

Charter for Excellence: *Be effective stewards of public resources.*

Treat everyone with dignity. Act with integrity. DEMONSTRATE COMMITMENT TO AND PASSION FOR OUR MISSION. **We are a unique profession.** Be responsible and accountable. *Promote fairness in process and excellence in service to the courts and the community.* **Work together to foster a collegial environment.** A mix of skills in investigation, communication, and analysis. *Ensure defendant and offender compliance.* Facilitate long-term, positive changes in defendants and offenders through proactive interventions. Promote the fair, impartial, and just treatment of defendants and offenders throughout all phases of the system. **Provide objective investigations and reports.**

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U.S. Pretrial Services District of Arizona

2005

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ANNUAL REPORT

Uphold the constitutional principles of the presumption of innocence and the right against excessive bail for pretrial defendants. *Be effective stewards of public resources.*
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Pretrial Services 2005 Annual Report

Preface

Title 18, United States Code § 3155 requires each Chief Pretrial Services Officer to submit an Annual Report to the Chief Judge of the District and the Director of the Administrative Office concerning the administration and operation of Pretrial Services. Therefore, the following Annual Report has been prepared to provide information on the operation of Pretrial Services in the District of Arizona for FY2005.

Responding to Change

This fiscal year has been a challenging one and the Pretrial Services staff deserves much credit for staying focused on the mission, in spite of the numerous outside influences that could have adversely impacted that path. Revisions in national policy regarding pretrial services investigations and supervision activities were rapid and it was difficult to remain abreast of these new policies. The thrust of these changes involved proposed budgetary cuts causing the words "*cost containment*" to have a negative connotation in the District of Arizona.

In September 2004, the *cost containment* initiative was set into motion by the Criminal Law and Executive Committees with the purpose of targeting necessary budgetary cuts for FY2005 and beyond, to supervision and investigation workloads, deemed less critical. It reduced staffing credit for pretrial services investigations and supervision of misdemeanor cases by 25% and eliminated all credit for petty offenses. There was also a 25% reduction in staffing credit for the supervision of low risk felony cases. Fortunately, a proposal to cut staffing credit for pretrial services investigations conducted on defendants subject to detainers and illegal aliens was not approved for FY2005. The approved *cost containment* measures did not impact the District of Arizona's staffing in a significant manner, however, it caused concern for staff regarding the proposal to reduce staffing credit for investigations on illegal aliens, as this is a high percentage of the District's workload.

On the heels of the *cost containment* initiative came the Ninth Circuit ruling in *United States v. Vargas Amaya*. This decision, filed in November 2004, invalidated all warrants in which probable cause was not established and supported by oath or affirmation. The common practice in the federal court system throughout the country was to request a warrant based upon the facts stated in a petition for court action. Therefore, both Pretrial Services and the Probation Office worked in conjunction to fashion a swift response that would validate the warrants. On Saturday, January 8, 2005, Pretrial Services mounted a concerted effort to correct 430 "defective" warrants. Not surprisingly, there

was an overwhelming staff response to the request for volunteers to accomplish this important – time sensitive – mission. Staff worked diligently, preparing and reviewing documents to quash the invalid warrants and submit petitions to reissue the warrants in which probable cause was established by facts supported by affirmation under penalty of perjury. These packets were then promptly submitted to the appropriate judicial officers for signature. The Clerk's Office adapted very well to this influx of numerous documents in such a short period of time, as did the Court who reviewed and authorized the petitions. This was a monumental task accomplished by the Court Family, working closely to achieve a common goal.

Another significant change impacting Pretrial Services was of a positive nature. On July 5, 2005, CM-ECF was rolled out and changed the manner in which court business is conducted. Although it required training of all staff, the Clerk's Office met this challenge and prepared members of the Court family for the implementation of CM-ECF. It has benefitted Pretrial Services tremendously through its prompt notification of minute entries, and motions to continue court hearings or to modify conditions of release.

In spite of the many changes occurring in FY2005, management and staff remained focused on improving the quality of the pretrial services investigations and supervision. Regarding the investigation component, there have been more diligent efforts by officers to pursue and obtain dispositions in the criminal history sections. This effort will continue into FY2006, because of its value to the Court, attorneys, Probation Office, and simply to meet the agency's mission.

The second component of the mission of Pretrial Services – supervising defendants – has also been enhanced through a focus on increased monitoring in the community. Officers have devoted time and effort to those defendants posing a higher risk to the community, per national policy. Officers are required to work an Alternative Work Schedule with a minimum of four hours per month spent in the field outside of normal work hours. This affords officers the opportunity to observe the defendants in the community and permits meaningful collateral contacts. Officers are not only managing risk and monitoring defendant compliance with conditions of release, but attempting to positively influence a defendant's future choices to reduce recidivism.

