

Federal Judicial Center
The Role of Empirical Research in Federal Probation
and Pretrial Practice
Episode 7

Mark Sherman: From the FJC in Washington, D.C., I'm Mark Sherman and this is *Off Paper*.

Evidence-based practice in probation and pretrial services mandates that practitioners use the best available research findings to carry out their duties as investigators and supervise their justice-involved clients. While criminologists have conducted research for years that has been crucial to formulating national probation and pretrial services policy, it's only recently that practitioners have used that kind of research locally to improve client outcomes.

With over 100 federal probation and pretrial services offices across the country serving many different kinds of communities, national level research can be of limited help to officers at the district level. For that reason, a group of chiefs led by Dr. Michael Elbert in the Southern District of Iowa formed the Chiefs Research Group in 2015. It's purpose is to engage in, quote, empirical examination of district level data to generate the best available evidence to inform local policies impacting public safety and recidivism.

This grassroots group has grown rapidly in just three years. It's most recent meeting attracted more than 30 people

from both the probation and pretrial system and the academic research community to discuss district-based projects on topics as diverse as sex offender supervision, problem solving courts, officer resilience, and more.

Chief Michael Elbert joins me today to talk about the evolving role of empirical research in federal probation and pretrial practice. He has been chief probation and pretrial services officer in the Southern District of Iowa since 2006. We're also joined by Katherine Tahja, assistant deputy chief U.S. probation officer in the Southern District of Iowa. And by Dr. Matthew DeLisi, professor of sociology and coordinator of criminal justice studies at Iowa State University. Assistant Deputy Chief Tahja oversees the district's presentence unit. Dr. DeLisi works closely with Chief Elbert, Assistant Deputy Chief Tahja, and other members of the Iowa Southern Probation and Pretrial Executive team in pursuing research design to improve policy, practice, and client outcomes in the district.

So folks, it's time to let your geek flag fly. We're talking about the translation of research to practice in this episode of *Off Paper*, and you're not going to want to miss it.

Mike Elbert, Katie Tahja, and Matt DeLisi, welcome to *Off Paper*.

Michael Elbert: Thank you.

Matthew DeLisi: Thank you.

Katie Tahja: Thank you.

Mark Sherman: I want to begin by asking you, Mike, to take us back a few years - to around 2015 or maybe even a bit before then - and describe what you are observing about federal probation and pretrial practice both nationally and in the Southern District of Iowa that indicated to you that districts like yours needed to do empirical research work on their own to supplement the criminal justice research being conducted by the judiciary at the national level and then the academic research community. Obviously, could you describe what you did about it in your district?

Michael Elbert: Absolutely. Thank you, Mark. I'll take you back to 1994 when I was appointed a USPO. That's where it all started.

Mark Sherman: When you were a mere child.

Michael Elbert: Yes. Yes, sir, 24 years old. In 1996 we published a paper here in Southern Iowa on drug test manipulation, and that was our first foray into evidence-based practices. By doing that, we were able to redefine our policies and procedures to defeat urine test manipulation that was very widespread.

In 1998 I started my PhD program at the University of Nebraska at Omaha and really started to discover the empirical linkage through theory research and policy. In committing to

Omaha and Nebraska for six-and-a-half years, 134 miles one way, I had a lot of time to think and contemplate how the system could use evidence to guide our practices.

In 2004 my dissertation focused on 177 federal offenders in our district looking at the revocation. I compared that group to 100 federal offenders who successfully completed supervision and found that unemployment, drug use, being a male offender, being someone who had intermediate sanction imposed, and someone who had been revoked before on state supervision was about 98 percent likely to be revoked in the Southern District of Iowa. Using those variables for females, we found that a female offender with those variables has about 94 percent likely to be revoked.

In December 2006 I was appointed Chief USPO in the district. In 2008 we published a study on federal offenders and early termination. This really kind of helped us turn the corner into the evidence-based practices world. We looked at offenders who had been early terminated, and then we looked at NCIC data three years after they had been returned to the streets with no further supervision. For the early termination group, we found that only eight of 108 had been rearrested during that time. So we determined we were making very good decisions on who to early terminate.

The full term people who had to do their full term supervision were found to be rearrested 35 percent of the time. Then the people that we revoked, we're obviously making good decisions in that regard as well. Seventy-two percent of that sample were rearrested after three years. The AO ended up doing a replication. The AOPPSO did two replications of that study and essentially found the same thing. We're able to reassure our judges, our U.S. attorneys, and our court community locally that we were making good decisions. So that was an excellent foray into evidence-based practices.

During that time, when I wrote that article in the *Probation and Perspectives* journal, the recommendation I had going forward - and I'll just quote it from the article - was to hire regional researchers. That's kind of where the idea came, kind of foreshadowing ahead to Dr. DeLisi and hiring him. But the idea was to hire four to five researchers per circuit and to have them look at local data to inform our policies and procedures, and to really look at federal populations which was the key. At the time when I was in my PhD program, kind of nationally, we were relying on meta-analysis from state studies. There are some fundamental differences with our populations. Our populations are usually older. It's one key difference. But we just determined that we need to look at federal data.

