

effective
practices
series

Pretrial Services Communications

Court Education Division
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1995

This guide is a compilation of practices that chief probation officers and line staff consider effective and of possible interest to other districts. Participants at a Federal Judicial Center symposium selected which practices should be included in this publication. The guide was undertaken in furtherance of the Center's statutory mission to develop and conduct programs of continuing education and training for personnel of the federal judicial system. The views expressed are those of the authors and not necessarily those of the Federal Judicial Center.

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I. Introduction

Evolution of Effective Practices: Pretrial Services Communications

This publication discusses the role of chief pretrial services officers and chief probation officers who have pretrial services responsibilities (referred to as chiefs throughout this publication) and describes seventeen practices proven to be effective in communicating with judicial officers.

In May 1993, the Federal Magistrate Judges Association passed a resolution which recognized the value of pretrial services to the judiciary and expressed continuing support. Office reviews and technical assistance visits conducted by personnel of the Probation and Pretrial Services Division of the Administrative Office of the U.S. Courts (AO) revealed that many members of the judiciary and court-related agencies view pretrial services as an important entity in the federal criminal justice system.

Probation and pretrial services chiefs at the June 1993 Chiefs Conference, held in Baltimore, Maryland, discussed the status of pretrial services in the federal system. They recognized that, notwithstanding the evidence of approval of the pretrial services effort, many judicial officers are unaware of the merits of pretrial services. This lack of awareness, in turn, the chiefs felt, hinders full implementation of the Pretrial Services Act. The chiefs felt that there was a need to better inform judicial officers and employees of the courts as well as other agencies about pretrial services.

Two initiatives emerged from the discussions at the conference. One initiative was to seek methods of communicating the functions and activities of pretrial services to a wider audience, including employees of the court and other agencies. Seven probation and pretrial services chiefs volunteered to serve on a public relations committee chaired by William R. Sayes, Chief U.S. Probation Officer, Western District of Louisiana. The work of that committee is ongoing.

The second initiative focused on improving chiefs' communications with judicial officers in their districts. This publication is the product of that initiative. The Federal Judicial Center (FJC) agreed to sponsor an educational project that would identify and disseminate to all chiefs those communication practices that individual chiefs with pretrial services responsibilities had found to be effective in communicating with judicial officers in their districts. The FJC consulted with the AO and the Chiefs Advisory Council throughout the course of the project.

A planning committee was formed in February 1994. The committee's purpose was to identify questions to be included in a survey that would ask chiefs to describe practices they had used to effectively communicate with judicial officers in their districts.

In May 1994, all chief pretrial services officers and chief probation officers with pretrial services responsibilities were surveyed about their communication practices with judicial officers concerning matters of policy and procedure. Questions about communications concerning individual defendants were excluded from the survey. Ninety-two percent of chiefs responded to the survey. Participants at the FJC's Pretrial Services Symposium that was held at the Probation and Pretrial Services Academy on July 5–8, 1994, in Baltimore, Maryland, used the survey results to prepare this publication. The following are the participants:

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Three people gave participants information on judicial officers' expectations of chiefs. They are Charles R. Butler, U.S. District Judge, U.S. District Court for the Southern District of Alabama; Barry Mahoney, President, Justice Management Institute, Denver, Colorado; and David D. Noce, U.S. Magistrate Judge, U.S. District Court for the Eastern District of Missouri. Philip M. Pro, U.S. District Judge, U.S. District Court for the District of Nevada, reviewed and commented on an earlier draft of this publication.

How to Use the Effective Practices

Eight responsibilities for chiefs are described in section II. A consensus of the symposium participants determined that these responsibilities are vital to effective execution of pretrial services functions now and in the foreseeable future. Below the description of each responsibility, we list those communication practices symposium participants considered appropriate for fulfilling the responsibility. Practices derived from both the survey and participants' experiences are included. Meetings with judicial officers, drawn from the survey, were seen as an effective communication practice in each area of responsibility. To avoid repetition, we do not mention meetings as a communication practice in the eight responsibility areas.

Seventeen communication practices are presented in sections III and IV. A Description segment is included only for those practices whose description is not readily apparent. A Suggestions for Implementation segment advises chiefs on how to successfully use the practice. A Survey Results segment includes information on the number of chiefs who reported using the practice and the issues most often addressed by that practice. Under Use of the Practice is a list of all districts whose chief cited a specific instance of using the practice and the issues addressed by that practice. More chiefs said they used the practice than cited specific instances. Therefore, not all issues mentioned in Survey Results will be listed under Use of Practice. The practices are divided into two sections: Working with People and Working with Written Materials.

