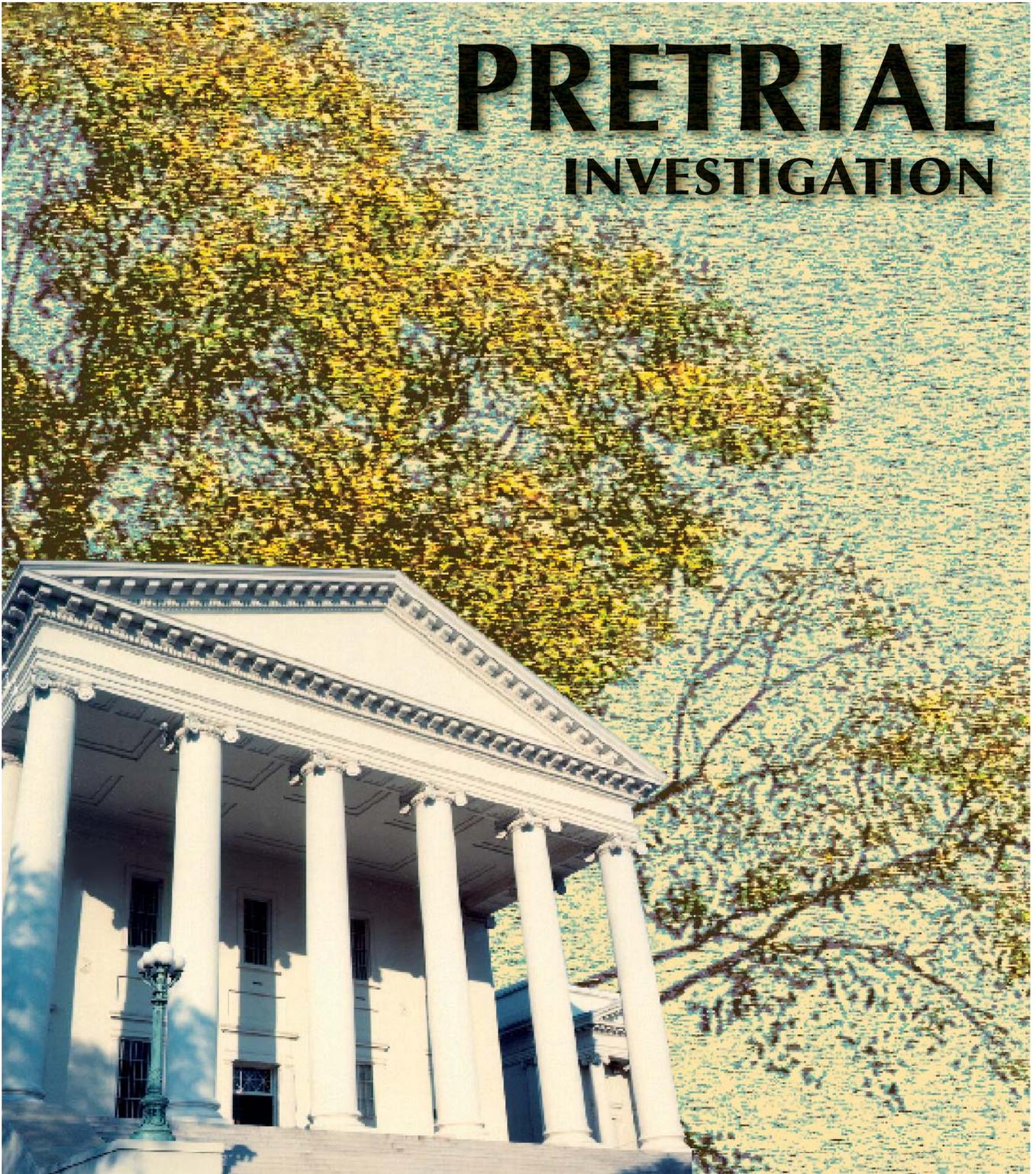


PRETRIAL INVESTIGATION



PRETRIAL INVESTIGATION GUIDE

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INTERVIEW PREPARATION

Arrest Related Documentation - Obtain copies of the commitment order and warrant(s) for each defendant. Review and document the following information if the Checklist for Bail Determination DC-327 form is available: length of time in community, place and length of employment, family ties, current probation/parole status, prior criminal record, §19.2-120 information related to presumption, and prior charges of failure to appear.