So about 2007, 2008 I was appointed to the National Evidence-Based Practices Working Group which was a great experience. It was run by the AOPPSO once again and I was very proud to be a part of that, a lot of discussions about how we can improve our system. In 2010 we looked at low risk sentencing for the first time and helping author a letter to the United States Sentencing Commission on empirical sentencing. The fact that 80 percent of our population were low risk; yet, as of today - I just received the U.S. Sentencing Commission's statistical guide - only 7 percent of our entire population in the country received a straight sentence of probation.

From 2013 to 2014 Assistant Deputy Chief Al Jury [phonetic] in our district was finishing up his PhD in Sociology at ISU, and Dr. Matt DeLisi happen to be his chair. The more Al and I talked about doing some local research, the more we thought Dr. DeLisi, a renowned criminologist, is just basically 20 minutes away, 20 minutes to the north of our office. We should sit down with him and start to talk about conducting research locally. In 2014 we did indeed sit down with Dr. DeLisi. Al went ahead and put together an expert services contract with the AO's help. And since that time, I guess the rest is history. We've done studies on sex offenders, violent offenders, low risk offenders, a psychopathy study. So a lot of really interesting studies that have helped inform our policies and procedures.

Mark Sherman: That's really an outstanding description of sort of the road you've taken, Mike, starting back from when you were an officer up through your tenure now as chief in terms of the evolution of the use of empirical research in your district and at the district level. What I find fascinating about it is how it really preceded the national move at least in the federal system toward evidence-based practice. That's now the nationally accepted standard and you really sort of helped set that standard, I think, at the local level along with several other districts. But clearly I think the Southern District of Iowa was in the lead as the national system or as the system generally grew toward taking an evidence-based approach.

Michael Elbert: Yes.

Mark Sherman: Go ahead, please.

Michael Elbert: Thank you. I think at that time in my PhD program, it was an exciting time for me because we were hearing about meta-analysis and what was working. Bonta and Andrews Risk-Need-Responsivity. The AO basically adopting that approach was excellent development for our system.

Mark Sherman: So Dr. DeLisi, you're a professor at Iowa State. You're one of the most prolific and highly cited criminologist in the world with over 350 scholarly criminal justice publications. Among many other things, you're the editor-in-chief of the *Journal of Criminal Justice*. I also

suspect you've got a few courses to teach so I'm wondering, with all those demands on your time already, what was so compelling to you about working with the Southern District of Iowa that you just couldn't say no.

Matthew DeLisi: Well, as Mike had suggested, I got an email from Allan Jury - he's a former student of mine who I knew was a federal probation officer - about this opportunity. To me, it was just tremendous. I previously had worked in the courts at the state level as a pretrial services officer. I used to interview arrestees and I've had some other experiences where I've always kind of enjoyed having a combined kind of scholar practitioner orientation. I thought the best way to do criminology and criminal justice is from both the theory and research perspective, and also in applied practitioner perspective. Together you get the best sort of understanding of things.

So when I met with Mike and Allan, to me it was just sort of a no brainer. It would give me kind of connection to the system that I previously had that I really enjoyed. It would give me access to data that are really rare for criminologists to be able to obtain. Usually criminal justice research is using local and state level data and federal data, especially sort of at the individual level, it's just very, very hard to come by. So, for me, this was a natural extension. Once I went

down to Des Moines and started working with Mike and Katie and Allan and all the other staff, it was just a lot of fun. I think there's kind of a natural rapport and it's just been a very important part of my kind of professional research.

So I just sort of wait and see what project they want to do. The first one that we did was on sex offenders and we sort of targeted the most severe group, the group that has the most important implications for public safety. Then from there, we've developed a number of other projects of other service subpopulations within the federal-supervised released population. So it was something that was very easy for me to do to carve out time to participate in.

Mark Sherman: Well, that makes a lot of sense especially in light of sort of your previous life as a practitioner. I think that that is, to some degree, unique among somebody of your stature. As an academician, it makes a lot of sense now to me that you would be willing and excited about carving out the time to work with the Southern District or with practitioners in order to explore how empirical research at the district level can inform practice.

Matthew DeLisi: Yes. And I had a sense that the data would be very rich. But after starting to work there, I really have no idea to the degree to which this data were really expansive. So they have at their fingertips all kinds of

information, but a lot of the data is sort of beyond the day-to-day operations of what a probation officer would necessarily use or need. So that was kind of one of my jobs, was to delve into a lot of the other data files that they had on these offenders and access or sort of touch base on certain constructs that are very importantly related to behavior that are often either overlooked by criminologists because they don't have measures of them or they're not really even considered by practitioners because they don't necessarily need them to do through day-to-day work. And so it was really a goldmine of data once I started getting into it.

