



# Journey to Excellence

50<sup>TH</sup> ANNIVERSARY COMMEMORATIVE REVIEW

1967 - 2017





**PRETRIAL SERVICES AGENCY FOR THE DISTRICT OF COLUMBIA**

50<sup>TH</sup> ANNIVERSARY COMMEMORATIVE REVIEW



### *Director's Message*



PSA is proud to present this 50th Anniversary Commemorative Review to document and celebrate a half century of service to the Nation's Capital. Since our inception in 1967, we have remained dedicated to the achievement of our important mission of promoting pretrial justice and enhancing community safety. As a critical component of the criminal justice community, each day we strive to strike the appropriate balance between individual liberties and public safety. In accordance with the law, our

recommendations to the courts reflect the least restrictive supervision conditions required to reasonably assure community safety and return to court. When appropriate, we identify detention eligibility for higher risk defendants.

Today in DC, we release over 90% of arrestees and over 85% of these individuals remain arrest-free while awaiting trial. Of those re-arrested, less than 2% are alleged to have committed a violent crime. In addition, over 90% of released defendants make all scheduled court appearances. We believe these outcomes demonstrate the efficacy of our efforts to keep the District of Columbia a safe place for to live, work and visit.

PSA is regarded as a pioneer in the pretrial justice community because of our long history of effectively using a system of non-financial release to ensure the

fair administration of pretrial justice. We welcome opportunities to share our experiences in the form of technical assistance to US and international justice systems seeking to develop or improve their pretrial systems. As we transition into the next 50 years, we remain committed to building upon the rich legacy of our past while embracing opportunities to advance pretrial justice into the future.

This special 50th Anniversary Commemorative Review provides a timeline of milestones marking the evolution of the pretrial justice movement and highlights the many ways in which PSA has demonstrated its leadership in the pretrial field. We are very proud of this history and invite you to learn about how we have grown from our modest beginnings into a national model.

I hope you find the information in this report interesting and invite you to join me in reflecting upon and celebrating 50 years of pretrial justice in the Nation's Capital.

Leslie C. Cooper

## Table of Contents

- 5 Introduction
- 5 Modest Beginnings
- 6 Adopting Standards
- 7 Evolving Mission
- 8 Introducing Drug Testing
- 8 Embracing Information Technology
- 9 Assessing Defendant Risk
- 10 The Model, Not the Money
- 11 Committing to Pretrial Reform
- 13 Historic Timeline

### Introduction

In 2017, the Pretrial Services Agency for the District of Columbia (PSA) celebrates 50 years of service to the Nation's Capital. During this time we have earned a national reputation as a leader in the pretrial justice field. This is evidenced by the steady stream of requests from jurisdictions throughout the US and abroad to review our pretrial release system and visit our site in order to gain insight for initiating or enhancing their own pretrial programs.

Today in Washington, DC, over 90% of all arrestees are released back into our community, a much higher percentage than all, but a few court systems. Over 85% of all arrestees are not arrested again prior to their trial. Of those who are rearrested, less than 2% are alleged to have committed a violent crime. About 90% of all arrestees return to court as promised. Most significantly, and unique in the entire nation, is that the District accomplishes this with very limited use of money bonds.

This *50th Anniversary Commemorative Review* celebrates the evolution of PSA and also highlights the milestones in history that have shaped and enabled the Agency, and the District of Columbia, to emerge as a national model.

### Modest Beginnings

In May 1964, Attorney General Robert F. Kennedy addressed the first National Conference on Bail and Criminal Justice, which was launched "to promote awareness that prevailing bail practices were unfair and that new methods had been developed for handling the problem of pretrial release in criminal cases... [and] to assist courts, communities and organizations in developing systems to eliminate unnecessary

detention of accused persons and provide fairer and less costly ways of enforcing their appearance in court..." This conference was a seminal event in establishing the field of pretrial release by exposing for the first time the scope and depth of the bail problem to a national audience of more than 400 judicial officers, prosecutors, defense attorneys, police, bondsmen and prison officials and challenging them to address this problem. The conference led to national media endorsement of selective release and exploration of alternatives as well as extensive coverage of the inequities in the bail system; and instigated the public movement in favor of the proposition that pretrial release without bail for large numbers of accused persons can yield significant benefits to the cause of justice without compromising law enforcement or impairing public safety.<sup>1</sup>

In his opening remarks, Kennedy stated:

*"The relationship of bail to criminal justice is a subject which involves fair treatment for our fellow citizens in court, whether arrested for speeding or burglary, whether guilty or innocent... Yet, one of the most surprising—and really troubling—disclosures of recent history is that whether or not a man makes bail has a vital effect on whether, if innocent, he will be acquitted; and whether, if guilty, he will receive equal opportunity for probation."*

Kennedy implored those in attendance to accept the special responsibility to represent indigent persons who are accused of a crime and not yet adjudicated, and who spend time incarcerated before their guilt has been established because they are unable to make bail.

