

**Community
Supervision
Services
Operations
Manual**

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Chapter I: Introduction and Overview

A. Community Supervision Services (CSS) Operations Manual

1. Purpose

The Community Supervision Services (CSS) Operations Manual is the Associate Director's directive system for the day-to-day functions and procedures of the Community Supervision Services Division. The manual also serves as a reference guide for other policies, procedures, directives, and regulations within the Court Services and Offender Supervision Agency (CSOSA). The Operations Manual is a resource for staff training and development and serves as an on-the-job resource for staff. It provides updated, standard operating procedures that allow the Division to fulfill its mission to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community we serve. The manual custodian (an employee designated by the unit supervisor) is responsible for ensuring that each employee receives updated information and/or copies of all changes made to the Operations Manual.

2. Structure

The CSS Operations Manual is the primary guiding resource for CSS managers and staff regarding the conduct of their professional responsibilities. Structured to ensure ease in accessing information, this manual includes a detailed table of contents and index. Each chapter addresses a specific area for which Division personnel are responsible in the performance of their duties. Each chapter is divided into sections, and each section is divided into subsections. Each page is numbered separately with the chapter and the page number within the chapter. Revisions are maintained, by chapter, in the Operations Log (see Appendix A, CSS Manual System). The Operations Manual also references policies and procedures found in other Agency manuals, such as the Administrative Manual (see Appendix A, CSS Manual System).

3. Relationship to Agency Policy

The CSS Operations Manual is intended necessarily to work together with other CSOSA policies and procedures (see Appendix B, Frequently Used Terminology in CSS). The intent of the CSS Operations Manual is to provide users with an overview of operations in all organizational components and offer references to other CSOSA policies and procedures that are essential to achieving the Agency's mission (see Appendix C, Acronyms in General Usage in CSS). The Operations Manual provides the foundation for CSS standards and compliance activities as well as for the training of newly hired professional staff.

B. History of CSOSA

On August 5, 1997, the National Capital Revitalization and Self-Government Improvement Act of 1997 (“the Revitalization Act”) became law.

The new law set in motion a massive, system-wide reorganization of criminal justice functions in the District of Columbia. Among other changes, the law involved the reorganization and transition of pretrial services, parole and adult probation functions to the Federal government. The result was a new independent Federal agency, the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA).

Prior to the creation of CSOSA, the District agencies responsible for handling community supervision functions were the District of Columbia Pretrial Services Agency, the D.C. Board of Parole and the Adult Probation Branch - Social Services Division of the Superior Court. The Adult Probation Branch (a judicial entity) was responsible for investigating and supervising adult offenders placed on probation by the Courts in the District of Columbia. The D.C. Board of Parole, an executive branch agency of the District of Columbia Government, supervised all adult offenders on parole in the District of Columbia.

On September 25, 1997, the Attorney General appointed Trustee John A. Carver to head the newly created Court Services and Offender Supervision Agency. The Revitalization Act mandated that the Trustee reorganize the functions and funding relating to pretrial services, parole, adult probation and offender supervision and certify to the Attorney General by August 5, 2000 that the Agency carries out the functions described in Statute (§) 11233, and that the United States Parole Commission carries out its broadened functions, described in § 11231.

In May 1998, the CSOSA Trustee re-instituted the practice of transitioning parolees through halfway houses. In July of 1998, the Agency established a new program, Transitional Intervention for Parole Supervision (TIPS). The program was designed to help reintegrate pre-parolees and provide leadership, counseling services, interagency referrals, support and resources in an effort to provide a successful transition back into the community and to reduce the probability of continued criminal behavior.

On March 1, 2000, an Associate Director and a Deputy Associate Director were appointed to manage the Community Supervision Services (CSS) Division of CSOSA.