Try whatever practices are appealing to you and adapt them to conditions in your district. Share your experiences with your colleagues in your district and from other districts.

The AO retained a copy of each completed survey to assist chiefs if additional information or clarification of a response was needed. Anecdotal or explanatory documents provided by some chiefs could not be included in this publication but are available from the AO.

Additional Resources

The FJC recently completed *Effective Practices: Enhanced Supervision* and distributed copies of it to all probation and pretrial services chiefs. This publication describes Enhanced Supervision practices that probation chiefs have found to work well in their districts.

The FJC offers a number of programs devoted completely or partially to communication skills training. The programs are described in a catalog distributed to all chiefs, *Programs and Services for Federal Court Personnel Available from the Court Education Division*. Some of the programs are Negotiation Skills, Presentation Skills, Facilitating Successful Meetings, FrontLine Leadership, and Put It in Writing. Names and phone numbers of FJC contact persons are listed in the catalog. The FJC also has a collection of educational programs on videotape that includes programs on communication skills. These videotapes are available for loan to federal judicial employees through the Media Library of the FJC's Information Services Office. A catalog describing the collection is available from the Information Services Office, phone: (202) 273-4153.

II. The Role of the Chief

Introduction

All of the material in this section was developed by participants at the FJC's Pretrial Services Symposium held in July 1994 and endorsed by the Chiefs Advisory Council.

This is a challenging time for pretrial services. Since the passage of the Speedy Trial Act of 1974 and the Pretrial Services Act of 1982, the full potential of pretrial services has not been realized. In an era of diminished resources, a lack of judicial officer awareness of the value of pretrial services could not only impede pretrial services' further progress, but jeopardize its very existence. The future of pretrial services in the federal criminal justice system can be made more secure through better communication between pretrial services officers and judicial officers and members of other court-related agencies.

The Pretrial Services Act in 18 U.S.C. §§ 3154(9) and 3155 creates the statutory foundation for chiefs' communications with judicial officers and policy makers regarding the policies and procedures of pretrial services. The chief must take the lead in opening and maintaining communications with judicial officers and court-related agencies. Acceptance of this responsibility will ensure the full realization of the potential of pretrial services. While sound management practices are still required of a chief, the chief's emerging role of program advocate requires the demonstration of greater leadership qualities. A chief must be proactive, assertive, diplomatic, visible, and resilient. An effective pretrial services office cannot exist without the full support of the courts. The support of judicial officers is best acquired through the exchange of information between pretrial services and the judiciary at a local level. Gaining this support is the job of the chief.

Responsibilities

Both the statute and the position description of the chief delineate certain responsibilities which require good communication. A chief has the following responsibilities:

- *A chief should educate judicial officers, employees of the court and court-related agencies, and the public about the need for, and value of, pretrial services.* Results of the survey of chiefs show that 97% of respondents consider public relations to be an important function of the chief. Effective practices that promote public relations are training, the use of alliances, progress reports, the use of literature, annual reports, staff awards for achievement (five-year, ten-year, and fifteen-year service recognition pins), publications by pretrial staff (district newspapers and *Federal Probation*), and public service activities.

- *A chief should maintain liaison on a regular basis with judicial officers.* This liaison is essential to ensure that policies, procedures, and programs meet the needs of the court and reflect mutually agreed on policies. The chief is in a unique position to make specific recommendations regarding court-related criminal justice issues. Results of the survey show that 100% of respondents consider recommending policies and procedures and long-range planning to be important functions of the chief. Effective practices that support this liaison are progress reports, annual reports, social interactions, and the use of statistical data.
- *A chief should maintain a system of communication through which pertinent information is provided to court personnel at all levels, from the line officer to the chief judge.* Effective practices that support such communications are progress reports, the use of literature, annual reports, the use of office staff, and written correspondence. The chief can also encourage staff to further their education and take advantage of in-district training.
- *A chief should establish and maintain cooperative relationships with all members of the criminal justice system.* Results of the survey show that 99% of respondents consider attending in-district events to be an important function of the chief. Effective practices that promote cooperative relationships are the use of office staff, the use of alliances, and training.
- *A chief should advise the court of the eligibility, availability, and capacity of local agencies to provide employment, medical, legal, and social services, or to serve as third-party custodians.* Effective practices that support this communication are the use of office staff, presentations and demonstrations, and open houses at halfway houses.
- *A chief should develop, implement, and maintain a system for monitoring and evaluating pretrial release programs.* Results of the survey show that 100% of respondents consider evaluating programs to be an important function of the chief. In evaluating programs, chiefs provided information to the court on results of pretrial release decisions, prepared periodic reports to assist in the improvement of the process, and used Probation and Pretrial Automated Case Tracking System (PACTS) data to demonstrate district trends. Other effective practices are progress reports, annual reports, the use of statistical data, and written correspondence.
- *A chief should work with court executives and support agencies in analyzing and facilitating court-wide operational effectiveness.* Results of the survey show that 99% of respondents consider this to be an important function of the chief. Supporting effective practices are the use of alliances and training.