Kennedy further remarked:

*"The programs and experiments you will hear about have generated new techniques for releasing accused persons prior to trial, without hampering law enforcement, without*

<sup>1</sup> *Proceedings and Interim Report of the National Conference on Bail and Criminal Justice; US Department of Justice and the Vera Foundation, Inc.; Washington, DC, April 1965.*

*increasing crime, and without prompting defendants to flee. These techniques have fiscal value. . . . But even more significant, in a land which has put the quality of justice ahead of the cost of justice, these techniques have social value.”<sup>2</sup>*

As this conference was underway, the District of Columbia already was poised to take on Kennedy’s challenge. In 1963, the District of Columbia Junior Bar Association issued a scathing report on conditions at the DC Jail, noting in particular that most inmates were pretrial defendants who could not pay bail. This led to the Georgetown Law School submitting a proposal to the Ford Foundation for a pilot bail project modeled on the Manhattan Bail Project implemented in New York City two years earlier. The proposal was funded, and later that year, the DC Bail Project began its work in an office at the Law School.

So began the steady and focused process to move the District’s courts from being totally reliant upon money bail to virtually eliminating its use while maintaining high rates of court appearance and minimizing misconduct while on pretrial release. Fifty years after that modest beginning, PSA has grown to a staff of over 350, interviewing about 20,000 defendants a year; supervising or monitoring about 17,000, and providing a variety of other services to both the Superior Court of the District of Columbia (DC Superior Court) and the US District Court for the District of Columbia (US District Court).

## Adopting Standards

Since its beginning in 1967, PSA has operated under the guiding principle that non-financial conditional release, based on the history, characteristics, and reliability of the defendant, is more effective than financial release conditions. Reliance on money bail

discriminates against indigent defendants and cannot effectively address the need for release conditions that protect the public. Over the past 50 years, PSA has remained committed to developing effective mechanisms for formulating non-financial release recommendations to the Court and providing comprehensive supervision and treatment options to defendants.

Today, the District of Columbia is among less than a half dozen jurisdictions in the country that does not support a commercial bail bonding industry. This has been accomplished by adopting and steadfastly adhering to the standards set forth by the American Bar Association (ABA) and the National Association of Pretrial Services Agencies (NAPSA).

Standards for pretrial release were first established and published by the ABA in 1968. In 1977, the National District Attorneys’ Association included standards for pretrial release in its National Prosecution Standards (revised 1992). In 1978, NAPSA received a grant from the US Department of Justice to develop national professional standards for what was still a new field. The third edition of the NAPSA standards was issued in 2005, and ABA Standards on Pretrial Release were issued in 2002. The ABA and NAPSA standards specify several core services that pretrial services programs should provide.<sup>3</sup> Chief among these standards are:

- Conditions of release that are the least restrictive to reasonably assure the defendant’s appearance in court and protect public safety; and
- Financial bond is used only when no other condition will reasonably assure the defendant’s return to court, and bond is at an amount within the ability of the defendant to post.

<sup>3</sup> *Pretrial Services Programming at the Start of the 21st Century: A Survey of Pretrial Programs*, Bureau of Justice Assistance, US Department of Justice, Washington, DC, July 2003.

All standards strongly encourage the use of non-financial release, the use of financial release only when non-financial options are not sufficient to ensure appearance, and the abolition of commercial surety bail.

PSA is a national model demonstrating that the vision of these standards can be achieved.

## Evolving Mission

The function and mission of the Agency was influenced by the passage of the Federal Bail Reform Act of 1966, which set forth various factors a judge must consider when making a pretrial release decision. Many of these factors, such as community ties, residence status, and employment, required information not available to the Court in most cases; however, the DC Bail Project developed and implemented methods to collect it. In response to this Act, the DC Bail Project was formalized in 1967 as an agency under the Executive Office of the Mayor with the passage of the District of Columbia Bail Agency Act and became known as the DC Bail Agency. By this time, the Agency was interviewing all felony defendants and providing the results of its investigations directly to the Court.