I've talked with some other colleagues around the country. They're really quite envious of the data access in terms of the richness of the entire presentence reports, the Bureau of Prison's information - effectively their entire life history, their psychiatric and psychological reports. So it's really been great to create datasets where you can look at a lot of different constructs and see how they're associated with their performance on pretrial or, excuse me, supervised release.

Mark Sherman: Fascinating. Katie Tahja, I want to bring you into the discussion here. Just hearing Mike and Matt describe the evolution of this work in the district, you can really begin to see the win-win nature of it. So you oversee presentence work in the district, and a little bit later I want

to ask you more specifically about the impact of the research work on presentence investigation work that you all are doing. But for now I'm really curious about your perspective as a member of the Probation and Pretrial Department's executive team.

You've seen the research work evolve over time in the district. What did you think about this endeavor? When it began, was there scuttlebutt about it in the district? What was that like? How was the executive team, the larger management team? How has the staff, how have you all adapted?

Katie Tahja: Thank you, Mark. I think that the staff and our management team particularly have from the very beginning been very excited to work with Dr. DeLisi and to further make our organization a truly evidence-based environment. I think that the excitement is twofold. One, from a management perspective, we are truly able to make informed decisions based on the information that Dr. DeLisi is able to give us about our unique population here in Southern Iowa and use that information to inform our policies and procedures.

But from the officer's perspective, I think it's also great because we get a lot greater buy-in from our staff here in Southern Iowa because the policies and procedures that we're putting in place is based on real data that we've been able to collect on our defendants and offenders in our district. I can

use one great example. Dr. DeLisi had indicated one of the very first studies we undertook was our sex offender studies. There is a lot of anecdotal information or feelings regarding child pornography defendants versus more hands-on defendants and the impact or the basically unreported incidences of hands-on victimization by these child pornographers.

So being able to get this information and share it most importantly with our court and to provide them this information so they have it when they have defendants in their courtroom facing sentencing or supervised release experience and to be able to also use that information. So then for the officers that are out in the field, to be able to provide this information so that they can know what to look for and really target their supervision strategies based on the information that we have about this population.

Mark Sherman: That's really helpful because obviously we want to really get down to sort of how does this kind of research informed officer practice. So you've described that very well, I think. Particularly I know that you all have delved deeply into the area of sex offender supervision and have done quite a lot of research, and it's really told you and your staff quite a lot in terms of how you all need to modulate the approach to supervision which I can only imagine is extraordinarily helpful to officers. Helpful for the court

obviously to know about. But just thinking about the impact on public safety, you really sort of begin to appreciate how this kind of research can inform that as well. Thoughts about that, Katie.

Katie Tahja: Yeah. That's really what it is about, it is just informing our practices and the decisions that we make so that we are making informed decisions on how we supervise each individual case but then also being able to share that information with our court. And to justify the actions that we've taken in certain cases or decisions that we have made.

Mark Sherman: We're going to take a short break. When we return, I'll ask Chief Elbert, Dr. DeLisi, and Assistant Deputy Chief Tahja about how the empirical research work being conducted in the Southern District of Iowa led to the creation of the National Chiefs Research Group and about some of the research projects now underway in several other districts. You're listening to *Off Paper*.

Female Voice: Excellence - what does it mean for a probation officer and a pretrial services officer? It's just a word really, but we put it on a pedestal. And when we do that, excellence seems out of reach - something that only the privileged few, that only the golden boys and girls can achieve while the rest of us just stand by watching. But that's not right. It can't be. For all it takes to be an excellent

officer is to be a competent officer, and all it takes to be a competent officer is knowing how to make decisions confidently. Knowing how to analyze facts, policies, laws, and situations critically. Knowing how to get up every morning ready to just lead from where you are and make a difference.

You don't need a fancy title. All it takes is knowing how to investigate matters objectively and how to plan proactively. All it takes is knowing how to bounce back from a really bad moment and be resilient and knowing how to be aware of your role as an officer. All it takes to be a competent officer is to supervise individuals in ways that will help them succeed. All it takes is to be a team player and to manage your work. That's it. We are all capable of achieving excellence. All of us.

Male Voice: Learn more about the federal probation and pretrial system's Charter for Excellence and the FJC's competencies for experienced U.S. probation and pretrial services officers at fjc.dcn.

Mark Sherman: Welcome back. I'm Mark Sherman and I'm speaking with Chief U.S. Probation Officer Michael Elbert and Assistant Deputy Chief Katie Tahja, both of the Southern District of Iowa, and with Dr. Matt DeLisi of Iowa State University about the role of empirical research in probation and pretrial practice.

So Mike, having just heard in some depth about how the Southern District of Iowa began working with Dr. DeLisi on district-based research projects, I'm wondering how the idea of district-based empirical research spread to other districts and the origins of the Chiefs Research Group. Can you talk about that a little bit?