- *A chief should keep the court apprised of new developments in the areas of pretrial release, treatment, supervision, and alternatives to prosecution. In doing so, chiefs have served on court and national committees, increased publishing efforts by pretrial services staff, and encouraged staff to further their education and take advantage of in-district training. Other effective practices are the use of literature, presentations and demonstrations, and training.*

III. Working with People

Meetings with the Chief Judge

Suggestions for implementation

- Find out the preferences of the judge regarding meetings, for example, does he or she prefer planned or spontaneous meetings?
- Schedule and conduct meetings in accordance with those preferences.
- Develop an agenda.
- Prepare written material that is consistent with the meeting's purpose and the judge's preferences.
- Gather statistical data or other information pertinent to the issues to be discussed.
- Invite other pretrial services staff members to attend the meetings, with the judge's approval.
- Keep a record of each meeting, noting issues discussed, decisions made, and requests made for additional information.
- Inform the judge when required follow-up action has been taken.

Survey results

Of the responding chiefs, 86% reported having had either a single meeting or a series of meetings with the chief judge. Seventy-five percent stated that the use of a meeting to provide the chief judge with information resulted in a change in policy. Chiefs held 408 meetings with chief judges; 72% were planned and 28% were unplanned. The chiefs requested 78% of the planned meetings. Chiefs used meetings with chief judges to discuss supervision, Release Status Reports, pretrial diversion, initial appearance hearings, release on appeal, and electronic monitoring.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Supervision	OR, RI, ILS, ID
Written pretrial services report	WY
Routine imposition of travel conditions	MD
Release Status Reports	HI, LAE

<i>Issue addressed</i>	<i>District</i>
Post-conviction release	TXE
Appeal bond cases	GAN
Implementation of new form	MOE
Pretrial services report on all defendants	TNM
Disclosure of recommendations in pretrial services report to counsel	FLS
Court policy on defendants' co-payment for services	TNE
Investigation of third-party custodians	AK
Confidential informants	CAN
Electronic monitoring	GAS
Interviewing of defendant appearing by information, not indictment	NV

Meetings with District Court Judges

Suggestions for implementation

See suggestions under Meetings with the Chief Judge.

Survey results

Fifty-three chiefs reported meeting regularly with district court judges. These chiefs held a total of 271 meetings, of which 67% were planned and 33% were unplanned. Chiefs requested 72% of the planned meetings. Of the seventy-eight chiefs who responded to the survey, forty-one reported a change in a policy or procedure because of a meeting with a district court judge.

Issues discussed included timely interviewing of defendants, use of conditions of release, community corrections center placement, violation of release conditions, supervision, budget, and modification of officer duties.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Adequate notification	KYW
Routine use of release conditions	ILC, ALS
Reports on preindictment cases	VAE
Rules regarding co-payment by defendants	TNE, NJ, OR
Interviewing of defendants who appear via an information	NV
Supervision	PAE
Drug testing on-site	ILN
Status reports on defendants in halfway houses	AZ
Use of Personal Recognizance Bonds	CT
Passport surrender	PAW
Updating of arrest records	WIE

Issue addressed

Release Status Reports

Electronic monitoring

Reporting violations

District

FLM

GAS

DE

Meetings with Magistrate Judges

Suggestions for implementation

See suggestions under Meetings with the Chief Judge.

Survey results

Seventy-two of seventy-eight responding chiefs reported that they regularly meet with magistrate judges. Not surprisingly, chiefs reported that they meet with magistrate judges more frequently than they meet with other judicial officers. Of the 619 meetings chiefs had with magistrate judges, 59% were planned and 41% were spontaneous. Chiefs requested 69% of the planned meetings.