The Agency continued to evolve organically. As problems or challenges were encountered, measures were taken to identify and implement long-term solutions. For example, while more individuals were being released pending trial, there was no method to notify them of future court dates and no system in place to monitor their conduct in the community prior to trial. In 1968, a committee chaired by US District Court Judge George Hart was formed to study the implementation of the Bail Reform Act in DC. The Hart Committee examined

<sup>4</sup> *The DC Pretrial Services Agency: Lessons from Five Decades of Innovation and Growth, Case Studies, Volume 2, Number 1*, Pretrial Justice Institute, Washington, DC

what the Agency had accomplished and recommended that it be expanded “to carry out a broad new range of pretrial services,” including providing supervision of defendants and serving as “the central check-in and information agency at the courts for all defendants released pending appearance in criminal proceedings.”<sup>4</sup>

In 1970, Congress adopted most of the Hart Committee’s recommendations as part of the DC Court Reform and Criminal Procedure Act. This Act, which took effect in 1971, greatly expanded the responsibilities of the Agency, leading to a growth from 13 to 39 staff and the establishment of a supervision unit. The Act also required that judges consider the risk of danger to the community, in addition to failure to appear in court, in the pretrial release decision, and authorized the Court to hold defendants in pretrial detention in specific, limited circumstances. In addition, the Act mandated that the Agency “supervise all persons released on non-surety release, including release on personal recognizance, personal bond, non-financial conditions, or cash deposit or percentage deposit with the registry of the court;” a provision that came to be understood to mean that the Agency did not supervise persons released on surety bonds. While there was still significant use of money bail in cases of defendants who were eligible for detention, these innovations gave the Court the confidence to expand non-financial release.<sup>5</sup>

In the ensuing years, the Agency implemented various programs designed to address the concerns of judges. First came the Failure to Appear Unit in 1979, which worked to prevent the issuance of bench warrants for defendants who had legitimate reasons for missing court and resolving warrants, once issued, by encouraging defendants to surrender voluntarily on the warrant to the Agency. In 1984, the Agency established a comprehensive on-site pretrial drug-testing program—the Drug Testing Center, now known as the Drug Testing

<sup>5</sup> *Ibid.*

and Compliance Unit—which was the first in the nation to drug test pretrial defendants. This included an on-site drug testing laboratory within the DC Superior Court. In 1986, the Agency established the Intensive Supervision Program in collaboration with the DC Superior Court and the DC Department of Corrections to facilitate the release of detained pretrial defendants by providing enhanced community supervision.

### *Introducing Drug Testing*

In 1970, the Chief Judge of the DC Superior Court issued an order permitting drug testing of arrestees in the cellblock of the Courthouse. PSA employees collected samples from arrestees, which were sent to an off-site lab. Positive results from these tests were used to refer defendants for drug treatment. In 1984, PSA received a grant from the National Institute of Justice to fund the establishment of an onsite drug-testing program, which included a research component to examine if drug testing at the pretrial stage is effective. This pilot project was conducted in a 600 square-foot space in the basement of the Courthouse and was to become PSA's first laboratory. Thus, the Agency became the first pretrial program to introduce onsite drug testing of defendants to supplement interview information with an accurate and objective measure of recent drug use. The research findings suggested a relationship between drug use and failure to appear for court and rearrest.

The Courthouse Lab became the hub of drug testing for arrestees in the District and the results obtained shed light on the fact that both Phencyclidine (PCP) and, later, crack cocaine were being used in the District in epidemic proportions. The results of these drug tests exposed the use of these and other drugs in the District

and led to an increase in the number of samples tested. With the steady increase in volume, it became clear that PSA needed to expand its drug testing operations.

In 2000, PSA opened a new 9,000 square-foot laboratory at 300 Indiana Avenue, NW, which included the acquisition of multiple high speed analyzers and Gas Chromatography Mass Spectrometry (GC/MS) technology and enabled the facility to elevate its functions to a full service laboratory. In addition to pretrial defendants, PSA drug testing eventually included offenders under CSOSA's supervision (i.e., persons on probation, parole, and supervised release), as well as respondents ordered into testing by the DC Superior Court Family Court.

In January 2015, PSA relocated its drug testing operations to its new 10,500 square-foot location at 90 K Street, NE, once again establishing a state-of-the-science laboratory environment poised to provide quality forensic services to the justice community. Each year, PSA's laboratory conducts over 2.3 million drug tests on nearly 270,000 urine specimens of persons on pretrial, probation, parole, and supervised release, as well as for persons whose matters are handled in the DC Superior Court Family Court.

The original Lab, located at 500 Indiana Avenue, NW, is still in operation today and due to its location within the Court, drug test results are provided to judicial officers within hours.

### *Embracing Information Technology*

Acknowledging that DC law stipulates defendants must be released with the least restrictive conditions, the Agency determined the best way to accomplish this was to collect and analyze data to provide to the Court to aid in decision-making. In 1974,

the Agency sought and received a \$53,000 grant from the National Institute of Justice to develop an automated case management system. With this system, which was implemented in 1977, PSA became the first pretrial agency to provide automated data to the Court. PSA employees entered and stored information from the interview and verification process, which facilitated preparing reports, monitoring compliance with release conditions, and generating court date reminder letters for defendants. Through the use of this automated case management system, the Agency also was able to generate data on its performance.<sup>6</sup>

In 1992, the Agency added a second automated system to collect and process urine samples for PSA's onsite drug testing laboratory and to augment case tracking and management of defendants under pretrial supervision. Since PSA's high-speed drug testing analyzer contained both a communications port and a built-in barcode reader, PSA could track each step of the process with a paperless control system, replacing the labor-intensive manual logs and hand-written notations as well as providing a clear chain of custody for the collected samples.

