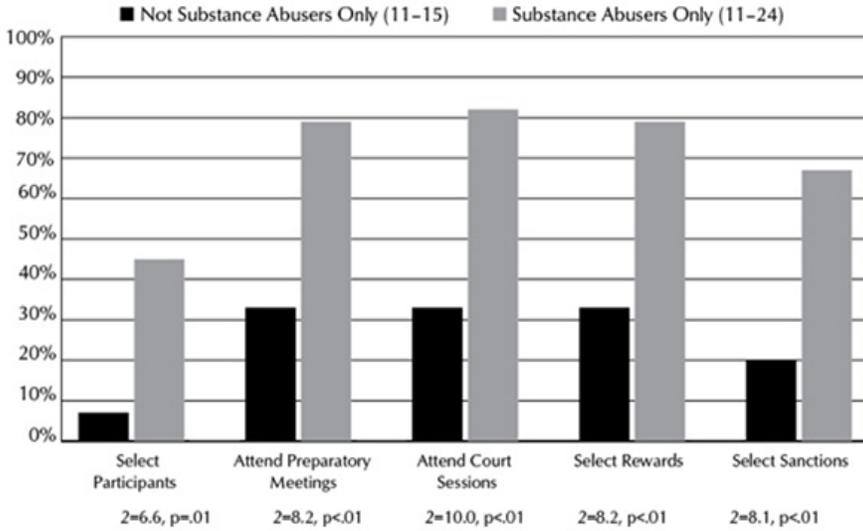
Q 54: Are offenders told when deciding about participating in the program that, upon program graduation, his/her sentence will be reduced or that there will be a recommendation that the sentence be reduced?



### Percent of Programs in Which Counsel and Service Providers Play Various Roles

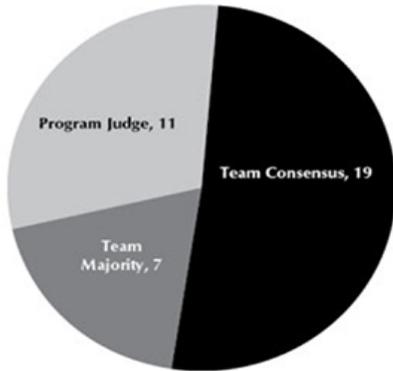


Percentage of Programs in Which Service Providers Perform Program Tasks, by Target Population

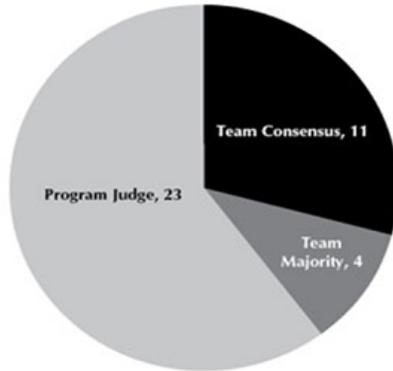


**Decision-Making Style**

Q 58: Are decisions about appropriate interim rewards made by:



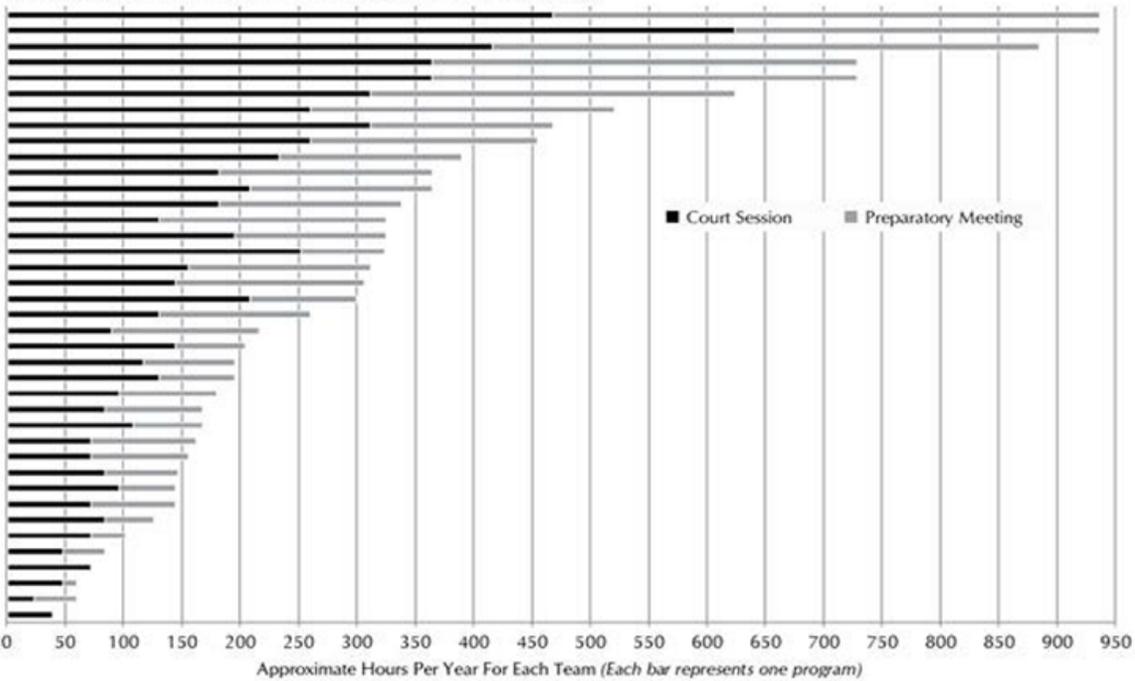
Q 61: Are decisions about appropriate sanctions within the program made by:



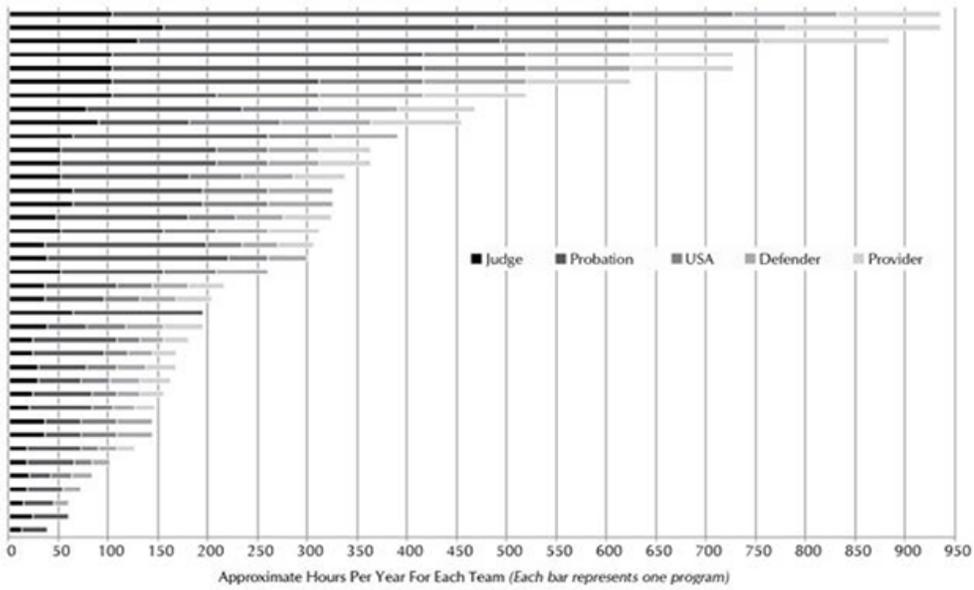
Q 46: Is a defender team member expected to represent program offenders alleged to have violated program rules or conditions of supervision?