In FY2004, Pretrial Services made great strides toward implementing a comprehensive safety program which includes officers possess protective vests and receive training on defensive tactics, Oleoresin Capsicum (OC) Spray and CPR/First Aid. In FY2005, the final component of the comprehensive officer safety program was implemented – firearms. Under the instruction of the U.S. Probation Office, pretrial services officers completed the initial firearms training program. With a qualifying score and the Court's authorization, officers are permitted to carry a firearm as an additional self-defense tool. FY2005 concluded with the Court's written authorization pending.

Administration and Staffing

FY2005 was a banner year in hiring Pretrial Services staff to address the significant under staffing issue ending FY2004. During FY2005, three employees separated from service, 16 employees were added and three received promotions. The fiscal year ended with a staff of 66 (two consolidated employees). Fortunately, in spite of the *cost containment* initiatives, Pretrial Services is staffed appropriately to address the anticipated workload increase in FY2006.

OFFICER/MANAGER STAFFING

| LOCATION | CUSPSO | DCUSPSO | SUSPSO | SPEC | USPSO | USPSOA |
|-----------------------|--------|---------|--------|------|-------|--------|
| TUCSON | | 1 | 4 | 2 | 13 | 1 |
| PHOENIX | 1 | | 3 | 3 | 9 | 2 |
| FLAGSTAFF | | | | | 1 | 1 |
| YUMA | | | 1 | | 1 | 4 |
| DISTRICT TOTAL | 1 | 1 | 8 | 5 | 24 | 8 |

Abbreviated Titles:

CUSPSO = Chief U.S. Pretrial Services Officer

SPEC = Electronic Monitoring & Drug/Alcohol Treatment

DCUSPSO = Deputy Chief U.S. Pretrial Services Officer

SUSPSO = Supervisory U.S. Pretrial Services Officer

USPSO = U.S. Pretrial Services Officer

USPSOA = U.S. Pretrial Services Officer Assistant

SUPPORT/MANAGER STAFFING

| LOCATION | OP/ADM MGR | OP/ADM SPEC | DQA | CAA | PTS TECH ASST | CLERK |
|-----------------------|------------|-------------|-----|-----|---------------|-------|
| TUCSON | | 1 | | 5 | 1 | 1 |
| PHOENIX | 1 | | 1 | 4 | | |
| FLAGSTAFF | | | | 1 | | |
| YUMA | | | | 1 | | 1 |
| DISTRICT TOTAL | 1 | 1 | 1 | 11 | 1 | 2 |

Abbreviated Titles:

OP/ADM MGR = Operations/Administrative Manager

Clerk/Recep = Clerk/Receptionist

OP/ADM SPEC = Operations/Administrative Specialist

CAA = Case Administrative Assistant

DQA = Data Quality Analyst

PTS Tech Asst = Pretrial Services Technical Assistant

ADMINISTRATIVE SERVICES STAFFING

| LOCATION | HUMAN RESOURCES | AUTOMATION | PROCUREMENT | FINANCIAL |
|--------------|-----------------|------------|-------------|-----------|
| PHOENIX | 1 | | | |
| TUCSON | | | 1 | |
| TOTAL | 1 | 0 | 1 | |

Support Staff Changes and Updates

FY2005 brought about numerous changes in support staffing and administrative functions. The District of Arizona support staff are dispersed throughout Phoenix, Tucson, Flagstaff and Yuma. Phoenix and Flagstaff are supervised by the administrative operations manager who is located in Phoenix. Tucson and Yuma are supervised by the administrative operations specialist who is located in Tucson. All four offices are overseen by the administrative operations manager. Four support staff changes occurred in Tucson. Upon the closure of the on-site urine testing laboratory, the incumbent was reassigned as a pretrial services technical assistant, whose main function became entering all drug test results collected in the District and running record checks for all Tucson referrals. The resignation of the data quality analyst required the distribution of several tasks among the support staff in Tucson and the data quality analyst in Phoenix. Relief for an increase in caseload came toward the end of the fiscal year when two new positions were created and filled with a case administrative assistant and pretrial services clerk. The Yuma case administrative assistant also received much needed support, when a position was created and filled with a part-time pretrial services clerk. The agency ended the fiscal year with 16 support staff, which was a welcome change from the previous fiscal year. The administrative operations manager and the administrative operations specialist continue to perform additional duties such as front desk coverage and PACTS data entry. Overall, it was a good year for workload distribution and meeting deadlines.

Space, Facilities and Procurement

During FY2005, the space and facility moratorium imposed by the Administrative Office continued due to budget constraints. As a result, no new space and facility projects were initiated or completed. While the Yuma project has been impacted by this moratorium, attempts are underway to obtain an exemption to allow this project to proceed.

