

# Moving Towards a Federal Criminal Justice “System”

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The recent literature has been replete with discussions of the need to move the disparate agencies of the criminal justice system into a “systems” model. Taxman and Bouffard 2000 specifically argue that criminal justice organizations need to focus on the shortcomings of current methodologies of providing treatment services rather than focusing on the “lack of motivation” of the offenders they treat to improve the successful outcome of those treatment services. They propose that criminal justice organizations should become “boundaryless organizations”

Boundaryless organizations are characterized by shared interagency goals and operational practices at key decision points that are common to both criminal justice and treatment agencies. This approach emphasizes the creation of policies and operational practices that transcend agency boundaries, overcome bureaucratic turf issues, and develop processes that benefit individual agencies.<sup>1</sup>

To achieve such worthwhile ideals organizations must undergo a paradigm shift in which policies are designed to impact the end product or outcome of the case rather than a particular organization’s performance in handling that case or that organization’s outcomes as a whole.

Toward this goal, the focus is then on the new criteria of responsiveness to the system and community needs, flexibility (e.g., pulling tasks together to achieve greater gains), and innovations (e.g., new, different, and creative approaches to traditional processes). The boundary spanning concept involves simultaneous processing of tasks and multi-agency efforts instead of separate decision points for each agency. The convergence increases flexibility and innovation by focusing on the decisionmaking process instead of specialized tasks. In the criminal justice system, boundaryless organization allows for multi-agency decisionmaking before the next decision point occurs. The emphasis is on the process to allow the organizational structure to mirror the way work/cases actually flow.<sup>2</sup>

These goals and approaches are lofty ideals which would require continued management commitment and support for years to achieve in any organization. If they can be achieved in the federal criminal justice system it would likely take years, if not decades, of modification and refinement within a framework of cooperation, management commitment and trust. The federal

system has several ongoing initiatives which likely will lead it in this directions. Those initiatives include the BOP's inmate skills development workgroup, AOUSC's reentry initiative, and the new AOUSC community supervision monograph. In preparation or anticipation of such a potential future, a small low-level approach has been ongoing between the organizations.

In support of a "systems" approach to the federal criminal justice system the authors, in their respective positions in the Office of Research and Evaluation of the Federal Bureau of Prisons (BOP) and the Office of Probation and Pretrial Services of the Administrative Office of the U.S. Courts (AOUSC), working in conjunction with their superiors and support staff have developed data analysis vehicles to document the potential benefit of such an approach in the federal system. Beginning with the development and signing of a joint Memorandum of Understanding (MOU) in December 2000 to share data for research purposes, the various staff members began the process of achieving those goals. This article explores the process undertaken, considers the many issues which arose, describes the solutions to those issues that were implemented, and describes the future of this collaboration. Ultimately, it also considers the many hurdles to be overcome should the agencies hope to achieve the broader range goals identified.

### **Brief Introduction to the Federal Criminal Justice System**

The federal criminal justice system begins with cases investigated by a variety of law enforcement agencies, including the Federal Bureau of Investigation and Drug Enforcement Administration. Those agencies bring charges in federal court and the federal probation and pretrial services system begins its role with a pretrial services investigation to assist the judicial officer in determining pretrial release and providing pretrial services supervision, if ordered.

Should the defendant be detained, pending the resolution of the charges, the defendant might have his/her first contact with the BOP by serving that detention period in a BOP facility. If the defendant is ultimately convicted, a presentence investigation is prepared by a probation officer who would also provide any post-conviction supervision that may be ordered as part of the sentence. Finally, should the offender be sentenced to a term of incarceration that term would be served in a BOP facility. Given that the defendant/offender must move between the BOP and AOUSC subsystems at various points in the process, the potential benefits of a “systems” approach appear to be obvious.

