

Changing Times

United States Probation Office for the Northern District of Illinois

The probation office is divided into two primary divisions: the presentence investigations division and the post-conviction division. The presentence investigations division works with defendants following the finding of guilt and prepares comprehensive presentence investigation reports to assist the court with sentencing. The post-conviction division works with offenders following sentencing and placement on probation or supervised release. Post-conviction officers work with offenders in the community, monitor their compliance with court orders, and provide offenders with resources to enhance their rehabilitation.

In addition to the probation office being divided into two divisions, every probation officer serves a dual function. It has often been joked that probation officers are the children of law enforcement and social work. Probation officers are tasked with both protecting the community, while also facilitating the rehabilitation of criminal offenders. Probation officers in the presentence division have to craft their sentencing recommendations and recommended conditions of probation or supervised release while considering these dual functions, and recommend a sentence which provides adequate protection for the community and seeks to reduce the defendant's risks for recidivism, while considering the defendant's rehabilitation needs. Probation officers in the post-conviction division also juggle these dual functions, including ensuring the offenders are following their court orders, while collaborating with them to obtain resources that will help facilitate and encourage their rehabilitative efforts.

This edition of the newsletter focuses on the duality of the probation office and functions of probation officers. For the presentence investigations division, we will focus on what goes into the presentence investigation and report, and hear the stories of two defendants. For the post-conviction division, we will learn about a population with which the dual functions of the probation officer is most pronounced, namely, those charged with or convicted of sex offenses, and gain an understanding about the unique aspects of supervising sex offenders. The stories of two offenders convicted of a sex offense are also shared.



The Probation Act of 1925, which was signed by President Calvin Coolidge, created the probation system in the federal courts. Federal probation was initially the responsibility of the Office of the Attorney General in the U.S. Department of Justice, and was overseen by the Bureau of Prisons. In 1940, oversight of the federal probation system was transferred to the Administrative Office of the U.S. Courts.

Presentence Division

What Goes into the Presentence Investigation and Report?

One of the primary functions of the presentence investigations division is to prepare comprehensive presentence investigation reports to assist the court in sentencing criminal defendants. Generally speaking, the presentence report details the offense of conviction and information about the defendant. To investigate the offense of conviction, presentence officers review the court docket and documents, the government's and defendant's versions of the offense, interview the case agent, and review victim impact statements and/or conduct victim interviews. Next, the presentence officer is tasked in determining the defendant's prior criminal history, which involves reviewing various federal, state, and local rap sheets, requesting arrest reports, court records, probation records, department of corrections records, and other documents. The investigation of the defendant's criminal history may span multiple jurisdictions and require assistance from other federal probation departments across the United States. In addition, the presentence officer investigates the personal circumstances of each defendant. A comprehensive presentence interview is conducted with defendants, which covers topics such as the defendant's family background, childhood, medical, mental health, substance abuse, education, and employment histories, and future goals. Efforts are made to try to verify and corroborate information provided by defendants, including conducting an interview with a family member or close loved one of the defendant, as well as sending verification requests to places like schools and employers. In some cases, the officer conducts a visit and assessment of the defendant's residence. For defendants on bond, the presentence officer reviews the defendant's conduct while on pretrial release and confers with the assigned pretrial services officer. The investigation of the defendant also includes an assessment of his/her financial circumstances, including reviewing personal financial statements provided by the defendant, supporting financial documents (bank statements, credit history reports, bankruptcy filings, pay stubs, W-2s, bills, and receipts), asset locator databases, and other financial databases. All of this information is utilized by the probation officer to determine the defendant's advisory guidelines range and to recommend a sentence and appropriate conditions of probation or supervised release.

471 presentence reports have been issued between January 1 and September 15, 2019