Jail Software Information – The local jail software system can be a source of information if accessible to pretrial staff. Demographic and other personal information is often captured as well as the defendant’s prior booking history. This information can assist in the interview preparation and be used to ensure the most complete criminal record.

Existing Program Information - Check for existing local program information on defendants in PTCC using the edit-find function and use the edit-find Master Name Index to check for current and prior pretrial services or community corrections placements in every Virginia program.

Criminal Record - Obtain a criminal history check including the National Crime Information Center (NCIC), Virginia Criminal Information Network (VCIN), and the Virginia Department of Motor Vehicles (DMV). The VCIN functions as a service facility under the management and control of the Virginia Department of State Police. In addition to the VCIN data files, the system also provides user access to databases maintained by the Virginia Department of Motor Vehicles (DMV), the National Crime Information Center (NCIC), and the National Law Enforcement Telecommunications System (NLETS). Local automated systems and non-automated sources of criminal history information should also be consulted when appropriate.

The Virginia State Police also maintains a Sex Offender Registry which can be a good source of information for defendants who have previously been convicted of a qualifying sex offense.

The Virginia Supreme Court Case Management System (CMS), a component of the Court Automated Information System (CAIS), accessible through a direct connection or via the Internet, should be checked for the localities served by the program. In addition, CMS can be used to determine dispositions for arrests with unknown dispositions found on a VCIN record.

NCIC/VCIN

The VCIN terminal is used to access NCIC and VCIN criminal records. The following steps should be performed when querying a defendant’s criminal history.

- I. Complete a query of the NCIC and VCIN database by completing a Query History (QH) using the defendant’s name and date of birth. This query will provide, when applicable, State Identification numbers (SID) and a Federal Bureau of Investigation number (FBI). In addition, information will be provided relating to any outstanding warrants, sex offender registration, protective orders, concealed weapons permits, and known associations with gangs or terrorists.
 - a. If a record is not returned, confirm the correct spelling of the defendant’s name.
 - b. If the defendant is female and has ever been married, re-run the query using any and all maiden and married names.
 - c. For all defendants, enter any other known names.
- II. If a SID and/or FBI number are returned as a result of the QH the related records can be accessed by performing a Query Record (QR). A hard copy of a criminal record can be

requested through VCIN when a response is received stating the criminal history is non-computerized (see VCIN manual for further instructions).

Driver Transcript

The VCIN terminal can be used to access Virginia Department of Motor Vehicle (DMV) driver transcripts as well as driver transcripts from other states. Virginia DMV records should always be checked while out of state records should be requested when there is reason to believe the defendant may have had at least one out of state driver's license.

- I. Virginia driver transcript – query the driver transcript files by completing a Query Transcript file (QT) using the VCIN. A QT can be performed first by using the defendant's name and DOB or SSN. If a response is not received after using one of the methods it is recommended that the other method be used to query the file.
- II. Out of state license – query the out of state drivers file by completing a Driver Query (DQ). If an Operators License Number (OLN) is returned the transcript can be requested by querying the out of state Drivers History known as a KQ.
- III. If a driver transcript is returned, but a VCIN and NCIC record is not, re-run the QH using the defendant's information exactly as it appears on the driver transcript if it varies in any way from what was entered during the original QH. Note that the driver transcript is a source of information for most recent and previous addresses and prior names.

CMS

Connections to this system are available four primary ways: Internet, Intranet, Internal, and via the State Police VCIN terminal. The availability of certain localities and courts, such as juvenile, vary depending upon the type of access used.