Both of these automated systems and continuous upgrades improved the timeliness and quality of decisions relating to release recommendations, and to the supervision and treatment programs available for defendants who enter the criminal justice system in the District. Improved case management features provided a detailed chronological record of a defendant's progress in treatment and supervision while allowing access to drug test results and a defendant's reporting requirements to PSA staff and the judiciary.

Today, PSA's comprehensive database is available 24 hours a day, seven days a week with virtually no down time and houses more than 40 years of automated data. Now named the Pretrial Real-time Information Systems Manager (PRISM), it has become a trusted source for data to the region's criminal justice partners.

Nearly a dozen local and Federal law enforcement agencies log into PRISM to conduct searches to augment their own data needs.

### *Assessing Defendant Risk*

PSA has used some form of risk assessment since its inception in 1967, which represents the longest continuous use of risk instruments in the pretrial field.

The Agency first used a "problem/solution" point system that matched factors believed to contribute to pretrial misconduct. For example, defendants eligible for pretrial release, but with prior failures to appear in court could receive a recommendation for regular reporting to PSA and notification of upcoming court dates. In 2005, PSA adopted a new assessment instrument that combined existing research and literature in the pretrial and criminal justice fields with collective input from Agency management. This instrument identified 38 risk factors that presumably related to the likelihood of a defendant's failure to appear and the likelihood of rearrest.

In 2009, PSA contracted with independent developers and researchers to develop and validate its own risk assessment tool, which was implemented in 2012. This new instrument greatly improved PSA's ability to predict future misconduct, classify defendants into the appropriate levels of supervision, and target Agency resources to best promote public safety and pretrial justice.

PSA now uses a risk assessment instrument with 70 factors examining relevant data to help identify the most appropriate supervision levels for released defendants. The assessment scores various risk measures specific to Washington, DC's defendant population (e.g., previous failure to appear for court, previous

<sup>6</sup> *Ibid.*

dangerous and violent convictions in the past 10 years, suspected substance use disorder problems, current relationship with the criminal justice system, among others). The instrument then generates a score that assigns defendants to different risk categories and corresponding supervision assignments to help reduce the risk of failure to appear in court and rearrest.

### *The Model, Not the Money*

As the quality and breadth of PSA's programs and services has steadily increased from year to year, we have received national recognition and host a steady stream of visitors from around the globe to learn about what PSA does and how we do it. When hearing about all that PSA offers, many believe it is a result of being a Federal Government agency with more financial and human resources at our disposal. Some express discouragement saying that what PSA does is not possible in their jurisdictions, primarily due to resource limitations. However, if the objective is to establish, improve, or expand a pretrial services program to more effectively administer pretrial justice, it is possible within established resources.

PSA is fortunate to have the resources to deliver the additional programs and services that exemplify best practices in pretrial justice. However, jurisdictions do not have to do it all—a lot can be accomplished by delivering just the core essential services the courts need to appropriately release more defendants, and this can be achieved at relatively low cost.

It is useful to understand what comprises PSA's funding. As an independent Federal agency, our budget includes administrative support functions that would not be needed for a pretrial program housed within another agency (e.g.,

probation department). These functions include human capital services, finance and administration, information technology and strategic development. PSA's budget also includes a robust drug specimen collection program and drug testing laboratory, also not part of a typical pretrial services agency's budget. If costs are derived primarily from delivery of core services, a lot more can be done, even with a smaller budget.

Here are some details to get a better picture. Excluding PSA's administrative support and drug specimen collection and testing functions, PSA's FY 2018 budget contains \$33.7 million for its core pretrial operations, which includes risk assessment, supervision and integration of treatment into supervision. Of this amount, roughly 88% is allocated to salary costs. While this percentage might be similar in other jurisdictions, the cost is likely less than that for Federal employees working in the District of Columbia. All of this goes to help manage the nearly 21,000 cases a year processed in the DC Superior Court and the US District Court.

For further detail, PSA's core pretrial functions cost about \$92,329 per day over the course of a year (33,700,000/365=92,329). PSA has oversight of approximately 4,600 individuals on any given day. The supervision cost for each defendant is about \$20 per day (92,329/4,600=20).

To offer an additional comparison for non-Federal agencies, look at PSA's funding levels before becoming a Federal agency (which occurred in 2000). In FY 1996—a typical funding year for PSA as a locally-funded agency—the budget was \$7 million to support 118 staff, mostly in core operational functions. The FY 1999 budget of \$21.1 million was a mix of local and Federal funding for 279 staff and enhanced supporting functions. Of that amount, only \$11.1 million were local funds. PSA's budget has grown since becoming Federal in order to provide the enhanced programs and services that have become our hallmark.