Intervention: Arrest

Mr. A never knew his father, and his mother, who was addicted to drugs throughout his life, passed away when he was in his early twenties. Due to his mother's drug addiction, Mr. A was reared by various family members and eventually became homeless in his early twenties, living with various friends for brief periods of time. It was during this unstable time in his life when the defendant was looking for ways to survive, that he became involved in drug and firearms sales. He was arrested and charged with unlawful dealing in firearms and distribution of cocaine. Due to his residential instability, the magistrate judge was tasked with difficult decisions regarding whether or not Mr. A was appropriate for bond, or should remain detained. It was during this time that Mr. A was referred to the Kingdom Lifeline Ministries Program, in Chicago, Illinois, which is a Christian-based residential program for men trying to overcome addiction and other problems. Mr. A was ultimately released on bond and admitted into the program. While in the program, Mr. A has excelled. He abided by and completed all program requirements, volunteered in the community, remained crime free, ceased using alcohol and marijuana, obtained stable employment, and established a positive support network. During his presentence interview, Mr. A described his arrest as a "blessing" in his life, as he was able to become involved in the program, which he described as "the best thing that happened to me," and turn his life around. Mr. A's presentence officer considered all of Mr. A's accomplishments while on pretrial release and while involved in the Kingdom Lifeline Ministries Program, and recommended a sentence below the advisory guidelines range. Mr. A's presentence officer recognized that the Mr. A had experienced a significant transformation in his life, which reduced his risks for recidivism, and was deserving of a sentence lesser than the one suggested by the guidelines. Mr. A remains on pretrial release, with which he remains in compliance, and is awaiting his upcoming sentencing hearing.

Save the Date!

THE UNITED STATES SENTENCING COMMISSION'S NATIONAL
CONFERENCE WILL BE HELD IN CHICAGO BETWEEN
SEPTEMBER 1 – 4, 2020

Visit www.ussc.gov for additional details

The Power of Change

Mr. B was involved in a gang and was sentenced for his involvement in a gang-related shooting and sales of narcotics earlier in his life. While previously in state prison, he earned vocational certifications, ceased affiliation with the gang, and vowed to leave his criminal lifestyle behind him. Upon his release from state prison, Mr. B became employed, fathered and reared two children, and was involved in a long-term relationship. Unfortunately, Mr. B also became involved with what started as “social” gambling with his friends. Over the years, he incurred significant debts to “loan sharks” and experienced estranged relationships with his family as a result of his gambling. Mr. B eventually recognized that he needed help with his gambling, self-excluded from local casinos, and began to attend Gambler’s Anonymous meetings. Mr. B continued to owe substantial debts to loan sharks, and, he made the unfortunate choice of robbing a local bank in hopes of repaying some of his debts. He was arrested and confessed to the crime. Mr. B’s presentence officer described that, during the presentence interview, Mr. B was “truly contrite” and “clearly ashamed” of his actions. During his pretrial release, Mr. B was compliant, obtained employment, and remained optimistic. He considered his situation as a learning lesson. The presentence officer, in recognition of Mr. B’s mitigating circumstances, recommended a below guideline sentence. Mr. B was ultimately sentenced to a below guideline sentence of 18 months custody, followed by three years of supervised release. Upon his release from custody, Mr. B began his term of supervised release with a positive attitude and was making positive changes in his life. Unfortunately, Mr. B passed away from a medical issue at the age of forty-five, a few months after starting his supervised release. Following his untimely death, Mr. B’s sister reached out to the presentence officer to let the officer know that their family saw the positive changes Mr. B had made in his life and to express their family’s sincere thanks to the probation office, who had treated Mr. B fairly and believed in him. Mr. B’s presentence officer stated, “People can and do change... Mr. B will always be remembered as a testament to that statement.”



Post-Conviction Division

The Supervision of Offenders with Sex Offenses

Persons charged with, or convicted of, a sex offense face numerous challenges during a term of supervision. Navigating those challenges requires unique resources, support, and oversight from the probation office. As with anyone on supervision, the primary goal for this population is to reintegrate successfully to the community; however, “successful reintegration” is a broad term. The achievement of this goal is multi-faceted and benefits from collaboration between the supervisee, probation officer, defense attorney, prosecutor, treatment provider, and the Court.

Work with this population begins long before the onset of supervision. Probation officers work closely with the supervisee and any involved family/friends to develop a reentry plan that will afford the greatest opportunity for success. Issues such as housing, employment, mitigation of risk, and access to prosocial activities/peers are considered. If required to register as a “Sex Offender,” the supervisee often faces difficulty locating a viable residence. Probation officers thoroughly investigate proposed residences to ensure compliance with registration requirements. In the absence of a registerable residence, officers work closely with supervisees to obtain emergency housing, if needed, and institute a long-term solution. Due to registration requirements, struggles in securing employment and lack of adequate finances, supervisees are often referred to local Residential Reentry Centers until appropriate housing can be arranged. Furthermore, probation officers continually explore community-based resources that may offer short and long-term housing options or funding that may be available from national and local programs.

