# 2003
# Annual Report

## U.S. Probation Office
### Northern District of Ohio

**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF OHIO**

**~ District Judges ~**

Paul R. Matia, Chief Judge
Lesley Wells
James G. Carr
Solomon Oliver Jr.
David A. Katz
Kathleen McDonald O'Malley
Peter C. Economus
Donald C. Nugent
Patricia A. Gaughan
James S. Gwin
Dan Aaron Polster
John R. Adams

**~ Senior District Judges ~**

John M. Manos
John W. Potter
Ann Aldrich
David D. Dowd Jr.
Sam H. Bell

**~ Magistrate Judges ~**

Jack B. Streepy
David S. Perelman
James S. Gallas
Patricia A. Hemann
Vernelis K. Armstrong
Nancy A. Vecchiarelli
George J. Limbert
William H. Baughman Jr.

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## Report of Chief Probation Officer

This Annual Report for fiscal year 2003 is a reflection of the Probation Office from October 1, 2002 to September 30, 2003.

During the past year, the District was involved in the implementation of three national programs: a new budget and accounting system ($FAS_4T$), a new case management system ($PACTS^{ecm}$), and a revised Supervision Monograph 109 which guides probation officers in the supervision of offenders. Staff devoted significant blocks of time and hard work to these undertakings. A major initiative at the District level was the development of a Search Policy, which was approved by the Court. This policy is important for the management of high risk supervision cases.

At the direction of the Administrative Office, early termination recommendations were submitted to the Court for offenders meeting specific criteria. This action helped slow the growth in the number of cases under supervision and was a departure from a previous policy to recommend placement on an administrative caseload instead of early termination.

Commitment to officer safety remained high. A successful transition was made from the .357 Magnum to the .40 caliber Glock semi-automatic as the official duty weapon. There is a competent cadre of trainers on staff in the areas of defensive tactics and firearms.

The District remains strong in managing offenders in a community setting. A broad range of substance abuse and mental health treatment services is provided, and an excellent relationship exists with halfway houses under the Bureau of Prisons contract. Home confinement and computer crime programs are of high quality.

The largest blackout in U.S. history, which affected the northeast and midwest just after 4:00 p.m. on Thursday, August 14, 2003, had a minimum impact on our office. With the exception of data in open files entered since the last timed backup and e-mailed messages being constructed, no data was lost. The next day there was no running water in the city and the office was closed. Business resumed Monday morning.

At the end of fiscal year 2003, the string of “kind” budget years appears to be coming to an end. The likelihood exists that it will be necessary to deal with significant budget cuts. Because of anticipated mandatory retirements, the office should weather the upcoming year better than many court units across the country. Nevertheless, it will be necessary to deal with a reduced workforce and less revenue in other areas. Also, there will be a need to actively look for ways of reducing offender substance abuse and mental health treatment costs.

Despite the anticipated leaner budget, the Probation Office is committed to providing the Court with continued high quality services this coming year.