Perhaps the best reason any jurisdiction should provide the necessary funding for an effective pretrial services function is that anything less actually costs more. The developing body of research on pretrial risk assessment shows that most defendants present a low to moderate risk of pretrial failure. It is only the moderate- to higher-risk defendants who need supervision that could be resource intensive.

Certainly, there are defendants that need close supervision, but most do not require resource intensive conditions, such as substance use disorder treatment, mental health services, and electronic surveillance to control risk of pretrial failure. An average 15% to 20% of defendants in Washington, DC, are released on personal recognizance with no additional court-ordered conditions. Only 10% of defendants on pretrial supervision are on higher-level supervision (which includes electronic surveillance or home confinement), while 25% receive substance use disorder treatment and/or mental health services. Almost two-thirds of supervised defendants are ordered to comply with conditions—such as drug testing, weekly telephone or in-person reporting, and stay-away orders—that require more moderate resources to manage. Following the evidence-based principle of matching supervision and services to individual risk levels makes sense not only in ensuring fairness and defendant accountability, but also in controlling and managing costs.

### *Committing to Pretrial Reform*

Most jurisdictions across the nation continue to rely on money bail as the mechanism for release and detention, albeit more than 50 years since the Bail Reform Act of 1966 introduced the concept of least restrictive non-financial pretrial release and over 45 years since the Court Reform and Criminal Procedures Act of 1971 set forth legal statutory-based pretrial detention of truly dangerous

defendants. Money bail contributes to unnecessary detention of many low-risk pretrial defendants, inappropriate release of high-risk defendants who have financial means, unwarranted financial burdens on low-income communities, and the gamble of placing public safety in the hands of a bail bonding industry that will always put profit before the public good.

There is much work still needed throughout the country, but there is also much progress being made toward pretrial reform. For many criminal justice professionals and advocates looking to reform their bail systems, the District of Columbia continues to be the model of fair and effective pretrial decision-making and programming. We are proud of this recognition and also are committed to sharing what we have learned with other jurisdictions that seek our assistance.

Although site visit requests are directed to PSA, we know that to appreciate what PSA is able to accomplish, one must see it in the context of the entire system. According to the interests of the national and international visitors, we design an itinerary that exposes them to the full spectrum of the pretrial justice system, including observation and discussion with representatives from the Court, prosecution, defense, and PSA's programs. Delegations also typically include representatives from the jurisdictions' key stakeholders, as well as policy makers and sometimes researchers.

National visitors tend to focus more on understanding the technical aspects of how to replicate certain operations, such as risk assessment or Drug Court. Most recently, PSA has hosted delegations from Alabama, California, Connecticut, Illinois, Maine, Ohio and Pennsylvania.

When delegations from foreign countries visit, they each are at different stages in the process of reform or implementing new programs and their interests are much

broader. While the areas of interest vary, in general, discussions tend to focus on explanations of the US civil and criminal justice systems at the Federal, state and local levels; the role of various criminal justice system partners; the Drug Court model; developing and implementing alternatives to incarceration; and supervision techniques for non-violent defendants. International delegations most recently have included Argentina, Brazil, Chile, China, Colombia, Kazakhstan, Mexico, Netherlands, Peru, Republic of Congo, Republic of Georgia, Thailand and Vietnam.

In addition to the numerous reports and articles over the years that feature the District's pretrial justice system and PSA, several recent videos were released dealing with the issue of money being used as a bail condition, several of which look at DC as being the "exception" that works.

- VICE on HBO: Inside America's For-Profit Bail System  
<https://www.youtube.com/watch?v=TGomdoO368g>
- Last Week Tonight with John Oliver: Bail (HBO)  
<https://www.youtube.com/watch?v=IS5mwymTlJU>
- BAIL in America: The Color of Pretrial Detention  
<https://www.youtube.com/watch?v=DBaVZqGXZrA&feature=youtu.be>

Whether in site visits or media, the key objective is to convey the components of a bail system that qualify as "best practices" in administering effective pretrial justice, including:

1. A *bail statute* that emphasizes least restrictive release for eligible defendants, statutory-based detention for those who would pose an unacceptable risk to the community, and an absolute prohibition on money-based detention.

