

A BRIEF HISTORY

The history of the U.S. Probation and Pretrial Services System is a story of men and women struggling to professionalize their work, to respond to formidable changes in the criminal justice process, to assume growing and seemingly ever-changing responsibilities, and to continually improve programs and processes in the name of serving the court and the community better. The system did not develop and grow in a vacuum. Events, people, groups, legislation, and court cases influenced and shaped it.

Highlights of the system's history from the early 1900's to the present are presented here. The information, though certainly not exhaustive, conveys something of the system's rich past and its continuing strong mandate for the future.

"FIRSTS"

The system's long history is full of many "firsts." Here are a few that mark particularly important achievements or events.

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| <p>1909 FIRST BILLS FOR A FEDERAL PROBATION LAW - The first bills for a probation law were introduced, one of which—prepared by the New York State Probation Commission and the National Probation Association and introduced by Senator Robert L. Owen of Oklahoma—provided for a suspension of sentence and probation and compensation of \$5 per diem for probation officers.</p> | <p>1943 FIRST MONOGRAPH - The Probation Division of the Administrative Office of the U.S. Courts published the first monograph, <i>The Presentence Investigation Report</i>, a 16-page booklet that explained the purpose of the presentence investigation, the officer's part in the investigation, and how to prepare the report.</p> |
| <p>1927 FIRST FEDERAL PROBATION OFFICER - Richard McSweeney, the first salaried federal probation officer, was appointed in the District of Massachusetts, and the second and third officers followed shortly thereafter (hired in the Southern District of New York and the Southern District of West Virginia, respectively).</p> | <p>1949 FIRST PROBATION OFFICERS MANUAL - Nearly 75 officers contributed to developing the system's first manual, an 11-chapter guide designed to address the need to compile records and procedures, to standardize them, and to comply with officers' requests for such a manual.</p> |
| <p>1932 FIRST FEMALE OFFICER - Margaret Staehli worked as a county probation officer, gave up the title to enter the federal system in the District of Minnesota as a clerk typist in 1931 when there was no authority to hire more officers, and then became the first woman named as a federal probation officer the following year.</p> | <p>1976 FIRST ISSUE OF NEWS AND VIEWS - This still-published national newsletter, produced by the Probation Division in the Administrative Office as a means to improve communication throughout the system and to replace many of the memoranda sent to the field, offered readers news from the Division and from the field, an editorial forum, and information on many subjects, including legal issues and developments in criminal justice.</p> |
| <p>1937 FIRST ISSUE OF FEDERAL PROBATION - Published (and still in print) as a training and information tool for officers, the journal—which evolved from <i>Ye News Letter</i>, the system's house organ published from 1930-37—offered articles on all phases of the prevention and control of delinquency and crime and appealed to a wide readership that included state and local criminal justice professionals, academicians, and students.</p> | <p>1978 FIRST OFFICER CODE OF CONDUCT - The Judicial Conference of the United States adopted a Code of Conduct for United States Probation Officers that applied to all probation and pretrial services officers and set forth standards in seven canons that promoted such tenets as integrity and impartiality.</p> |
| | <p>1986 FIRST LINE-OF-DUTY DEATH - The Southern District of Indiana's Thomas E. Gahl—gunned down by a parolee during a home visit—became the first (and to date is the only) federal probation officer killed in the line of duty—although in 1966 Marie Curtis, a probation clerk in the Northern District of West Virginia, was fatally wounded by a parolee while at work and is considered the first system employee killed on duty.</p> |
| | <p>1989 FIRST SUPERVISED RELEASEES - Probation officers received the first offenders released to the community on supervised release, a new sentence, created by Congress in 1984, to be served by offenders after they completed prison terms.</p> |

PEOPLE AND GROUPS

People--working individually or in groups--formed and influenced the system and its policies and practices through action, advice, assistance, or support.

