

Does the pretrial services officer help to decide whether the defendant is guilty?

Whether the defendant committed the crime he or she was arrested for is not the concern of the pretrial services officer (PSO). By law, it's the PSO's job to assess two risks concerning the defendant: danger to the community and nonappearance at later court proceedings. So the pretrial services report focuses not on the current offense, which the defendant is presumed innocent of at this point, but on factors relevant to those two risks. The report describes the defendant's family ties and employment status, for example, and may provide important facts about why the defendant should be released. For example, if the defendant is responsible for the care of family members, it's less likely that he or she would flee before trial.

Isn't it unconstitutional to lock a person up before the judge has even thought about whether the person is guilty?

The U.S. Constitution gives defendants the right to a speedy trial, but for the period of time between the arrest and the trial, the judge has to balance the defendant's interests with the community's interests in keeping dangerous people off the streets and in ensuring that the defendant will be present at trial. Congress has provided standards for judges to use in balancing these factors.

What goes into the pretrial services report, and how does the officer get the information?

The pretrial services report includes any prior criminal record the defendant has. The PSO has access to various automated databases so that he or she can find this information. The officer then seeks to interview the defendant, often in a holding cell, concentrating on facts relevant to the risks of flight and danger to the community, such as whether the defendant has a job, where and with whom he or she lives, and the defendant's ties to the community, health issues, and financial status. The officer includes any relevant information in the report. The officer also writes a recommendation, which may go beyond a simple "release" or "detain" to include the least restrictive conditions to minimize the risks of letting the defendant await trial in the community. For example, one condition that is becoming much more common is home confinement through electronic monitoring; the defendant wears an electronic device that alerts the officer if the defendant leaves the permissible area.

How does a pretrial services officer supervise a defendant who is out on pretrial release?

The first step of supervision is developing a supervision plan that reflects the defendant's circumstances and addresses every condition the court has imposed. The PSO may meet with the defendant as often as once a week, or they may meet only monthly or even quarterly. If the judge has imposed conditions--for example, that the defendant submit to drug testing or look for employment--the officer works with the defendant to make sure that the conditions are met. Sometimes the officer helps the defendant find other resources, such as counseling or job training.

When does supervision end?

Supervision ends if a defendant is found not guilty in a trial or the charges against him or her are dropped. If a defendant pleads guilty or is found guilty in a trial, the pretrial services officer prepares a status report, to tell the judge how the person--now an offender--has done on pretrial release. Because of the Speedy Trial Act's time limits for filing an indictment and commencing the trial, supervision doesn't usually last more than a few months. And the PSO's supervision of the offender may continue even after a plea or finding of guilt--and may overlap with the involvement of the probation officer who will prepare the presentence report--because there is often a delay between sentencing and the time a person's sentence begins.

What are the requirements to become a federal pretrial services officer?

All federal pretrial services officers are required to have bachelor's degrees, usually in criminal justice or the social sciences. Many also have master's degrees or work experience in a state or local probation system, criminal justice, or social work. The upper age limit for new officers is thirty-seven.

What entity do pretrial services officers work for?

Pretrial services officers work for the court, not the U.S. attorney or the police. Many pretrial services and probation officers describe themselves as "the eyes and ears of the court." Some judicial districts have a separate pretrial services office, headed by a pretrial services chief. In others, the probation office,

headed by a chief probation officer, handles pretrial services work as well as probation work. Most districts also have officers who specialize in supervising offenders with certain problems, such as drug abuse and mental illness.