Public Internet access is available through any Internet connection and does not have user restrictions. The various courts can be found at the following Internet addresses:

- General District Courts - <http://208.210.219.132/vadistrict/select.jsp>
- Circuit Courts - <http://208.210.219.132/vacircuit/select.jsp>.
- Juvenile and Domestic Relations Courts - not accessible through the Internet

It should be noted that the Circuit Court Case Management System available through public Internet access is noted as "a project with a limited number of courts." The Circuit Courts documented below are NOT accessible via the Internet.

Albemarle	Craig	Loudoun
Alexandria	Culpeper	Mecklenburg
Amelia	Essex	Mathews
Bath	Fairfax County	Powhatan
Buchanan	Fairfax City	Prince William
Buckingham	Goochland	Manassas
Campbell	Giles	Manassas Park
Caroline	Greene	Prince Edward
Charlotte	Hampton	Sussex
Charlottesville	Hanover	Washington
Chesterfield	Highland	Westmoreland
Clarke	Henrico	Wythe
Colonial Heights	King and Queen	

Below is a list of cities that are available through the Internet with their corresponding County listing.

Covington - Alleghany
Falls Church - Arlington
Galax - Carroll
Emporia - Greensville

Lexington - Rockbridge
Harrisonburg - Rockingham
Franklin - Southampton
Norton - Wise

Note: Richmond City has 2 (two) Courts listed -Richmond and Richmond Manchester.

Full system access is available via direct connection (internal) to the Virginia Supreme Court through the local Court, through the State Police using the VCIN, or through a county or city intranet using a permanent virtual circuit (PVC). Connection to CMS through a local Court provides access to records from the Circuit, General District, and Juvenile and Domestic Relations Courts. Connection via the Intranet and VCIN provide access to the Circuit and General District Courts. Cases may be searched using name, case number, or hearing date. Searches must be done by individual courts. Statewide searches are not possible. Note that the following Circuit Courts do not participate in this system: Alexandria, Fairfax, and Prince William.

Sex Offender Registry

The Virginia State Police maintains a Sex Offender Registry. If the VCIN identified the defendant as a registered sex offender the registry can be searched via the Internet at <http://sex-offender.vsp.state.va.us/Static/Search.htm> to obtain information for the defendant including the following: a picture, aliases, last known address, physical description, and qualified sex offender convictions.

PRE-INTERVIEW REQUIREMENTS

Defendant Status – Sometimes a defendant cannot be interviewed because they are not accessible (in segregation, isolation, another facility etc.), they are debilitated (due to drugs or alcohol) or for another reason. In these cases a criminal history only court report should be completed in lieu of an interview and full investigation. If a defendant is accessible and in an acceptable state an interview should be attempted.

Limited-English Speaking – Defendants who are Limited English Speaking (LES) may require an interpreter if their primary language is not spoken by an available pretrial staff person. There are a number of phone interpreter services available such as Language Line Services, 1-800-Translate, New-Global Corporation, and others. Programs are encouraged to investigate and select a translation service to be utilized in these cases when funding is available. If an interpretation service and/or interpreter are not available, a criminal history only report should be completed in lieu of an interview and full investigation.

Interview Purpose Notification - When beginning the interview, the Pretrial Officer shall identify him or herself and state that the purpose of the interview is to gather information for the judicial officer to assist with the bail decision or reconsideration.

Authorization for Interview and Release of Information - Explain the Pretrial Authorization for Release of Information and have it signed by the defendant. The form explains the purpose of the interview and gives the Pretrial Officer permission to conduct the interview and contact references provided by the defendant. If a defendant chooses not to sign the form, the Pretrial Officer shall advise him/her that the Judge will be notified of their decision. If the defendant still declines, the interview attempt must be terminated. In these cases a criminal history only court report should be completed in lieu of an interview and full investigation.

INTERVIEW COMPLETION

Once the defendant has signed the Pretrial Authorization for Release of Information, the Pretrial Officer may proceed with the interview – preferably by completing the Setup module (select the investigation check box) of PTCC.

