

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

STANDING ORDER
GOVERNING
THE USE AND
DISCLOSURE OF
PRETRIAL SERVICES
REPORTS

MAGISTRATE JUDGE PEREZ-MONTES

STANDING ORDER

“Pretrial Services” is an “arm of the judiciary” created by statute and staffed by the chief probation officer. 18 U.S.C. 21 3152(a); *see United States v. Pena*, 227 F.3d 23 (2d Cir. 2000). United States Probation Officers thus prepare Pretrial Services Reports (“Bond Reports”) while acting as an “arm of the Court.”

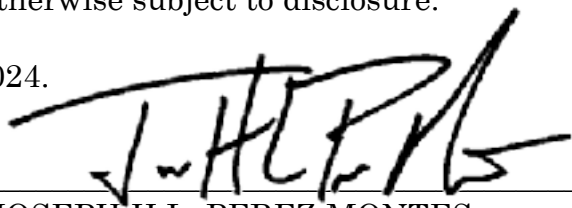
Bond Reports “shall be used only for the purposes of a bail determination and shall otherwise be confidential.” 18 U.S.C. § 3153(c)(1). In essentially any circumstance, Bond Reports are not subject to disclosure by statute or regulation; not admissible as evidence at trial or sentencing; and not subject to objections, as are presentence reports. *See* 18 U.S.C. § 3153(c)(3).

Accordingly, the following procedures will be observed in all criminal matters pending before the undersigned:

- If the Court will rely upon the contents of a Bond Report in making a bail determination, the Bond Report will be made temporarily available to counsel on the date of the bail hearing, and at no time before.

- If the bail hearing will take place in person, attorneys will be provided one physical copy of the Bond Report, which must be returned at the conclusion of the hearing.
- If the bail hearing will take place remotely, attorneys will be provided an opportunity to review the Bond Report electronically.
- If the Court relies upon the contents of a Bond Report to make a bail determination, that will be stated on the record. *See* 18 U.S.C. § 3142(i). However, attorneys may not contact or communicate with Pretrial Services Officers, with or without opposing counsel present, to discuss disagreements with, or potential corrections or other adjustments to, Bond Reports. Instead, at the bail hearing, attorneys may request from the Court the opportunity to make any such clarifications or arguments.
- Before disclosure, Bond Reports will be redacted to exclude any recommendations (or specific reasons therefor) to the Court, and if necessary, to exclude any other statutorily-protected information not otherwise subject to disclosure.

SIGNED on Thursday, August 8, 2024.



JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE