

PRETRIAL SERVICES HISTORICAL PERSPECTIVE

EARLY BAIL STUDIES: The roots of Pretrial Services may be traced to Arthur Beely (1927) and Caleb Foote (1954) who examined the bail systems in Chicago and Philadelphia respectively and found widespread abuses including unnecessary detention of the indigent, the use of bail to punish defendants prior to a determination of guilt, and the impropriety of permitting the professional bondsman to act as release brokers for the court. These critics concluded that judges should set bail based on the overall social background and circumstances of a defendant, not the basis of the alleged offense or a defendant's ability to raise money.

MANHATTAN BAIL PROJECT: No further meaningful attention was given to the issue of bail until 1960 when the U.S. Supreme Court affirmed that "pretrial detention due solely to the indigence of the defendant, is a clear denial of the Fourteenth Amendment." A year later in 1961 Louis Schweitzer created the Vera Foundation in New York City in response to jails overcrowded with "presumed innocent" persons. His three year experimental program, the Manhattan Bail Project, proved the efficacy of using social criteria as opposed to personal wealth in making determinations about bail. This project and others served to raise the national consciousness and in 1966 Congress passed the Bail Reform Act.

BAIL REFORM ACT OF 1966: The act provided federal judicial officers with standards and guidelines requiring consideration of a defendant's overall background and community ties. It created a presumption of release and required the court to impose the least restrictive conditions which would reasonably assure that a defendant would honor future court commitments. The Act did not, however, provide a mechanism by which this information could be secured, verified and provided to judges in a timely fashion. Another eight(8) years passed before that service was provided.

SPEEDY TRIAL ACT OF 1974: with the enactment of Title II of the Speedy Trial Act of 1974 the Director of the Administrative Office of the U.S. Courts was authorized to establish pretrial services agencies in ten (10) demonstration districts.

PRETRIAL SERVICES ACT OF 1982: Based on the statistical success in the ten (10) demonstration districts, the recommendation of the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts, Congress passed the Pretrial Services Act of 1982 which authorized the establishment of pretrial services in all judicial districts other than the District of Columbia. Magistrate Judge Olga Jurco of the Northern District of Illinois, now retired, testified before Congress as to the success of the program in this district. It would be another eight (8) years, however, before the Chicago office would make its final transformation.

COMPREHENSIVE CRIME CONTROL ACT OF 1984: The passing of the Pretrial Services Act came at a time when there was growing public concern about safety in the community. Thus, the Comprehensive Crime Control Act of 1984 placed the consideration of community safety on an equal footing with reappearance for court as factors to be considered when releasing a defendant on bail. This represented a philosophical departure from previous legislation.

PRETRIAL SERVICES IN THE NORTHERN DISTRICT OF ILLINOIS: Chief Judge James B. Parsons, now deceased, was a willing volunteer for the project and under the direction of then Chief Probation Officer William Pilcher, Pretrial Services was established in 1975 in Chicago as a special unit of the Probation Department. The staff selected from the existing probation officers was supplemented with newly hired personnel totaled eight (8) officers, assisted by four (4) clerks. The office today totals thirty-one (31) with twenty-three (23) officers and eight (8) support staff, including two (2) officers in the Rockford Division.

The officers were tasked with providing the court with verified background information about a defendant, with overseeing adherence to the conditions of release, and with providing necessary services to persons released pending trial. At the time it was anticipated that there would be a reduction in crime committed by released defendants, a reduction in unnecessary pretrial detention, and a more effective use of the nonfinancial release provisions of the Bail Reform Act.

Since 1975 we have come a long way. It was not until 1990, however, that a separate agency was formed. Supervising Officer Robert L. Fowler was appointed as Pretrial Services first chief by Chief Judge James B. Moran. Robert Fowler retired in 1999 and was succeeded by James P. Fogerty, the former Deputy Chief from the probation office. In July 2005 the office's third Chief, Ann Marie Carey, was appointed upon the retirement of Mr. Fogerty. Ms. Carey had previously served as a Supervising Officer and most recently as the Deputy Chief prior to her appointment to Chief.

Great strides have been made in our ability to provide judicial officers with verified background information, accurate criminal history data, and meaningful supervision services to defendants. In 1997 we entered a new phase of service to defendants through "Operation Drug Test," a Department of Justice funded pilot program that has assisted the court by early testing for drug use and timely treatment interventions. We continue to be faced with over crowded jails and public concerns about safety in the community. We are also facing a present generation of federal defendants are more prone to violence than in previous years. We are now confronted with new concerns about the present generation of defendants who are more prone to violence than in previous years and with our growing concerns about officers' safety in the field as they conduct the business of monitoring defendant activities in the community.

Through trial and error we have grown, changed, and continue to evolve as we strive for excellence in all that we do. As an agency we have in essence grown up. We continue to regularly evaluate our objectives, standards, controls, and accountability. We have also become more comfortable with change as a norm, even with rapidly changing technologies, a diverse defendant population and changing concerns of the judiciary and the public.

It is our goal to remain a viable presence in this court by striving to deliver quality services by a dedicated staff who function with integrity and commitment.