In FY2005, the consolidated procurement department provided assistance to the Pretrial Services Office by scheduling cyclical maintenance of painting and carpet cleaning, installation of office furniture, and routine maintenance of government-owned automobiles.

Compressed file systems were installed in all locations and necessary space arrangements were made to accommodate all newly hired staff members. As a result, all office spaces are now currently occupied. Unfortunately, some office spaces are past optimum capacity, specifically, Yuma, which is one of the primary reasons attempts are underway to obtain an exemption from the current moratorium.

Automation and Technology

PACTS-ECM in FY2005 brought to Pretrial Services cost containment measures, the introduction of secure wireless access, new reports for officers, and WordPerfect macros to support clinical services commitments.

Each of four PACTS-ECM software upgrades refined the implementation of the Judicial Conference's cost containment directives.

A pilot laptop computer was tested, which provided secure wireless access to PACTS-ECM, Lotus Notes, the J-Net, and network files, enabling an officer to have near-desktop access while in the field. Because of the promising results of this test, more secure wireless laptop deployments are planned in FY2006.

New, customized, on-demand PACTS-ECM reports were developed to help officers schedule home contacts and assist with initial case plan development.

PACTS-ECM tracks the commitment of funds for community-based clinical services for defendants. A new WordPerfect macro program assists officers in initiating, modifying, and terminating the services (entered into PACTS-ECM) for their defendants. Macros help the officers complete the form without errors.

At the end of FY2005, new flat panel LCD monitors were purchased for all Pretrial Services staff, replacing existing CRT monitors. These monitors will be installed in FY2006.

Workload Data

Case Activations

In FY2005, a total of 8,514 cases were activated, an increase of 185 over last fiscal year's total. The 8,514 total includes bail cases, as well as pretrial diversion activations, and represents 8.5 percent of all activations (99,365) nationwide. The number of activations in the District ranked second nationally. The total activations in the District of Arizona outnumbered entire case activations for seven of the 11 circuits in the United States.

Offenses Charged

Continuing the trend of past fiscal years, the most common offenses charged in the District in FY2005 involved immigration, and drugs. Immigration offenses were the most common by a large margin as 5,567 cases or 65.5 percent of all cases charged in the District fell into this category. This number represents an increase of 360 immigration cases over last fiscal year. Drug offenses were

the second most common, totaling 1,886 which accounted for 22.2 percent of all cases charged. Other common charges include weapons/firearms offenses (207 cases), miscellaneous offenses (132), assault offenses (130), and sex offenses (71). Assault and sex offenses decreased 16 and 20 cases respectively from the previous fiscal year. Homicide cases, 76 total in FY2005, increased by 20 from last fiscal year.

Interviews and Bail Reports

As required by statute, Pretrial Services collects, verifies, and reports information to the judicial officer and conducts a defendant interview whenever possible, prior to the initial appearance. With an increased focus on interviewing more defendants, Pretrial Services increased the number of defendant interviews in FY2005, and conducted 4,392 interviews, representing 51.7% of the total activations, and is an increase of 401 interviews over last fiscal year. There were 4,109 defendants (48.3%) who were not interviewed, which includes 680 (8%) who refused to be interviewed.

Of the 8,501 referrals received by Pretrial Services, written reports were prepared for initial appearance and/or detention hearings in 8,435 cases (99.2%).

Bail Recommendation

Pretrial Services made a release or detention recommendation in 99.2 percent of the cases in which reports were prepared. Detention was recommended in 7,566 (89.7%) of the cases. Officers recommended a financial bond in 118 cases (1.4%) and a non-financial bond in 751 cases (8.9%). The high number of detention recommendations can be attributed to the high percentage of immigration cases received in the District. These cases typically present greater risk factors for nonappearance based on the absence of ties to the United States, residency and family ties in Mexico, and lack of legal immigration status in the United States.

At the initial appearance, 437 cases (5.1%) were released, while 7,476 cases (87.9%) were detained pending a detention hearing. A total of 579 (6.8%) were detained with no release conditions set.

Detention Hearings

In the 7,470 cases where a detention hearing was held, defendants were ordered detained in 6,773 cases (90.7% of the time). Of the cases ordered detained, 6,492 were held due to nonappearance concerns, 206 cases for both nonappearance and danger, and 75 cases solely on the basis of danger to the community.

Bond Type Set for Released Defendants

In FY2005, the total number of defendants released on bond was 689. Of these bonds, 482 were personal recognizance, and 83 were unsecured. The number of cases released on cash bonds was 41, while 20 cases were released on collateral bonds and 63 cases on corporate surety bonds.

