He has endeavoured to prevent the population of these States, for that purpose assigned to them, by raising taxes on us without our consent: — For depriving us in many cases of the benefits of local representation: — For imposing Taxes on us without our Consent: — For depriving us in many cases of the benefits of local representation: — For taking away our古董和珍贵物品: — For suspending our own Legislatures, and declaring themselves invested with power to pass arbitrary and unfounded decrees: — For taking away our ancient property rights and totally destroying our faith in the protection of the Laws of our country.
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
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 insights for 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 re-arrested, 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.

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Since its beginning in 1967, PSA has operated under the guiding principle that non-financial conditions release based on the history, characteristics, and reliability of the defendant should provide.3 Chief among these standards are:

- Conditions of release that are the least restrictive to reasonably assure the defendant's appearance in court and public safety.
- Financial bond is used only when no other condition will reasonably assure the defendant's return to court and is not at an amount within the ability of the defendant to post.

Adopting Standards

In 1968, a committee chaired by US District Judge George Hart was formed to study the implementation of the Bail Reform Act in DC.4 The Hart Committee examined 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.”5

In 1971, Congress adopted most of the Hart Committee recommendations as part of the DC Court Reform and Criminal Procedure Act.6 This Act, which took effect in 1973, 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 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 was to come under criticism as 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.

In the ensuing years, the Agency implemented various programs designed to redesign the process of making a pretrial decision. For example, while more individuals were being released pending trial, there was an increase in court appearances and in the number of cases coming to trial. As a result, the Agency, by encouraging defendants to surrender voluntarily on the warrant to the Court, continued to evolve organically. As problems or challenges were encountered, measures were taken to identify and implement long-term solutions. For example, for more individuals who were being released pending trial, there was a need for more accurate information on 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."7

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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.8 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 this information.9 It is estimated that as many as 17,000 defendants and providing a variety of other services to both the Superior Court of the District of Columbia and the US District Court for the District of Columbia (DC, US Circuit Court).
and Compliance Unit—which was the first in the nation to drug test pretrial defendants—was included in an on-site drug testing program within the DC Superior Court. In 1984, the Agency established the Intensive Supervision Program in collaboration with the DC Superior Court and the DC Compliance Unit to facilitate the release of detailed 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 cellblocks of the Court. PSA employees collected samples from arrestees, which were sent to an off-site lab. Positive results from these tests were used to refer defendants to extended 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 research found

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

In 1984, 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 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 research found...
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 of that, most people believe it is a result of being a Federal Government agency with 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.

Perhaps the best reason any jurisdiction should provide the necessary funding for an effective pretrial services program is that, contrary to what many think, such programs are not resource intensive. The development of 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.

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 1974 introduced the concept of least restrictive financial pretrial release and over 45 years since the Court Reform and Criminal Procedures Act of 1971 set the legal standard of 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 that someone who is released on his or her own will appear for court hearings. 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 that someone who is released on his or her own will appear for court hearings.

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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 the 1970s and even the 1980s.

Advocates, practitioners and policymakers from across the country 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.

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 code 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.

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.

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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 "own recognition." This concept investigates community ties to assess if a defendant is a "good risk" for being released on his/her promise to appear in court. It enunciates a "score" upon which the recommendation is based.