On August 4, 2000, the parole determination function was successfully transferred from the D.C. Board of Parole to the U.S. Parole Commission, as required by the Revitalization Act. CSOSA initiated a number of reforms, including: the issuance of timely warrants when parolees are charged with new crimes; instituting a system of graduated sanctions; and designing, planning, and building a new Forensic Toxicology Drug Testing Laboratory with an efficient tracking system to assure the acceptance of drug test results by the Court. The Agency also developed a chain of custody program for evidence and fashioned a neighborhood-based model of offender supervision.

CSOSA was certified on August 4, 2000 by the Attorney General as an independent Agency in the Executive Branch of the Federal Government. The statutory Trusteeship ended with the Attorney General's certification.

On August 4, 2000, Jasper Ormond was appointed Interim Director of CSOSA.

On July 26, 2002, Paul A. Quander, Jr. was appointed as Director of CSOSA.

CSOSA's organization chart is presented on page I-4.

C. CSOSA Mission, Goals and Critical Success Factors

1. Mission

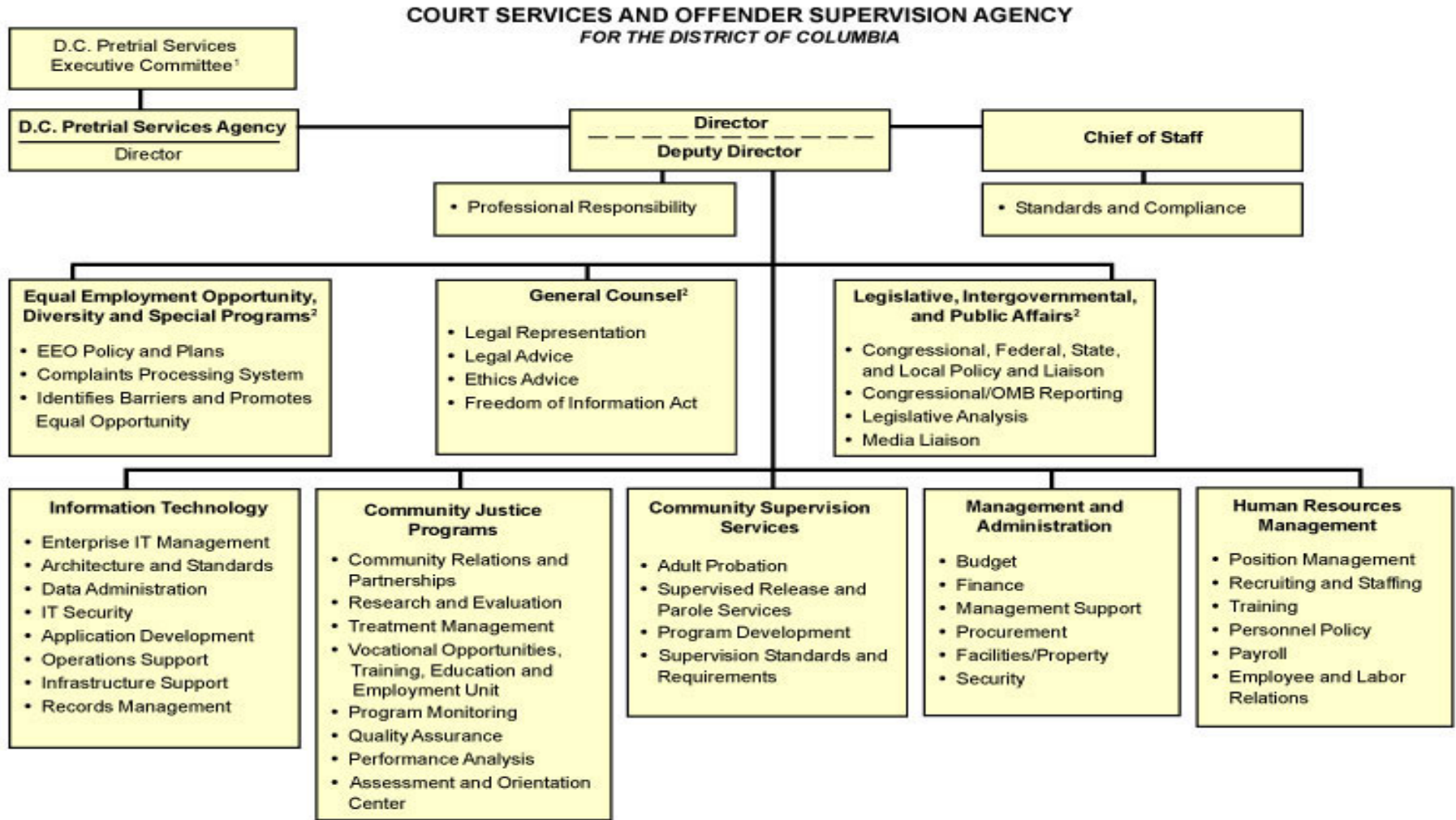
The CSOSA mission is to:

Increase public safety, prevent crime, reduce recidivism and support the fair administration of justice in close collaboration with the community.

CSOSA is committed to providing effective community supervision to all adult offenders on parole or probation in the District of Columbia. CSS is the division of CSOSA that provides community supervision to offenders through an organizational structure that includes general supervision and specialized units, offender intake, investigation services, offender reentry services, and urine sample collection for drug testing. CSS has established strict accountability to prevent offenders from engaging in criminal activity by ensuring that offenders comply with the conditions of their release.

In response to its mandate, the Agency will enhance decision-making and provide effective community supervision, thereby assuring public confidence in the justice system. The Court Services and Offender Supervision Agency for the District of Columbia is a performance-based organization. The Agency management and program activities are directly linked to strategic goals and operational strategies that reflect the community safety and security interests of the District of Columbia. CSOSA is guided by certain critical success factors that constitute specific targets in the alignment and conduct of key organizational activities.

FIGURE I.1



¹The Executive Committee consists of the four chief judges of the trial and appellate courts of the District of Columbia, the US Attorney, the Public Defender, and the CSOSA Director.

²These functions are also performed for the Pretrial Services Agency, as appropriate.

2. Goals

The goals of Community Supervision Services are to:

- a. Increase the number of offenders successfully integrated into the community and completing their term of community release satisfactorily;
- b. Support the fair administration of justice by providing accurate information and meaningful recommendations to criminal justice decision-makers;
- c. Establish and implement an effective risk and needs assessment procedure for each supervised offender; and
- d. Supervise offenders through appropriate levels of contact and performance contracts.

These goals involve the enforcing of graduated sanctions and incentives to instill individual accountability, providing offenders with appropriate treatment and support services through an effective screening process and developing partnerships among criminal justice and social services agencies and the community.

3. Critical Success Factors (CSFs)

The Agency's Critical Success Factors (CSFs) support the goals set by CSS, and these operational strategies drive the performance of all CSS activities. Effective implementation of these strategies by CSS supervisors and managers requires adherence to set policies and procedures established by the Agency.

As a result of a critical need for a coordinated effort, CSS has adopted the following four strategies:

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| <p>CSF 1</p> <p>Improved Risk/Needs Assessments Techniques</p> <ul style="list-style-type: none"> Assess all eligible offenders Validate assessment tool annually Expand drug testing | <p>CSF 2</p> <p>Close Supervision</p> <ul style="list-style-type: none"> Implement close case management and accountability contract Reduce caseload levels Implement team-based approach Establish Sanctions Center |
| <p>CSF 3</p> <p>Support Services and Treatment</p> <ul style="list-style-type: none"> Expand substance abuse, criminality and anger management treatment Provide employment and health care assistance, educational and vocational training | <p>CSF 4</p> <p>Partnerships</p> <ul style="list-style-type: none"> Expand community and criminal justice partnerships |

D. Community Justice Partnerships (PSA Model)

The Court Services and Offender Supervision Agency (CSOSA), the Metropolitan Police of the District of Columbia (MPD) and the Housing Authority Police have agreed to create a partnership based upon the common goal of reducing crime among repeat offenders and increasing public safety. Consequently, CSOSA and MPD have integrated the major public safety initiatives within each organization, CSOSA Community Justice Partnerships and MPD Policing Strategies for Prevention. Policing for Prevention commits Police Service Area (PSA) lieutenants to employ innovative strategies, conduct focused law enforcement, build neighborhood partnerships and facilitate systemic crime prevention.