Michael Elbert: Absolutely. I think right after the sex offender study was published, we began speaking about putting this Chiefs Research Group together to really use the power of the districts and the data to either replicate or not replicate our findings. So that was a big part of it. The other part was federal data in correctional studies even today is sparse. We recently talked with Dr. Bunt and Dr. Edla Tessa [phonetic], Dr. Jim Bunt [phonetic] and Dr. Edla Tessa to do a meta-analysis of federal studies. They looked at their databases and could not find enough studies that had to do with meta-analysis. So it really showed that we needed more data. We needed districts to look at what we had done to see if what we found was consistent, was generalizable to other districts. So we started talking to chiefs about the idea of utilizing federal data to inform their decisions, and there were a lot of excited folks. Really it became word of mouth in the beginning.

We looked at chiefs who I had known and who I had served on workgroups together with that were progressive in nature, that

were risk takers. Then it became chiefs who were just curious and wanted to join and wanted to hear what we had to say. There was really no prohibition or preclusion for anybody to attend.

So we started looking at locations. Of course my old friend, Chief Doug Boris [phonetic] in St. Louis, agreed to host the first Chiefs Research Group meeting in 2015 in St. Louis. From there we went to Pensacola in 2016, and then to Denver in 2016, and in Portland in 2017. Then in 2018, most recently, we had a Chiefs Research Group meeting in Boston. We have three venues scheduled for 2019, '20, and '21 and that's New Jersey, Central California, and Southern New York. But basically our goal was to collaborate and use the amazing power of data to help inform our policies and procedures. To replicate, if possible, findings. If not possible, to determine what differences were in the data.

We wanted to set system priorities. We looked at what are we most concerned about in the federal system and the two things that kept coming back to us were, one, the over incarceration of federal offenders. I think Katie is going to talk about that a little bit later on the low risk sentencing study. But 80 percent of our offenders are low to low moderate risk; yet, 93 percent go to prison. So we wanted to look at that. Also the over detention. We detain 75 percent of our pretrial defendants. So we wanted to look at that.

Working with chiefs and our outstanding staffs has been so rewarding. Chiefs, they have the knowledge. Many of them had case loads. Many of them actually supervised these populations. And as Dr. DeLisi will tell you, you need to know the data to understand the implication. So I can tell you that these chiefs and their staffs, they absolutely know the data. A lot of what we do at times just kind of informs what we already knew. Sometimes we're surprised, but more than likely we're confirmed on what we believed before.

Working with the FJC, with the Chiefs Research Group, with yourself, Mark, and the staff of the FJC has been incredible. The AOPPSO, with Matt Rowen and his staff, have been very supportive. I can't say enough about my chief judge's support in putting this Chiefs Research Group together. What I can tell you is we're excited about a lot of these studies. Western New York just replicated our sex offender study, and I guess we'll talk a little bit more in detail about that later. Reentry courts are being studied in the District of Oregon, Eastern Missouri. Other sex offender studies has been conducted in Western Washington, Eastern Missouri. New Jersey has done a location monitoring study. So we're really looking at a myriad of different studies in different districts, which was really what the CRG was put together to do.

Right now we have 42 districts and we also have a Chiefs Research Group website that's under construction right now, and I think Katie is going to talk a little bit more about that later.

Mark Sherman: So Mike, you mentioned the support of the court. I think that that's worth drilling down just a little bit here. Maybe it was karma or something but late last week, as I was preparing for this discussion, I found on my desk the February issue of the *Federal Sentencing Reporter*. There were several wonderful articles in that issue, and one of them was written by U.S. District Judge Stephanie Rose from your district. I knew that we were going to be having this conversation, and so I took a look at Judge Rose's article. She delved quite deeply and interestingly into the role of empirical research and how helpful it's been to her.

She had been the U.S. Attorney, I think, in the Northern District of Iowa and is now a U.S. District Judge in the Southern District of Iowa, and was talking about how much she has learned as a district judge. Her work has been informed by the work that Dr. DeLisi, since she mentions Dr. DeLisi in the article and the work that he's done, and so it's really wonderful to sort of see that kind of support coming from your court. I imagine the same thing is happening in other districts.

I want to ask you, Katie. I want to bring you into the discussion here because you sort of been present since the creation of the Chiefs Research Group. This is kind of a grassroots movement which I also think is very interesting and not uncommon in the federal system. You've been actively coordinating the group's efforts and really have been helping move things forward since 2015. There have now been several meetings, as Mike has described. Could you give us an overview of how the group has evolved over time? Mike made some reference to that, as well as to some reference. He made some reference to some of the projects being engaged in other districts. But could you drill down on some of that for us.