Demographics

1. What is your full name?
2. Are you married, single, separated, divorced, or widowed?
Note: If the defendant is female and single skip to 4, otherwise, continue to 3.
3. What is your maiden name?
4. Is English your primary language?
Note: If the defendant's primary language is other than English continue to 5, otherwise, skip to 7.
5. Are you English literate?
Note: If the defendant is not English literate continue to 6, otherwise, skip to 7.
6. Do you want an interpreter?
7. What is your social security number?
8. What is your date of birth?
Note: If the defendant's race is unknown continue to 9, otherwise, skip to 10.
9. What is your race/ethnicity?
10. Do you have any dependents?
Note: If the defendant has dependents continue to 11, otherwise, skip to 12.
11. How many of your dependents live with you?
12. Where were you born?
Note: If the defendant was not born in the U.S. continue to 13, otherwise, the demographics section is complete.
13. Are you a U.S. citizen?
Note: If the defendant is not a U.S. citizen continue to 14, otherwise, the demographics section is complete.
14. Do you have legal documentation such as a Visa, Resident Alien Card (green card), or Employment Authorization Document (work permit)?

Aliases

1. Do you go by any other name?
2. Have you ever been arrested under any other name?

Residence

1. What is your current address?
2. What is your residence status – do you own, rent, pay room and board, live in a hotel/motel, live with family/friend, or another status?

3. How long have you lived there?
4. Is this also your mailing address?
Note: If mailing address is different continue to 5, otherwise, skip to 6.
5. What is your mailing address?
6. How long have you lived in the area?
7. How long have you lived in the state?
8. What is your phone number and what type of phone is it – cellular, home, pager, work, friend/relative, or other?
9. Who do you live with?
Note: If the defendant lives with someone continue to 10, otherwise, skip to 11.
10. What is that person's relationship to you?
11. Will you be allowed to return to this address when released? If no, where do you plan to live?
Note: If current address is less than one year continue to 12, otherwise, the residence section is complete.
12. What was your previous address?
13. How long did you live there?

Family/Reference

1. Who can you list as a reference to verify this information?
2. What is that person's relationship to you?
3. What is his/her phone number?
4. What phone number can s/he be reached at today?
5. Where does s/he live?

Employment

1. Were you employed at the time of your arrest?
Note: If defendant was employed continue to 2, otherwise, skip to 11.
2. Who do you work for?
3. What is the company's address?
4. What is your supervisor's name and phone number?
5. When did you start working there?
6. When was the last time you worked?
7. What type of work do you do?
8. Does the company know of your arrest and where you are?
9. If necessary, do we have your permission to contact your employer?

10. What is your net monthly income (take home pay)?
11. Within the past two years how many periods of unemployment have you had?
Note: If defendant was employed at the time of the arrest the employment section is complete.
12. When was the last time you worked?
13. Who did you work for?
14. How long did you work there?
15. Were you the primary caregiver for a child (stay at home parent) at the time of your arrest?

Education

1. Are you able to read English?
2. Are you able to write English?
3. Are you currently a student?
Note: If the defendant is currently a student continue to 4, otherwise, skip to 6.
4. Are you a full-time or part-time student?
5. How long have you been a student?
6. What is the last grade you completed?
7. What is the name of the current or last school you attended?

Military

1. Have you ever served in the military?
Note: If the defendant has served in the military continue to 2, otherwise, the military section is complete.
2. What branch did you serve in?
3. What type of discharge did you receive?
4. When did you serve?
5. Are you eligible for VA benefits?

Substance Use

1. What drugs have you ever used?
Note: If the defendant reports to drug use immediately or after follow-up questioning continue to 2, otherwise, skip to 9. Note the responses to 2-8 for each drug reported.
2. When was the last time you used this drug?
3. How often do you use it (or how often did you use it if not currently using)?
4. How long have you been using it (or how long did you use it if not currently using)?
5. How old were you the first time you used this drug?
6. How many times have you used this drug in the last 30 days?