The BOP and AOUSC provide substance abuse treatment to defendants and offenders in need of such services. The basic goals of the AOUSC Federal Substance Abuse Treatment Program are the identification of substance abusing offenders and the provision of treatment for those identified. Through close supervision of offenders and quick intervention in response to drug and alcohol abuse, the Substance Abuse Treatment Program is designed as a tool for the probation officer to use to protect the community. The program is considered an effective and economical community corrections alternative for the courts, although there is little hard evidence to support that contention beyond the anecdotal. With the availability of specialized services and the additional supervision and urine surveillance provided by the program, courts can consider restricted release in the community as opposed to a more costly incarceration alternative.

Drug treatment, as defined at 18 U.S.C. § 4251, "... includes but is not limited to medical, educational, social, psychological and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependency on addicting drugs or by controlling his dependence and susceptibility

to addiction." Authorized services for substance abusing Federal offenders include, but are not limited to urinalysis, counseling, vocational testing, training, and placement, physical examinations, psychological and psychiatric evaluations and treatment, outpatient and inpatient detoxification, short and long term residential treatment, temporary housing, emergency transportation and financial assistance, and travel by contract staff to visit clients. Treatment services are provided by probation staff, through available community programs that provide services at no additional cost to the government, and by over 2,800 treatment programs under contract to the United States Courts. Contracts are awarded through a competitive process

The Federal Bureau of Prisons has provided drug abuse treatment in various forms for decades. Since the passage of the Anti-Drug Abuse Acts of 1986 and 1988, both of which included an increased emphasis on and resources for drug abuse treatment, the Bureau has redesigned its treatment programs. With the help of the National Institute on Drug Abuse (NIDA) and after careful review of drug abuse treatment programs around the country, the Bureau has developed a drug abuse treatment strategy that incorporates those "proven effective" elements found through this review. The Bureau's strategy addresses inmate drug disorders by attempting to identify, confront, and alter the attitudes, values, and thinking patterns that lead to criminal and drug-using behavior.

The primary BOP treatment programs are residential drug abuse treatment and transitional drug abuse treatment. There are 50 residential programs which provide intensive treatment five days a week and last typically about nine months. During that time the inmate receives a minimum of 500 hours of treatment. Transitional drug abuse treatment is provided in a halfway house and includes an essential transitional component that keeps inmates engaged in treatment as

they return to their home communities.

## The Process

Staff from both organizations began with the simple idea that research on the effectiveness of our substance abuse programs would be more complete and effective if we each considered the impact of the other organization's treatment on our various populations. Toward that goal, a memorandum of understanding was drafted, reviewed by both organizations and ultimately approved. With the MOU in place staff met to work out the details and begin the process of making the combined assessment a reality. One of the first goals was to link complete databases, not just specific populations or subsets of databases. While this proved to be a somewhat arduous process, once implemented we felt that the benefits could be reaped for years to come. To do so required linking of the operational data systems used by both organizations, National Treatment Database (NTD) at the Administrative Office and SENTRY at the Bureau of Prisons.

The National Treatment Database (NTD) at the Administrative Office is compiled through quarterly data extractions from the Probation and Pretrial Services Automated Case Tracking System (PACTS) in the 93 probation and pretrial services offices nationwide. The system has all the basic information on defendants and offenders in the federal probation and pretrial services system including demographics, investigations, sentences, supervision activities and violation information.

SENTRY is the on-line information system used by the Bureau of Prisons (BOP) to provide most of its operational and management information requirements. SENTRY is not an acronym, but is the generic name of the system. The SENTRY system is under the direct management control of the BOP, and its primary function is to track inmates. SENTRY contains

a wealth of data on defendants who have been in the custody of BOP including demographics, treatment provided, infractions, sentence, and related offender information.

For a variety of reasons, the team decided to select a cohort of persons released from the BOP to the federal probation system during calendar year 1999. The initial concept was relatively straightforward in that each organization would extract either persons released or person received from their respective databases and those datasets would be matched to form the 1999 cohort. That relatively simple concept proved somewhat difficult to accomplish because both organizations relied on different variables as key fields. The BOP utilizes an internally assigned number, known as Register Number, as the primary tracking number in Sentry while the AOUSC utilizes an internally assigned number, known as case number, as the primary tracking number in NTD. Given that the data systems rely on different key identifiers, a mutually effective system of matching had to be developed.

