



## FCAC 2.15 Pretrial Services Observation and Interview Standards

Assessors should continue with observations and interviews until they confirm compliance or noncompliance.

### **Chapter 1 Personnel Practices**

- 1.01M Observe personnel records
- 1.02M Observe recruitment literature, posters, websites, and employment applications
  - Interview employees on recruitment practices
- 1.06M Observe training documentation for initial year of employment (40 hrs min)
- 1.07M Interview employees to ensure training completed prior to assuming job responsibilities
- 1.08M Observe training records for annual job training (40 hrs min)
- 1.09M Observe electronic system, if used for performance evaluations
  - Interview employees regarding performance evaluation process
- 1.10M Interview employees on agency grievance procedures, to include:
  - Filing a grievance
  - Acknowledging receipt of grievance by noting date and receiving agent
  - Formal written response requirements
  - Remedy of adjustment, if any, to be made to resolve the grievance

### **Chapter 2 Organization and Management**

- 2.02M Observe written directive system, if electronic system is used.
  - Interview employees ensuring dissemination and receipt of new and revised directives within a specified timeframe.
- 2.05 Observe agency outcomes
- 2.07M Observe inventory control system
- 2.08M Observe accounting system
- 2.10M Observe procedure for storage, collection, and protection of agency data, to include:



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- Use of electronic communication
- Internet access
- Security measures
- Access restrictions
- Authorized use

### **Chapter 3 General Safety, Communication, and Conduct**

- 3.01M Observe evacuation signs in public areas
- 3.02M Interview employees on safety and security procedures for in-office arrests and physical incidents.
- 3.03M Interview employees about safety and security procedures, to include:
  - Office arrests, if applicable
  - Office and detention safety practices and security procedures
  - Field safety/security procedures, if applicable
- 3.04M Interview employees outlining field safety, to include
  - Supervisory notifications of location and estimated time of return
  - Guidelines for verifying member status after an established period of time has elapse without contact
  - Notification of law enforcement, when applicable
- 3.05M Interview employees on code of conduct which:
  - prohibits using their official position to receive privileges for themselves or others
  - engaging in activities that constitute a conflict of interest
  - accepting gifts or gratuity or engaging in personal business
  - Supervising a defendant or probationer with whom the employee has a personal relationship, with exceptions documented
- 3.06M Interview employees pertaining to prohibited harassment policies, reporting requirements, and protocols for investigation.
- 3.07M Interview employees to verify translation services are available for hearing impaired defendants and defendants with limited English proficiency.



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- 3.08M Interview employees to determine if TTY or TRS services are available.
- 3.10M Interview employees describing the defendant or probationer grievance process, to include:
  - Position responsible for coordination and management of the process
  - Procedure to file a grievance
  - Providing the defendant or probationer a copy of the procedures at orientation with receipt in writing
  - List is issues which cannot be grieved
  - Formal written response requirements
  - Appeal process

### **Chapter 5 Investigations (Pretrial Services)**

- 5.02M Interview employees discussing what is included in the defendant interview, to include:
  - Circumstances of defendant's family
  - Employment
  - Financial resources
  - Character
  - Mental condition
  - Length of residency in the community
  - Criminal history
  - History of Failure to Appear
  - Flight to avoid prosecution
  - Other necessary facts needed for eligibility determination for release
- 5.04M Interview employees on procedures that require the defendant is notified prior to the start of the pretrial interview:
  - The purpose of the interview
  - Information will be verified
  - False or misleading information may hinder the release process
  - Circumstances when defendants may not be interviewed



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### **Chapter 6 First Appearance and Jail Management (Pretrial Services)**

- 6.01M Interview employees for verification of attendance at first appearance proceedings and make available the following information:
  - Ties to the community
  - Residential history
  - Financial status
  - Employment history
  - Mental health condition
  - Substance abuse history
  - Criminal record
  - Failures to appear
  - Prior community supervision violations
  - Probation/parole/conditional release status
  - Pending charges
  - High risk status due to defendant being identified under the Anti-Murder Act, Jessica Lunsford Act, or Andrew Wildman Act
- 6.02M Interview employees about the use of a risk instrument or established release criteria that has been reviewed periodically by the Chief Judge or designee of the local jurisdiction.
- 6.04M Interview employees about their assessment of pretrial jail population to identify defendants who may qualify for release in lieu of incarceration pending case disposition.

### **Chapter 7 Release and Supervision**

- 7.01M Interview employees on community supervision programs with a varying continuum and intensity. The least restrictive options providing reasonable assurance the defendant will appear for court and protect the community should be considered.
- 7.02M Interview employees to address staff attendance during court hearings.
- 7.03M Interview employees to determine if orders or agreements include the following information:
  - Defendant/probationer name



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- Supervision type
- Operating agency
- Case number or identifying number
- Reason or supervision conditions
- Current charges
- Special conditions of release or supervision
- Consequences for failing to abide by specified conditions
- 7.04M Interview employees how conditions of supervision are fully explained and has been acknowledged in writing by a pretrial or probation employee. Interpretation is afforded to inmates with limited English proficiency and documented.
- 7.06M Interview employees about case file management and file retention schedule. Verify the file contains the following:
  - Signed order
  - Photograph, when available
  - Grievance procedure
- 7.09M Interview employees concerning comprehensive case notes held for each supervised defendant or probationer.
  - Observe case files
- 7.10M Interview employees to determine case status reviews are conducted at a frequency determined by the agency which include:
  - Any new law violations
  - Updates and changes to current case information
  - Court appearance schedules
  - Special conditions for compliance
- 7.12M Interview employees on how violations of supervision and probation are reported within a specified timeframe
- 7.14M Observe equipment used for electronic monitoring, if used



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- Interview employees to determine if defendants or probationers on electronic monitoring are supervised in accordance with guidelines addressing:
  - Release coordination from the jail facility
  - Installation, fitting, and return of equipment
  - Maintenance and calibration of equipment to meet manufacturer's recommendations
  - Staff training
  - Approved activity verification
  - Curfew and zone review
  - Procedures for addressing emergencies
- Directive must include global positioning satellite, alcohol monitoring, and any other similar technology used by the agency
- 7.15M Interview employees concerning procedures for substance abuse testing:
  - Sample collection
  - Chain of custody
  - Sample disposal
  - Review of results
  - Scientific confirmation of positive results
  - Court notification of results
  - Documentation requirements
  - Periodic staff training

### **Chapter 8 Probation Monitoring**

- 8.02 Interview probationer regarding the validated assessment used to determine probation program needs and risk:
  - Initial assessment of probationer
  - Additional assessment, if conducted
  - Personal interview with probationer



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- Safety objectives that address community safety and offender needs
- Documentation of results and communication with probationer
- 8.06 Interview employees to identify ways offenders are assisted with finding employment