Detention Summary: Days and Costs

One of the most important functions of Pretrial Services is assisting the courts in the reduction of unnecessary detention of defendants. In FY2005, the total cost of detention for all defendants was \$47,775,238, which was an increase of \$3,504,121 from the previous fiscal year. In most cases, defendants have their initial appearances on the same date of their arrest however, for reasons such as late afternoon or evening arrests, weekends and holidays, defendants may spend a few days in detention before the initial hearing. In FY2005, a total of 6,996 defendants were detained from the time of their arrest to the initial hearing, for a total of 12,528 days, at a cost of \$726,624. The number of defendants ordered detained at the initial appearance, but later released prior to adjudication was 5,401. These defendants spent a total of 448,950 days in detention, resulting in a cost of \$26,039,100. Following adjudication, the number of defendants detained was 3,408, for a total of 362,233 days, which resulted in a cost of \$21,009,514.

Immigration Issues - Border District

The immigration issues, which arise due to the adjacent border with Mexico, continually makes this district and its neighboring districts along the border the busiest in the nation. The five judicial districts that share a border with Mexico: Southern District of Texas, Arizona, Western District of Texas, New Mexico and Southern District of California are respectively the five busiest districts in the nation. As was the case the previous year, over one-third of all cases activated in the nation are from these five districts. In the District of Arizona, over 65 percent of cases activated are the result of an immigration offense. Twenty-two percent of all criminal immigration cases in the nation originate in Arizona.

Border Patrol is the leading source of prosecutions in the District. Approximately 2,400 Border Patrol agents are employed in the Tucson sector, up from 2,200 employed the previous year. These agents made 438,932 apprehensions, a decrease from 491,771 apprehensions the previous year. These apprehensions resulted in 4,472 prosecutions, and 1,773 of these for felony offenses. Agents in the Tucson sector also seized 489,898 pounds of marijuana, 1,698 pounds of cocaine and minimal amounts of other drugs.

Border Patrol in the Yuma sector employs approximately 600 agents, up from 325 agents the previous year. These agents made 138,460 apprehensions, which is an increase from 98,060 apprehensions the previous year. This resulted in 2,924 cases presented for prosecution, 315 of

which were for felony offenses. Drug seizures in the Yuma sector include 37,527 pounds of marijuana, 46 pounds of methamphetamine and minimal amounts of other drugs.

Border Patrol reports 267 immigrants died entering the United States illegally through the Tucson and Yuma sectors. These deaths are mainly attributed to the danger of crossing through desert areas during extremely high temperatures without enough water.

Supervision

In FY 2005, 1,983 defendants were supervised by Pretrial Services. Of these, 1,055 defendants were initially received for supervision during the fiscal year. This represents a decrease of approximately 14 percent from FY 2004. Of the 1,055 defendants received, 898 were regular supervision cases, 182 were courtesy supervision cases and 22 were Pretrial Diversion supervision cases.

In order to ensure the safety of the community and that defendants appear at scheduled court hearings, Pretrial Services increased supervision efforts through non-traditional work hours, referrals for mental health, substance abuse treatment and assisting defendants with social services. In keeping with *Monograph 111* standards, supervision has been enhanced with a focus on community-based supervision.

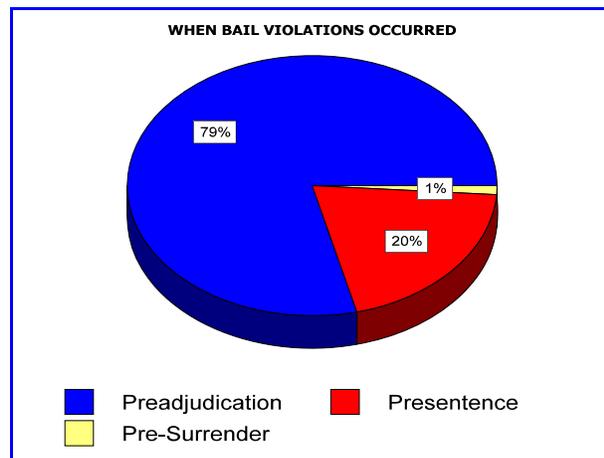
Of the defendants supervised by Pretrial Services, 74 percent had substance abuse testing and/or treatment conditions ordered. Twenty percent of defendants supervised were released to a third-party custodian. Twelve percent of defendants supervised had a mental health treatment condition.

Violations

There were 308 defendants who committed 537 violations in FY2005. Of these defendants, 31 violated their release conditions by committing new crimes, 19 of these were felonies and 12 were misdemeanors. There were 39 defendants who failed to appear, and 134 who had drug use violations.

