



COMMITTEE ON CRIMINAL LAW  
of the  
JUDICIAL CONFERENCE OF THE UNITED STATES  
United States District Court  
700 Stewart Street, Room 13134  
Seattle, WA 98101-1271

Honorable Curtis Lynn Collier  
Honorable Denise L. Cote  
Honorable P.K. Holmes III  
Honorable Ellen Segal Huvelle  
Honorable C. Darnell Jones II  
Honorable Dale A. Kimball  
Honorable William T. Lawrence  
Honorable Liam O'Grady  
Honorable Margaret Casey Rodgers  
Honorable Keith Starrett  
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**Honorable Ricardo S. Martinez, Chair**

February 13, 2017

Honorable Orrin Hatch  
United States Senate  
Washington, DC 20510

Dear Senator Hatch:

As Chair of the Committee on Criminal Law of the Judicial Conference of the United States, which oversees the federal probation system, I am writing to express our support for the Probation Officer Protection Act, which would give probation officers the authority to temporarily direct, and if necessary to arrest, a person who is obstructing the officer while performing their official duties. This limited authority would allow probation officers to do their job safely and effectively. We greatly appreciate your leadership and support for this modest but much-needed reform.

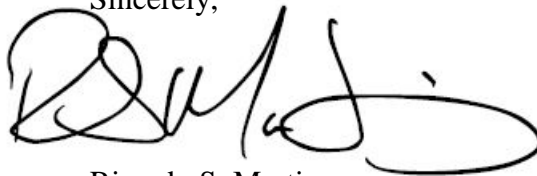
Although it is a federal crime to interfere with a probation officer in the performance of his or her official duties, probation officers do not have the authority to arrest, or even to give orders or instructions to, anyone other than the offender. In the absence of other law enforcement officers acting in a supporting role, a probation officer who encounters a hostile or uncooperative third party – at an offender's residence, for example – is obliged to retreat. This is not conducive to effective supervision or officer safety, and generally undermines the ability of probation officers to help rehabilitate offenders while protecting the public. Without this limited authority, an offender can work hand in glove with a family member or acquaintance during encounters with a probation officer to conceal violations of the terms of supervision, or even new

criminal activity. Thus, in 2008 the Judicial Conference began seeking legislation to give probation officers this limited third party arrest authority, which is common among state and local probation and parole officers. This bill would not give federal probation officers general arrest authority, which the Judicial Conference has not endorsed.

Federal probation officers currently receive extensive, ongoing, nationally standardized training regarding firearms, the use of force, and search and seizure protocols. Pursuant to this bill, the Director of the Administrative Office of the United States Courts also would issue national guidelines to implement this common sense, limited authority. Given the experience, training, and professionalism of federal probation officers, we anticipate that most incidents can be resolved without making an arrest, such as verbally or if necessary by temporarily restraining the obstructive third party. Again, under current law federal probation officers do not even have this authority to deal with obstructive third parties.

Thank you again for your leadership on this important issue, which as you can appreciate, is of keen interest to the federal probation community. We look forward to supporting this legislation, hopefully to final passage and enactment in the 115th Congress.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ricardo S. Martinez', with a large, stylized flourish at the end.

Ricardo S. Martinez

Identical letter sent to: Honorable Dianne Feinstein  
Honorable Thom Tillis  
Honorable Joe Manchin