Katie Tahja: Sure, Mark. As Chief Elbert had indicated, since 2015 several districts have had the opportunity through the CRG to present different evaluations of programs they have or studies that they are conducting in their district. I think one of the great things about the evolution of this group is that, even prior to any formalized meetings of the CRG, several districts out there had been doing unique programs in their districts. They had been looking and working with local researchers to evaluate their programs.

I think that the CRG really creates kind of the central group for people to then get together and share the work that they're doing instead of just having it locally for their own

use, but then to share the knowledge that they're learning with these other districts to either help improve their own programs that they have or to possibly create similar programs in their own district.

As Chief Elbert had indicated, there has been several things over the last three years that have been presented on. There has been a lot of work presented on special key courts. So again you have the reentry courts out of Oregon, the care program in Massachusetts. Eastern Missouri has presented on their evaluations of their mental health courts and their veterans courts. There has been multiple studies on Star [sounds like] and the effectiveness of that for the defendants and offenders in how officers are implementing that in the district.

Again, as Chief Elbert had indicated, the sex offender study that we engaged in and really been able to have other district replicate that, that really is exciting because that was the whole goal of this group - is to be able to build on research that's being conducted. Understanding that each district has small populations, if we can replicate those studies in other districts to build on the size of those studies is the really exciting part about that. Again there's been work done on resiliency. There's just a whole host of work being

done out there that when we get together as a group, we are able to hear about from the chiefs and then their researchers.

We also are creating a CRG website. The intent behind that is really then to create a centralized location where we can post this research that's being conducted on the district level so that people can get to it instead of just -- what often happens I guess is we go to these meetings and we hear about the studies. You may get the citation for a journal article, so then you leave there and it's difficult other than contacting the chief to get a copy of that. So the intent of that is that these districts can post these stuff all in one location so that we can all get to it and review it after the fact. But again we are working with general counsel at this time. It's currently under construction because we want to make sure that when it does go live and we do post it, that we are in compliance with copyright and all the other legal issues out there about posting this information.

Mark Sherman: Sure. There are a couple of things that you mentioned that I think are very much worth highlighting for our audience. First is the idea of sharing information among the various chiefs across the system. Mike mentioned that I think there are 42 districts that are currently participating in the CRG, the Chief Research Group. At the most recent meeting that I attended in Boston, a number of those districts were

represented. The sharing that went on just in terms of the presentations of the research projects that each of the districts is engaged in, really quite remarkable. The questions back and forth among chiefs and among the researchers really quite extraordinary. Especially among, again, practitioners primarily.

The other thing that you sort of alluded to which I think is important especially for practitioners, most of whom do not have PhDs, I think in this sense your district is somewhat unique because you've got a chief and also other folks on your executive team who are PhDs and understand things like research methodology and the minutia that goes along with that but important things to understand in terms of evaluating the quality of research. What I observed in Boston most recently, for example, was chiefs learning about methodology which I think is really valuable. You don't have to become an expert in it but you kind of need to know enough to be dangerous kind of thing. So really valuable.

So Dr. DeLisi, in the year since you first began working with Iowa Southern, you've conducted a number of research projects. We've heard about some of them already. In addition to the research work on sex offenders, you've also conducted research on onset of adult offending, psychopathy, evidence-based sentencing. So I'm wondering if you could describe in a

little bit more depth one of those studies. Perhaps either the psychopathy study or the project focusing on onset of adult offending. I'm mentioning those because I think those are particularly interesting, what you found that's influenced your thinking as a researcher who's interested in translating a research to practice.

Matthew DeLisi: Well, the low risk offenders, one of the interesting things is that our first focus was on sex offenders. I do want to touch on that study because it has very important implications - that is in a five-year sentence of sex offenders in the Southern District of Iowa, we found that 69 percent of them reported a contact victim during their polygraph examination. These were the offenders many of whom would have no official criminal history, and so on paper they would appear to be low risk. What we showed is that, in fact, a large proportion of them are high risk. In fact, 34 of the offenders in our data had no official record but they had victimized 148 victims.

So when that was presented at CRG, you could tell when I would talk about some of these issues that some in the audience viewed all sex offenders as high risk. They would supervise them as such which I think is the appropriate stance to take, but others would really rely on that paper assessment in terms of them having no criminal history. So there was, I don't know,

the word controversy would be too much. But there were some who were maybe a little bit resistant to the notion that someone with no criminal history should be supervised in a way other than low risk. So that was a very important one where I think focusing on this population and supervising them with the most stringent way possible is going to be the best approach in terms of trying to preclude future sexual victimizations and enhanced public safety.

We also focused on violent offenders and offenders who tended to have the most extensive criminal histories, who tended to be the most violent, who tended to perform more on supervision. But by focusing on those really severe groups in the first few projects, one of the kind of unexpected findings was that a sizeable number of offenders in our district are extremely low risk. So the sort of advanced adult onset group that you were mentioning, Mark, we found that there was a small group of about 2.7 percent of clients. So there's 23 of these clients in the Southern District of Iowa who didn't have any antisocial behavior until the age of 60 or older which is extraordinarily late in life. Usually the onset of antisocial behavior is during adolescence, and then it tends to sort of peak in late adolescents or late adulthood and then dissipate afterward.