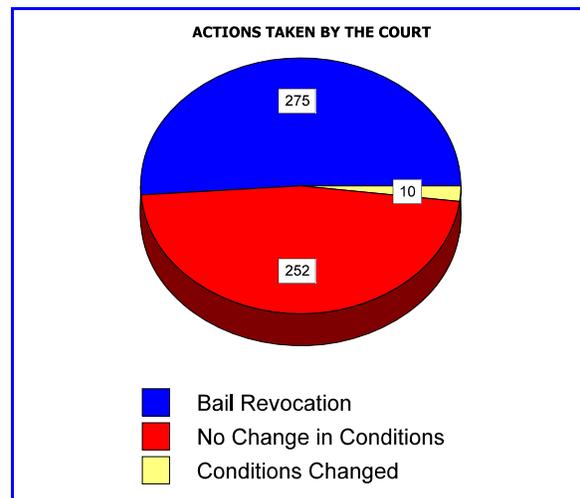
When Violations Occurred

This chart reflects when violations tend to occur. Violations occurred prior to adjudication 79% of the time, while 20% took place prior to sentencing, and 1% occurred pending appeal or voluntary surrender.



Actions Taken by the Court

This chart reflects the outcome of violations. There were 275 bail revocations, followed by 252 with no change in conditions. There were 10 violations where a change in conditions was imposed.



Special Population: Indian Country

Tohono O'Odham Reservation

The Tohono O'Odham Indian Nation comprises more than 50 villages spread over an area of 3,400 square miles in southwest Arizona. Pretrial Services in Tucson is responsible for supervising released defendants living in this area, which extends as far west as Ajo, Arizona, San Pedro Village to the east, Menager's Dam on the south and North Komelic on the north. Sells continues to be the location where defendants can receive services through Pretrial Services and the Nation. Defendants living in remote villages must travel several hours to benefit from these services.

In FY2005, 164 Native Americans from this area were arrested and charged with federal crimes. Of these arrests, 50 were released from custody and placed under the supervision of Pretrial Services. There were four defendants returned to custody for violating the release conditions.

During the past fiscal year, Pretrial Services continued to contract for services with Cactus Counseling, primarily for substance abuse counseling. Other services offered by Cactus Counseling include drug/alcohol testing, intensive outpatient treatment, individual and group counseling, aftercare and relapse prevention. The Nation offers both short-term substance abuse counseling and mental health services through the Drug Alcohol Substance Abuse program (DASA). However, substance abuse programs offered through DASA are minimal and are used to supplement programs offered by Cactus Counseling.

Several new counseling programs initiated by Cactus Counseling were started this past fiscal year. Among the programs are Domestic Violence/Anger Management, Social/Family Issues, Life Skills and a woman's only group to discuss the above topics in a nonthreatening atmosphere.

Northern Indian Population

The Flagstaff office supervises Native Americans from the following tribes: Navajo, Hopi, White Mountain Apache, Kaibab Paiute, Hualapai, Havasupai, Mohave, and Yavapai Apache. During this fiscal year we received referrals from the following reservations: Navajo (123), Hopi (3), White Mountain Apache (15), Yavapai Apache (1), Hualapai(1), Havasupai (2), and Mohave (1).

Alcohol use continues to be a contributing factor in many of the violent offenses that are referred to U.S. Pretrial Services. In addition, methamphetamine use is on the rise. Although the Navajo Tribe has now passed a law prohibiting possession of methamphetamine use, the U.S. Attorney's Office continues to file misdemeanor Complaints charging defendants with Title 21, United States Code

§ 844(a), Possession of Methamphetamine. The Flagstaff office also continues to receive misdemeanor arrests for Possession of Marijuana and Unlawful Dispensing of Intoxicating Liquor (bootlegging) on the Indian Reservations.

During FY2005, several changes took place within the Court family that had an impact on U.S. Pretrial Services. U.S. Magistrate Judge Stephen L. Verkamp retired on March 1, 2005, after serving the Court since 1976. U.S. Magistrate Judge Mark E. Aspey took over on March 15, 2005, after serving since 1980 as an Assistant U.S. Attorney in the Phoenix and Flagstaff Offices. In addition, on April 1, 2005, Northern Arizona received its first Federal Public Defender, Deborah Fine.

Home Confinement

The Home Confinement Programs in the District of Arizona are successful alternatives to detention, when used in conjunction with other supervision strategies. The Home Confinement Programs demonstrate cost-effective and community-based alternatives, reducing risks to the community through intensive supervision. These programs maintain a high participant success rate. During FY2005, 96 out of 109 participants (88%) successfully completed the Home Confinement Program.

The District's program has undergone some changes during the fiscal year. All pretrial services officers in the District of Arizona continue to assist Intensive Supervision Specialists with monitoring home confinement participants.

Another change in the District, was securing a contract with BI Monitoring (BI). BI is located in Anderson, Indiana, and provides 24-hour-a-day, seven-days-a-week surveillance. BI bills self-pay participants directly, and provides Pretrial Services with a monthly report, detailing the co-payment amounts paid by participants and the amount owed by Pretrial Services. The daily cost for electronic monitoring services is \$3.26.