Meetings with magistrate judges focused on such issues as third-party custody, supervision, residential placements, surveillance safeguards, passport issues, electronic monitoring, time from arrest to appearance, and status reports.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Supervision	OR, RI, ID
Adequate time to prepare written status report	OHS, NE, MIW, NYW, CO
After-hours hearings	MA
Establishing set hearing times	NYS, OKW
Electronic monitoring	GAS, INN, VI, UT, NYS
Drug testing on-site	ILN
Adequate notification	KYW
Routine use of release	ALS, VT
Disclosing record of pretrial services report	FLS
Rules regarding co-payment by defendant	TNE, NJ, OR
Updating of arrest records	WIE
Implementation of supervision	PAE, MIE, OKN, SD, ARW, UT, TXW

<i>Issue addressed</i>	<i>District</i>
Report on all defendants	TNM
Uniform language release condition	IAS
Investigation of third party	WIW
Interviewing of defendants about prior criminal records	NYE
U.S. attorney's production of computer disk with conditions of release	ME
Use of Personal Recognizance Bonds	CT
Passport surrender/residential placement	MOW, CAE
Probation officers performing pretrial services	ALN
Reducing the number of defendants on supervision	NH, LAM
Reporting violations	DE

Meetings with Liaison Judges

Description

A liaison judge is a district court judge or magistrate judge designated by the court to oversee the operation of pretrial services. The liaison judge can be an excellent communications bridge between pretrial services and the entire court, as well as a problem solver. He or she often reports to the entire court about issues of concern to the chief or the court. This position is used most often in large districts.

Suggestions for implementation

See suggestions under Meetings with the Chief Judge.

Survey results

Only twenty-one chiefs reported the use of the liaison judge position in their districts. Not surprisingly, therefore, only 122 meetings with liaison judges were held. Of those meetings, 70% were planned and 30% were unplanned. Chiefs requested 69% of the planned meetings.

Meetings with liaison judges focused on status reports, pretrial diversion policies, *U.S. Pretrial Services Supervision Publication 111*, on-site drug testing, supervision of confidential informants, and officers on twenty-four-hour call.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Release Status Reports at plea and sentencing	LAE
Diversion policy	PAM
Supervision	ILN
Drug testing on-site	ILN
<i>U.S. Pretrial Services Supervision Publication 111</i>	MIE
Supervision of confidential informants	CAN
Officers on twenty-four-hour call	PR

Use of Deputy Chiefs

Suggestions for implementation

Have deputy chiefs

- meet with judicial officers;
- conduct telephone conversations;
- conduct presentations or demonstrations;
- write memoranda and progress reports; and
- hold training sessions.

Survey results

In seventeen districts, deputy chiefs informed judicial officers about pretrial services practices. In seven districts, deputy chiefs communicated with judicial officers about supervision, electronic monitoring, search and seizure, and pretrial services reports. In two districts, the deputy chief provided an orientation on pretrial services to newly appointed judges.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Acquainting chief judge with <i>Pretrial Services Supervision Manual</i>	GAM
Orientation for newly appointed judges	WVN, KS
Search and seizure drug policy	MIW
Electronic monitoring programs	INN
Supervision noncompliance	INN
Oral reports	NYW
<i>U.S. Pretrial Services Supervision Publication 111</i>	NYW
District goals for pretrial services in 1994	FLS
Pretrial services reports	FLS

Use of Supervisors and Officers-In-Charge

Suggestions for implementation

See suggestions under Use of Deputy Chiefs.

Survey results

Twenty-six chiefs reported using the supervisor or officer-in-charge (OIC) to communicate with or inform judicial officers about pretrial services issues. Of the nineteen issues identified, most were related to supervision and alternatives to detention.

The survey results show that supervisors' and OICs' communications with judicial officers resulted in the implementation of new policies and procedures and more manageable conditions of release. Chiefs noted that judicial officers were more receptive to the use of detention alternatives than they had been in the past. Overall, judicial officers more efficiently processed cases and demonstrated a clearer understanding and increased awareness of the responsibilities of pretrial services.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Magistrate judge ordering presentence report for district judge	RI
Temporary use of halfway house	WIW
Oral reports	ILC, NYW
Supervision	OKW, SD, SC, TXS, NYW, ME
Electronic monitoring	LAE, SC, PAE, ILS, IAN, VT
Halfway house funding	CAE, OHN
Drug abuse and mental health counseling	MSS, GAN
Urine testing policy	AK, NYS
On-site drug testing	SC
Release Status Reports	SC

<i>Issue addressed</i>	<i>District</i>
Orientation for magistrate judges	KS
Form CJA 23 (Financial Affidavit)	CO
Adequate interview time	WIE
Violation reports	FLM
Funding shortages	OKW
Standard conditions of release	NCE
Community corrections center placement	ILS
Processing of large multidefendant arrests	NJ
Funding for client services	CAN

Use of Specialist (JSP-13) Officers

Description

Specialist officers, Judiciary Salary Plan (JSP) Grade 13, have expertise in drug and alcohol abuse treatment, home confinement, mental health, special offenders, and program development coordination. Specialists usually perform investigations and supervise defendants in addition to providing technical assistance and guidance in their area of expertise to other officers.