*John J. Peet III*

# Northern District of Ohio by County

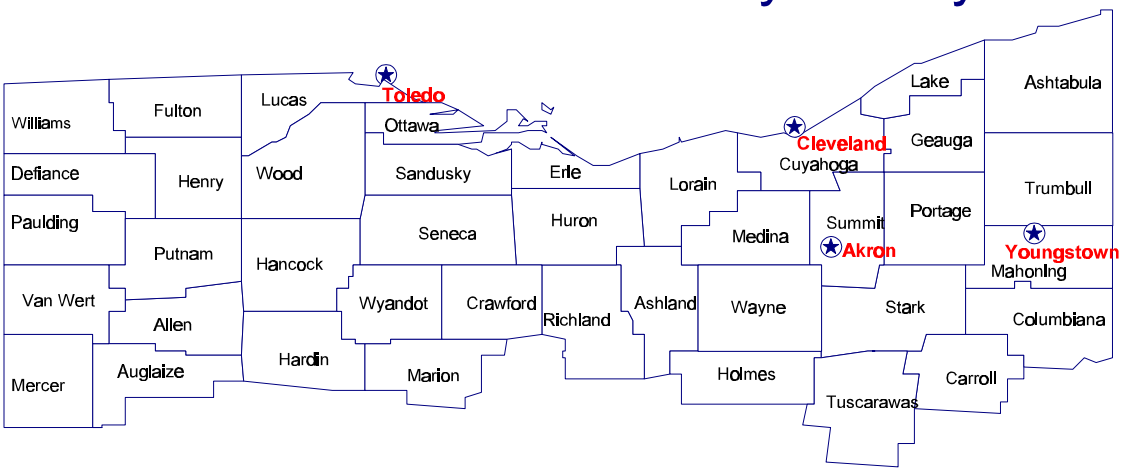


Figure 1 - Northern District of Ohio by County

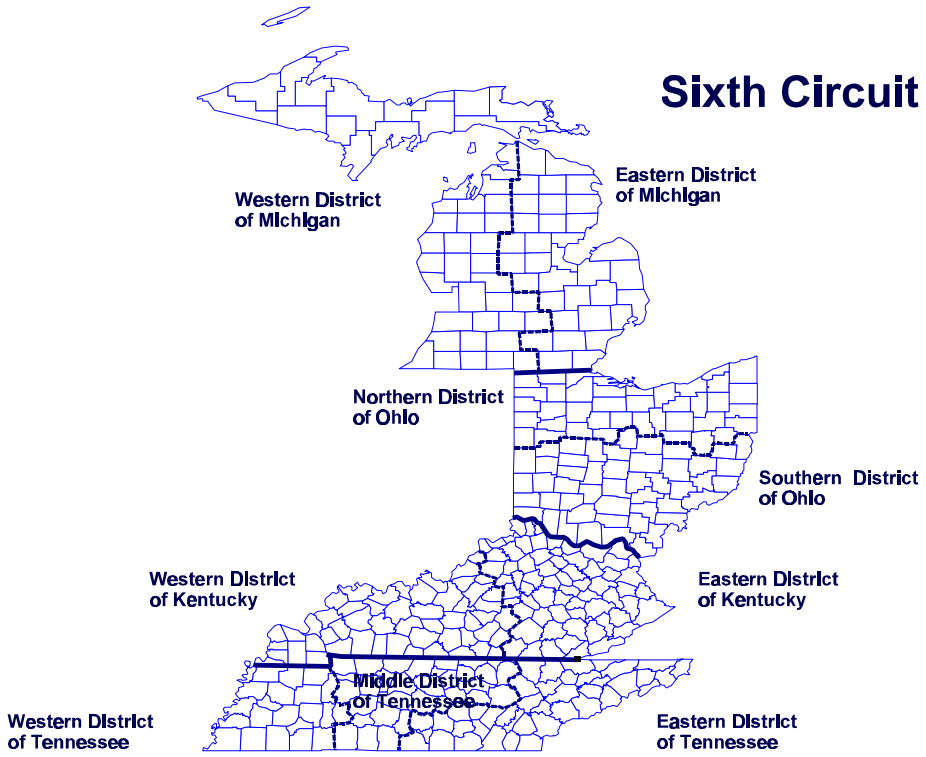


Figure 2 - Sixth Circuit

# Investigations

A total of 923 case investigations (921 presentence and 2 post sentence reports) were completed by 20 probation officers and reviewed by the four supervisors in the District. The majority of the workload was completed by the Cleveland office, followed by Akron, Toledo and Youngstown. Timeliness for the total office work was 86 percent.

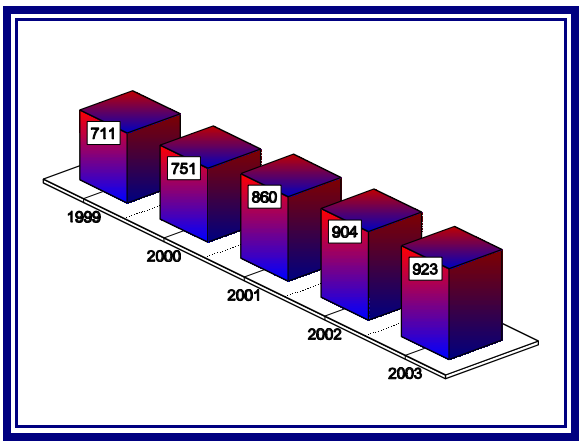

Figure 3 - Presentence Reports

**Staffing**
Cross training continued with the addition of new officers and the rotation of younger officers.

Presentence specialists were promoted in Akron and Cleveland, and their roles were expanded to serve as mentors to line staff and assistants to presentence supervisors. This will continue to be defined in the next fiscal year.

After the retirement of a supervisor in the Toledo office, a new supervisor was selected to oversee both presentence and supervision functions in that office. This gave the District a total of three supervisors performing dual functions in three different offices. The largest presentence unit is supervised by a Cleveland office supervisor.

**Training**
Yearly training for the Investigations Unit was successfully coordinated by presentence supervisors and Human Resources. Three unit officers participated in the annual federal guidelines seminar in Miami. The presentence officers were exposed to the new supervision monograph in order to fulfill their roles of preparing cases for supervision.

Units conducted meetings throughout the year to discuss updates in sentencings, format issues and staffing assistance in times of high volume. Several multi-defendant cases were sentenced out of Youngstown, Akron and Cleveland. Supervisors continue to work toward insuring a timely and quality product. The unit received a newly appointed Court Records Assistant to coordinate the work flow in the Cleveland Office.