Pretrial Services also continues to utilize electronic monitoring services with G4S, formally Securicor EMS. The District will utilize G4S, until the remaining participants have completed electronic monitoring services. The daily cost for electronic monitoring services is \$3.25.

In FY2005, the District successfully collected \$11,189.45 in participant co-payments, which is 26% of the total cost of Home Confinement Programs. The District paid the remaining balance of \$30,882.08.

Drug and Alcohol Treatment Services

The total cost of treatment services, both inpatient and outpatient, totaled \$1,051,837. This represents an increase of \$118,362 for FY2005. This amount was offset by \$72,176 in client co-payment collections, resulting in a \$979,661 net cost to the District. Co-payment collections for FY2005 increased by \$21,921.

Pretrial Services had nine inpatient placement service agreements for defendants to address substance abuse issues. Pretrial Services utilized 25 service agreements for outpatient drug/alcohol treatment aftercare and for mental health services. These treatment services, combined with drug and alcohol screening, are utilized as alternatives to detention as provided under Title 18, United States Code § 3142.

Residential Placement

Pretrial Services utilized eight inpatient providers, serving a total 172 clients – an increase of nine clients served from the previous fiscal year. Pretrial Services maintained waiting lists and coordinated placement for those in custody awaiting the availability of bed space. The total cost of residential treatment and halfway house placement in FY2005 was \$881,690. This amount was offset by client co-payments totaling \$66,768, resulting in an \$814,922 net cost to the District. Co-payment collections for FY2005 increased by \$19,368.

Outpatient Services

Pretrial Services referred 407 clients to outpatient services, an increase of 20 clients served over the previous fiscal year. The total cost for services was \$170,147. This amount was offset by \$5,408 in co-payment collections, leaving a net cost to the district of \$164,739. Co-payment collection for FY2005 increased by \$2,471.

Mental Health

During FY2005, there was an increase of 27 defendants ordered to participate in mental health treatment, which also includes taking medication, while ordered released under the supervision of Pretrial Services. Of the 146 defendants ordered to comply with the special condition of mental health treatment, 80 are currently receiving treatment which includes taking prescribed medication. Defendants receiving mental health treatment make up 20 percent of the defendants currently receiving outpatient treatment services in the District.

A total of \$46,122 was incurred by this District for mental health treatment, and of this amount, \$18,919 was expended toward the administering of psychotropic medication.

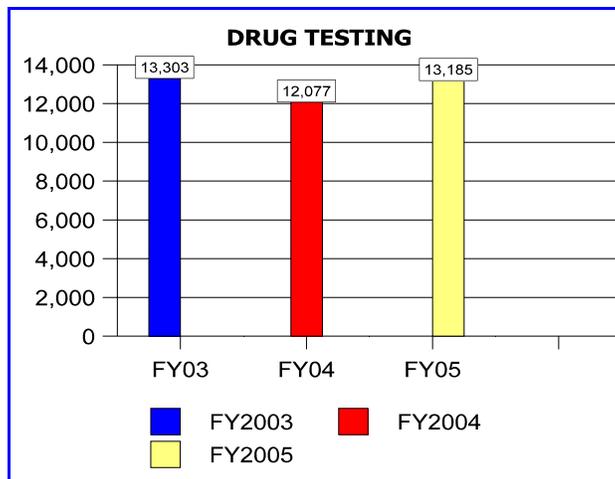
Due to the increase in the number of defendants in need of mental health treatment and medication, the District of Arizona plans to work closely with the state funded mental health treatment agencies, the Department of Veterans Affairs, as well as contracted agencies that provide treatment and medication. Pretrial Services will also continue to solicit vendors to assist with the treatment of this specialized population.

On Site Drug Testing

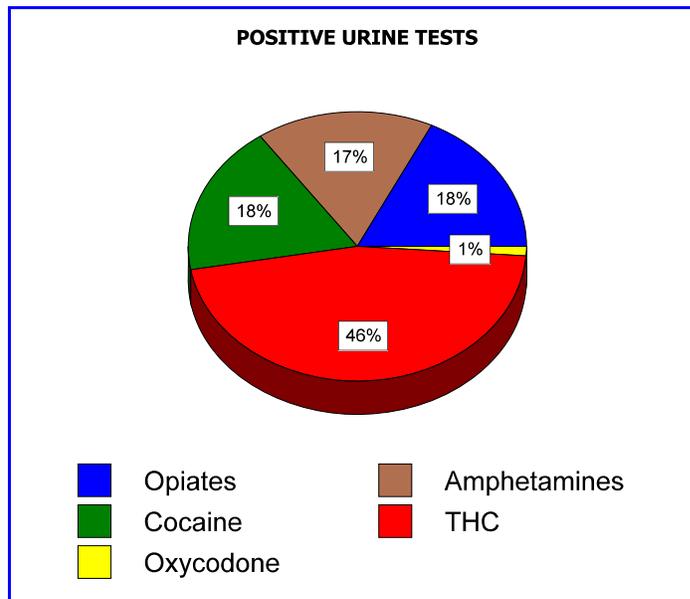
FY2005 marked the implementation of the new hand-held drug testing device, Rapid Drug Screen. Officers can utilize the hand-held devices as efficiently in the office as in the field. Contracted treatment facilities also utilize the new program. The program provides for the rapid interpretation of urine test results for either a four panel screen that detects Opiates, Amphetamines, Cocaine, and THC, or an eight panel that detects these drugs, in addition to Ecstasy, Phencyclidine (PCP), Benzodiazepines, and Oxycodone. The program has provided officers the opportunity to expeditiously identify drug use among defendants, make appropriate referrals for treatment, and take appropriate action on violations.