Suggestions for implementation

See suggestions under Use of Deputy Chiefs.

Survey results

Thirty-eight chiefs stated that they use specialists to communicate with judicial officers. Chiefs in thirteen districts provided specific examples of how specialists are used. Six chiefs noted that they use specialists to inform judicial officers about electronic monitoring procedures. Information related to drug testing is provided by specialists in three districts. Supervision issues are communicated by a specialist in one district. Funding for alternatives to detention, the use of student interns, and available defendant services were also issues discussed.

All the chiefs who reported a specific example of the use of specialists to communicate with judicial officers about policy and procedure reported a favorable result.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Schedule of defendant on electronic monitoring	LAE
Drug testing procedure	NYN, SC, MIE
Supervision	SC
Electronic monitoring	SC, ILN, MIE, MA, PAE, OHS
Release Status Reports	SC
Student interns	UT

<i>Issue addressed</i>	<i>District</i>
Funding for alternatives to detention	OKW
Available defendant services	CAN
Pretrial services policies	CAN

Use of Alliances

Description

An alliance is a joining together of agencies for a common purpose, such as implementation of a change in policy. Probation and pretrial services form alliances most frequently with U.S. attorneys' offices, the U.S. Marshals Service, other law enforcement agencies, and federal public defenders' offices.

Suggestions for implementation

- Develop an action plan for the proposed policy either before contacting other agencies or in consultation with the other agencies.
- Describe the need for the proposed policy, how the change will occur (including time frames), and the benefit to the operation of the court.
- Use historical information and statistical data to support the proposed policy.
- Inform the court regarding the proposed policy through various practices, ranging from a memorandum signed by all agencies in the alliance to a formal presentation before the court by members of the alliance.

Survey results

Of the chiefs reporting the use of alliances, 85% found them to be successful. Alliances were used most often to address the interviewing process and supervision. Other issues addressed were electronic monitoring, violations, detention, pretrial diversion, interagency cooperation, and confidentiality.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Court to process drug cases only	MOW
<i>Federal Public Defender Model Guide</i>	ILS
Immediate arrest of electronic monitoring violator	ID
Supervision training	WAE
Informant policy	CAC, NE, PAE
Treatment place	AZ
Consulting with counsel prior to interview	WIW

<i>Issue addressed</i>	<i>District</i>
Lack of an interview room	NV
General policy	PR
Infectious diseases	CT
Electronic monitoring	PAW
Search and seizure	KS
Supervision	AK
Release conditions	ILC
Reducing the number of oral reports	NH, MIW, OKW
Adequate notice to pretrial services	NH, CO, CAN, NCM

Social Interactions

Description

Chiefs noted several social interactions that were an effective means of communicating with judicial officers. These interactions included telephone conversations and conversations at social events, such as sporting events (e.g., softball games), Christmas parties, and open houses.

Suggestions for implementation

- Find out what the judicial officer thinks of the usefulness of these interactions.
- Have a specific goal in mind.
- Provide information in a clear, organized, and concise manner.
- Follow up the interaction a few days later to determine if the judicial officer has any questions or needs additional information.
- Do not assume that the judicial officer will not appreciate work-related conversation during social activities.

Survey results

Nine chiefs provided examples of the use of social interactions for communicating with judicial officers. Thirty-six chiefs reported on the survey that the use of this practice resulted in a change in policy or procedure.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Supervision	NH, IAS, NYS
Electronic monitoring	UT, RI
Detention rates	RI
Class A misdemeanors “fast track” procedures	DE
Appointment of counsel	WIE
Firearms policy	PAE

<i>Issue addressed</i>	<i>District</i>
Scheduling of initial appearance	TNE
Third-party custody	RI
Home confinement	RI

Presentations and Demonstrations

Suggestions for implementation

- Conduct meetings, including open houses, in-chambers meetings, and magistrate judge orientation programs, for the purpose of making a presentation or giving a demonstration of a policy, a procedure, or equipment.
- Distribute handouts, memoranda, letters, and reports.