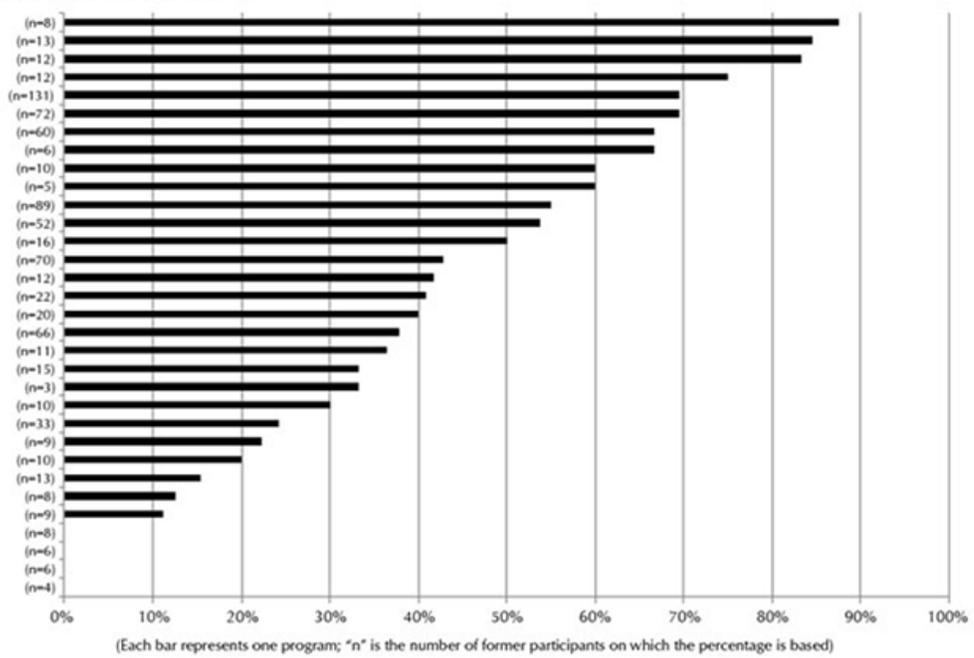
Estimated Annual Total Time Commitment by Task



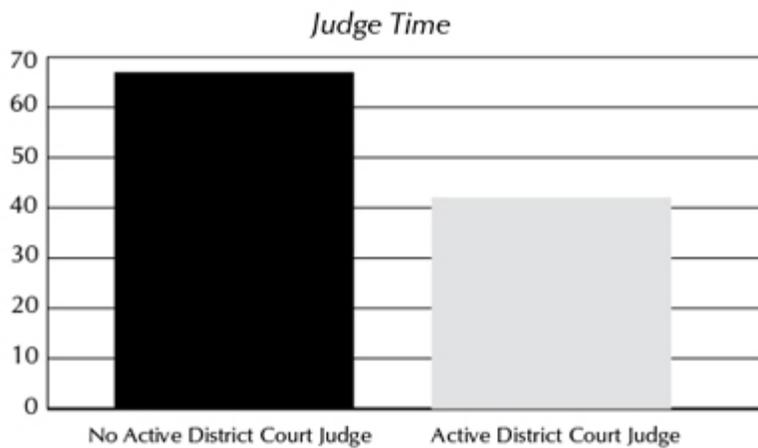
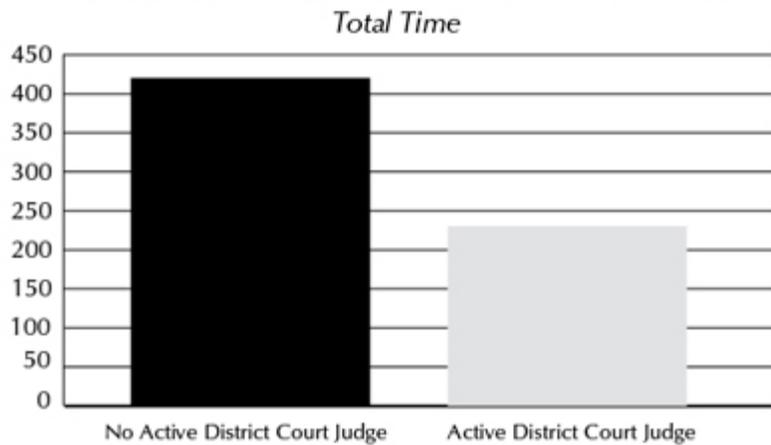
### Estimated Annual Total Time Commitment by Team Member



### Graduation Rates for Those 32 Programs in Operation Long Enough to Have Had at Least One Graduation



### Average Estimated Annual Hours Committed to Court Sessions with Offenders and Preparatory Conferences, by Type of Program Judge



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## Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings From the Survey of Chief United States Probation Officers

### Tables

Team Member	# of Programs in which team member played any role	Average Number of Hours Spent Annually on Program Sessions / Meetings	Median Number of Hours Spent Annually on Program Sessions / Meetings
Judges	39	53	39
Probation Staff	39	127	104
U.S. Attorney's Office	35	50	48
Defense Counsel	36	51	43.5
Service Provider	26	40	50

[back to top](#)

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## The Construction and Validation of the Federal Post Conviction Risk Assessment (PCRA)

\* Corresponding author.