2. Progressive use of "cite-and-release" procedures by the police department for low risk defendants charged with misdemeanors. Citation release helps increase the proportion (about 20% of persons securing release) of lower-risk defendants released on personal recognizance without supervision.
3. *Quick assignment of defense counsel* prior to initial appearance, which affords defendants an effective advocate to support appropriate conditions of supervision.
4. *Prosecutorial charging decisions* made within 24 hours of arrest. By statute, the United States Attorney must decide whether to charge arrestees or dispose of ("no paper") the complaint. Quick charging decisions ensure that release/detention decisions are based on the most accurate charges and that defendants are not detained on charges that eventually are dismissed days or sometimes weeks later.
5. A *high-functioning pretrial services agency* that helps courts make informed pretrial release and detention decisions and provides appropriate levels of supervision and treatment for released defendants. In addition to the statutory language, this has been a critical component of the Court's ability to move away from the money-driven system we had in 1970s and even the 1980s.

Advocates, practitioners and policymakers from across the county and around the globe are looking at reforms at the pretrial stage to improve outcomes and assure fairness throughout their criminal justice systems. After 50 years of service to the District of Columbia, it is a great honor and continuing responsibility to know that our system of reasonably assuring public safety and promoting pretrial justice is a model for those seeking true change in their bail systems.



# Historic Timeline

1960s - 2010s

# 1960s

## Introducing Bail Projects

### 1961

- The Vera Institute of Justice begins the Manhattan Bail Project in New York City, which experiments with a new form of release known as release on “own recognizance”. This concept investigates community ties to assess if a defendant is a “good risk” for being released on his/her promise to return to court. The project is a success and serves as a model in several jurisdictions.

### 1963

- The Junior Bar Section of the American Bar Association of the District of Columbia publishes a report on the administration of bail that examines the city’s jail and finds most inmates cannot pay bail.

- Fueled by the report of the Junior Bar Association of the District of Columbia, the Judicial Conference of the District of Columbia establishes the Committee on Bail Problems “to explore the recognized injustices inherent in the traditional bail system.” A resolution of the committee supports the creation of an experiment program—the DC Bail Project.

- Georgetown University Law Center students submit a proposal to the Ford Foundation to fund a pilot project modeled after the Manhattan Bail Project. The three-year \$195,000 grant launches the District of Columbia Bail Project.

### 1964

- Attorney General Robert F. Kennedy addresses the first National Conference on Bail and Criminal Justice, a seminal event in establishing the field of pretrial release by

exposing the bail problem for the first time to a national audience of 400+ judicial officers, prosecutors, defense attorneys, police, bondsmen and prison officials.

- The DC Bail Project begins full operation with its founding Director David J. McCarthy, Jr., (1964-1965), a research assistant, legal secretary and six interviewers selected from local law schools.

- The Project implements a point system, later to be known as a risk assessment tool, developed by the Vera Institute of Justice. This tool uses weighted values for various factors like community ties, residence, employment and family ties combined with negative points (e.g., prior criminality, narcotics addiction, alcoholism) to determine a “score” upon which the recommendation is based.

### 1965

- Richard R. Molleur becomes Director of the DC Bail Project (1965-1967).

### 1966

- President Lyndon B. Johnson signs the Bail Reform Act of 1966 to revise existing bail practices in all US Federal courts, including the US District Court for the District of Columbia.

- The Bail Reform Act of 1966 includes language enabling the establishment of bail agencies to assist the court with implementing the requirements outlined in the Act, which requires judges to release defendants on the least restrictive conditions that will ensure appearance in court. It enunciates a presumption in favor of non-financial release and explicitly sets forth criteria judges are to consider when setting release conditions.

### 1967

- The DC Bail Project is formalized as an agency under the Executive Office of the Mayor with the passage of the District of Columbia Bail Agency Act and changes its name to the DC Bail Agency.

- Robert Niles is selected as Director of the DC Bail Agency (1967-1968).

- The DC Bail Agency implements a new risk assessment tool, which enhances the ability to make individualized release recommendations.

### 1968

- A committee chaired by US District Court Judge George Hart is formed to study the implementation of the Bail Reform Act in DC.

- The American Bar Association and the National Advisory Committee

both publish standards for pretrial decision-making which introduce potential danger to the community as a consideration when determining pretrial release. Both also call for the abolition of bail bonding as a profit and commercial surety.

- Bruce Beaudin becomes Director of the DC Bail Agency (1968-1984).

# 1970s

## Bail Reformation

### 1970

- The DC Court Reform and Criminal Procedure Act of 1970, which adopts most of the Hart Committee recommendations, establishes the DC Superior Court, expands the role of the DC Bail Agency and revises the bail laws to authorize the use of preventive detention in Washington, DC.

- The DC Bail Agency receives a Law Enforcement Assistance Grant to create a separate unit to report violations of conditions of release to the US Attorney and the Judges who impose them.

- Evening operations begin and the DC Bail Agency is able to operate 24 hours a day, seven days a week.

- The Chief Judge of the DC Superior Court issues an order permitting drug testing of arrestees in the cellblock of the Courthouse. Employees collect samples from arrestees, which are sent to an off-site lab. Positive results from these tests are used to refer defendants for drug treatment.

