



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF  
Director

WASHINGTON, D.C. 20544

December 19, 2022

Honorable Chuck Grassley  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

Thank you for your letter dated November 1, 2022, concerning Mr. Leonard Glenn Francis. I fully understand the public's interest in the efficacy of the federal pretrial services program, and I appreciate the opportunity to respond to your questions.

The underlying facts and outcome in Mr. Francis' cases are not the norm. On the contrary, the vast majority of pretrial defendants released to the community pending trial and sentence are successful, meaning that they do not commit new offenses while they are in the community, are not revoked, and appear for their court dates. In FY 2022, federal probation and pretrial services officers supervised more than 60,000 defendants on pretrial services supervision. Of these, less than one percent were found to have committed a new felony offense while under pretrial supervision and only 1.7 percent failed to appear in court as required. Of the 25,000 pretrial services cases closed in FY 2022, 25 percent had a location monitoring condition active at some point during the period of supervision. Pretrial services supervision costs approximately \$12 per defendant each day, while the cost of pretrial detention costs taxpayers approximately \$98 per defendant each day. Notwithstanding outlier cases like Mr. Francis, federal pretrial services supervision is a cost-effective program that enhances public safety.<sup>1</sup>

AO staff recently completed a review of Mr. Francis' case. The review included an examination of the case file, data from our location monitoring vendor, and interviews with the vendor and court staff, who cooperated fully with the review. Based on our review, we made several findings and recommendations pertaining to the offices' compliance with national policies and procedures, such as documenting supervision activities. However, I will note that there is no reason to believe these findings were directly related to the Mr. Francis' ability to abscond. In fact, the review reflected that

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<sup>1</sup>Research has shown that pretrial detention—for any length of time—is associated with a higher likelihood of a new arrest pending trial.

the pretrial services office promptly commenced and escalated its responses when it received the alert that Mr. Francis had tampered with his monitoring equipment by cutting off his ankle strap.

I understand that you are interested in specific details about Mr. Francis' case, including when the local pretrial services office was first notified that his location monitoring bracelet had been tampered with and his arrangement with the private security firm. Maintaining the confidentiality of pretrial services information is important to ensure that officers obtain complete and accurate information from defendants and others. The disclosure of pretrial services information for purposes other than determining pretrial release could deter individuals from cooperating with officers, thereby depriving courts of necessary information and, potentially, compromising public safety. Therefore, it would be inappropriate to comment on Mr. Francis' case specifically. I am, however, glad to provide information about how pretrial services officers typically perform their duties, including location monitoring functions.

Probation and pretrial services officers supervise defendants released to their custody in accordance with the conditions imposed by the court. Location monitoring is one of the conditions that the court may impose. The AO has published an overview of the location monitoring program that includes a description of the technology used, the types of alerts managed by probation and pretrial services officers, and data on the number of cases on location monitoring and the violations reported.<sup>2</sup> Pretrial services supervision often requires the defendant to report to the probation or pretrial services officer and may entail the officer periodically visiting the defendant's home. The frequency of home visits would be influenced by several factors including the risk level of the defendant, the types of conditions imposed by the court, and the defendant's history of compliance. While at the defendant's home, officers are trained to look for signs of noncompliance and are permitted to seize any contraband in plain view. Any evidence that a person on supervision is planning to abscond would be investigated and, if substantiated, reported to the court and to the attorney for the government.

If the court imposes a location monitoring condition, it is executed by the local probation and pretrial services office using technology and services under a national contract. Private security retained by a defendant, whether pursuant to a condition or not, has no role in the location monitoring program. While the AO does not track how often private security is imposed, it does not appear to be often. To the extent it is imposed, it is usually proffered, procured, and paid for by the defendant. Any coordination required

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<sup>2</sup>See <https://www.uscourts.gov/services-forms/probation-and-pretrial-services/supervision/federal-location-monitoring>; see also Trent Cornish, "The Many Purposes of Location Monitoring," FEDERAL PROBATION JOURNAL (Sept. 2010), available at <https://www.uscourts.gov/federal-probation-journal/2010/09/many-purposes-location-monitoring>.

between private security and the local probation and pretrial services office would be set out in the conditions of release imposed by the court.

You also asked about the number of defendants released under “medical furlough.” There is no specific statutory provision for the medical furlough of a pretrial defendant and this is not data the AO collects. Instead, a court’s decision to release or detain a defendant is based on a consideration of the factors and procedures outlined in 18 U.S.C. § 3141, et seq. These provisions require the court to consider, among other things, the “physical and mental condition” of the defendant.<sup>3</sup>

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs, Administrative Office of the U.S. Courts, at 202-502-1700.

Sincerely,

A handwritten signature in black ink that reads "Roslynn R. Mauskopf". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Roslynn R. Mauskopf  
Director

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<sup>3</sup>See 18 U.S.C. § 3142(g)(3)(A).