1963
- The Junior Bar Section of the 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.
- The District of Columbia Bail Project. The three-year $195,000 grant launches the Manhattan Bail Project. The three-year project involves a research assistant, a legal secretary and six interviewers (1964-1965), a research assistant, legal secretary and six interviewers selected from local law schools.
- The Project implements a points system, later to be known as a risk assessment tool, developed by the Vera Institute of Justice. The tool uses weighted values for various factors like community ties, residence, employment and family ties combined with negative ties, such as prior criminality, narcotics addiction, alcoholism, to determine a “score” upon which the recommendation is based.
- Richard R. Molleur becomes Director of the DC Bail Project (1965-1967).
- The Bail Reform Act of 1966 establishes the Committee on Bail Problems "to explore the recognized injustices inherent in the traditional bail system." A resolution recognizes injustices inherent in the traditional bail system. The Bail Problems Committee creates an experiment program -- the DC Bail Project. 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 and minimize 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 Agency is a new risk assessment tool, developed by the Vera Institute of Justice. The Project implements a points system, later to be known as a risk assessment tool, developed by the Vera Institute of Justice. The tool uses weighted values for various factors like community ties, residence, employment and family ties combined with negative ties, such as prior criminality, narcotics addiction, alcoholism, to determine a “score” upon which the recommendation is based. Federal Pretrial Services Agency, and operates the Bail Reform Act of 1970, which adopts most of the Hart Committee recommendations, establishes the DC Superior Court, expands the DC Superior Court, expands 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 onsite laboratory at the DC Superior Court to test and analyze defendant urine samples. 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
1980s

Pretrial Services

- The Bail Reform Act of 1984
- SCOPSA (Supreme Court of Appeals of Puerto Rico)
- The Bail Reform Amendment Act of 1993
- Drug Court
- Drug Testing Center

1990s

- The Omnibus Criminal Justice Reimbursement Act
- US vs. Salerno
- Drug Court
- Intensive Supervision Programs
- PSA 50th Anniversary Commemorative Review
- PSA Intensive Supervision Program (ISP)
- Drug Testing and Compliance Unit

The National District Attorneys’ Association includes standards for pretrial release in its National Prosecution Standards (to be revised in 1990).

With a grant from the National Association of Pretrial Services Agencies (NAPSA), the Pretrial Services Agency (PSA) establishes the Failure to Appear Unit to help facilitate the return of defendants who failed to appear for scheduled court dates so that issuance of warrants can be prevented.

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.

With a grant from 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 (1983) built upon the 1978 standards (which were revised by NAPSA as a stand-alone edition in 1986) and the third edition of the ABA standards on Pretrial Release (2002).

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The Bail Reform Act of 1984

The Bail Reform Act of 1984tering prevention and release 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) and the lab, defendants were tested only for heroin and cocaine.

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 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.

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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 (1997–2017) after serving 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 mandates treatment and sanctions to help them remain drug-free.

1998
- 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.
- The Adam Walsh Child Protection Safety Act requires that defendants charged with certain offenses against minors subject to numerous mandatory conditions of release, if released on bond.

1999
- Supervision services expand with the addition of the Restorative 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 21st 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”).
- PSA supports the DC Superior Court in the establishment of the East of the River Community Court, a diversion court that requires special risk assessment for DC misdemeanor cases (other than domestic violence) originating from arrests in the sixth and seventh police districts.

2001
- PSA implements landline electronic monitoring as part of its Heightened Supervision Program and Intensive Supervision Program.
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- The Adam Walsh Child Protection Safety Act requires that defendants charged with certain offenses against minors subject to numerous mandatory conditions of release, if released on bond.

2002
- PSA pilots a random drug testing program for newly-placed defendants in PSA’s New Directions Drug Treatment Program.
- PSA implements cellular electronic monitoring and global positional system monitoring as part of the Heightened Supervision Program and Intensive Supervision Program.
- PSA supports the DC Superior Court in the establishment of the East of the River Community Court, a diversion court that requires special risk assessment for DC misdemeanor cases (other than domestic violence) originating from arrests in the sixth and seventh police districts.

2003
- 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.
- 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.

2004
- PSA establishes the DC Misdemeanor and Traffic Safety Supervision Unit, to supervise individuals charged with certain impaired driving-related and other traffic offenses and 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.

2005
- PSA reviews its pretrial risk assessment instrument after two years of development. The new tool includes more than 70 risk factors, allows PSA to more accurately predict the risk of failure to appear and re-arrest.
- PSA pilots a new 10,500-square-foot state-of-the-art drug testing laboratory at NW Freeway, 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.

2006
- PSA opens a new 10,500-square-foot state-of-the-art drug testing laboratory at NW Freeway, 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.