Assessment of thinking styles and development of appropriate problem-solving skills play a major role in the accomplishment of supervision goals. Probation officers work with supervisees to identify and adjust thoughts that precede antisocial behaviors, while fostering prosocial problem-solving skills. Active participation in sex offense specific treatment is also a major contributor to success in this area. There is often a stigma associated with treatment that focuses on sexual offending. However, as with mental health and substance abuse treatment, sex offense specific treatment is designed to identify and adjust thoughts and behaviors that create barriers to healthy, lawful lifestyles. Treatment providers partner with supervisees and their probation officers to identify sexual interests that research demonstrates

*There are presently
128 persons under
supervision with a
current or past sex
offense.*

are likely to lead to sexual reoffense and encourage lawful alternatives. Frequently those charged with, or convicted of, a sexual offense experience isolation, which places them at a heightened risk for relapse and can degrade the quality of life. Thus, a major area of focus by probation officers and treatment providers is the development of a stable, prosocial peer network.

For persons charged with or convicted of a sexual offense, reintegration to the community is an eminently attainable goal. However, it requires cooperation, a thorough understanding of the nature of sexual offending, continual assessment of risk, and a willingness to strengthen prosocial thinking and peer networks. Probation officers are committed to working with supervisees and stakeholders to achieve success during the term of supervision and beyond.

Lifetime Supervision

Mr. C was convicted of possession of child pornography and was sentenced to ten years of imprisonment, followed by a life term of supervision. Mr. C initially began his term of supervision in another district and was transferred to our district in late 2017. While in the halfway house, Mr. C obtained a commercial driver's license (CDL) and began working as a truck driver. He became involved in a long-term relationship and had a child with his partner. He established a prosocial network with his paramour, her family, positively influencing peers, and accountability partners. Mr. C successfully completed group sex offense treatment, passed several polygraph examinations, and is in the maintenance phase of his individual counseling. He has maintained sobriety from methamphetamines for nine years. Mr. C and his assigned probation officer maintain open communication about Mr. C's stressors and how to overcome them. Mr. C's probation officer reported Mr. C has a positive attitude and exhibits a willingness to grow. Mr. C's probation officer not only encourages and facilitates Mr. C's rehabilitation efforts, his officer also vigilantly assesses Mr. C's dynamic risk factors. Mr. C's probation officer recently had to address a violation involving a contact with law enforcement and being present in a prohibited area for registered sex offenders. These behaviors will be reported to the Court and addressed by the probation officer and treatment provider. Mr. C's probation officer will continue to monitor Mr. C's behaviors, while encouraging his rehabilitative efforts.



Contact Us

United States Probation
Office for the Northern
District of Illinois

230 S. Dearborn St.
Suite 3400
Chicago, IL 60604

(312) 435-5700

ILNPml_Newsletter@
lnp.uscourts.gov

www.ilnp.uscourts.gov

Editor: Rebecca L. Fowlie

When Offender Becomes Victim

Mr. D was convicted of distribution of child pornography, and was sentenced to 84 months custody, followed by 15 years of supervised release. Mr. D has been on supervision in our district since mid-2016. As is a common condition of supervised release for sex offense cases, Mr. D was ordered to have his computer monitored. Earlier on in his supervision, the computer monitoring revealed he had been conducting troubling Internet searches and he eventually admitted to viewing images of pornography and images of children, some in stages of undress. This resulted in court intervention and Mr. D's behaviors were addressed by his probation officer and treatment provider. Mr. D is now more aware of his behaviors and is nearing completion of treatment. More recently, however, the computer monitoring alerted Mr. D's probation officer to Mr. D being a victim of a computer hack and scam. Mr. D alerted his probation officer of fraudulent charges on his credit card for pornography sites, as well as attempts to access his bank accounts. Mr. D's probation officer was able to work with the computer monitoring company to verify that Mr. D's personal information had been compromised. Further investigation by the probation officer also revealed that some of the reported customer service representatives, claiming to be helping Mr. D clear up the issue were actually part of the scam. The sham customer service representatives directed Mr. D to purchase thousands of dollars of gift cards to resolve the issue, which he did. The probation officer intervened to assist Mr. D and encouraged Mr. D to contact law enforcement to further investigate the scam. As a result of the probation officer's diligent monitoring, Mr. D will likely be able to receive some compensation from his credit card companies.

U.S. Probation Resource Fair

Greater West Town
500 N Sacramento, Chicago, IL 60612

Wednesday, October 23, 2019
12:30 pm to 3:30 pm

Agencies will provide assistance with:

- Employment
- Education/Vocation
- Housing
- Healthcare
- Identification
- Benefit Information
- Veteran Services