\*\* For questions related to analysis.

† For questions related to automation, certification, training and implementation.

1. The RPI uses 8 largely static questions to determine the risk that an offender will recidivate during his or her term of supervision; the results are intended to assist officers in creating the offender's initial supervision case plan.
2. Districts were required to submit a proposal, which included a budget, outlining an area of evidence-based practices (EBP) they wanted to implement. The areas of EBP available were risk assessment, cognitive behavioral interventions, motivational interviewing, and other. The "other" category was open and districts that chose this option tended to use it for drug courts and workforce development.
3. LSI (Level of Service Inventory), COMPAS (Correctional Offender Management Profiling for Alternative Sanctions), RMS (Risk Management Services).
4. PACTS (Probation/Pretrial Services Automated Case Tracking System) is an electronic case management tool used by probation and pretrial services officers in all 94 federal districts to track federal defendants and offenders. At the end of each month, districts submit case data into a national repository that is accessible to the Administrative Office of the U.S. Courts (AO), Office of Probation and Pretrial Services.
5. One district was not an R2R district but had been using a commercially available risk assessment tool (RMS) longer than the other four R2R districts.
6. Districts were initially informed that 100 cases from each district would be randomly selected, but one district only permitted 10 percent of their cases to be selected, which limited their sample to 64 cases.
7. Due to ongoing data collection, the test items have yet to be analyzed. Decisions to include or omit test items will be determined by statistical significance and by how a test item impacts the predictive accuracy of the PCRA.
8. Two validation samples were developed in order to test the robustness of the instrument.
9. Data from the analysis file was assembled from PACTS and matched with data from the Federal Bureau of Prisons (BOP), the U.S. Sentencing Commission (USSC), and the Census Bureau. Arrest data came from ATLAS (Access to Law Enforcement System) and from the FBI's Computerized Criminal History (CCH) database. Arrest data are current through August 13, 2009. Offenders in the analysis file began active post-conviction supervision between October 1, 2004 and August 13, 2009 (see Baber, 2010). Of the 185,297 offenders in the analysis file, only 103,071 had criminal histories and other relevant items used to construct the PCRA.
10. As outlined in the *Guide to Judiciary Policy*, Volume 8, Part E, Supervision of Federal Offenders, case plans are to be submitted within 30–60 days of the start of the offender's supervision term. This plan is formally evaluated and modified during the sixth month of supervision and updated annually for the duration of the supervision term.
11. When the outcome variable is composed of only two values (e.g., arrest or no arrest), which is typical for risk classification in probation, logistic regression is usually the best approach to use. The main advantage of logistic regression is that few statistical

assumptions are required for its use. In addition, it generates probability values that are constrained between zero and one. Logistic regression calculates the probability of an event occurring or not occurring (e.g., getting arrested or not getting arrested) and presents the results in the form of an odds ratio ( $\text{Exp}(B)$ ). For the purposes of this article, the odds ratio is the number by which you multiply the odds of getting re-arrested for each one-unit increase in the independent variable (i.e., a variable in the equation). An odds ratio greater than 1 indicates that the odds of getting re-arrested increase when the independent variable increases; an odds ratio less than 1 indicates that the odds of getting re-arrested decrease when the independent variable increases (Menard, 2002).

12. While the iterative classification processes seem to rate higher on some measures of utility, they also tend to have higher degrees of predictive shrinkage (see Silver et al., 2000).
13. The AUC measures the probability that a score drawn at random from one sample or population (e.g., offenders with a re-arrest) is higher than that drawn at random from a second sample or population (e.g., offenders with no re-arrest). The AUC can range from .0 to 1.0 with .5 representing the value associated with chance prediction. Values equal to or greater than .70 are considered good.
14. Rice and Harris indicate that the AUC holds the same meaning as the common language effect size indicator. That is, the probability that the PCRA score for a randomly selected recidivist is higher than the PCRA score for a randomly selected non-recidivist. For example, using the long-term follow-up data (AUC = .78), if you randomly select a recidivist and a non-recidivist, the recidivist's PCRA score should be higher than the non-recidivist's score 78 percent of the time.
15. Failure is defined as any new arrest during a term of supervision.
16. STATA adjusts for cases that were lost during follow-up when calculating survival tables.

