

## **Role of the United States Probation Officer**

*The Guide to Judiciary Policies and Procedures*

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The probation officer has been responsible for supervising probationers since the original Probation Act of 1925 and for supervised releasees since the Sentencing Reform Act of 1984. With the passage of the Federal Courts Administration Act of 1992, it is further stipulated that the probation officer could also supervise federal offenders conditionally released under the provisions of 18 U.S.C. §§ 4243 and 4245. The *Federal Criminal Code and Rules* sets forth the various duties and responsibilities of the United States probation officer in 18 U.S.C. §§ 3552 and 3603 and in Rule 32(c), specifying the basic two-fold role of the probation officer as investigation and supervision. (See also this Manual, Chapter II, Presentence Investigations and Reports; Chapter IV, Probation and Supervised Release Supervision; and Chapter VII, Parole Release Supervision.)

Regarding the investigation role, the probation officer assists the court by conducting a presentence investigation on a defendant who has been found guilty of, or pled guilty to, a criminal offense. The probation officer investigates the defendant's background, including personal, financial, and criminal history; assesses the defendant's current offense, including events leading to the commitment of the offense and other mitigating circumstances to determine the extent of the defendant's criminal responsibility; and conducts a financial investigation to evaluate the defendant's ability to pay a fine and/or restitution. The probation officer then analyzes the information gathered, presents the relevant information in a concise and logical presentence investigation report, and submits the report to the court. The purpose of investigation is to assist the court in imposing an appropriate sentence in accordance with federal statutes and established guidelines.

Regarding the supervision role, the probation officer instructs the offender on supervision conditions specified by the court; stays informed of the offender's conduct and condition and makes reports to the court; provides treatment in substance abuse and mental health cases; monitors home confinement and other alternatives to incarceration; remains alert to noncompliance of imposed conditions and reports violations to the proper authorities; arrests the defendant/offender in violation without warrant; maintains records of case activity and work performed; and makes reports to the Director of the Administrative Office as required. The purpose of supervision is to enforce offender compliance with the imposed sentence, to bring about improvements in the conduct and condition of the offender, and ultimately, to ensure community safety.

In addition, 18 U.S.C. § 3624(c) provides that, upon request of the Attorney General or the Attorney General's designee, the probation officer shall assist in the supervision of, and shall furnish information about, a prisoner within the custody of the Attorney General while on work release, furlough, or other authorized release from that person's regular place of confinement, or while in the prerelease custody, in accordance with. Pursuant to 18 U.S.C. § 4203(b)(4), the

probation officer may also be requested by the U.S. Parole Commission to perform such duties with respect to parolees as the Commission deems necessary for maintaining proper supervision and assistance. Furthermore, by administrative agreement, the probation officer also assists the U.S. Army, Air Force, Navy, and Marine Corps, in the parole programs offered by these branches of the military service. Because of the multitude of duties and responsibilities, maintaining a close cooperative working relationship with other agencies is an essential function of the probation officer.

Before the Comprehensive Crime Control Act of 1984 became law, the high risk supervised release cases were already on the rise. As a direct result of the passage of the Act, the probation officer's workload experienced a shift from the relatively low risk probation cases to a disproportionate increase in the high risk supervised release cases. The provisions of the Act brought about not only an increase in workload for the probation officer but also an increase in the difficulty of that workload since supervised release offenders pose more problem to officers and more risk to the community. Therefore, in the performance of daily duties and responsibilities, the probation officer must continue to strive for excellence in personal integrity as well as physical and mental alertness, but especially in personal and public safety.