- 1. Community Justice Partnerships combine the resources of CSOSA and MPD to:**
 - a. Share information on intensive and maximum supervision level offenders in a given PSA;
 - b. Conduct Accountability Tours (joint home visits performed by a CSO and the police officer); and

- c. Establish and maintain partnerships with residents and community stakeholders to address public safety concerns and develop resources for offenders that address the root causes of crime such as substance abuse and unemployment.

2. The Police Service Area (PSA) Model

The Police Service Area (PSA) concept is community-based close supervision of offenders by CSOs placed in the neighborhoods where the offenders live and work. CSOSA has established field units where officer's work and support services are readily available in NE, SE, and NW District communities.

The supervision centers are carefully targeted according to the number of offenders residing in these areas of the District. CSOSA requires that offenders be assigned to supervision staff on a geographic basis due to an organizational commitment that makes the neighborhood, not the office, the primary focus of supervision. This philosophy of supervision requires the CSO to conduct more supervision activities in the field. It also enables the CSO to work closely with police officers that work the same geographic areas.

As a result of the Community Justice Partnerships with the Metropolitan Police Department, regularly scheduled meetings are held in which CSOs apprise their police team counterparts of the those offenders who pose the greatest risk of committing additional offenses. These offenders are identified as the top 25 percent of each caseload based on risk and needs assessments conducted while in the community.

E. Overview of Community Supervision Services (CSS)

The Community Supervision Services (CSS) Division of CSOSA is responsible for community supervision of probationers, parolees and supervised releasees in the District of Columbia. CSS provides a range of investigative, casework management and related supportive services through an organizational structure that includes several branches that provide both general and specialized case management services. CSS is a lead Agency in special public safety partnerships (i.e., community policing and cross border initiatives, etc.) that support improved policing and offender supervision practices at the neighborhood level. The Community Supervision Services Division is a results-driven organization that utilizes performance-based management principles to measure and guide its mandated activities and contributes to safe communities through its effective community corrections and public safety policies.

The CSS Operations Organization Chart is presented on page I-9.

1. Office of the Associate Director

The Office of the Associate Director serves as the top management and administrative component of the Community Supervision Services (CSS) Division. This office oversees and ensures the mission-based performance of all subordinate branches. CSS constitutes the probation and parole system for the District of Columbia and stands as the largest Division within CSOSA.

2. Branch and Unit Operations

CSS includes branch components that provide a range of specialized case management and related supportive services.

a. Branch I: Investigations, Diagnostics, and Evaluations

This branch is responsible for the preparation of pre-sentence reports and special investigations of offenders awaiting sentencing and/or case dispositions before the Superior Court of the District of Columbia. This branch also prepares post-sentence reports on all felony cases in which a term of confinement is imposed and the Court, prior to sentencing, did not order a PSI.

A specialized unit, Transitional Intervention for Parole Supervision (TIPS), prepares parole supervision plans for offenders placed in Residential Reentry Centers (RRCs) while transitioning from institutions to community based supervision status. TIPS staff work closely with RRC Case Managers' staff in coordinating inmate release planning activities and make recommendations through the Case Manager to the BOP and USPC for public law placement for inmates transitioning to parole supervision who require additional home stabilization planning.

In addition, this branch also conducts investigations on offenders who wish to transfer their parole or probation supervision to the District of Columbia from other jurisdictions.

b. Branch IIA and Branch IIB: General Supervision

These branches are responsible for the supervision of the majority of probation and parole offenders in the District of Columbia. Offenders are assigned to general supervision if they do not have a need for, or are not mandated by the releasing authority, to obtain specialized services as a condition of release.