To not have any antisocial behavior at all during life is relatively rare, and then to not have any antisocial behavior but then to have an emergence of it at age 60 or older and then go to federal prison is extremely rare. So we call this group De Novo Advanced Adult-Onset Offenders. It was a study published in the *Journal of Forensic Sciences*. And these clients tended to be higher socioeconomic status. They had kind of mixed evidence of adverse childhood experiences, such as various forms of abuse or neglect. They tended to be abstainers from any kind of drug use. And most of their criminal activity that they engaged in was relating to social security fraud and various other types of white collar crimes.

So that was very interesting to us, that there is this group within the population that would be so low risk that seemingly they should be treated in a different way. That finding was one of the issues that we started to think about in terms of shall we have alternatives to incarceration or different kinds of sentencing consideration for offenders who just appear to, behaviorally speaking, be too low risk to send to the Bureau of Prisons.

Mark Sherman: Chief U.S. Probation Officer Michael Elbert, Assistant Deputy Chief Katie Tahja, and Professor of Sociology Matt DeLisi of Iowa State University are my guests.

When we come back, we'll talk about the meaning of district-based empirical research for line officers in the Southern District of Iowa and across the federal probation and pretrial services system. This is *Off Paper*.

Male Voice: In 2017 FJC probation and pretrial services education introduced ten competencies for experienced U.S. probation and pretrial services officers. Each competency contains a definition, a set of accompanying behaviors, and an outcome that describes what the competency looks like in action. To assist officers in furthering their professional development, the FJC recently created the experienced officer competencies toolkit.

The toolkit includes links to the Charter for Excellence, the competencies for experienced U.S. probation and pretrial services officers, a self-assessment, a professional development plan, and FJC programs and resources for experienced probation and pretrial services officers. The self-assessment and professional development plan are fillable PDFs; meaning you can download, complete, and save the form on your computer or device. The toolkit also includes brief videos designed to help officers deepen their appreciation of the connection between excellence as envisioned by the charter and the competencies. The videos can be streamed or downloaded for use at training events, meetings, district retreats, and the like. The

experienced officer competencies toolkit can be found by clicking on the education menu tab on the fjc.dcn homepage, and then clicking on probation and pretrial services education.

Mark Sherman: Welcome back. I'm Mark Sherman, and this is *Off Paper*.

Katie Tahja, I want to ask you about the impact of district based empirical research on presentence investigation and potentially the impact it might have on sentencing itself. I think one of the things probation departments have been struggling with is that much of the focus of research and practice improvements has been on the supervision function or on issues of pretrial release and detention, and much less so on presentence. Obviously post conviction supervision and pretrial are both hugely important. But if you ask district judges what the most difficult part of their job is, consistently they respond that it's sentencing.

In the year since **United States v. Booker**, a 2005 Supreme Court case decision that rendered the U.S. Sentencing Guidelines advisory instead of mandatory, district judges have really had enormous discretion in how they approach sentencing. The presentence officer conducts investigations and writes reports that often contains sentencing recommendations. So my question is, from the research that the Southern District of Iowa is

conducting with Dr. DeLisi, what are you learning that is informing presentence practice in the district?

Katie Tahja: Sure. I think that this is really a topic that is very, very important. And as you had indicated, Mark, I think often it gets overlooked when we're studying offenders and the research in how we're supervising them. But you're correct that a big portion of what judges do in the federal system is sentencing, and it's a difficult part of their job to make those types of decision.

Mike had mentioned earlier that, nationally, 80 percent of defendants are low risk and only about seven of those receive a sentence of probation. Locally Dr. DeLisi in 2016, when he was looking at 865 of our post-conviction clients here in Southern Iowa, found that 78 percent of those individuals were low or low-moderate risk based on the PCRA. While we were looking at that study and looked at some of the most violent offenders in trying to figure out practices and policies related to those individuals, we stumbled across the fact that our numbers locally mirror what nationally. Here as well we have a very low percentage of probation sentences or noncustodial sentences being imposed. So I think those findings really then shapes how can we expand our research and our policies to provide the court what they need but to make more informed decisions at the

sentencing level and when we're doing our presentence investigation.

So based on that, it becomes something that's very important to us. We are now starting to place a greater emphasis on producing presentence reports and sentence recommendations that are based on empirical research from our own clients and we will begin using -- and we're working on a project for this summer and into the fall where we're going to begin utilizing actual risk assessment tools as well as a four-question risk assessment that was created by Dr. DeLisi when he was looking at our population here in Southern Iowa to really determine what the risk level is of our individuals to provide that information to the court; as well as their risk factors and strength areas. So that we can really begin to target our special conditions of supervision that we recommend to fit those risk areas and those strength areas. But then also to provide to the court evidence that some of these individuals are very unlikely to recidivate and do very well on supervision based on the experience of our supervision officers and really a custodial sentence is not necessary in some of these cases. So we're looking really to utilize that information and provide that to the court.