7. Is this your primary drug of choice?
8. Are you interested in substance abuse treatment?
9. Have you ever consumed alcohol?
Note: If the defendant reports to alcohol consumption immediately or after follow-up questioning continue to 10, otherwise, the substance use section is complete.
10. When was the last time you consumed alcohol?
11. How often do you drink (or how often did you drink if not currently consuming)?
12. How long have you been drinking alcohol (or how long did you drink alcohol if not currently consuming)?
13. How old were you the first time you consumed alcohol?
14. How many times have you consumed alcohol in the last 30 days?
Note: If it appears that the defendant may have an alcohol abuse problem continue to 15, otherwise, the substance use section is complete.
15. Is this your primary drug of choice?
16. Are you interested in alcohol abuse treatment?

Substance Treatment

1. Have you ever participated in any alcohol or other drug related treatment?
Note: If the defendant reports to participating in treatment continue to 2, otherwise, the substance treatment section is complete. For each occurrence of treatment complete 2-8 below.
2. What type of treatment was it (detoxification, outpatient, residential, etc.)?
3. What was the primary drug you received treatment for?
4. What was the secondary drug you received treatment for?
5. Did you complete the treatment?
6. Where did you attend treatment?
7. When did you attend treatment?
8. How did you enter the program (court ordered, employment directed, voluntary, or other)?

Health Issues

1. Do you have a physical or mental health issue?
Note: If the defendant reports a physical or mental health issue continue with 2, otherwise, the health issues section is complete. Document the responses to 2 and 3 for each reported health issue.
2. Are you currently under a doctor's care? If yes, who/where?
3. What medications do you take to treat this issue?

Criminal Events

1. Do you have any charges pending against you in any criminal or traffic court other than those related to this arrest?
2. Do you have any outstanding warrants (are you wanted anywhere)?
3. What crimes have you been convicted of as an adult?

Note: If the defendant reports being convicted of a crime as an adult continue with 4, otherwise, skip to 7. Complete 4 and 5 for each conviction reported.

4. Where were you convicted?
5. When were you convicted?
6. Have you ever been convicted of failure to appear?
7. Are you currently under community supervision (pretrial, local or state probation, ASAP, etc.)?

Potential for False Responses

During the interview, a defendant will sometimes give false responses to questions. This can occur because the defendant may be intentionally trying to mislead the interviewer in an attempt to make his/her background appear more favorable. Areas where the greatest potential for soliciting false responses exists include length in area, present residence, substance use and prior conviction record. Staff should make every attempt to gain the defendant's confidence while ensuring that the defendant is aware that all information will be verified. The Pretrial Officer must be aware of the potential for false answers/information.

1. Listen carefully to what the defendant says and how s/he answers questions.
2. Be familiar with the questions and data that must be collected; know which questions are next and how they interrelate.
3. Be attentive to any discrepancies or logical flaws in the information given.
4. Consult the Social Security Number Chart listed on the following page. Some defendants may attempt to mislead the interviewer by claiming to have lived in Virginia their whole life, for example, when their social security number was issued in another state. The first three digits are "area numbers." These numbers will indicate what state the subject resided in when they applied for their social security card.

Prohibited Topics

The interview shall NOT include questioning the defendant on the nature and circumstances of the current charge(s), whether a firearm was used, or the weight of the evidence. The Pretrial Officer shall not allow the defendant to discuss the nature and circumstances of the current charge(s), whether a firearm was used, or the weight of the evidence. If the defendant attempts to discuss any of these issues the Pretrial Officer shall immediately notify the defendant that they may not discuss these issues under any circumstances. If the defendant continues to attempt to discuss any of these issues the interview must be terminated.

The chart below shows the first 3 digits of the social security numbers assigned throughout the United States and its possessions. See "Notes" on the following page.