Survey results

Twelve chiefs reported instances in which they were able to communicate effectively with judicial officers by making a presentation on or giving a demonstration on a policy, a procedure, or equipment. The issues most often addressed were alternatives to detention, supervision, and drug testing.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Alternatives to detention	VAE, OHN
Supervision	CO, ND
Drug testing	MOW, OHS
Electronic monitoring	UT
Diversion	PAM

Working Meals

Description

Chiefs reported effectively communicating with judicial officers about pretrial services issues during breakfast and lunch meetings. Breakfast meetings can range from coffee and doughnuts in the office to a meal in the building cafeteria or in a restaurant away from the courthouse. Similarly, a lunch meeting can be a “brown bag” lunch in the office or a meal at a favorite restaurant of the judicial officer or chief. On rare occasions, meals are catered.

Suggestions for implementation

- Ask judicial officers whether they are interested in a working meal.
- Plan to discuss one to two issues and focus the discussion on those issues.
- Follow up the meeting with written correspondence stating any decisions reached and providing any information the judicial officer requested.

Survey results

Of the ten chiefs who found working meals an effective communication practice, three said they discussed unnecessary conditions for release during the meetings, and two said they discussed supervision. Another chief used this forum to acquire additional office space. In one district, the practice improved the image and credibility of pretrial services, resulting in the release of defendants who would have previously been detained by the magistrate judge.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Educating the court	OKN
Supervision	PAE, NCE
Unnecessary conditions for release	SC, GAM, GAN
Out-of-custody transportation	AK
More office space	TXE
Removal of conditions of release	ALS
Improved credibility	OR

Training

Description

Training, for the purposes of this publication, is defined as the assembly of probation or pretrial services staff for the purpose of gaining knowledge about pretrial services policies or procedures. Training becomes an effective practice for pretrial services communications when judicial officers are included in the training as trainers, participants, or observers.

Suggestions for implementation

- Find out how the judicial officer feels about attending training.
- Schedule the training sufficiently in advance so that the judicial officer can arrange the workload to be able to attend.
- Provide the judicial officer with an agenda and a participant list before the training.
- Have a pretrial services staff member available to brief the judicial officer and respond to any questions or concerns the judicial officer may have both before and after the training.

Survey results

Of the eight chiefs reporting the use of training, three used training to communicate with judicial officers about the use of electronic monitoring. Two chiefs used training to inform judicial officers about supervision issues, and one provided information on HIV testing and hepatitis testing.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Implementation of pretrial services	ILC
Pretrial services training	ALN
Electronic monitoring	NE, INN, NYN
Supervision	OHS, NYN
HIV testing and hepatitis testing	ILN
Officer safety	CAN

IV. Working with Written Materials

Annual Reports

Description

Title 18 U.S.C. § 3155 requires that a chief with pretrial services responsibilities prepare an annual report for the chief judge of the district court and the director of the Administrative Office of the U.S. Courts (AO) about the operation and administration of pretrial services in his or her district. Reports are due February 1 of each year and cover the previous fiscal year (October 1 through September 30).

Each report must include information about staffing, training, space and equipment, policies and procedures, detention plans, coordination with other court personnel, and treatment services. Statistical data, a summary of problems encountered during the reporting period, and plans for the upcoming year must also be included. In addition, chiefs often add information intended to give the court and the director of the AO a fuller understanding of the office's operation and the circumstances peculiar to the district.

Suggestions for implementation

- Personally deliver or mail the annual report to all judicial officers in the district.
- Include an executive summary highlighting the most significant accomplishments, issues, goals, and problems.
- After the report has been distributed, contact judicial officers to discuss or clarify the information provided in it.

Survey results

Of the sixty-seven chiefs who responded to the question whether the annual report is an effective tool for communicating with judicial officers about pretrial services, forty-seven (70%) said it was effective. Many chiefs said that the annual report increases awareness of pretrial services or increases appreciation of the service the office provides the court. Thirty chiefs disseminated the report to all judicial officers, and forty-nine chiefs provided the report to the chief judge and at least one other judicial officer, for example, a magistrate judge or a liaison judge. Seven chiefs also provided the report to other unit executives, such as a U.S. attorney, a U.S. marshal, or a federal public defender.

Issues addressed in the annual report were alternatives to detention; procedures regarding access to defendants and preparation of a written report; supervision, including implementation of Pretrial Services Supervision; Release Status Reports; third-party custody; and reduction of detention. Also mentioned were training, space, staffing, and adoption of national policy.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Warrant process (summons)	NV
Training	NCM
Pretrial diversion	PAM
Supervision	NYW, CO, OHN
Adoption of national policy	NCE
Space	CAC, GAN
Electronic monitoring	RI, PAW, NYW, TNE, INS
Adequate time to interview	WIW
Reduction of detention	VAE, MOW
Release Status Reports	ALS
Third-party custody	ALS
Bail decision reviews	NYS
Drug aftercare	TNE
Co-payment by defendants for treatment	CAN
Staffing increase	RI
Access to defendants	WIW, WY
Alternatives to detention	VAE, MOW, CAN
Adequate time to prepare written reports	WIW, WY, UT

Progress Reports

Description

A progress report, for the purposes of this publication, is a written correspondence intended to provide information to a judicial officer or request action or a decision by a judicial officer. Progress reports address policies and procedures; they do not address individual defendants. A progress report can be submitted once, or progress reports can be submitted periodically.