Since the Cleveland office moved into the new courthouse, presentence units have made efforts to improve communication with the Pretrial Services Office, US Attorney's Office and the Court. This will continue to be a standing goal.

# Supervision

At the end of the fiscal year, there were 1,793 offenders on supervision. This number reflected an increase of 19 offenders, considerably less than in past years. The reduced growth was attributed to a renewed effort to terminate cases with successful adjustment prior to their full term expiration date.

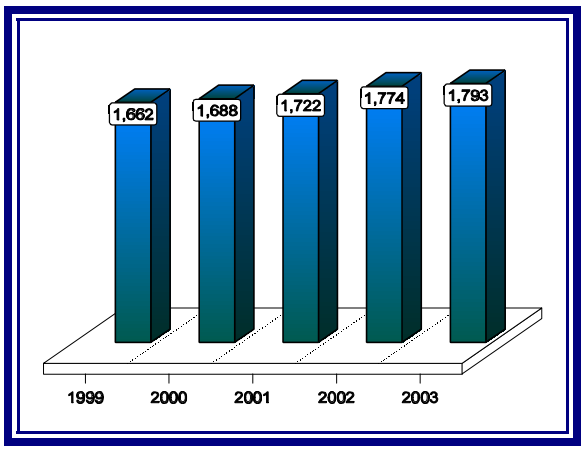

Figure 4 - Offenders Under Supervision

Approximately 120 cases met the Administrative Office requirements and were terminated early. By reducing the number of supervision cases, districts are able to slow the growth of staff based on supervision workload. These considerations were necessary and will continue as the system faces serious budgetary constraints.

Three of the District's seven supervisors headed units assigned solely to offender supervision. Three other supervisors were assigned to units completing both presentence investigations as well as offender supervision. A total of 38 probation officers were assigned to supervision during the fiscal year. Efforts to conform caseload size to national standards were not as successful as hoped, but improvements were evident.

Community supervision efforts were invigorated with the approval of Monograph 109 in March 2003. A core group of supervisors trained the office staff and prepared for the transition, which occurred in July 2003. The implementation process is well underway with on-going training and evaluation. Probation officers recognize the need to spend more time in field supervision. More emphasis is being placed on probation officers interacting with their supervisors and specialists regarding offender needs and risk. A goal of 100% completion of timely initial and subsequent plans is the expected outcome of Monograph 109.

Probation officers completed 684 violation reports to the Court and other jurisdictional authorities, detailing non-compliant behavior. This is an increase of 21 reports over last year. The offender population continues to arrive in our communities in need of many resources. Probation officers recognize the need to interact and develop community contacts to assist in the offenders transition.