001-003	New Hampshire	440-448	Oklahoma
004-007	Maine	449-467	Texas
008-009	Vermont	627-645	
010-034	Massachusetts	468-477	Minnesota
035-039	Rhode Island	478-485	Iowa
040-049	Connecticut	486-500	Missouri
050-134	New York	501-502	North Dakota
135-158	New Jersey	503-504	South Dakota
159-211	Pennsylvania	505-508	Nebraska
212-220	Maryland	509-515	Kansas
221-222	Delaware	516-517	Montana
223-231	Virginia	518-519	Idaho
691-699*		520	Wyoming
232-236	West Virginia	521-524	Colorado
232	North Carolina	650-653	
237-246		525,585	New Mexico
681-690		648-649	
247-251	South Carolina	526-527	Arizona
654-658		600-601	
252-260	Georgia	764-765	
667-675		528-529	Utah
261-267	Florida	646-647	
589-595		530	Nevada
766-772		680	
268-302	Ohio	531-539	Washington
303-317	Indiana	540-544	Oregon
318-361	Illinois	545-573	California
362-386	Michigan	602-626	
387-399	Wisconsin	574	Alaska
400-407	Kentucky	575-576	Hawaii
408-415	Tennessee	750-751*	
756-763*		577-579	District of Columbia
416-424	Alabama	580	Virgin Islands
425-428	Mississippi	580-584	Puerto Rico
587-588		596-599	
752-755*		586	Guam
429-432	Arkansas	586	American Samoa
676-679		586	Philippine Islands
433-439	Louisiana	700-728	Railroad Board**
659-665		729-733	Enumeration at Entry

* = New areas allocated, but not yet issued

** 700-728 Issuance of these numbers to railroad employees was discontinued 7/1/1963.

Note 1: The same area, when shown more than once, means that certain numbers have been transferred from one State to another, or that an area has been divided for use among certain geographic locations.

Note 2: An invalid (or impossible) Social Security number (SSN) is one which has not yet been assigned. The SSN is divided as follows: the area number (first three digits), group number (fourth and fifth digits), and serial number (last four digits). To determine if an SSN is invalid consider the following: No SSNs with an area number in the 800 or 900 series, or "000" area number, have been assigned. No SSNs with an area number above 728 have been assigned in the 700 series, except for 729 through 733 and 764 through 772. No SSN's with a "00" group number or "0000" serial number have been assigned. No SSNs with an area number of "666" have been or will be assigned.

DEFENDANT IDENTIFICATION

Record Identification - If the defendant cannot be identified through NCIC, VCIN, DMV, CMS, local records, or fingerprints; or if there is reason to believe the person is not who s/he claim to be, every attempt shall be made to positively identify the defendant until verification is received.

Follow-up Interview - Re-interview the defendant checking for any inconsistencies. Inform the defendant that the Court will be notified that his/her identity has not been confirmed.

Court Notification - Notify the Court via the court report that the identity of the defendant has not been positively confirmed.

Fingerprint Request - When there is confidence that a defendant is not who s/he claims to be, (as opposed to simply not receiving computer verification), request that the defendant be fingerprinted and identified if this has not been done.

VERIFICATION

After the interview, attempts must be made to verify portions of the information provided during the pretrial interview. Contact references provided by the defendant to verify information as soon as possible and reasonable after the interview. In order for information to be considered valid, it should be verified before a defendant has time to contact references to coach them on responses. When contacting references:

Identify Self/Purpose - The Pretrial Officer must identify himself/herself and explain the reason for the call (example: verifying residence).

Facts of Case - Do not discuss specific facts of the case. If necessary release the defendant's current location, court date, and court time.

Contacting Employers - If the defendant's employer must be contacted to verify information, do not release any information unless the defendant grants Pretrial Services specific permission to do so. Every attempt shall be made not to jeopardize a defendant's employment.

Major Discrepancies - If the defendant's background has not been sufficiently verified, or there are major discrepancies between information provided by the defendant and the reference(s), attempt to re-interview the defendant. If this cannot be done prior to arraignment, note the discrepancies on the court report.

