



# COUNTY OF FAUQUIER OFFICE OF ADULT COURT SERVICES



*“Effective Alternatives for the Courts and Community”*

**Thomas S. Pavelko**  
*Director*

**Tiffany A. Embrey**  
*Assistant Director*

The Office of Adult Court Services is a county government department providing effective services to the courts and the community. In addition to pretrial services, these include probation services, the community service labor program, monitoring of fines, costs and victim restitution, grant writing and administration of the Fauquier/Rappahannock Community Criminal Justice Board.

## **HISTORY**

In October 2000, Fauquier County was awarded state grant funding from the Department of Criminal Justice Services for the purpose of developing a pretrial services program pursuant to [§19.2-152.2](#) of the Code of Virginia.

Pretrial programs provide several important services to the courts and the community. These include:

- Investigation of pretrial defendants detained at the local jail awaiting arraignment;
- Providing the court with a detailed report and bail recommendation at arraignment based upon prior criminal record, risk of flight and history of violence;
- Providing pretrial supervision services to defendants released to program supervision prior to trial;
- Ensuring that defendants are present for scheduled court dates; and
- Reporting violations to the courts and assisting law enforcement officials in locating defendants who have absconded.

Through these services, pretrial programs assist judges and magistrates in making more informed bail decisions, as well as enhance public safety by providing supervision to released pretrial defendants.

## **PRETRIAL INVESTIGATION**

Pretrial services programs typically consist of two major program components: pretrial investigation and pretrial supervision.

Assessing a defendant’s likelihood of court appearance and risk to public safety requires data on his prior criminal record, history of court appearances, ties to the community and previous compliance with supervision.

The pretrial investigation, which generally takes place at the jail early in the morning on the day following arrest, is designed to gather this information in a face-to-face or teleconferenced interview with a trained Pretrial Investigator. The investigation is not designed to examine the circumstances surrounding the current charge or to encourage self-incriminatory statements.

Following the interview, the Pretrial Investigator will verify the information, perform a criminal history record check, and collate this data into a report. This report, in addition to a bail recommendation, will be presented to the court at the defendant's first appearance or "arraignment". This recommendation may be for a promise to appear, a release to supervision, an unsecured bond, a reduced secure bond, or continued detention.

At arraignment, the court will review the report and decide whether to abide by the recommendation. If the court decides on unsupervised release or continued detention, the pretrial services program's involvement in the case comes to a close. If pretrial supervision is ordered, however, the defendant will be remanded to the custody of the pretrial services program pending trial.

### **PRETRIAL SUPERVISION**

Defendants may be placed on pretrial supervision either after investigation and arraignment or through direct placement by judges or magistrates. All pretrial defendants are required to abide by the standard and special conditions of bail and general program requirements. These will include remaining of good behavior, face-to-face contact with assigned pretrial staff, and appearance in court as scheduled. Conditions may also include substance abuse testing or treatment, counseling, mental health evaluation and abiding by protective or "stay away" orders.

If the defendant's adjustment to pretrial supervision is satisfactory, the pretrial staff will advise the court at or before trial.

If, however, the defendant does not abide by court-imposed conditions and program requirements, the pretrial staff will advise the court that the defendant's adjustment is poor. This may result in the defendant being detained for the balance of time pending trial – particularly if the infraction involves a risk of flight or threat to public safety.

Pretrial programs have been demonstrated to:

- Reduce public cost of detention;
- Increase likelihood of defendants' appearance at trial;
- Provide an alternative that corresponds with the constitutional presumption of innocence; and
- Provide a higher level of defendant accountability than traditional forms of bail.