Clients are subjected to a random drug testing schedule or can have urinalyses imposed based upon reasonable suspicion. A total of 449 pretrial defendants had this condition imposed. This figure also includes clients placed in residential and outpatient treatment programs.

The total number of urine specimens collected and tested is reflected in the bar graph.



Of the 13,185 urine tests conducted, 1,639 specimens were positive for one or more drugs. The chart reflects the breakdown of the positive results.



Pretrial Diversion

Pretrial Services received 27 referrals District-wide for pretrial diversion investigations during FY 2005, which is 17 fewer diversion referrals from last fiscal year's total. In each case, Pretrial Services conducted full diversion investigations to determine suitability for the program. Of the 27 referrals received, 13 candidates were accepted into the Pretrial Diversion Program, while three candidates were declined as unsuitable. At the close of the fiscal year, eight diversion candidates were still pending acceptance into the diversion program. One diversion referral was dismissed and two others were rescinded. During the year, one candidate elected not to participate in the diversion program and two candidates absconded which led to arrest warrants in both cases.

During FY2005, the most common type of case referred for pretrial diversion investigation involved firearms offenses. The second most common case involved theft/larceny offenses, which included a possession of stolen mail case. Pretrial Services also received diversion referrals for cases involving conspiracy to produce false identification documents, interference with a flight crew, controlled substance offenses, harboring a fugitive, and criminal trespassing at an Indian casino. One referral, which was later rescinded, involved a juvenile candidate charged with aggravated sexual assault.

Pretrial Services activated 13 supervision cases for the diversion program during FY2005. This total is 14 fewer diversion supervision cases than last fiscal year's total of 27.

Cybercrime

Pretrial Services has had a computer monitoring policy in place since 2002. However, technology has rapidly evolved, making it difficult for officers to keep pace with these technological advancements. However, during FY2005, Pretrial Services became aware of a vendor, Internet Probation and Parole Control, Inc. (IPPC), that provides computer monitoring services to many other federal probation and pretrial services offices around the country. This company uses a monitoring service, which allows more flexibility in tracking a defendant's computer usage. It is unique from the previous technology, because it permits officers, through user accounts, to specifically monitor the defendant's computer usage by providing detailed reports to the officer.

In January 2005, Pretrial Services received permission from the Honorable Nancy Fiora to pilot test the monitoring services of IPPC on a defendant ordered to participate in the computer monitoring program. Since that time, we have had three defendants in the Tucson office participate in this pilot project. The results have exceeded expectations as the software has been easy to use, flexible to meet the defendant's specific needs, and highly effective in monitoring the defendant's computer. In fact, there was one defendant who made 12,000 attempts to access pornography over a 30-day period – all blocked by this technology.

The computer monitoring policy is being revised and a proposal will be submitted to the Court for District-wide implementation of the IPPC technology.

Training and Resources

In FY2005, the following major training activities occurred:

- Adult and Infant *CPR* and Basic First Aid
- Defensive Tactics
- OC Spray
- Offense Classification
- Firearms Orientation and Qualification
- New Officer Orientation – FLETC
- New Officer Orientation – FJC
- District of Arizona New Officer Orientation
- Preparing to Testify
- Urinalysis Procedures for Rapid Drug Screen (RDS)
- Electronic Monitoring – BI Monitoring, Inc.
- PACTS ECM
- Communicating with Tact and Skill for Managers and Supervisors
- CM-ECF Query and Account Administration

Six officers completed Safety Training for New Probation and Pretrial Services Officers. This is a three-week national program administered at the Federal Law Enforcement Training Center (FLETC) in South Carolina. It provides instruction on safety skills such as conflict management, defensive tactics, OC spray, firearms, and non emergency vehicle operation. The training also incorporates sessions on cultural diversity, sexual harassment, officer ethics, and legal liability. The officers found this new academy to be a rewarding training experience, as they learned new skills and developed new professional relationships and personal friendships with their colleagues from numerous states around the country.