NOTIFY CRIMINAL JUSTICE SUPERVISION STAFF

When a defendant is under community supervision for Probation, Parole, Community Corrections, ASAP, or Pretrial Services at the time of the arrest, the supervising Officer shall be contacted and informed of the new charge(s). Document any comments, negative or positive, the Officer may make. If this is not feasible prior to the completion of the investigation the supervising Officer should be notified of the arrest after first appearance.

VPRAI RISK ASSESSMENT

Upon completion of the criminal history, interview, and verification processes, complete the Virginia Pretrial Risk Assessment Instrument (VPRAI) contained in PTCC for all eligible defendants (see Virginia Pretrial Risk Assessment Instrument Completion Instruction Manual).

COMMENTS/RECOMMENDATION

Comments and recommendations to the judicial officer should be made via the VPRAI when it is a part of the Court Report. Otherwise, the comments and recommendations should be noted on the Court Report in the appropriate place. Five steps should be followed when preparing the comments and recommendations as follows:

1. Meets Presumption of No Bail §19.2-120
2. Additional Risk Considerations and/or Mitigating Factors
3. Pretrial Supervision Recommended
4. Recommended Conditions of Supervision
5. Other Recommendations for Term and Conditions of Bail

Meets Presumption of No Bail §19.2-120

If the Magistrate's Bail Determination Checklist has identified that the defendant meets the Presumption of No Bail per §19.2-120 of the Virginia Code it should be indicated, including the reason that presumption is applicable in this case.

Additional Risk Considerations and/or Mitigating Factors

Additional risk considerations are areas of risk that have been identified during the pretrial investigation that are not accounted for in the nine (9) primary risk factors detailed in the VPRAI. Mitigating factors are factors that may mitigate the seriousness of any of the nine (9) primary risk factors that were identified in the VPRAI. Additional risk factors and/or mitigating factors deemed appropriate for bail consideration or reconsideration that have a relationship with the risk of failure to appear and/or danger to the community should be documented for the judicial officer.

Pretrial Supervision Recommended

The Pretrial Officer should clearly indicate whether or not pretrial supervision is being recommended for the defendant.

Recommended Conditions of Supervision

If pretrial supervision is recommended the Pretrial Officer may suggest specific conditions of supervision that could potentially mitigate the perceived risk identified for the defendant. Examples of appropriate conditions of release are as follows:

1. Refrain from excessive use of alcohol, or use of any illegal drug or any controlled substance not prescribed by a health care provider.
2. Submit to testing for drugs and alcohol until the final disposition of the case.
3. Refrain from possessing a firearm, destructive device, or other dangerous weapon.
4. Avoid all contact with an alleged victim or potential witness.
5. Maintain employment or, if unemployed, actively seek employment.
6. Maintain or commence an educational program.
7. Comply with a specified curfew.

See §19.2-123 of the Virginia Code for other potential appropriate conditions of supervision.

Other recommendations for Term and Conditions of Bail

Any other recommendations to the judicial officer should be noted following completion of the four steps outlined previously. Examples of recommendations other than pretrial supervision as noted above include: PR bond, bond reduction, bond continued, bond increase, and no bond. At no time shall a recommendation of secured bond and supervision be made by Pretrial Services.

CRIMINAL HISTORY ONLY COURT REPORT

If a defendant could not be interviewed because they were not accessible or they declined an interview, a Criminal History Only Court Report should be completed.

PRESENTING REPORTS TO COURT

Deliver the Court Reports to the respective courts and Commonwealth's Attorneys Offices. The Pretrial Officer shall appear in Court with the defendant in person or via video conferencing and be available to answer any questions regarding the Court Report.

When attending the arraignment, the Pretrial Officer shall record the Court's decision on release. When a defendant is referred to pretrial services, document the conditions of release, the next scheduled court date and time, and the name of the defense attorney.

If a Court Report is presented in a Court not attended by Pretrial Services staff, the Pretrial Officer shall follow-up with the Clerk's office to determine the outcome of the case. The Court's decision on release shall be documented, and in cases when a defendant is referred to pretrial supervision, the conditions of release, next scheduled court date and time, and the name of the defense attorney shall also be recorded.