### 1971

- Through the Court Reform Act, Congress affixes to the DC Bail Agency the responsibility of notifying all defendants of

prospective court appearances. As a result, the staff increases from 13 to 139 employees.

- The DC Narcotics Treatment Administration establishes an on-site laboratory at the DC Superior Court to test and analyze defendant urine specimens. Results are returned to the Magistrate Judge within two hours.

### 1972

- Based on success in the DC Superior Court, the DC Narcotics Treatment Administration begins drug-testing defendants in US District Court and provides treatment for “narcotics abusers.”

### 1974

- The Speedy Trial Act of 1974 creates Federal Pretrial Services Agencies to implement the Bail Reform Act of 1966.

**1977**

- The National District Attorneys' Association includes standards for pretrial release in its National Prosecution Standards (to be revised in 1992).
- With a grant from the National Institute of Justice, PSA creates the first pretrial automated management information system, the Automated Bail Agency Database or ABADABA, to collect, retrieve and disseminate information used for bond reports and other agency operations. The data are available almost immediately by any staff member at any location. The system is shared by other justice system users and is available 24 hours a day.

**1978**

- The National Association of Pretrial Services Agencies (NAPSA) receives a grant from the US Department of Justice

to develop national professional standards for what was still a new field. The third edition of the NAPSA standards (2005) built upon the 1978 standards (which were reissued by NAPSA as a second edition in 1998) and the third edition of the ABA Standards on Pretrial Release (2002).

- The Agency changes its name to the DC Pretrial Services Agency (PSA).

**1979**

- PSA establishes the Failure to Appear Unit to help facilitate the return of defendants who failed to appear for scheduled court dates so that issuances of warrants can be prevented.

## 1980s

### Bail Becomes Pretrial Services

**1980**

- PSA introduces a new recommendation scheme to identify criteria for recommending non-financial conditions of pretrial release that assure community safety as well as the defendant's probability of appearance at trial.

**1982**

- The Federal Pretrial Services Act of 1982 is signed by President Ronald Reagan establishing pretrial services for defendants in each judicial district nationwide, except in the District of Columbia where pretrial services already existed as a result of the Bail Reform Act of 1966.

**1984**

- The Bail Reform Act of 1984 brings preventive detention to Federal court. Community can be considered when setting bond and financial conditions cannot be imposed if the result in the defendant's detention. Federal courts now can detain defendants who have been charged with serious felony offenses prior to trial.

- DC Pretrial Services Agency is named one of 35 programs to earn the National Institute's "Exemplary" label.

- John A. Carver, III, Esq., is selected as PSA Director (1984-1997)

- PSA establishes a comprehensive on-site pretrial drug-testing program with the creation of the Drug Testing Center, now known as the Drug Testing and Compliance Unit, which is the first in the nation

to test pretrial defendants. This includes an on-site 600 square-foot drug testing laboratory in the basement of the DC Superior Court. Defendants are tested for heroin, methadone, cocaine, PCP and barbiturates. Prior to opening in the lab, defendants were tested only for heroin and opiates.

**1986**

- With funding from the National Institute of Justice, PSA's drug testing expands to include juveniles charged with serious crimes, again the first program of its kind in the country.

- PSA establishes the Intensive Supervision Program in collaboration with the DC Superior Court and the DC Department of Corrections to facilitate the release of detained pretrial defendants by providing appropriate community supervision.

**1987**

- US vs. Salerno challenges the constitutionality of the Bail Reform Act of 1984. In determining the constitutionality of the Act, the court acknowledges that, historically, it has recognized the need to ensure safety and that in doing so, certain individual liberties may be outweighed. As a result, the court maintains that preventing danger to the community is a legitimate goal.

## 1990s

### Establishing Pretrial Programs

**1992**

- The Bail Reform Emergency Amendment Act of 1992 helps broaden the scope of pretrial detention by prohibiting the court from setting a financial bail that

results in the defendant remaining in jail. This clause is credited with causing the demise of the bail bonding industry in DC.

- PSA launches the Drug Testing Management System (DTMS) database to track defendants with drug testing/treatment conditions. DTMS prints specimen labels, tracks chain-of-custody, interfaces with drug testing instruments and stores the final results.

**1993**

- The DC Superior Court Drug Intervention Program, also known as Drug Court, launches for drug-addicted defendants and gains national recognition over the next 30 years.

**1994**

- The Omnibus Criminal Justice Reform Amendment of 1994, which affected only DC courts, provides

that no financial condition may be imposed to ensure community safety, but may be imposed to assure a defendant's appearance in court as long as it does not result in his/her preventive detention. It also provides that a person deemed a "serious risk of flight" may be held without bond.