In January 2005, the chief and deputy chief participated in the Executive Team Seminar sponsored by the Federal Judicial Center in Washington, D.C. This presented an opportunity for teams of chiefs and deputy chiefs to analyze operations in their respective districts and develop a plan of action to create positive changes upon their return to their districts.

In FY2005, two supervisors enrolled in the Federal Judicial Center's New Supervisors Program for newly appointed Probation and Pretrial Services supervisors. The goal of this program is to fully develop the new supervisor within the first two years of appointment. The supervisor is partnered with a coach to offer support and guidance throughout the two-year program.

Pretrial Services was able to have a District Conference on July 20-21, which was attended by the majority of staff (50 participants). This meeting provided a valuable opportunity for individuals from all four offices to interact in training and fellowship. Presentations were given on the Employee Assistance Program, Identity Theft, and the *Charter for Excellence*. All sessions were informative and included group exercises that were fun and enhanced camaraderie.

Safety

FY2005 was a benchmark year for Pretrial Services in the area of officer safety with the establishment of a district firearms program, CPR/First Aid program, and defensive tactics program. These programs were designed to provide pretrial services officers the means for self-protection in accordance with established national safety programs. As the district implemented supervision *Monograph 111*, which places more emphasis on "community" supervision, especially in cases which pose higher risk to the community, the potential for risk toward officers was clearly visible. With this in mind, necessary steps were taken to establish a firearms program for pretrial services officers. Upon receiving authorization from the Court for such a program, U.S. Pretrial Services began working closely with the U.S. Probation Office and developed a District Firearms Policy while adhering to the National Firearms Policy. Authorized weapons are Glock Models 22 and 23. Pursuant to the District Firearms Policy, officers involved in the firearms program must attend biannual training and biannual qualifications to maintain authorization to carry their firearm in the performance of their official duties. The District's policy exceeds the National Firearms Policy's recommendation of at least one qualification per year. Failure to qualify or attend a training results in the immediate revocation of the officer's authorization to carry their firearm.

During FY2005, six officers completed training and qualified at the Federal Law Enforcement Training Center (FLETC) in South Carolina. Twenty-two pretrial services officers attended a local three-day firearms certification program presented by U.S. Probation's certified firearms instructors. U.S. Pretrial Services and U.S. Probation have combined firearms programs and provide officers with the necessary training to assess potentially life-threatening situations, and to take appropriate steps to remove themselves from the threat. Officers are only permitted to use a firearm in self-defense or to protect a fellow officer from what the officer perceives as an immediate threat of death or serious bodily harm.

Regarding defensive tactics, it was decided Pretrial Services would follow the policy of the U.S. Probation Office and would also utilize the training materials and policies of the National Officer Safety Program of the Administrative Office. The initial defensive tactics training sessions were designed to focus on fundamental skills such as the proper stances, basic strikes, blocking techniques, and releases from grabs or holds. Experienced trainers from the U.S. Probation Office were consulted for the preparation of initial training sessions for pretrial services staff. These sessions were held in January and February 2005, in Tucson and Phoenix, and were taught by a combination of experienced probation trainers and new pretrial services trainers. All pretrial services officers and officer assistants learned basic defensive tactics for self-defense and for many in the agency, this training provided their first exposure to the physical nature of defensive tactics training.

In July 2005, defensive tactics trainers for Pretrial Services were invited to work with the U.S. Probation Office to help provide a full-day of defensive tactics training to probation staff. This training was conducted as a segment of the Probation Office's District conference in Sedona and included presentations in defensive tactics and OC spray. This collaborative effort between the two agencies was mutually rewarding and provided trainers the opportunities to learn from one another.

On December 9, 2004, a training session for OC spray was held in Tucson for all officers who had not received this training earlier in the year. This training session featured the National OC Training Program and included practical exercises for the approved drawing and spraying positions. At the conclusion of this session, nearly every officer in the district was certified to carry OC spray during the performance of their official duties.

In FY2005, Pretrial Services launched its first District-wide training and certification in Cardio Pulmonary Resuscitation (CPR) and basic first aid. Staff members of all levels participated in this vital, life saving skill, which included workplace CPR, first aid and real life scenarios to adequately train and prepare staff members to respond to emergency situations. In all, the Pretrial Services staff members who participated in the training, 100% passed and were certified by Pretrial Services American Red Cross CPR instructors. Cardio Pulmonary Resuscitation skills are momentous in both a professional and personal level. Pretrial Services strives to prepare its officers, as well as all other staff members, with the skills necessary to save a life through CPR and basic first aid.

Clearly, FY2005 was a successful year for the District's safety programs. Much of the success was facilitated by willingness of the U.S. Probation Office to share their training expertise, and resources with the Pretrial Services Office. A huge debt of gratitude is owed to the U.S. Probation Office for their invaluable contribution to the safety programs.