[back to top](#)

## **Implementing Risk Assessment in the Federal Pretrial Services System**

1. Pretrial services cases in the District of Columbia are not classified as federal pretrial services cases by the Pretrial Services Act of 1982; therefore, only 93 of the 94 federal districts are included for pretrial services data.

[back to top](#)

## **Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings From the Survey of Chief United States Probation Officers**

1. The Center, in cooperation with the Administrative Office of the U.S. Courts' Office of Probation and Pretrial Services, is conducting a two-pronged study of the operational aspects, outcomes, and cost-effectiveness of judge-involved reentry programs, including an evaluation of their effectiveness in comparison to other offender supervision approaches that may require less intensive use of judicial resources. In addition to the process-descriptive assessment of already-established programs of which this survey is a part, the study also includes a multi-year effort to implement an experimental design, with random assignment, in five districts with new or relatively new programs: California Central, Florida Middle, Iowa Southern, New York Southern, and Wisconsin Eastern.
2. The Center surveyed probation chiefs in 2008 to see if they had programs modeled after drug or reentry courts, and both the Office of Probation and Pretrial Services and the Center's Education Division maintain program contact lists.

3. Although the survey was titled "2010 Reentry Program Survey of Chief Probation Officers," it in fact included all judge-involved supervision programs, regardless of the target population.
4. *Supra* Note 1.
5. J. Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, The Urban Institute Press, Washington, DC (2005), xxi.
6. In the federal system, "supervised release" is a separate sentence that may be imposed by the sentencing court to follow a term of imprisonment. Supervised releasees, who are under the jurisdiction of the court, are therefore the focus of federal reentry programs. There are also a small number of parolees, sentenced before federal parole was abolished in 1987, who are received from prison for supervision each year. Parolees are supervised by federal probation officers, but fall under the jurisdiction of the United States Parole Commission—an executive branch agency—rather than the court. As such, they are generally excluded from judge-involved supervision programs.
7. Significance was tested with the chi-square statistic. Given the small number of programs and the relatively large number of chi-square analyses performed, a result is reported as significant only if the significance level of the chi-square statistic reached the .01 level or beyond. Differences at or beyond the .05 level are reported as "tendencies."
8. The RPI is a risk assessment device developed by the Federal Judicial Center and used since 1997 by the federal probation system to determine the general risk level of offenders received for probation or supervised release supervision.
9. The differences across all program types are not significant. When the program types are grouped as to whether or not they accepted only substance abusers, the differences were significant at the .05 but not the .01 level.
10. The one-year off is also offered by one of the two mandatory programs as an incentive for program completion.
11. "Reported" is emphasized given that some programs reported 100% volunteer rates, which may reflect a practice of only offering the opportunity to participate to those deemed likely to volunteer in the first place. See discussion on page 6, *infra*.
12. Most of the interagency agreements contain language to the effect that, with some exceptions, conduct that would otherwise constitute a supervision violation and lead to a violation hearing may be handled in an informal manner.
13. In most programs (82 percent), the offender agrees at program start that jail time is one of the sanctions that may be imposed. The range in the amount of jail time was from 1 to 30 days across the programs, with the majority—20 of the 32 programs that have a special jail time provision—at 7 days.
14. Supervision policies require probation officers to utilize graduated sanctions in response to noncompliance. If, however, the desired sanction affects the length or conditions of the term of supervision, officers must petition the sentencing judge for a modification—an action that may be contested by the offender under the procedures of Fed. R. Crim. P. 32.1(b). This can obviously affect the timeliness and certainty of such sanctions.
15. There are more judges than programs because 13 of the programs have more than one team.
16. Survey question 32 asked if, during the court session, the judge was on the bench and the offenders in the jury box or the judge is seated at a conference table with the others or "Other Configuration." The "Other" text field sometimes included information, sometimes not. Further, the survey did not ask for the style of each program judge, so the style of judges in multi-judge programs could be extrapolated only if specific information was provided in comments to this section.
17. These activities do not take into consideration the time it takes to coordinate the sessions logistically, assemble the relevant paperwork, or undertake additional supervision activities that might be entailed.