Suggestions for implementation

- Establish a set format, including an introduction, which tells what the report is about and the purpose of the report; a body, which identifies the issue or issues and how the policy or procedure operates; and a conclusion, which discusses the results of the procedure or policy being tested, the advantages and disadvantages, and the costs and benefits.
- Be specific in your recommendations or requests for action by the judicial officer.
- Write concisely.
- Attach explanatory materials, for example, a brochure on electronic monitoring.
- Use progress reports only for the most important policies or procedures.
- Deliver the report by hand or mail it to the judicial officer.
- Follow up the report with a telephone call.

Survey results

Thirty-two chiefs said that they use progress reports. Progress reports were used most often to communicate with judicial officers about electronic monitoring, interviewing, investigation procedures, supervision (including violation issues), failure to appear and detention rates, property bonds, substance abuse testing, infectious diseases, pretrial diversion, and use of firearms or Cap-Stun.

Chief judges and magistrate judges were most likely to receive progress reports; 121 reports were submitted to chief judges and 103 reports were submitted to magistrate judges. Chiefs also reported sending eighty-two progress reports to district court judges and forty-nine progress reports to liaison judges. Judicial officers adopted the recommendations in 83% of progress reports submitted.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Adequate time to prepare pretrial services report	ME, MIW
Removal of condition of supervision	ID
Review of detained cases	ND
Budget	CAE
Selective use of electronic monitoring	NYE, OKW
Failure to appear	AZ, NV
Standardized violation report	MOW
Pretrial services supervision/violation issues	INN
Hearing times	CO
Use of property bonds	HI
Urine testing program	NYS

Use of Statistical Data

Description

Statistical data are classified as administrative data or pretrial services policies and procedures data. Administrative data are obtained from central accounting systems, manual and automated in-district systems, the court financial system (CFS), the personnel payroll system (PPS), and other sources. Policy and procedure data include H-Table data, PACTS data, in-district system data, in-district manual data, Form 5 data, and ICMS criminal data.

Suggestions for implementation

- Use statistical data in progress reports and annual reports.
- Present statistical data in graph form to make the data easier to understand.
- Determine the judicial officer's view of the use of statistics. Some judicial officers find statistical data useful; others do not.
- Provide statistical information in a way that does not publicly identify individual judicial officers.
- Provide judicial officers with an explanation of the data or a context in which to interpret the data.

Survey results

The survey revealed that chiefs used statistical data most frequently when communicating about detention, supervision, and elimination of routine conditions of release. Data were also used to inform judicial officers about co-payment for services, increasing time to interview defendants, electronic monitoring, drug testing, diversion, Cap-Stun, reduction of oral reports, and violations.

Of the seventy-eight chiefs responding to the survey, thirty-one regularly provided statistical information to judicial officers regarding pretrial services policies or procedures (see Use I). Of the forty-seven chiefs who did not regularly report statistical data to judicial officers, sixteen included statistical data in their annual reports.

Eighteen chiefs identified recent instances in which a judicial officer relied on statistical information in deciding to change or not change a policy (see Use II).

Use of the practice

Use I

Below is a list of the districts that regularly provide administrative statistical data on pretrial services policies and procedures to judicial officers.

<i>Issue addressed</i>	<i>District</i>
Home confinement	VI, RI, NYW, CT, OHS
Release and detention	MN
Risk of nonappearance	ID
PACTS data	MA
Interviewing of defendants	MIW
Detention	GAM
Services	WY, MA
Supervision H-Tables	WIW, MIE, AK, MSS, MT, CAN
Workload data	ME, WAE, ND, VAE, MIW, PAM, CAC, OHN, NCM, INN, TXS, NE

Use II

Below is a list of the districts that reported using policy and procedure statistical data in support of a specific request on one or more occasions. The type of data used and the result of providing that information to judicial officers are noted.

