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Pretrial Services Agency (D.C.)

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# THE DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY

NCJRS

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## Program Description

ACQUISITIONS

The District of Columbia Pretrial Services Agency interviews and provides information used to set bail for arrestees charged with criminal offenses in the District of Columbia. The Agency is the successor to the D.C. Bail Project established in 1963 by a Ford Foundation grant. It was created by an Act of Congress on July 26, 1966, and its responsibilities are statutorily defined. By statute, the Agency serves both the local and Federal courts in the District of Columbia. It is governed by an executive committee composed of the Chief Judges of the local and Federal trial and appellate courts in D.C. or their designates, and five members appointed by the Mayor.

The work of the Agency is performed by over eighty employees who are organized into several operational units. Those units which provide information directly to the courts are collectively known as the "court services" division. This division is comprised of the Pre-Release, Post-Release, Evening Division, Failure to Appear, Adult Drug Detection, Juvenile Drug Detection, and District Court units. Court services units are staffed primarily by pretrial services officers, drug detection technicians, and laboratory staff. Other Agency personnel are organized into a data processing unit, a technical and research staff, and a clerical/support staff. They form the administrative services division of the Agency. The data processing supervisor, other administrative staff members, and the Juvenile Drug Unit supervisor report directly to the Director of Administrative Services. Supervisors in all other units report to the Deputy Director. The Deputy Director and the Director of Administrative Services, along with an Administrative Assistant, report to the Director of the Agency, who is responsible for formulating Agency policy and overseeing all operations. The Director reports to the Executive Committee.

### Population Identification

The Agency's governing statute, 23 D.C. Code s1301 et. seq. mandates that its staff interview and provide information on all arrestees -- local and federal -- in the District of Columbia.

In keeping with this mandate, the Agency operates 24 hours a day, seven days a week. Therefore, arrestees are interviewed as soon as possible after arrest. Charged misdemeanants are interviewed by telephone within an hour of arrest to determine their eligibility for release on citation. Detained arrestees are interviewed either the night of arrest in the police department holding facility

or the following morning in the courthouse cellblock. Spanish speaking arrestees are interviewed by Pretrial Services Officers fluent in the language.

Verification efforts begin immediately after the interviews are complete. They are concentrated in three areas: community ties, criminal history, and drug use.

The Pretrial Services Officers corroborate community ties by contacting references provided by the arrestees during the interview. These references may be family members, friends, employers, and in some cases social workers, probation officers, or parole officers. During the interview, staff attempt to obtain telephone numbers of at least three references to ensure, as far as possible, that information obtained from each arrestee can be verified. In some instances, community ties information is verified through family members and friends who come into the Agency before arraignment court begins.

Criminal history verification is conducted by using a variety of sources. The Agency is provided with police arrest records on every defendant. Pretrial Services Officers then research the criminal history by accessing computerized files of all other criminal justice components: the U.S. Attorney's Office, D.C. Superior Court records, D.C. Department of Corrections records, the D.C. Parole Board, and the Probation Division. In addition to having access to purely local information, the staff has access to Maryland State Probation and Parole records, which it receives on microfiche on a monthly basis. Staff members also have access to the juvenile arrest and conviction records of defendants they are researching.

To ensure the accuracy of information reported to the court, once the criminal history research is complete, it is compared with information contained in a "prior contacts" report. The prior contacts report is a computer generated summary of all information already on file on a particular individual and is run prior to beginning any new criminal history research. For those arrestees with cases currently pending, the Agency researches all relevant data, e.g., next court date, release conditions, and compliance.

Once the official record sources are checked, Pretrial Services Officers telephone any supervising authorities (e.g. Probation or Parole) for information about the defendant's adjustment. The Agency also frequently contacts pretrial programs in other jurisdictions to obtain information about defendants who may live out-of-state.

Drug use status is the final area of verification. The Agency has always questioned arrestees on drug use, and drug treatment program participation. In 1984, however, the Agency established its own on-site drug testing unit. Now, Agency drug unit technicians collect urine samples from all detained arrestees the morning before the initial court appearance. These samples are tested in the Agency's drug unit before court begins, and the results are made available to the hearing officer

before conditions of release are determined. Thus, self-reported statements regarding drug use can be verified objectively.

Interviewing and verification procedures for arrestees who will appear in District Court are generally the same as those outlined above. However, urine samples are not routinely collected from all federal arrestees. Instead, samples are collected from those arrestees only upon request of the Court.