These offenders are supervised in field units located throughout the city. These neighborhood field sites enable officers to closely monitor offenders in the communities where they live and enhance partnership initiatives with the police, other criminal justice system agencies, treatment resources and various supportive services.

c. Branch III: Substance Abuse and Treatment

This branch provides comprehensive specialized drug supervision and coordinated assessment and treatment services for substance abusing probationers and parolees. Drug-involved offenders are evaluated through individualized assessment inventories and are subsequently placed in a variety of rehabilitative settings including residential and intensive outpatient treatment programs, continued drug surveillance monitoring and specialized assessment and treatment services as indicated through continuing monitoring and observation of the offender.

The STAR/HIDTA and SAINT/HIDTA teams provide specialized drug supervision and coordinated treatment services to probation and parole offender populations respectively. These services are delivered within the context of a sanctions-based case management process that is based upon the individualized offender prescriptive supervision plan. These plans are continually reviewed and updated throughout the supervision term. Offenders supervised within the general supervision caseload, as well as special program populations, also can be referred to receive the services provided by this branch.

In addition, this branch, through specialized mental health teams, provides focused supervision services to offenders presenting special risk and needs requirements. Dedicated mental health supervision teams provide intensive case management services to special needs offenders who have medically diagnosed mental health conditions that require focused monitoring as an important aspect of their overall prescriptive supervision plans. These case management services include requirements for offender compliance with the administration of certain medications as directed by order of the Court or paroling authorities.

d. Branch IV: Special Supervision

This branch provides supervision and treatment services for the domestic violence offender caseloads. Domestic violence supervision teams provide case management services for batterers referred for supervision by the United States Parole Commission or the Court in criminal, deferred sentencing and civil protection order matters.

A specialized domestic violence treatment team provides psycho-educational and direct treatment services for batterers referred with special Court-ordered conditions. This team also monitors the provision of treatment services offered by private sector providers on a sliding fee scale to batterers mandated into treatment by Court order.

e. Branch V: Interstate Compact and Detainers

This branch provides administrative and case management services for offenders under the auspices of the Interstate Commission for Adult Offender Supervision. Interstate compact teams conduct screening and intake functions, as well as supervision and monitoring services, for probation and parole matters originating in the District of Columbia, but ultimately being supervised in another jurisdiction. Designated teams provide parole and probation supervision for offenders sentenced in other jurisdictions who relocate to the District of Columbia to live and work.

Case management services for the out-of-town supervision caseloads are provided in neighborhood field units situated throughout the city.

f. Branch VI: Illegal Substance Collection Unit (ISCU)

This branch collects urinalysis samples from the CSS offender population. Collection sites are operated at CSS' central downtown offices, as well as field unit locations situated throughout the community. Analysis of offender drug test data is provided using the Drug Testing Management System (DTMS). This critical information is essential for effective case management of an offender population released to the community.

This branch provides certification and expert witness testimony on drug test results and specimen quality control procedures. This information sometimes is required at status and violation hearings set before the Court and/or U.S. Parole Commission.