Mark Sherman: Thank you. Mike, I want to get your take on that as well. That is a fascinating project because it really

sort of gets the system further into this area of what has been referred to as evidence-based sentencing. I tend to refer to it as science and form sentencing or even responsive sentencing because it's looking at risk and need but also keeping in mind the purposes of sentencing, the policy and goals of sentencing. So Mike, I'm interested in getting your take on that but also your thoughts on the impact research is having in your district regarding post conviction supervision practice and pretrial services practice. Your thoughts about that.

Michael Elbert: Absolutely. Well, I got to give all the credit to Katie. She's worked on this low risk sentencing project going on nine years now. It just goes to show how difficult it is to really penetrate the sentencing paradigm. We just felt that we were morally obligated based on the low risk nature of most of our cases but also the fact that Dr. DeLisi found four variables that could decidedly determine whether someone would recidivate. We just felt like we want to provide that information to court and then leave it up to the court obviously to how they're utilizing that information.

Our court has been wonderful and very receptive. We've gone all the way from an ATI-type paradigm to now rejecting that paradigm and looking at spreading that throughout our docket so all the judges have access to that information and then they'll do what they will with that information. We have worked with

the Sentencing Commission. Brent Newton has been instrumental in helping us to determine where we would place that information in the presentence report. So we're getting closer and it's because of Katie's efforts. It's really exciting that this major paradigm shift is going to occur to the presentence unit. As you mentioned, it seems often that presentence officers feel kind of left out of the EBP discussion. But this has put them on front street, so very exciting.

If I could mention the paradigm shift with sex offenders, Dr. DeLisi has been instrumental in that. I would say that we just consider him part of the staff now. I would say that, going forward, the gold standard really is to have an in-district researcher on your staff and he's just been wonderful to work with. What I can say is the paradigm shift in sex offenders has -- when we first had the findings report and we met with our judges, and recently I was meeting with one of our newer judges who was at the judge's training, there was then a more experienced judge presenting on sex offenders and talking about how low risk child pornographers were. My judge raised her hand and said, wait a second, have you heard of Southern Iowa's study? And she mentioned that seven out of ten had had hands on victims. The judge who was presenting was appreciative of the information but had not heard of that.

So I really believe we've created a paradigm shift. It's very important in our district. As the chief, I set macro goals. And one macro goal is to protect kids. We don't want further victims. Dr. DeLisi has found in his studies that once victimized, the victim becomes the victimizer. So we want to make sure we stop that cycle. But we want to protect kids. The other part is, with the studies we've conducted, we want protect our staff. So officer safety is our number one priority in Southern Iowa. We really started to look, right after sex offenders, violent offenders. You know, psychopaths. The most dangerous, the caseload within a caseload, so we could determine how often we see these folks and the more intensive type of supervision to protect the community. We stumbled upon the low risk when we were looking at the violent study. So again we started to look at, okay, how can we bring more justice to our system? So it's been very exciting.

But just on the horizon, you mentioned pretrial. We really want to look at a longitudinal study of the impact of pretrial detention. Dr. DeLisi, I think that's one of his next projects that we'll be looking at. We want to look at pretrial all the way through our system - from arrest to detention or release, to the BOP, to post conviction supervision and then after supervision. So we want to look at that impact and I think that will be very important for our system.

Then, finally, we have contract with the University of Cincinnati to bring evidence-based practices to our substance abuse treatment vendors. We spend millions of dollars as a system, hundreds and millions of dollars as a system on treatment - a contract treatment - and we want to make sure that our vendors are conducting treatment in an evidence-based way. So the next thing we want to look at is, are there things we can determine through empirical research that really gives us clues to good treatment agencies and outcome? So looking by agency on drug positive rate, noncompliance with treatment rates, what are the educational qualifications of their staff? Does that make a difference - the longevity of their staff, the different treatment modalities, the cognitive base treatment that they provide? It's a really exciting stuff on the horizon, but that in a nutshell is kind of what we've been looking at.

Mark Sherman: Mike, I want to impact this a little bit because there are several things that you touched on that I think are so important. For example, with regard to the sex offenders research work that you all have been doing and how that's been informing your approach to supervision, one of the things that it points out to me is just -- or a reminder of how complex this work is in probation and pretrial. We are dealing with human beings. We have multiple instruments and tools that are research-based to help us and to help officers certainly

understand how to approach supervision on both sort of group level but also on an individual level.

But one of the things that your research on sex offenders has really pointed out, and you gave this example of the judge's conversation about low risk versus not so low risk based on the research work you all have been doing, that we need to understand the complexity of the work and of the people who are being supervised and that empirical research done at the district level can really help identify the nuances of a population and, therefore, help a district sort of fine-tune its approach to supervision.