**1995**

- PSA's Evening Unit is eliminated due to a revised spending plan after 25 years in operation, significantly impacting the Metropolitan Police Department's ability to determine an arrestee's eligibility for citation release.

**1996**

- PSA creates the Heightened Supervision Program to monitor curfew compliance using voice recognition technology to provide objective verification of the defendant's identity.

**1997**

- The National Capital Revitalization and Self-Government Improvement Act of 1997 is passed, establishing PSA as an independent entity within the Court Services and Offender Supervision Agency (CSOSA) in the Executive Branch of the Federal Government.
- Susan W. Shaffer is named as PSA Director (1997-2012) after having served as Deputy Director since 1995.
- Operation Drug TEST (Testing Effective Sanctions and Treatment) begins in US District Court. This initiative, supported with Federal funding and administered by PSA, identifies substance abusers and provides treatment, supervision and sanctions to help them remain drug-free.

**1998**

- Evening Unit operations resume to manage all curfew supervision for the Heightened Supervision Program and Intensive Supervision Program. The unit also routinely assists police officers in determining whether misdemeanants arrested at night are eligible for citation release.

**1999**

- Supervision services expand with the addition of the Restrictive Community Supervision Program for supervising defendants in Department of Corrections halfway houses.
- PSA also launches the New Directions Drug Treatment Program, an in-house, sanction-based treatment program for defendants who do not qualify for Drug Court.

**2000s****Pretrial in the 21<sup>st</sup> Century****2000**

- PSA is certified as a Federal agency as required under the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act").

- The Adam Walsh Child Protection Safety Act requires that defendants charged with certain offenses against minors are subject to numerous mandatory conditions of release, if released on bond.

- PSA opens a new 9,000 square foot laboratory at 300 Indiana Avenue, NW, capable of performing over 2,000 tests/hour and collecting over 300 samples/day from PSA and CSOSA.

**2002**

- PSA implements landline electronic monitoring as part of its Heightened Supervision Program and Intensive Supervision Program.

- PSA launches the Pretrial Real-Time Information System Manager (PRISM), a new records management system that replaces ABADABA.

**2003**

- PSA supports the DC Superior Court in the establishment of the East of the River Community Court, a diversion court that requires special caseload assignment for US misdemeanor cases (other than domestic violence) originating from arrests in the sixth and seventh police districts.

**2005**

- PSA adopts a new point-based risk assessment instrument that

combines existing research with Agency operations input and identifies 38 risk factors that are assumed to relate to likelihood of defendant failure to appear and re-arrest.

**2007**

- PSA collaborates with DC Superior Court and other criminal justice stakeholders to launch the Mental Health Diversion Court (later to become the Mental Health Community Court), which provides an alternative to traditional case processing for defendants with mental health issues.

**2008**

- PSA implements cellular electronic monitoring and global positional system monitoring as part of the Heightened Supervision Program and Intensive Supervision Program.

**2009**

- PSA launches a new in-house substance use disorder treatment program called the Support, Treatment and Addiction Recovery Services (STARS) Program that provides defendants with a wider array of group therapy options and allows PSA to better match individual treatment needs to specialized group interventions.

- PSA pilots a random drug testing program for newly-placed defendants in PSA's New Directions Treatment Program.

**2010s****PSA Leading in the Field****2010**

- PSA establishes the DC Misdemeanor and Traffic Safety

Initiative, later to become the Traffic Safety Supervision Unit, to supervise individuals charged with certain impaired driving-related and other DC Code offenses prosecuted by the Office of the Attorney General for the District of Columbia. The unit primarily serves defendants in need of substance use disorder treatment.

**2012**

- PSA changes its name to the Pretrial Services Agency for the District of Columbia.
- Results from the Federal Employees Viewpoint Survey rank PSA as #10 for Best Places to Work among 292 sub-component Federal agencies.

- Clifford T. Keenan is selected as PSA Director (2013-2017), after serving as Associate Director for Operations and Deputy Director.

**2014**

- PSA introduces yet another new validated automated risk assessment instrument, after two years of development. The new tool, which includes more than 70 risk factors, allows PSA to more accurately predict the risk of failure to appear and re-arrest.

**2015**

- PSA opens a new 10,500 square foot state-of-the-art drug testing laboratory at 90 K Street, NE, which conducts over 2.3 million drug tests on nearly 270,000 urine specimens of persons on pretrial, probation, parole, and supervised release, as well as for persons whose matters are handled in the Family Court.
- PSA's drug testing laboratory begins universal screening of synthetic cannabinoids for PSA defendants and CSOSA offenders.

- PSA expands treatment options by allocating a portion of its drug treatment budget to contract for intensive outpatient or residential treatment for Traffic Safety Supervision Unit defendants.

## 2017

---

- Leslie C. Cooper is selected as PSA Director, after serving as Associate Director for Operations and Deputy Director.