g. Branch VII: Sex Offender and General Supervision

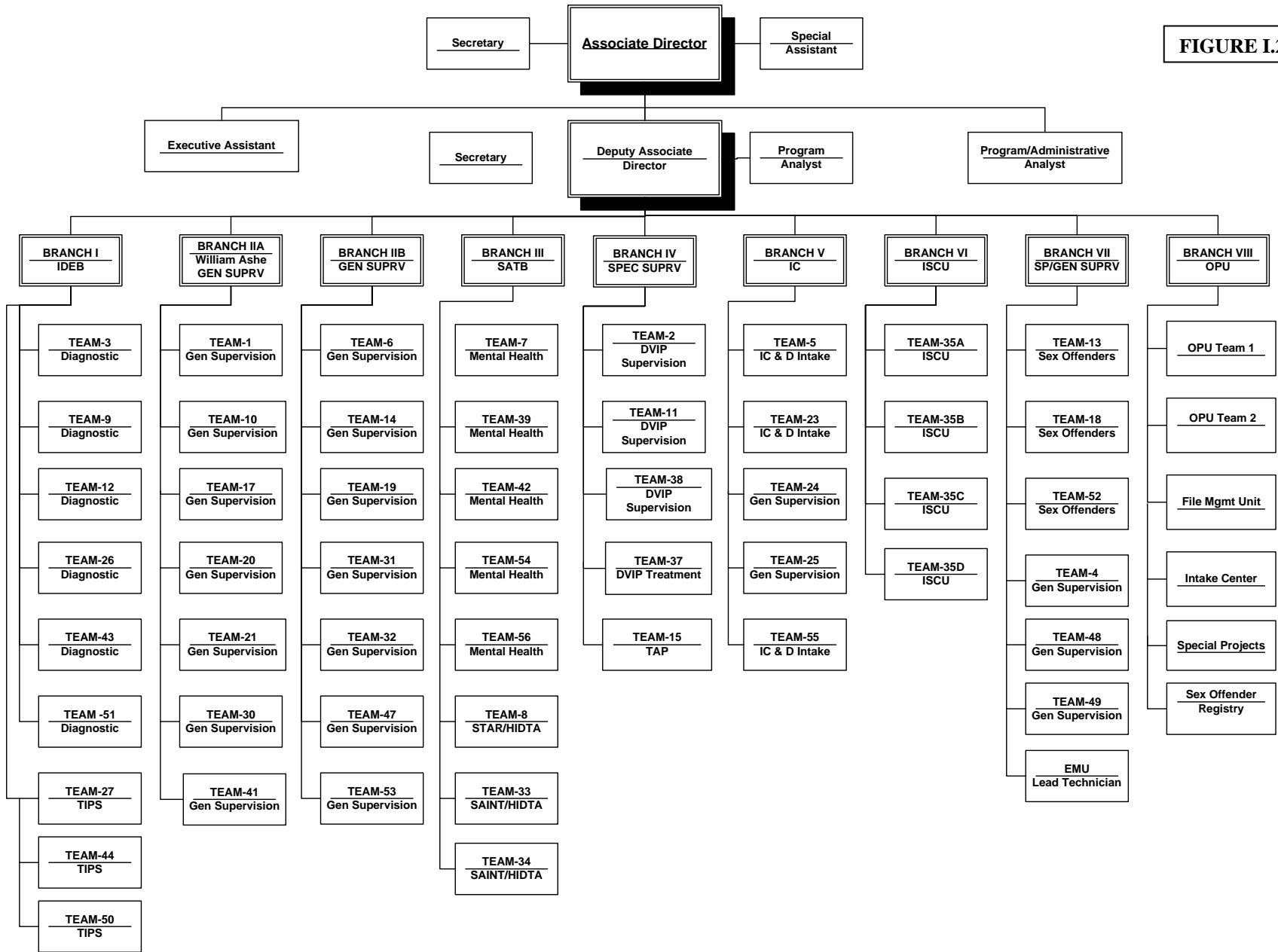
This branch consists of sex offender and general supervision teams. Specialized sex offender supervision teams provide assessment, supervision and treatment monitoring services to convicted sex offenders. These teams also work in conjunction with the Sex Offender Registration component of the Offender Processing Unit (OPU) and the Metropolitan Police Department to coordinate oversight responsibility for the registration of all convicted sex offenders in the District of Columbia who are required by the Sex Offender Registration Act (SORA) of 1999 to centrally register. The function of global positioning system (GPS) and curfew monitoring also are a responsibility of this branch.

The general supervision teams provide supervision services similar to those provided by teams in general supervision branches IIA and IIB.

h. Branch VIII: Offender Processing Unit (OPU)

This branch is responsible for intake and assignment of all offenders referred by the D.C. Superior Court judiciary for Pre-Sentence Investigations (PSI) or released to the community for supervision in probation, parole, supervised release or mandatory release statuses. OPU staff conducts timely, comprehensive and accurate information gathering; effectively manage offender case records; and update information throughout the investigative and supervision terms. This branch also houses the Sex Offender Registry for the District of Columbia.