- 1841** JOHN AUGUSTUS - Long before the federal probation system came into being, the nation's first "probation officer," a cobbler by trade, asked the police court in Boston to allow a "common drunkard" to be placed under his direction while on bail. Encouraged by the experience, Augustus continued this probation work--without pay--for 18 years and developed several approaches that remain a part of modern probation: working mainly with first offenders, investigating the history and character of each individual, and keeping careful case records.
- 1925** PRESIDENT CALVIN COOLIDGE - President Coolidge signed the Probation Act, which established probation as a sentence in the federal courts and authorized courts to appoint one or more persons to serve as probation officers without compensation and one salaried probation officer.
- 1930** FEDERAL BUREAU OF PRISONS - The Federal Bureau of Prisons, established by Congress in 1930 and home to the federal probation system until 1940, confines federal offenders in prisons and community-based facilities, provides them work and other self-improvement opportunities, and works with the system in such areas as providing pretrial detention bedspace and determining the institution to which an inmate will be designated
- 1930** JOEL R. MOORE - Impressed by Moore's experience in the Detroit Recorders Court, Bureau of Prisons Director Sanford Bates named Moore the system's first supervisor of probation. During his seven years in the position, Moore's vision and perseverance served him well as he worked to professionalize probation; establish policies and uniform practices; initiate training institutes; and procure adequate salaries, space and furnishings, supplies, and travel funds.
- 1955** FEDERAL PROBATION OFFICERS ASSOCIATION - Established as a professional association for officers, the FPOA (now the Federal Probation and Pretrial Officers Association--FPPOA) over the years advised the Administrative Office and the Judicial Conference on an array of issues and represented the interests of officers before Congress.
- 1963** COMMITTEE ON THE ADMINISTRATION OF THE PROBATION SYSTEM - The Committee (now the Criminal Law Committee) was initially formed as an ad hoc committee of the Judicial Conference but was made a permanent committee in 1963 expressly to address issues concerning the operation of the system.
- 1967** FEDERAL JUDICIAL CENTER - Established by Congress in 1967 as the federal courts' agency for research and education, the Federal Judicial Center offers training for officers and other court personnel, providing new officer orientation, continuing education, and special-focus training.

- 1972** KASTENMEIER COMMITTEE - When Congressman William Kastenmeier held hearings on proposed legislation to improve federal corrections, testimony from the Administrative Office's Probation Division and the Federal Probation Officers Association generated congressional support for new probation officer positions and led to major staff expansion.
- 1979** CHIEFS MANAGEMENT COUNCIL - An outgrowth of the national chiefs meeting in 1978, the Chiefs Management Council (now the Chiefs Advisory Group), made up of one elected representative from each of five regions, was established as a means for chiefs to contribute to planning and policy development for the system.
- 1984** U.S. SENTENCING COMMISSION - Created by the Sentencing Reform Act, the U.S. Sentencing Commission sets sentencing policies and practices for the federal courts--including detailed guidelines prescribing the appropriate form and severity of punishment for offenders convicted of federal crimes--maintains the nation's most comprehensive database on federal sentencing, and trains officers and others involved in the sentencing process.

TURNING POINTS

Call them milestones or landmarks or turning points. Certain events in the system's history significantly changed the nature of the work or how it was accomplished.

- 1930** OFFICERS TOOK ON SUPERVISION OF FEDERAL PAROLEES - In 1930, Congress created the National Parole Board (which became the U.S. Parole Commission in 1976) to grant parole and issue warrants for violations and also amended the Probation Act to give U.S. probation officers responsibility for field supervision of federal parolees.
- 1940** ADMINISTRATIVE OFFICE ASSUMED RESPONSIBILITY TO OVERSEE SYSTEM - General oversight of the system was transferred from the Federal Bureau of Prisons to the Administrative Office of the U.S. Courts based on the rationale--adopted by the Judicial Conference of the United States--that officers are appointed by the court and subject to its direction.
- 1946** SYSTEM UNDERTOOK SUPERVISION OF MILITARY PAROLEES - At the request of the Department of the Army, the system agreed to have probation officers investigate parole plans of Army and Air Force prisoners and supervise them following release on parole from disciplinary barracks.
- 1966** MOVE TO TRANSFER SYSTEM TO JUSTICE DEPARTMENT OPPOSED - When the Attorney General proposed a series of bills to unify federal correctional services--probation, prisons, and parole--and remove the federal probation system from the judiciary and place it in the Department of Justice, the Judicial Conference adopted a resolution opposing the proposed transfer.