## Verification Procedures

The Agency uses a bifurcated risk assessment approach in making recommendations. This approach incorporates separate risk assessments of the two factors judicial officers in the District of Columbia must consider: likelihood of appearance and community safety. Based on the interview and criminal history, the Agency is able to identify risk factors within each of these two categories. It then recommends a release condition specifically designed to reduce each risk factor that has been identified for a defendant. For example, if the arrestee, is homeless (a risk factor associated with likelihood of appearance), the Pretrial Services Officer could recommend an in-person reporting requirement to minimize the chances that (s)he would fail to reappear for court. If the arrestee is a drug user (a risk factor relating to community safety), the interviewer could recommend treatment or periodic urine surveillance in order to reduce any safety risk. The Agency adheres to the philosophy that a recommendation should be made in every case.

While the basic approach is objective, there exists a certain degree of interviewer flexibility within risk categories to recommend "solutions" tailored to the individual. The guiding principle is that release should be accomplished by recommending the least restrictive conditions of release. The Agency's computer system has built-in edit checks to ensure adherence to this principle. Therefore, if an interviewer were to select a release condition for which no problem or risk had been identified, an "error" message would appear on the screen alerting the interviewer that use of the condition was inappropriate.

In the District of Columbia, certain categories of arrestees may be subject to "preventive detention" upon motion of the prosecutor, or may be subject to temporary "holds" to determine probation, parole, or pretrial release status in pending cases. The Agency alerts the Court whenever a defendant qualifies for a detention hearing or hold. In these cases, Pretrial Services Officers still make alternative recommendations for conditional release, to be considered in the event the detention hearing is either not requested or not granted.

The recommendations which result from the application of the risk assessment approach are transmitted to the Court via computer generated reports which also contain community ties and criminal history information. The report is a public record. Copies are made available to the parties prior to the bail hearing, and a copy is later placed in the Court jacket. In addition, a Pretrial Services

Officer is available in court throughout the hearings to provide the Court with relevant non-public information, e.g., juvenile histories and drug test results, as well as to clarify ambiguities about the information reported and to ensure that the attorney's representations about the Agency's report are accurate.

In keeping with its philosophy that there should be a presumption in favor of pretrial release, the D.C. Pretrial Services Agency does not recommend financial conditions of release. Rather, the Agency ensures its responsiveness to the concerns of the Court by periodically reviewing the validity of its risk assessment approach. Refinements are made as necessary.

In addition to the recommendation scheme, the Agency assists the court system by facilitating the pretrial release of some misdemeanor defendants before a court hearing. Police officers routinely call the Agency's Evening Operations to determine whether misdemeanants arrested at night are eligible to be released on citation. The Evening Division staff members receiving the calls interview the arrestees by telephone. Information is obtained from these arrestees and verified in the same manner as that obtained from arrestees who are interviewed in person. Once all the information is obtained and verified, the Pretrial Services officer advises the arresting officer whether the arrestee is eligible for release on citation. The officer -- not Pretrial Services -- then makes the release decision.

Once the decision is made to release the arrestee, Agency staff provide the officer and arrestee with the arraignment date. Staff is also responsible for warning the arrestee of the penalties for failing to appear at arraignment or other scheduled hearings. To provide maximum benefit to the court, Evening Division employees are available throughout each night and on weekends to conduct citation interviews.

### Monitoring Procedures

The Agency's Post Release Unit monitors pretrial compliance with all conditions of release except those dealing specifically with drug testing. By statute, the Agency supervises release conditions imposed in all non-surety cases. The monitoring process begins during a "post release" interview conducted immediately after a defendant is released from arraignment court. During this interview, Agency staff members re-advise the defendant of the conditions of release and the penalties for not appearing at future hearings. The next monitoring function often relates to address verification. In many cases, defendants whose addresses could not be verified are released on the condition that they provide verification within 24 hours after release. The unit monitors compliance with this condition by accepting verification, e.g., mail sent to the defendant at the address. It also assists some defendants who could not otherwise provide verification by sending mail to them and instructing that it be returned upon receipt.

Other conditions monitored by the unit include curfew conditions, in-person and telephone reporting conditions, and numerous other conditions, e.g., the condition that a defendant's passport

be surrendered pending trial. This unit also provides monitoring or "courtesy supervision" for defendants who live in the area but have cases pending in other jurisdictions. Courtesy supervision is conducted at the request of a court or supervising authority in the other jurisdiction. The Post Release Unit provides periodic compliance reports to the other jurisdiction.

In monitoring compliance with address verification, curfew, and reporting requirements, the staff relies heavily on its computer system and computer generated print-outs to point out defendants who are in non-compliance. However, to monitor other types of conditions, the unit works closely with other agencies. For example, another one of the functions of Post Release is to make referrals of defendants who are ordered to obtain drug treatment, mental health treatment, and similar services. To monitor compliance with this kind of condition, the unit communicates with the treatment agency, and receives monthly compliance reports.

Once it appears that a defendant is in non-compliance with a condition of release, Post Release sends a notice which serves as a reminder to comply. If the defendant does not begin to comply promptly, the unit notifies the Court that the defendant is in non-compliance and offers to provide a full detailed compliance report. Of course, unit personnel are available to testify at any hearings scheduled by the Court.