Ultimately a combination of key identifiers was utilized. That combination began with the FBI number, which matched 91% of the records and incorporated date of birth, social security number, sex, and race to ultimately match 98% of the offenders released by BOP who were received by AOUSC. That rate was deemed acceptable by the team for purposes of this initiative, but would need to be enhanced for any subsequent operational methodology that might ultimately be used for all cases.

## **Outcomes**

While the team plans to do formal research on this dataset in the coming year, there have been a number of initial outcomes which have resulted from the effort already. The team successfully matched the records of 27,386 offenders released from the BOP during 1999 creating

the largest and most complete picture of offenders who have passed through both subsystems that has ever been assembled. Specifically, this dataset contains detailed substance abuse treatment information that has not previously been assembled across agencies. Given the interaction and interdependence of the two subsystems on each other, to look at outcomes or performance measures for only one of them without considering or controlling for the impact of the other subsystem seems myopic at best. Hopefully, in the future any research performed by either organization will now routinely consider and account for these issues.

The importance of data quality cannot be overstated. Both SENTRY and NTD have data quality issues which have to be addressed. Those issues vary but by matching the two data sets we were able to identify data quality issues which had not been previously identified. Therefore, the initiative itself enhanced the data quality of the data in both organizations.

The relationships spawned by this small initiative have grown and are facilitating meetings and data exchanges that will lead to operational changes that will benefit both organizations. There are ongoing meetings between these organizations and the U.S. Sentencing Commission which will lead to electronic data exchange at an operational level. While those meetings were developed in response to a wide range of factors the underlying relationship has provided both agencies with staff members who understand the systems of the sister agency and more importantly how those systems can be utilized to achieve operational efficiency and a more effective federal criminal justice “system.”

## **Future Research Questions**

The primary research questions which drove this initiative will be addressed in the coming

year. Initially they were primarily based on determining the impact or lack of impact that the various substance abuse treatment programs each agency provides had on each other. Those questions have significant policy implications. For example, given the financial commitment the federal government makes by putting someone into the BOP's 500 hour treatment program should those offenders, as a matter of policy, be provided additional substance abuse treatment upon their release. Initial results show a clear lack of policy in this area in the federal probation system. Of the 3,039 offenders matched who received the BOP program prior to their release 1,349 received no treatment paid for by the government while on supervision and 1,690 received treatment paid for by the government. Breaking it out by district, 17 districts provided no paid treatment to 65% or more of the offenders, while 30 provided paid treatment to 65% or more and 46 districts were split relatively evenly. The research should enable us to provide clearer policy guidance to districts on how to handle these cases in the future.

Two populations which emerge from the initial results as warranting further study are the groups which emerged from the 500 hour treatment program and the transitional services treatment program labeled as “failures” by the BOP. For the 500 hour program, 473 offenders emerged as “failures” and AOUSC subsequently provided paid treatment to 329 while providing no paid treatment to 144. For the transitional services program, 231 were labeled as “failures” and the courts paid to treat 143 while 88 received no paid treatment. Obviously, the outcomes of these cases are important but also understanding the process that led to significantly disparate handling of these cases could offer important policy guidance for the future.

Once these, and other, important questions have been answered in the area of substance abuse treatment there are equally important and similar questions which can be addressed

concerning mental health treatment and sex offender treatment. Assistance and guidance can be developed from the data to assist in formulating effective reentry programs and developing more effective solutions to reduce the number of revocations. Offenders who subsequently violate the terms of their supervision and ultimately return to the BOP, especially those who do so for only a short time, are very costly and combining our knowledge base should enable us to develop more effective methodologies for handling those cases. In fact, almost any problem we face in the future should be made easier to manage by having a clear picture of our joint experience with similar problems in the past.

1. Taxeman, Faye S. and Bouffard, Jeffery A., "The Importance of Systems in Improving Offender Outcomes: New Frontiers in Treatment Integrity" 2 Justice Research and Policy 37 (Fall 2000) at 39.
2. Ibid at 41.