Michael Elbert: Absolutely. I think another finding and another take away that we already pretty much knew from Dr. DeLisi's violent study that really impressed our judges, we talked to them about our psychopathy study which, you know, there are career offenders and how dangerous they are and really the destruction that they have created in their lives. Luckily it's a small population, but we should supervise them very carefully. But they were really I think surprised and really taken aback by how dangerous our bank robber population and felon in possession population really is and how criminogenic they are. I guess I can defer to Dr. DeLisi, but that was something. I think they kind of knew that, but it really

confirmed for them these are folks that we should pay attention to.

Mark Sherman: Yeah. Dr. DeLisi, I just want to get some final thoughts from you from the research perspective. You've had a background as a practitioner. We talked a little bit about that earlier. And you've been a sociologist focusing on criminal justice for a long time. So I'm really interested to get some final thoughts from you about the practical implications for line officers from the type of research you're engaged in with the Southern District of Iowa.

Matthew DeLisi: Sure. I'll give you two examples. One measure that was in the data that no one really had done anything with was homicidal ideation. So when you have a case of, unfortunately, a mass murderer that occurs in the United States, it's often true that the offender will have had pervasive evidence of homicidal ideation throughout their adulthood or adolescence. Many, many red flags suggested that this person is going to perpetrate homicidal acts.

So in the Southern District of Iowa about 12 percent of clients have either somewhat or definite evidence of homicidal ideation. The ones who have definite evidence of it where they sort of routinely make these homicidal statements or they have actual lists of individuals who they would like to kill, their criminal careers tended to be far more severe than other kinds

of clients. Their psychopathology and their sort of diagnostic history was also much more severe. So in terms of the implication of that for practice and for line officers, if you have a client who is constantly talking about either thinking about killing their partner or thinking about killing officers or thinking about killing anyone, those aren't just mere disturbing throwaway kind of comments but they are clinically very useful. It's probable that that individual is much more violent and has a much more extensive criminal history.

The second example with the psychopathy work is in doing assessments on offenders, as Mike sort of mentioned, some of them have just extraordinarily lengthy and violent criminal history which is dozens and dozens of arrest and convictions and confinements. During these interviews, some of the clients have been admitted to involvement in multiple homicides both in the community and in correctional settings specifically in prison. So again, in terms of officer safety, it's I think imperative for officers to know for instance this client who I'm supervising, what is their sort of psychiatric profile. Are they psychopathic? If so, how clinically psychopathic are they? Because it can be helpful with supervising them.

I'll give you one quick anecdote. During one of the interviews with a client who is clinically psychopathic, he was talking about a double drive by shooting that he had perpetrated

when he was an adolescent. And when he recounted the story, he had a certain amount of pride. A kind of a gleam in his eye. You could tell he thought this was really quite terrific. So after he told the story, I made a judgmental -- kind of condemnatory comment to him about that's really not something to be proud of. And as I did it, I really intensified my eye contact to really kind of show him the sense of scorn I had. Then he immediately reacted in a similar way, he sort of intensified his eye contact and kind of became more alert. Then after a couple seconds he sort of caught himself.

After the interview, the officer and I were talking about this case. I said, did you see that? And he said, oh, absolutely I saw that. One of the ideas that the officer had, which I thought was a brilliant one, is if this person were in violation, it could probably be counterproductive to send him to a halfway house where he would have exposure to current gang involved young adults who would likely see him as older and maybe not a true gang member and he might see them as not legitimate gang members because he was from California and maybe thinks that that's more authentic. It would be counterproductive and probably problematic to have him be exposed to offenders in that setting. And so instead the officer suggested that having the client do weekend in jail, in an adult jail would be a better sort of response to him.

So just having those kind of clinical insights can be helpful for them to determine what's the best course of action that's going to help the client be most successful but also, in terms of understanding if things are not going well on supervision, what the potential threats are that that offender poses towards staff.

Mark Sherman: Mike Elbert, Matt DeLisi, Katie Tahja, I want to thank all of you so much for talking with me.

Michael Elbert: Thank you, Mark. It's been a pleasure.

Katie Tahja: Thank you, Mark.

Matthew DeLisi: Thanks, Mark. I appreciate it.

Mark Sherman: Dr. Michael Elbert is chief U.S. probation officer for the Southern District of Iowa. Katherine Tahja is assistant deputy chief U.S. probation officer in Iowa Southern overseeing the Presentence Unit. Dr. Matt DeLisi is professor of sociology and coordinator of criminal justice studies at Iowa State University. He conducts district-based empirical research in collaboration with the U.S. probation and pretrial services Office in the Southern District of Iowa.

Off Paper is produced by Paul Valdez [phonetic]. The program is directed by Maisha Pope [phonetic]. I'm Mark Sherman. Thanks for listening. See you next time.

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