

ROLE OF THE PRETRIAL SERVICES OFFICER

According to Monograph 111 (Supervision of Federal Defendants), "Pretrial services is the front door to the federal criminal justice system and has a unique opportunity to lay the foundation for each defendant's success, not only during the period of pretrial services supervision, but even beyond that. Officers strive to work with each defendant in such a manner that this contact with the criminal justice system will be his/her last and so prevent the front door of the system from becoming a revolving door."

A U.S. Pretrial Services Officer performs many roles for the Court. These roles are defined in as follows in 18 U.S.C. § 3154:

- * Collect, verify, and report to the judicial officer, prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense, including information relating to any danger that the release of such person may pose to any other person or the community, and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release.
- * Review and modify the reports and recommendations specified in Paragraph (1) for individuals seeking release pursuant to 18 U.S.C. § 3145.
- * Supervise individuals released on bond.
- * Operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including residential halfway houses, addiction and alcoholic treatment centers, and counseling services.
- * Inform the court and the United States attorney of all apparent violations of pretrial release conditions, arrests of persons released to the custody of providers of pretrial services or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions.
- * Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.
- * Assist persons released on pretrial supervision in securing any necessary employment, medical, legal, or social services.
- * Prepare, in cooperation with the U.S. Marshal and the U.S. Attorney such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial.
- * Develop and implement a system to monitor and evaluate bail activities, provide information

to judicial officers on the results of bail decisions, and prepare periodic reports to assist in the improvement of the bail process.

* To the extent provided for in an agreement between a Chief Pretrial Services Officer in the district in which pretrial services are established under 18 U.S.C. § 3152(b), or the Chief Probation Officer in all other districts, and the U.S. Attorney, collect, verify, and prepare reports for the U.S. Attorney's Office of information pertaining to the pretrial diversion of any individual who is or may be charged with an offense, and perform such other duties as may be required under any such agreement.

* Make contracts, to such extent and in such amounts as are provided in appropriation Acts, for the carrying out of any pretrial services functions.

* As directed by the court and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of 18 U.S.C. §§ 4243 or 4246, and to report such person's conduct and condition to the court ordering release and the Attorney General or his designee.

* Any violation of the conditions of release shall be immediately reported to the court and the Attorney General or his designee.

* If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.

* Perform any other functions as set out in 18 U.S.C. § 3154.

As shown above, by statute, a U.S. Pretrial Services Officers must perform many functions and roles. Several of these roles are described more in detail below.

Conducting Investigations: *The officer conducts a pretrial services investigation, gathering and verifying important information about the defendant and the defendant's suitability for pretrial release.*

Bail Reports: *Following the pretrial officer's investigation, the officer will prepare and provide bail reports to the court. This report assists the court in making an informed release or detention decision. The report focuses on two basic issues, that is if the defendant is a danger to the community and if they will return to court. The pretrial officer considers both danger and nonappearance factors before making a recommendation to the court to release or detain the defendant.*

If the pretrial officer determines the defendant is appropriate for pretrial release, then the officer is required to *recommend to the court the least restrictive conditions that will reasonably assure that the defendant appears in court and poses no danger to the community*. These conditions are not recommended to punish or correct criminal conduct, but rather to address the defendant's risk of nonappearance and/or danger to the community.

If no risk factors are evident, the officer recommends release on personal recognizance. If risk factors exist, the officer recommends either detention or release with conditions. Release conditions should be implemented to each individual defendant, but always include the universal condition that the defendant not commit a federal, state, or local crime during the period of release. The officer may recommend that the court set release conditions to accomplish goals, including to prohibit possession of weapons, contact with victims, or use of alcohol or drugs; to restrict the defendant's freedom of movement or with whom the defendant associates; and to require the defendant to seek or maintain a job, obtain education or training, or surrender a passport. If the defendant is likely to fail to appear, the officer may recommend a financial bond, which the defendant (or his or her family) forfeits if the defendant does not return to court as directed.

Pretrial Supervision: *If a defendant is released on pretrial supervision, the officer will then provide supervision of that individual. The pretrial officer will supervise the released defendant until that individual is released to the community, begins to serve their sentence, are acquitted, or the charges are dismissed.*

When the officer receives a case for supervision, the officer reviews the information about the defendant, assesses any potential risk the defendant presents and any supervision issues that may affect the defendant's ability to comply with the release conditions. The officer then determines what supervision strategies are appropriate, and then develops a plan of supervision.

A pretrial officer providing pretrial supervision will perform many activities to ensure that the individual under supervision complies with each condition of bond imposed by the court. Some routine tasks performed by an officer during the period of supervision include monitoring the defendant through personal contacts and phone calls with the defendant and others, including family members, employers, and treatment providers; meeting with the defendant in the pretrial

services office and/or at the individual's home or place of employment; and assisting the defendant in securing employment, substance abuse and/or mental health treatment, or any other social services that may assist in their compliance with the conditions of release; prepare a chronological record detailing all contacts with defendants, to include any collateral contacts; run periodic criminal record checks on those individuals placed on pretrial supervision; conduct drug testing if appropriate; and prepare written reports to the court detailing any violations of pretrial supervision, as well as attend court hearings and testify when appropriate.

Additionally, pretrial officers will have regular contact with individuals in the community, to include local, state, and federal law enforcement agencies; court officials; defense attorney's; mental health and/or substance abuse treatment providers; U.S. attorneys; defendant employers; defendant family members and/or associates; various social service agencies; as well as an assortment of other individuals.