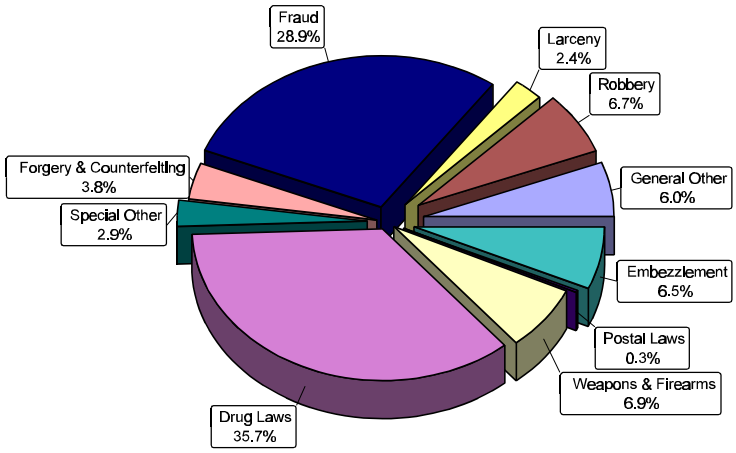


Figure 5 - Offenders Under Supervision by Offenses

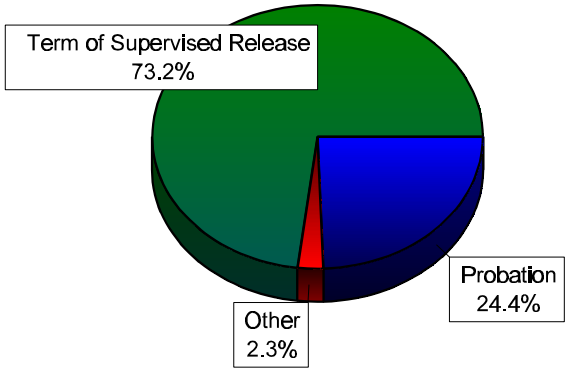


Figure 6 - Offenders Under Supervision by Type

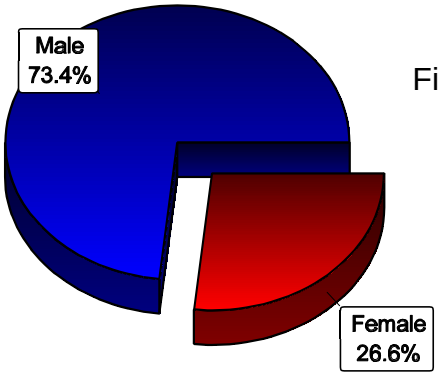


Figure 7 - Offenders by Gender

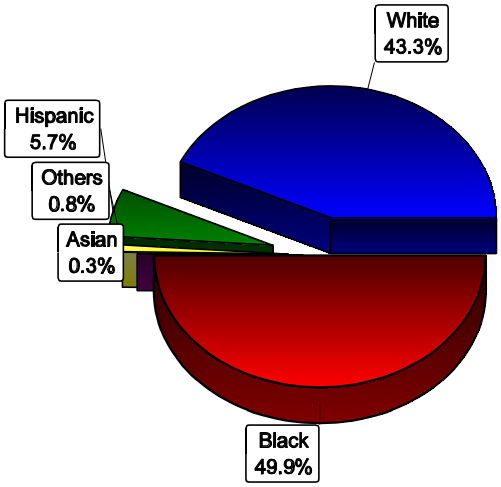


Figure 8 - Offenders by Race

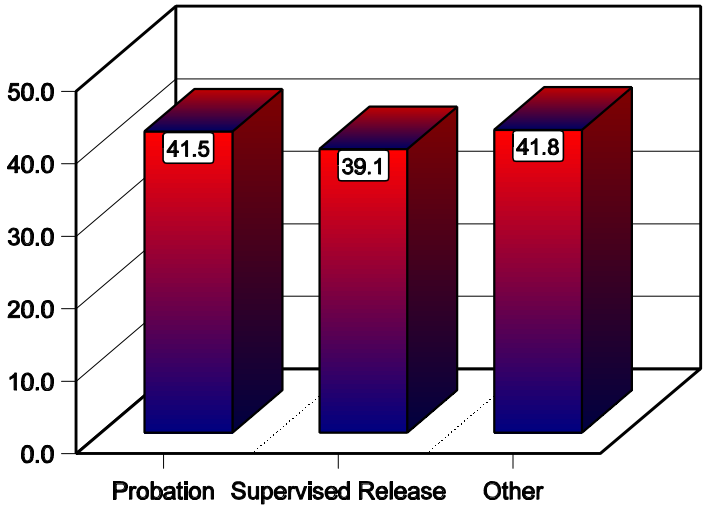


Figure 9 - Average Age of Offenders

**Home Confinement Program**

The Home Confinement Program (HCP) has been in existence in the District for almost 13 years. It is used as an alternative to incarceration.

HCP is utilized as an alternative sanction by the Court, the Bureau of Prisons, and the Parole Commission to impose a sentence, address violation behavior or as a pre-release component of the inmate's sentence. During the year, there were 214 offenders who participated in the program, of which 200 or 93% were monitored electronically.

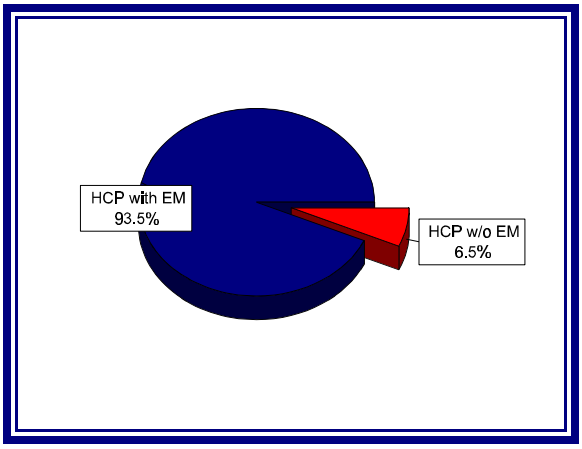

Figure 10 - HCP Monitoring Breakdown

The cost of electronic monitoring services was $3.49 per day, which was reduced to $3.47 per day towards the end of the fiscal year. Due to the flexibility in billing, many offenders were ordered to make only partial payment of costs. The average number of days for electronic monitoring cases was 78 days and for non-electronic cases was 118 days. Home confinement terms of less than 30 days is discouraged.

Variations of monitoring have been used to determine the most effective manner of supervising offenders. The HCP team provides intensive community supervision to offenders, which includes program monitoring 24 hours as day. The District uses both electronic and non-electronic monitoring. Electronic monitoring is the preferred means and provides the most accountability. Offenders schedules are limited to work, medical appointments, religious services, schooling and other necessity leaves.

