



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

IN RE:

TEMPORARY PROCEDURES TO  
PROVIDE PRETRIAL SERVICE REPORTS  
BY EMAIL TO ASSIGNED COUNSEL  
(AUSA AND DEFENSE ATTORNEY) WHO  
ARE APPEARING TELEPHONICALLY OR  
BY VIDEO

GENERAL ORDER NO. 613

On March 18, 2020, the Eastern District of California issued General Order No. 612 which placed additional restriction on courthouse access based on the coronavirus (COVID-19) outbreak. The Order requires that to the extent possible, all criminal matters be conducted by telephonic or video conferences. Due to these telephonic and video appearances, the court finds that it is necessary to implement temporary procedures for providing attorneys access to pretrial services reports and to allow pretrial services officers to appear telephonically in criminal cases.

Pursuant to 18 U.S.C. § 3153, “[e]ach pretrial services report shall be made available to the attorney for the accused and the attorney for the Government.” 18 U.S.C. § 3153(c)(1). The Director is to issue regulations establishing the policy for the release of such information which is to provide for the confidentiality requirement that the information be used only for purposes of bail determination and is otherwise confidential. 18 U.S.C. § 3153(c)(2). The Guide to Judiciary Policy provides that the pretrial report shall be made available to the defendant, and the attorneys for the defendant and the government pursuant to the practice and procedure of the district court in connection with a pretrial release or detention hearing. Guide to Judiciary Policy, Vol. 8A, Appx. 5A. In this district, it has been the practice and procedure to physically provide copies of

the pretrial services report to the interested parties at the hearing and collect the report at the conclusion of the hearing. However, in the current state of affairs, the parties are not present in court to receive the pretrial services report. Good cause therefore exists to implement temporary procedures to provide the pretrial services report while taking into account the confidentiality of the information contained within the report.

Accordingly, through May 1, 2020 and any time thereafter based upon a further General Order or any extension(s) of General Orders 611 and 612, the United States Pretrial Services for the Eastern District of California may appear telephonically in criminal proceedings. Pretrial Services shall email pretrial services reports to the assigned counsel (AUSA and FDO/Panel Attorney/retained Counsel) who are appearing telephonically or by video in criminal cases. Pursuant to the pretrial services confidentiality regulations, 18 U.S.C. § 3153(c)(1), pretrial services reports shall be used only for the purposes of bail determination. Pretrial services reports shall be made available to the attorney for the accused and the attorney for the government. Pretrial services reports are not public record, shall not be reproduced or disclosed to any other party, and shall remain confidential. Once the matter is complete the email shall be deleted and no record of the pretrial services report shall be kept by the recipient.

IT IS SO ORDERED.

Dated: March 25, 2020.

FOR THE COURT:

  
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CHIEF UNITED STATES DISTRICT JUDGE

/s/ Edmund F. Brennan  
EDMUND F. BRENNAN  
CHIEF MAGISTRATE JUDGE

/s/ Deborah L. Barnes  
DEBORAH L. BARNES  
MAGISTRATE JUDGE

/s/ Stanley A. Boone  
STANLEY A. BOONE  
MAGISTRATE JUDGE

/s/ Allison Claire  
ALLISON CLAIRE  
MAGISTRATE JUDGE

/s/ Dennis M. Cota  
DENNIS M. COTA  
MAGISTRATE JUDGE

/s/ Carolyn K. Delaney  
CAROLYN K. DELANEY  
MAGISTRATE JUDGE

/s/ Erica P. Grosjean  
ERICA P. GROSJEAN  
MAGISTRATE JUDGE

/s/ Barbara A. McAuliffe  
BARBARA A. McAULIFFE  
MAGISTRATE JUDGE

/s/ Kendall J. Newman  
KENDALL J. NEWMAN  
MAGISTRATE JUDGE

/s/ Sheila K. Oberto  
SHEILA K. OBERTO  
MAGISTRATE JUDGE

/s/ Jeremy D. Peterson  
JEREMY D. PETERSON  
MAGISTRATE JUDGE

/s/ Jennifer L. Thurston  
JENNIFER L. THURSTON  
MAGISTRATE JUDGE