FIGURE I.2



Chapter II: Types of Cases and Supervision Conditions

This chapter presents information on the types of cases supervised by Community Supervision Services (CSS) and key case management functions involved in offender supervision activities.

A. Probation, Parole and Supervised Release Cases

The supervision of offenders obligated to serve terms of probation, parole and supervised release in the District of Columbia requires the skillful use of individual Community Supervision Officers, in collaboration with other criminal justice system players and resources, to achieve the CSOSA mission, goals, and objectives. CSS uses an assessment-driven case management planning process that coordinates the resources of the Court, paroling authorities and community resources to assist offenders, while holding them accountable to return to the community and ensuring they strictly adhere to the conditions set forth by the appropriate releasing authority. The CSOSA supervision function requires staff to be accountable to designated authorities for case management activities. These activities as authorized by the previously identified enabling legislation (see Chapter I) empower CSOs to supervise probationers, parolees or supervised releases in the District of Columbia.

The length of probation, parole, or supervised release is determined by the Court at the time of sentencing or is established by the United States Parole Commission (parole and revoked supervised release matters). If offenders respond positively to the supervision obligations, the case may be terminated early (prior to expiration), successfully closed or placed on inactive status. If the offender fails to comply with the conditions of probation, parole or supervised release, the CSO will apply graduated sanctions, such as increased substance abuse testing, increased supervision reporting, or curfew, in an effort to bring the offender into compliance. If the offender continues to be in non-compliance with his or her conditions of release, the CSO is to promptly notify the sentencing/releasing authority of the offender's adjustment status and the efforts taken to bring the offender into compliance. The sentencing/releasing authority may choose to schedule a violation hearing or impose additional conditions of supervision.

1. Probation

A sentence of probation begins when the judge orders a disposition through which an adjudicated offender is placed under the control, supervision, and care of the Agency. The probationer must meet certain standards of conduct (see Suspended or Split Sentence pursuant to D.C. Code §48-904.01(e) and General and Special Conditions of Probation (D.C. Code §48-904.01(e)).

a. Types of Supervision in Court-Referred Matters

There are six types of supervision terms in Court-referred matters:

i. Probation Supervision

A term of supervision in which sentencing follows a pre-sentence investigative (PSI) period and the submission of a PSI report with sentencing recommendations to the Court. The Court also can order a term of probation without the benefit of a PSI report.

ii. Split Sentence

A term of supervision in which the Court orders an offender remanded to a term of incarceration, followed by a period of community-based, supervised probation.

iii. Interstate Compact Supervision

A probation sentence that has been imposed by a Court in another jurisdiction, with courtesy supervision being provided by CSOSA while the offender resides in the District of Columbia. Probation cases that originate in the District but are being supervised in other jurisdictions also must be monitored by CSOSA until case expiration.

iv. Unsupervised Probation

A sentence imposed by the Court that allows individuals to reside in the community without the active supervision of a CSO. The Court may, at any time, exercise its authority and place an offender on unsupervised probation, or return an unsupervised case to active supervised probation status. As a rule, these cases are not opened and assigned to a CSO unless the Court so directs. If the Court so directs, these cases are placed in a monitored status, and the CSO is to conduct monthly criminal background checks and notify the Court of any findings.

v. Civil Protection Orders (CPOs)

A CPO is a civil order imposed by the Court for twelve months to protect an individual from further harassment or abuse by another individual.

vi. Deferred Sentencing Agreements (DSAs)

A DSA allows a defendant to enter a guilty plea in a domestic violence matter. In these cases, the Assistant United States Attorney (AUSA or government) and the defendant agree to continue sentencing for nine months with the Court's approval.