The Home Confinement Program for the Northern District of Ohio is one of the most automated programs in the country. This year, home confinement officers were issued hand held computers with internet access via wireless technology. This technology gives the home confinement officer direct access to WebPatrol 24 hours a day, 7 days a week from most locations. In addition to hand held computers, the HCP utilizes a database for tracking information.

The total cost of operating the District's HCP for fiscal year 2003 was $85,415.93 for the drive by unit and monitoring services. The cost to the District was only $42,041.34 due to the offenders paying a total of $43,374.59. An outstanding job was done in the collection of home confinement fees from self-pay cases, and the team will continue to recommend self-payment or partial payment of electronic monitoring services when feasible.

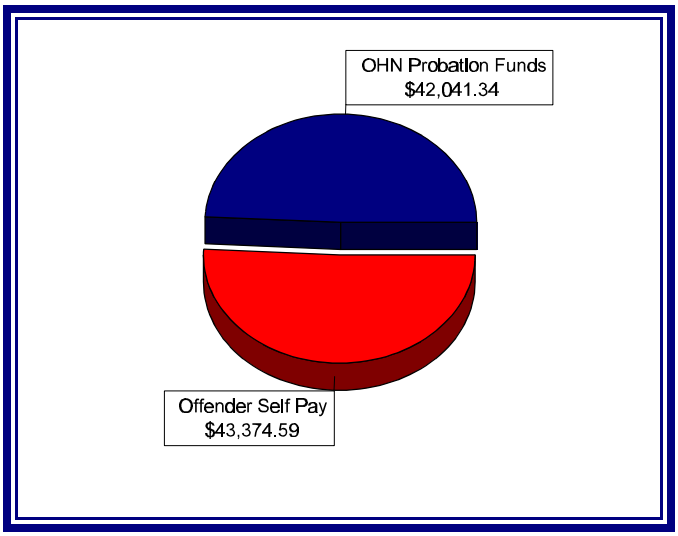

Figure 11 - HCP Monitoring Costs

The HCP team looks forward to the next fiscal year. The Administrative Office will issue contracts for multiple vendors for electronic monitoring services. It is also expected that a contract will be issued with advanced technology that will provide the Court another sentencing alternative. One available option will be verifying presence at a specific location without a drive by.

**Aftercare Treatment**

The aftercare program was administered by the Aftercare team operating across the District. The team is comprised of five Aftercare Treatment Specialists, supported by a Probation Officer Assistant and several clerical staff. There were a total 1,389 offenders with Court-imposed aftercare conditions, 511 of whom received contract treatment services in the community. There were 386 offenders who received drug / alcohol aftercare treatment via contracted providers and 125 offenders serviced by contracted mental health vendors. Sex offender aftercare conditions are reflected within the mental health statistics.

The aftercare program offers an array of services along the therapeutic continuum. Services to the District by Aftercare Treatment Specialists include mentoring of supervision officers to facilitate service delivery and consultation with presentence writers to develop appropriate treatment recommendations at time of sentencing.

Treatment services include assessment/evaluation, individual, group and family counseling, as well as intensive outpatient counseling, residential drug treatment and drug testing. Offenders were served by 17 substance abuse treatment vendors and 15 mental health vendors, as well as numerous non-contract agencies for both drug/alcohol and psychological treatment. Sex offender treatment was provided by four of the mental health vendors, including one vendor for polygraph testing.

The goal of the aftercare treatment team is to afford quality services to offenders who have been ordered by the Court or other jurisdictional authority to participate in treatment. Community safety is at the heart of our aftercare efforts. Fiscal year 2003 presented the aftercare team with the challenge of maintaining an adequate level of service in an environment of budget reductions.

The aftercare team undertook special incentives in fiscal year 2003 to reduce treatment costs. Incentives included greater utilization of assessments / evaluations from other (recent) treatment sources, widespread utilization of hand-held ("instant") drug testing devices, increased in-house drug testing at the probation office sites rather than almost total dependence on contractors to collect specimens, closer monitoring of time spent in the testing phases, transition to State-funded community agencies wherever feasible and greater consideration of self-pay ability (insurance, primarily).

The success of the budget incentives may be understood in the fiscal year 2003 decrease in urine specimens sent for testing. The District submitted 7,726 urine specimens, representing a 27% decrease. Fewer specimens combined with more non-instrumented (instant) testing by officers resulted in a cost savings of $13,117.48 in fiscal year 2003. Residential drug treatment expenditures were $109,901, a 23 % decrease from fiscal year 2002. Inpatient detoxification is contracted only for cases involving excessive alcohol and opiate abuse for which local resources are not available.

