

A View from the Outside In

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I AM TRULY ONE of the lucky ones—no, I have to say I have been blessed. Ten years ago, I was the chief probation officer for the largest county and city in the state of Indiana. Seven years ago, I became the chief U.S. pretrial services officer for the largest federal judicial district in our nation. There is no comparison. As those of us who have ever worked in a county or state justice system know, budgets are extremely tight, politics abound, and everyone is overworked and underpaid, resulting in low morale and questionable commitment. More than that, the percentage of defendant and offender supervision revocations is just plain horrible.

Not so in our federal judicial system. Whether you are a pretrial services or probation officer, or both, it is hard to complain and even harder not to be very proud. Although our budgets can get sticky from year to year, we still typically end up with more funding than other systems. Our investigations and supervision workloads are typically appropriate and workable, political pressure is low (except, perhaps, for those darned in-office politics), and the pay is good, although it could always be better. Morale is typically high. And, because we have a judiciary and administrative office that make it happen with Congress, we have special funding to assist defendants and offenders that other systems can only dream of, which no doubt contributes to our notable successes.

But this is the 25th anniversary of U.S. pretrial services, and the perfect opportunity for us to reflect a bit upon where we came from and where we are going. This history part is easy, of course. Although I wasn't part of the system for the first 18 years, there has been much documented about it. Basic principles and goals were established: reduce unnecessary detention; address risk of nonappearance (formerly risk of flight) and risk of danger to the community; formulate an appropriate combination of conditions of release that would mitigate such concerns while utilizing the least restrictive measures; provide services to released defendants that assist them in completing their period of community supervision pending final court action in their case; and do all of this and more with *compassion and respect*.

In the 18 years prior to my arrival in the system, it is apparent that U.S. pretrial services was very successful in accomplishing its vision, mission, goals and objectives. With a cadre of professionals across our nation, pretrial services showed overwhelming success by ensuring that, on average, over 97 percent of the defendants successfully completed their terms of supervision. In stark contrast, county-based pretrial systems seldom reached more than an 80 percent success rate, usually worse.

Our pretrial services past is truly remarkable. Unfortunately, however, such success usually is accompanied by some unexpected loss. The most significant is the fact that many separate pretrial offices, over the years, lost their true identity after being combined into their district's

probation office. Many reasons for this have been cited: saving money, increasing efficiency, loss of viability, and other reasons that may be considered more political than practical. Once combined, the pretrial component has, more often than not, unfortunately become the proverbial stepchild; in some instances it has become little more than a training ground for prospective probation officers, or even worse, it has little identity at all.

On the other hand, some pretrial services components in combined offices are held in very high esteem, continuing to operate as valued equals to their probation brethren. In these situations, the pretrial services component is recognized as having its own philosophy and practices particular to defendants rather than offenders. The courts receive excellent service from those providing pretrial services because of their demonstrated value, professionalism, and commitment to their emphasis on the original pretrial services principles.

Of course, I'm lucky and blessed over these last 7 years. I have had the pleasure of coming to know and understand pretrial services for what it was meant to be, what it currently is, and what it can be in the future. In our (separate) pretrial services agency, we have the opportunity to show our independence and interdependence in our system, and to earn the respect of our judges and colleagues by effectively practicing the principles of pretrial services. Even more, I have come to greatly appreciate the pretrial services role in our system in contrast to that of my former experience in the field of probation. And I work with colleagues who are truly part of our system for the right reasons.

Is pretrial services better than probation or the other way around? No. I've never said that and don't see it that way. Instead, pretrial services is different from probation in its mission, its philosophy, and some of its practices, while the two also share similarities, such as the efforts to effectively monitor and supervise defendants/offenders while providing and brokering needed programs and services. And, of course, both share the similarity of providing the best possible service to the courts, the community, and the defendants/ offenders with whom we are charged. Whenever and wherever possible, pretrial and probation work cooperatively with each other, sometimes hand-in-hand. This is always the best relationship and always what we as a federal judicial system should strive to do.

We have a successful history, but where do we go from here, say in the next 25 years? U.S. pretrial services has shown itself over the years to be progressive, not stagnant. After all, anything that does not grow and evolve, often withers and fades away. Therefore, as we move forward, do we change for change's sake or do we evolve? I vote for evolving. Over the last 25 years, we have gone from an early practice of desk-sitters to a profession that understands the value and necessity of making regular and frequent community-based contacts. We have employed emerging technologies ranging from the on-site drug test cup to the sweat-patch, from electronic monitoring using satellites and cell phones to computer monitoring. But does it stop here? I believe it can't if we are to continue to evolve and be a viable and valuable asset to the courts. Therefore, we must continue to evolve.

As we evolve, we must continuously reflect on the original tenets that are the roots of our work, to also keep in the forefront our guiding principles, our legislative mandates, and our courts' expectations. Before us today are discussions of new ways in which pretrial services may evolve: the possible value of search & seizure practices, seeking legislative authorization for arrest powers and third-party custody, and considering our parity with our probation colleagues.

Evolution. It's inevitable, it's historical, it's necessary. For example, I'm sure there were discussions and debates about our "least restrictive" principle at the time electronic monitoring came along in the early 90s; perhaps some uneasiness when on-site drug testing came into play, and certainly there had to be much introspection when the sweat patch was unveiled. Least restrictive? Consider this: What may be considered least restrictive for a defendant who is charged with a non-violent crime would be wholly different from what would be considered least restrictive for a gang-banger charged with distributing meth. It's a matter of perspective, it's a matter of reality, and it's a matter of the current societal landscape and culture.

Our pretrial services landscape is changing; for example, consider the increase across the nation of defendants under supervision who have prior arrests and convictions for violent crimes, for possession of weapons, for child molestation, etc. These are our challenges, which will continue to change and continue to challenge us and our system of pretrial services as we knew it and as we know it. We must adapt, we must evolve.

What would I hope to see happen with pretrial services over the next 10 years? First of all, I would like to see a resurgence in the overall value of pretrial services in the eyes of the courts in combined districts, such that we perhaps might even see a combined office or two returned to separate agencies. Second, I would like to see pretrial services continuously strive to strengthen its value to the courts. How? By continuing to do the right thing for the right reason...by evolving with a special emphasis on effectively serving the courts while effectively serving our pretrial principles and mission. And finally, I would like to see total parity between pretrial services and probation. We all are part of a bigger system, and we all need to always work together cooperatively and collegially. We all have so much to offer.

The first 25 years? A successful story. The next 25 years? It's all up to us to shape it.

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