<i>Type</i>	<i>Result</i>	<i>District</i>
1992 detention information	Lower detention in 1993	VAE
Failure to appear	Release of defendants with only amnesty status	AZ
Administrative Office	More time to interview defendants	MIW
Drug survey	Reduction in drug testing	NV
Detention rate	Court began using electronic monitoring	NYN

<i>Type</i>	<i>Result</i>	<i>District</i>
Five years of statistics on diversion cases	Revised policy	PAM
Time study	Court holds hearings early in the day	NYS
<i>News and Views</i> article	Officers can carry Cap-Stun	CAC
Funds expended	Court more sensitive to use of electronic monitoring	NJ
H-Tables	Too early to determine	ALS
	Court approved supervision monograph	NCM
	Court imposes travel and employment conditions less often	OHS

Use of Literature

Description

Literature, for the purposes of this publication, includes written and printed material. Chiefs reported that they most frequently used publications from the Administrative Office and the Federal Judicial Center, including *Federal Probation*, *The Third Branch*, *News and Views*, Volume XII of the *Guide to Judiciary Policies and Procedures*, and *U.S. Pretrial Services Supervision Publication 111*. Also cited were newspaper and magazine articles, opinions, editorials, and letters to the editor, and professional journals published by private organizations and government agencies, such as the Department of Justice and the Federal Bureau of Prisons. Publications produced by agencies within the district were also mentioned.

Suggestions for implementation

- Determine how the judicial officer feels about reading literature.
- Determine what forms of literature the judicial officer is interested in reviewing.
- Provide the judicial officer with only material that is relevant to the issue being discussed.
- Select material that is brief.
- Read and make sure you understand all material you provide to the judicial officer.
- Identify a contact person, the chief or a staff member, in the event the judicial officer has questions regarding the material.
- Present written material in an organized fashion.
- Provide a brief description of the material in a cover memorandum or note.
- Use a variety of literature.

Survey results

Twenty-seven chiefs reported using literature to inform judicial officers about pretrial services issues. Eight chiefs specifically cited the March 1993 edition of *Federal Probation* as an effective communication tool.

Responses from the survey show that chiefs used literature to address the following issues: home confinement, the implementation of a supervision program, drug testing, the risk of nonappearance, the release of dangerous defendants, the use of Cap-Stun, the confidentiality of HIV status, community corrections center placement of transient defendants, voluntary surrender, prison overcrowding, and detention and release.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Home confinement	VI, RI, NYW, CT, OHS
Release and detention	MN
Risk of nonappearance	ID
Cash bond for dangerous defendant	VAE
Selective use of electronic monitoring	MOW
Implementation of a pretrial supervision program	AK, OHN
Drug testing	PR, IAN
Increased use of electronic monitoring	TNE
Confidentiality of HIV status	NJ
On-site drug testing	CAN
Detention	GAM
Supervision	WY, MA
Transients	ME
Awareness/appreciation of pretrial services	LAE, NYN
Voluntary surrender	MOE
Cap-Stun	PAE
Prison overcrowding	NYS
Type of bonds used	NCE
Confidential informants	NE

Written Correspondence

Description

Written correspondence that chiefs found to be effective communication tools were letters, memos, office newsletters, minutes of staff meetings, and brochures.

Suggestions for implementation

- Make sure all written correspondence is well-organized, clear, and concise.
- Include an introduction explaining the purpose of the correspondence (informational or a request for action) and identifying the issue discussed.
- Put appropriate salient issues in the body of the document, for example, the history of the issue, advantages and disadvantages, possible courses of action, and the costs and benefits.
- Include a summary and state the course of action, if any, that is requested.
- Find out about the decision-making process of the judicial officer.
- Hand deliver correspondence addressing important issues.
- Follow up with a personal visit or telephone call.

Survey results

Twenty-seven chiefs cited instances in which written correspondence was an effective means of communicating with judicial officers about pretrial services. Two chiefs used written correspondence to address supervision issues and electronic monitoring. One chief addressed issues involving residential placement, and one chief discussed a decentralized budget. Firearms policy and using nonprofessional staff as interpreters were concerns in other districts.

Use of the practice

<i>Issue addressed</i>	<i>District</i>
Use of routinely ordered release conditions	MD
Decentralized budget	GAN
Conserving funding for residential placement	NV
Firearms policy	NYE

<i>Issue addressed</i>	<i>District</i>
Supervision	UT, INN
Electronic monitoring	ME, INN, MA
Alternatives to detention	HI
Emergency clothing and financial assistance	NYE
Co-payment	ILN, AZ
Class A misdemeanors "fast track" procedures	DE
Diversion	CT
Pretrial services reports retained by counsel	LAM
New form	MOE
Supervision Release Status Reports	PR
Drug testing	NV, MOW
Time for interviews	MSS
Pretrial services policies and procedures	MN
National bail practices	TXW