Fiscal year 2003 was the second year of the three-year contracting cycle. Efforts to refine services, target treatment needs with greater specificity and increase the use of non-contract services supported by other funding sources will continue in the final year in the cycle, fiscal year 2004.

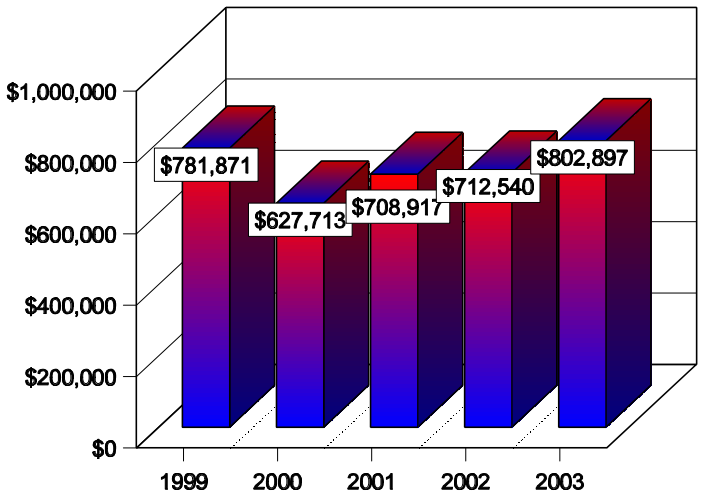


Figure 12 - Drug & Alcohol Aftercare Expenditures

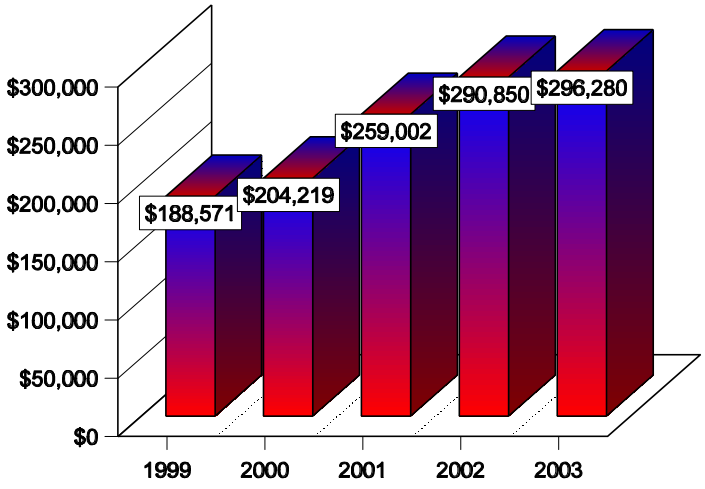


Figure 13 - Mental Health Aftercare Expenditures

**Criminal Justice Forum**
The Chief Probation Officer serves as chair and secretary for the Criminal Justice Forum, which is comprised of the Chief Judge and interested Judges and Magistrate Judges, Clerk of Court, U.S. Attorney, U.S. Marshal, Federal Defender, and Chief Pretrial Services Officer. The Forum proved to be an excellent vehicle of introduction for the new U.S. Attorney and U.S. Marshal. Topics of discussion included local detention issues, new Bureau of Prisons procedures affecting placement of offenders in Community Corrections Centers, Amendments to Rules of Criminal Procedure, implementation of the PROTECT Act, and Disclosure of Presentence Reports.

**Safety**
Probation office safety issues are dealt with under the auspices of the joint Probation and Pretrial Services Safety Committee. During the year, the Safety Committee met quarterly, and the meetings were chaired by the Officer Safety Instructor from the Probation Office. Matters of concern are hazardous incidents, firearms and defensive tactics training, critical incidents, pepper spray training and First Aid/CPR training.

This year was significant in the area of firearms because of the training in the .40 caliber semiautomatic Glock, the Administrative Office authorized weapon as of January of 2003. The District Firearms Instructor is in charge of firearms training and is assisted by several assistants. Two new assistants were in the process of being trained at year's end.

Defensive tactics are taught by Instructors under the direction of the Officer Safety Instructor, and training is open to all staff. Weapons retention is taught to firearms carrying officers.

# Administrative Services

**Financial Management**
Funding for expenses totaled $8,233,781. Budget responsibility rests with the Administrative Manager. All budget accounts are assigned to management staff for oversight.