- 1975** PRETRIAL SERVICES DEMONSTRATION AGENCIES ESTABLISHED - To help reduce crime by persons released to the community pending trial and to reduce unnecessary pretrial detention, the Administrative Office established in 10 judicial districts "demonstration" pretrial services agencies to interview each person charged with other than a petty offense, verify background information, present a report and recommendation to the judicial officer considering bail, supervise persons released pending trial, and help defendants on bail to locate and use community services.
- 1980** SENIOR AND SPECIALIST POSITIONS ESTABLISHED - The Judicial Conference approved (and Congress two years later approved funds for) the establishment of drug and alcohol treatment specialist and senior officer standards, which allowed officers performing these jobs to be compensated for their expertise and skills.
- 1986** SPECIAL CURFEW PROGRAM INTRODUCED - Home confinement was first used in the judiciary as part of an experimental program--a cooperative venture of the Bureau of Prisons, the U.S. Parole Commission, and the federal probation system--as an alternative to Bureau of Prisons Community Treatment Center (CTC) residence for eligible inmates who, instead of CTC placement, received parole dates advanced a maximum of 60 days and were subject to a curfew and minimum weekly contact with a probation officer.
- 1987** SENTENCING GUIDELINES WENT INTO EFFECT - Federal sentencing guidelines formulated by the U.S. Sentencing Commission went into effect on November 1, 1987, and significantly altered judges' sentencing discretion, officers' preparation of the presentence investigation report, and officers' overall role in the sentencing process.
- 1987** FIREARMS INSTRUCTOR TRAINING STARTED- In 2-week training sessions held in Tuscaloosa, Alabama, and Galveston, Texas, the system's first firearms instructors were trained to teach firearms handling and safety in their respective districts.
- 1987** PROBATION AND PRETRIAL SERVICES TRACKING SYSTEM (PACTS) ESTABLISHED - PACTS provided a local uniform data collection system for probation and pretrial services offices and an efficient means to electronically generate, store, and retrieve investigation and supervision case information.
- 1987** BUDGET DECENTRALIZATION TESTED - In 1987, the Judicial Conference approved a five-court, 3-year pilot project to test the benefits of expanding the role of the courts in managing local operating budgets. Budget decentralization--expanded to all courts in 1994--transferred the responsibility for managing and controlling allotted funds from the Administrative Office to individual court units, including probation and pretrial services.
- 1990** PRETRIAL DETENTION CRISIS ADDRESSED - Because of the actual and projected number of persons in custody awaiting trial in the federal courts and the problems with housing these persons near their place of trial, the Judicial Conference was compelled to adopt a resolution warning that a national pretrial detention crisis was emerging. The Conference implored Congress to supply sufficient funding to the Bureau of Prisons, the U.S. Marshals Service, and U.S. pretrial services officers to provide for adequate custody and supervision of pretrial detainees and to encourage development of alternatives to incarceration, such as community supervision, house arrest, and electronic monitoring.
- 1991** ENHANCED SUPERVISION CONCEPT INTRODUCED - Changes in the law and in the supervision population led to the revamping of federal supervision and the publication of a monograph that introduced "enhanced supervision," a new process for identifying high-risk offenders, enforcing special conditions of probation, controlling risk to the community, and providing correctional treatment.
- 1992** LEADERSHIP DEVELOPMENT PROGRAM LAUNCHED - To prepare officers for leadership positions in the federal courts, the Federal Judicial Center launched a developmental program that required participants, among other things, to write a report on management practices, serve a tour of temporary duty in another organization or district, and attend leadership development seminars.
- 1996** SWEAT PATCH TESTED - A pilot program launched by the Administrative Office tested the proficiency and wearability of the sweat patch--a bandaid-like device that tests for drugs through sweat rather than urine--and found the patch suitable for officers to use as a routine screening tool.
- 1997** NEW FIREARMS REGULATIONS APPROVED - The Judicial Conference approved new firearms regulations that eliminated the need for state clearance for officers to carry firearms, required the district court to approve the district's firearms program, and extended the use of lethal force from self-defense only to include the right to protect a fellow officer from death or grievous bodily harm.
- 1999** DRUG CERTIFICATION PROGRAM ESTABLISHED - The Administrative Office set national proficiency standards as a means to credential and provide uniform training for officers who provide supervision and treatment for defendants and offenders identified as needing substance abuse treatment.
- 2000** "ENHANCED INTEGRITY" INITIATIVES INTRODUCED - At the direction of the Judicial Conference, the Administrative Office undertook several initiatives to fortify the system's reputation for unquestioned integrity, including a drug testing program for officers and officer assistants and a revised policy on background investigations for officers and officer assistants.

