

TITLE 3 – COURTS AND RULES OF COURT
PART I – COURTS
CHAPTER 1-6 – PRETRIAL SERVICES

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Section 10 Establishment of Pretrial Services (3 PYTC § 1-6-10)

- (A) The Chief Judge of the Pascua Yaqui Tribal Court shall provide directly for the establishment of Pretrial Services Division. Pretrial Services established under this section shall be supervised by a Pretrial Services Supervisor appointed under this title.
- (B) Policies and Procedures for Pretrial Services and any subsequent amendments thereto shall be approved by the Chief Judge.

Section 20 Organization and Administration of Pretrial Services (3 PYTC § 1-6-20)

- (A) With the approval of the Chief Judge, the Pretrial shall hire such other personnel as may be required. The position requirements and rate of compensation of such other personnel shall be established by the Pretrial Services Supervisor with the approval of the Chief Judge.
- (B) Except as provided in this subsection, information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of a bond determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Tribe.
- (C) The Pretrial Services Supervisor shall issue regulations establishing the policy for release of information made confidential by paragraph (B) of this subsection. Such regulations shall provide exceptions to the confidentiality requirements under paragraph (B) of this subsection to allow access to such information
 - (1) By qualified persons for purposed of research relations to the administration of criminal justice;
 - (2) By Probation Officers for the purpose of compiling presentence reports;
 - (3) Insofar as such information is a pretrial diversion report to the attorney for the accused and the attorney for the Tribe; and
 - (4) In certain limited cases, to law enforcement agencies for law enforcement purposes.
- (D) Information made confidential under paragraph (B) of this subsection is not admissible on the issue of guilt in a criminal judicial proceeding unless such proceeding is a prosecution for a crime committed in the course of obtaining pretrial release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial services were provided.

Section 30 Functions and Powers Relating to Pretrial Services (3 PYTC § 1-6-30)

Pretrial Services functions shall include the following:

- (A) Collect, verify, and report to the Court prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense, including information relating to any danger that the release of such person may pose to any other persons or the community, and where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate
- (B) Review and modify the reports in paragraph (A) of this section for persons seeking pretrial release.
- (C) Conduct criminal background checks on defendants using automated databases including, but not limited to, Spillman and ACJIS and to contract with other jurisdictions to gain access to needed databases if necessary.
- (D) Interview defendants in detention and supervise persons released into custody under this chapter.
- (E) Inform the court and the Tribe of all apparent violations of pretrial release conditions, arrests of persons released under the supervision of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions.
- (F) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.
- (G) Assist persons released under this chapter in securing any necessary employment, medical, legal or social services.
- (H) Develop and implement a system to monitor and evaluate bonds activities, provide information to judicial officers on the results of bond decisions and prepare periodic reports to assist in the improvement of the bond process.
- (I) As directed by the court and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of this chapter and report such person's conduct and condition to the court ordering release and the Tribe
 - (1) Any violation of the conditions of release shall immediately be reported to the court and the Tribe.
- (J) Release defendants charged with certain minor non-violent offenses prior to their initial appearance who don't pose a flight risk or danger to the community and give defendants a date to appear in court for resolution of the charge. Courtesy letters or telephone calls are provided to every defendant released by Pretrial Services to remind them of their upcoming hearing(s). Defendants who fail to appear, outreach efforts are conducted in order to arrange the defendant's later appearance in court.
- (K) Perform such other functions as specified under this chapter.

Section 40 Semi-Annual Reports (3 PYTC § 1-6-40)

The Pretrial Services Supervisor shall prepare a semi-annual report to the Chief Judge of the tribal court concerning the administration and operation of pretrial services which shall be included in the semi-annual report that the Chief Judge submits to the Tribal Chairman in compliance with federal funding contracts.