The Budget Group meets quarterly, or as determined by the Administrative Manager. The Administrative Manager meets with the Chief and Deputy Chief Probation Officer if the regular scheduled meetings are not held.

| 2003 Expenditures<br>As of September 30, 2003 | |
|---|---|
| **Item** | **Amount** |
| Salaries | $ 6,030,192 |
| Law Enforcement (Treatment) | 1,255,462 |
| Aggregate (General) | 227,559 |
| Automation | 236,089 |
| Historical | 16,140 |
| Sub Total (94.3% of total budget) | $ 7,765,442 |
| Amount returned to AO (2.73%) | (225,000) |
| End of year return (2.96% of total budget) | (243,339) |
| **Total** | **$ 8,233,791** |

Figure 14 - 2003 Expenditures

**Financial Accounting Systems for Tomorrow ($FAS_4T$)**
$FAS_4T$ is a commercial off-the-shelf financial software program developed by American Management Inc. This program was approved for use by the Administrative Office of the U.S. Court in October, 1997. The Northern District of Ohio migrated to $FAS_4T$ in July of 2003, and it is managed by the Administrative Manager.

The purpose of $FAS_4T$ is to replace the existing court financial systems with an enhanced solution that provides the functionality of a more comprehensive financial accounting information system. It also meets the requirements to facilitate reporting, record keeping, and integration with other financial and reporting systems throughout the Administrative Office.

$FAS_4T$ reduces the amount of time Courts spend performing financial activities by offering more productive and streamlined business processes. As a single common system, it reduces the judiciary's systems management and maintenance costs and provide consistent, reliable, auditable, and timely financial management data.

**Automation**

**Infrastructure**
The Information Technology (IT) staff continues to support all automation needs with the exception of e-mail that has been centralized for all District users and the local area network (LAN) in the Youngstown office. The staff maintains a fleet of 133 PCs/notebooks in four offices, 54 hand held computers, two web servers, three Novell servers and the Integrated Case Management System (ICMS) PACTS for both Probation and the Pretrial Service offices.

Anti-virus protection was improved by the implementation of management software that distributes anti-virus signatures as they are released from the vendor.

In addition, Probation also manages its own telephone systems in the Toledo and Akron offices.

**New Applications**
Of the 54 new Personal Digital Assistant (PDA) units, four are issued to the HCP Team and are equipped with Personal Communications Service (PCS) network connections. This allows remote wireless access to the internet for management of the Probation Home Confinement program.

**Major Upgrade**
During a six-month, multi-agency, multi-platform technology migration, the Integerated Case Management System Probation/Pretrial Automated Case Tracking System (ICMS-PACTS) was upgraded to Probation/Pretrial Automated Case Tracking System - Electronic Case Management ($PACTS^{ecm}$).

Internet access has been enhanced by upgrades to the probation web server, as well as Internet services DNS and DHCP. Part of this process involved upgrading seven NT servers up to Windows 2000 servers.

# Human Resources

**Personnel**
A staff allocation of 109.4 was received for the fiscal year, and the District was staffed with 101 employees filling 100 positions. Recruiting remained a major task for the year. The organization lost a number of staff, which resulted in the total number of employees remaining the same as in 2002. Six new employees entered onto duty: one non-hazardous staff and five new probation officers. At the end of the fiscal year, two probation officer candidates were awaiting final appointment.

After 25 years of service, one probation officer retired, and the office mourned the loss of one non-hazardous staff member in October and one probation officer in December.

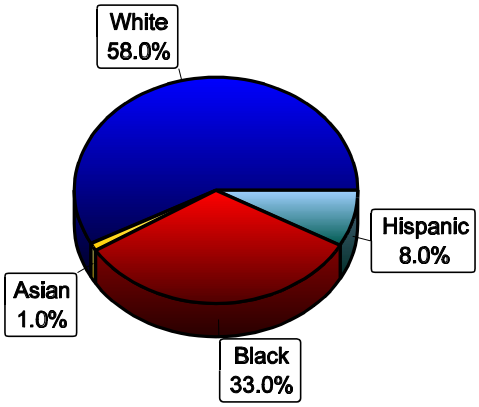


Figure 15 - Workforce by Ethnicity

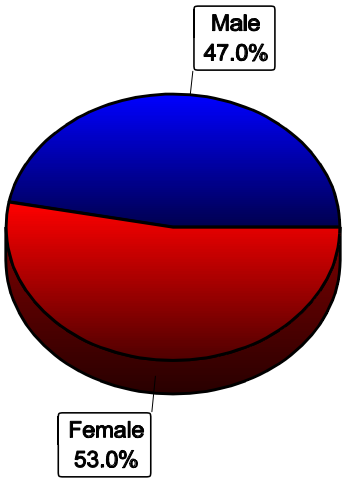


Figure 16 - Workforce by Gender

**Training and Development**

Staff training focused in the areas directly related to Probation. Staff completed over 3,100 hours of training, which included major programs for PACTS$^{ecm}$, Community Reentry, Supervision of CyberCrime Offenders, and Monograph 109.