COURT CASES AND LEGISLATION

Over the years, what transpired in court rooms and on Capitol Hill influenced the system's budget, objectives, and workload. Court cases and legislation made an impact on everything from administering pretrial services to providing drug aftercare to recommending a fair sentence.

- 1916** KILLITS DECISION - Before probation was a sentencing option in the federal courts, some judges—including Judge John M. Killits of the Northern District of Ohio—were, in effect, granting “probation” by suspending sentences indefinitely until the Supreme Court, in *Ex parte United States*, 242 U.S. 27 (1916), known as the Killits decision, held that federal courts had no inherent power to suspend sentence indefinitely and suggested probation legislation as a remedy.
- 1925** FEDERAL PROBATION ACT - The Act, which provided for the establishment of a probation system in the U.S. courts, except in the District of Columbia, gave the court the power to suspend the imposition or execution of sentence and place the defendant on probation for such period and on such terms and conditions as it deemed best.
- 1974** SPEEDY TRIAL ACT - The Act authorized the director of the Administrative Office to establish “demonstration” pretrial services agencies in 10 judicial districts to help judicial officers make the most appropriate decisions about pretrial release conditions and to supervise and provide necessary services to persons released pending trial.
- 1978** CONTRACT SERVICES FOR DRUG-DEPENDENT OFFENDERS ACT - The Act transferred, from the Attorney General to the director of the Administrative Office, the authority to provide contract aftercare treatment services for drug-dependent persons under supervision of the federal probation system.
- 1982** PRETRIAL SERVICES ACT - The Act authorized expansion of pretrial services to each district court and granted an 18-month evaluation period for each court to determine whether to establish separate offices or provide pretrial services through the probation office.
- 1982** VICTIM AND WITNESS PROTECTION ACT - The Act affected the federal sentencing process, requiring a victim impact statement in the presentence report, requiring the court to consider the issue of restitution, increasing penalties for witness intimidation, and expanding protection for witnesses and crime victims.
- 1984** BAIL REFORM ACT - The Act permitted courts to consider danger to the community in setting bail conditions, permitted courts to deny bail altogether where a defendant poses a grave danger to others, tightened the criteria for post-conviction release pending sentencing and appeal, and provided for release revocation and increased penalties for crimes committed while on release for bail jumping.

- 1984** COMPREHENSIVE CRIME CONTROL ACT - The Act brought about major revisions to the law in many areas—including bail, sentencing, criminal forfeiture, youthful offenders, treatment of offenders with mental disorders, and the insanity defense—and had both immediate and long-range impact on officers’ specific duties and on the overall scope of their jobs.
- 1984** SENTENCING REFORM ACT - The Act established a determinate sentencing system with no parole and limited “good time” credits, established the U.S. Sentencing Commission to set a sentencing range for each federal criminal offense, and added significant new responsibilities for probation officers, who make sentencing recommendations to the court.
- 1989** *MISTRETTA v. UNITED STATES* - After the sentencing guidelines went into effect, defendants began challenging the constitutionality of the Sentencing Reform Act on the basis of improper legislative delegation and violation of the separation of powers doctrine, but the Supreme Court rejected these challenges in *Mistretta* and upheld the constitutionality of the U.S. Sentencing Commission as a judicial branch agency.
- 1994** VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT - Among other things, the Act required a program for drug testing federal offenders on probation, parole, or supervised release; required probation officers to notify state and local law enforcement of address changes for certain offenders; and added sexual and child abuse offenses to the list of offenses for which the government may request pretrial detention.
- 1996** ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT - The Act, which contained many new criminal monetary provisions that affected the work of probation officers, required the court to enter a restitution order for each defendant found to have committed a violent crime, an offense against property, or a crime related to tampering with consumer products.

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