Finally, the Post-Release Unit works closely with the institutional third party custodians who supervise defendants on pretrial release. The custodians actually monitor these defendants, but the Agency assists them by apprising them of their clients' compliance with other release conditions.

The Adult Drug Detection Unit is responsible for monitoring compliance with urine surveillance conditions. Each day, staff members use computer-generated print-outs to identify those defendants scheduled to appear to provide urine samples. Computer entries are made indicating those defendants do not appear as well as those who appear and test positive. The unit informs the Court of a defendant's compliance (attendance and test results) by sending a status report to Court before each scheduled appearance date in the case.

### Case Tracking and Program Evaluation

The Agency maintains a fully automated case tracking system that is linked to the Superior Court's management information system. A new case is initiated for each arrest. The Agency's records system captures both the fingerprint-based individual identification number and the docket number assigned by either the D.C. Superior Court or the U.S. District Court. Any and all updates to the Superior Court's computer system (including charge information, court dates, and dispositions) are transferred daily to the Agency's computerized files. Computer programs conduct edit checks to ensure data integrity, and any errors are printed out so that they can be individually researched and corrected.

All aspects of the Agency's work are computerized. Notification letters reminding defendants of upcoming court dates are generated daily. (If so designated, the letter will print in Spanish.) A variety of management reports are printed to assist pretrial services officers in the supervision of curfew and reporting conditions. Another program prints drug testing status reports for use by the Judge at each court appearance. Other programs generate statistics for managing the agency, and assisting policy makers throughout the City.

### Features of Special Interest

Three of the other services provided by the D. C. Pretrial Services Agency are very important to the Court system and other parts of the criminal justice system. Two of these relate directly to the issue of court appearance. The first of these is the Agency's extensive notification system. Efforts to ensure reappearance begin during the post-release interview described earlier. Thereafter, the Agency sends each defendant released on personal recognizance or cash bond a computer generated reminder of the next scheduled appearance. The dates in the notice are based on court information in the Agency's computer system, which is regularly updated through an interface with the Superior Court computer. Notices are generated in Spanish when appropriate. As added assurance, whenever defendants have contact with the Agency, e.g. during a curfew call or a urine surveillance visit, they are reminded of scheduled court dates by Agency staff.

A related service provided by the Agency is the work done by the Failure to Appear Unit. That unit is dedicated to the prevention of unnecessary bench warrants, the investigation of late or non-appearances, and related matters. Staff members routinely receive calls from defendants who will appear late for court on the day of the call or on a future date. They then relay to the court information given by the defendant, often preventing the issuance of bench warrants. In addition, the staff investigates reasons, e.g. hospitalization or system-related errors, given by defendants for appearing late or not appearing at all.

The investigations are usually conducted via telephone by staff members, who call the defendants or institutions, e.g. hospitals, for relevant information. When defendants come in late or after having missed a court date, the staff not only investigates the reasons for their non-appearance, but also escorts them to court to attempt to have bench warrants resolved. In many cases the unit is able to corroborate the reasons for not appearing, thereby causing bench warrants to be quashed and allowing defendants to remain in the community pending trial.

The Agency also provides a valuable service for defendants who are not released at their initial bail hearing. This service, which involves a review of the population of pretrial detainees, is rendered by the Intensive Supervision Unit of the Agency in cooperation with the Department of Corrections. Through a variety of means, Pretrial Services Agency staff members identify members of this population. They then review the cases to determine whether the defendants can be successfully

monitored on pretrial release under close supervision. The courts and defense counsel are routinely notified of defendants deemed eligible for the program. In order to be able to participate, defendants must have their conditions of release modified via bond review. Release into the program is not an option at the initial bail hearing.

Defendants who participate in the program, are released into the third party custody of the Department of Corrections and live at a halfway house for a minimum of two weeks. During this phase of the program, they are counselled by an on-site contract vendor, and provide urine samples at the Pretrial Services Agency at least twice per week. Defendants who adjust successfully during the halfway house phase are released into the community to reside until trial. Urine surveillance and counselling by the contract vendor continue during this second phase of the program. Defendants who fail to adjust during either phase of the program -- either because of positive urine samples or for violation of any other program rule -- are taken back to jail immediately. Because they are already in the custody of the Department of Corrections, no hearing is required before reincarcerating them. Instead, the Court is required to conduct a hearing within five working days of the reincarceration.

Unit staff members also work closely with the contract vendor and the Department of Corrections on program evaluation and procedures, and with other units within the Agency that have contact with program participants. An important function of the unit is to serve as a liaison with judges and other court personnel. It appraises court personnel of defendants' adjustment in the program, and, when requested, provides testimony at bond review and revocation hearings. This unit has helped to alleviate jail overcrowding in the District, and, at the same time, has proved to be a safe, workable release option.