Approximately 51% of training focused on information, policies and procedures related to the role of the Probation Office. Safety-related programs and firearms certifications accounted for 13% of this year's training. The remaining 27% of completed training related to administrative and organizational programs such as FAS$_4$T, Continuity of Operations Planning, and Automation. Numerous staff continue to act as facilitators and trainers for other districts and the Federal Judicial Center.

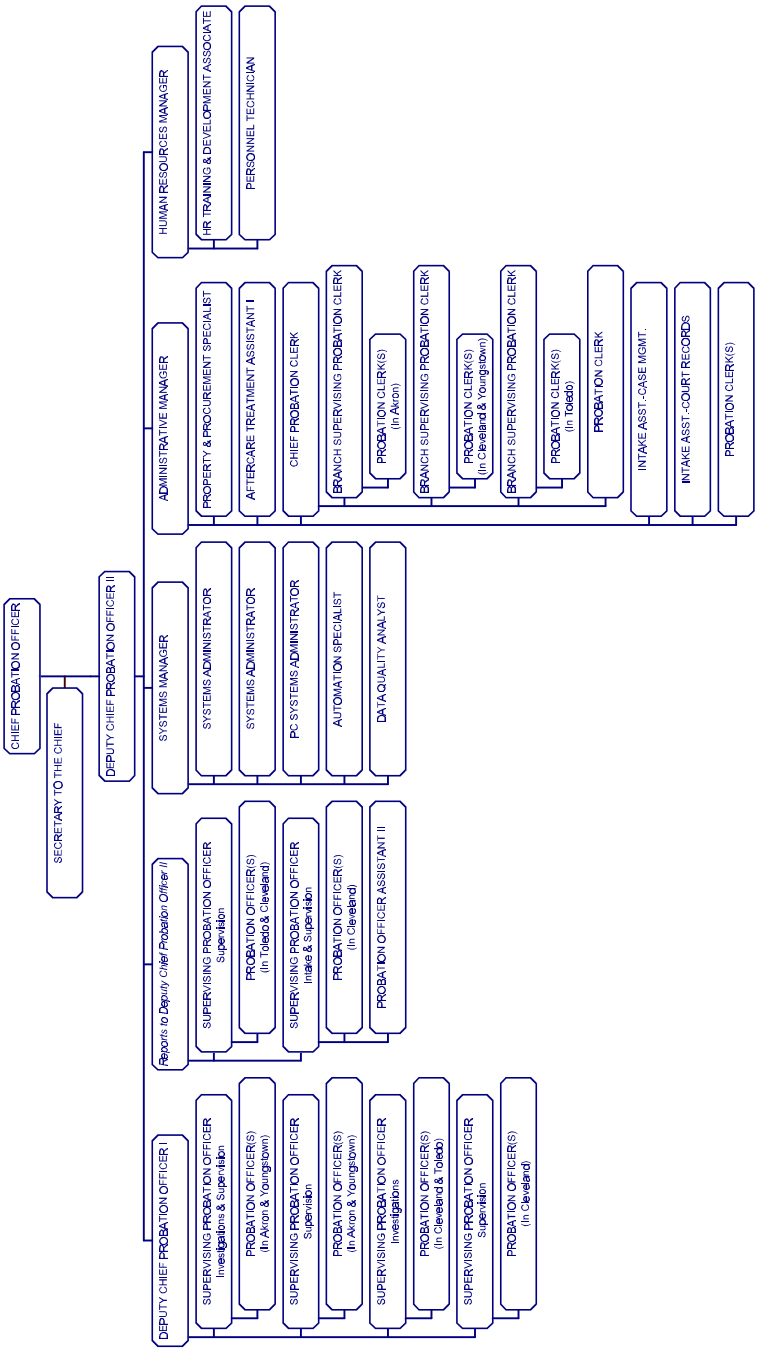


Figure 17 - NDOH Organizational Chart

# Office Locations

| | Counties Served |
|---|---|
| **Cleveland Headquarters Address**<br>801 West Superior Avenue, Suite 3-100<br>Cleveland, Ohio 44113-1850<br>216.357.7300 | Ashtabula, Cuyahoga, Geauga, Lake, Lorain |
| **Akron Office Address**<br>2 South Main Street, B3-55<br>Akron Ohio 44308-1810<br>330.375.5774 | Ashland, Carroll, Crawford, Holmes, Medina, Portage, Richland, Stark, Summit, Tuscarawas, Wayne |
| **Toledo Office Address**<br>215 N. Summit Street, Suite A<br>Toledo, Ohio 43604-2659<br>419.259.6432 | Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot |
| **Youngstown Office Address**<br>125 Market Street, Suite 210<br>Youngstown, Ohio 44503-1478<br>330.743.0933 | Columbiana, Mahoning, Trumbull |