During the continuation period, the defendant typically agrees to certain conditions, such as: participation in the Domestic Violence Intervention Program (DVIP) for batterer's treatment, community service, stay-away order, restitution and/or payment of Victim of Violent Crime Compensation Act (VVCC) costs, continued child support and other conditions deemed appropriate by the Court.

In DSA cases, the defendant also is ordered to abide by all conditions subsequently imposed by CSOSA. If the defendant complies with the conditions ordered by the Court and those directed by CSOSA, at the time of sentencing, the government will not oppose the defendant's motion to withdraw the plea of guilt, and instead, will not further proceed with the case ("nolle prosequi").

b. Conditions of Probation Order

A sentencing judge alone may issue a Court Order that specifies the general conditions of probation. Drug testing and sanctions specified in the Court Order provide CSS staff with increased authority to manage offenders in the community (for example, the CSO may utilize the Halfway Back Program sanction without first referring the offender back to the sentencing judge). CSS receives two types of probation orders, original and revised, from the Superior Court judiciary.

During the probation period, the offender is obligated to comply with certain defined conditions and is subject to the supervision directives of a CSO. The objectives of these conditions and supervision is to help the offender avoid further criminal acts, to complete probation successfully without being revoked for technical violations and/or convicted of a new offense, and to assist the offender in addressing treatment, employment, education and life skills enhancement.

i. General Conditions of Probation

The General Conditions of Probation are:

- (1) Obey all laws, ordinances and regulations.
- (2) Keep all appointments with your Community Supervision Officer (CSO).
- (3) Permit your CSO to visit your place of residence.
- (4) Abstain from the use of hallucinatory or other drugs, and submit to drug testing, as directed by your CSO.
- (5) In the event of illicit drug use or other violation of conditions of probation, you will participate as directed by your CSO, in a program of graduated sanctions that may include brief periods of residential treatment.

- (6) Notify your CSO within 24 hours if you change your residence.
- (7) Obtain the permission of your CSO before you relocate from the District of Columbia.
- (8) Participate and complete CSOSA's employment and/or academic program, if directed by your CSO.
- (9) Participate and complete other CSOSA Programs as identified through CSOSA Program Screener Assessment.

ii. Special Conditions of Probation

The following special conditions also are listed on the Court Order:

- (1) Cooperate in seeking and accepting medical, psychological or psychiatric treatment in accordance with written notice from your Probation Officer.
- (2) Treatment for alcohol problems, drug dependency or abuse as follows, and/or psychiatric treatment as follows (and indicated on the order).
- (3) Restitution (with the amount and installments indicated with a beginning date indicating the monies to be distributed to a designated individual/organization).
- (4) Other conditions (as indicated).

c. CSO Probation Order Responsibilities

Probation conditions are special obligations prescribed by the Court to minimize criminal activity. These conditions may vary according to the judge, the nature of the crime committed and/or the probationer's physical, mental, or emotional abilities to carry them out. The CSO's responsibilities are as follows:

- i.** The CSO will review all supervision conditions with the offender.
- ii.** The CSO will foster the offender's compliance with the Probation Order through counseling, appropriate referrals and other means.
- iii.** The CSO will address all unmet general and special conditions of probation at each office visit, thereby remaining as well informed as possible of the offender's overall compliance.

- iv. The CSO will verify regularly the status and compliance with all imposed conditions and records this information in SMART on the appropriate screens.
- v. The CSO will submit an Alleged Violation Report (AVR) to the Court when the offender does not comply with the terms of supervision, when graduated sanctions have been implemented, and in the event of re-arrest(s) or technical violation(s) of one or more of the conditions of release.

The determination of how the imposed conditions are to be implemented is generally left to the discretion of the CSO, except in cases where the Court sets specific guidelines as to the manner and time frame(s) in which conditions are to be met (i.e., restitution, fines, drug/alcohol treatment, therapy, etc.).

When there are multiple special conditions to address, the CSO may prioritize the special conditions to ensure that the offender will complete all conditions of release by thirty days prior to the scheduled expiration of the probationer's term of supervision.

d. D.C. Sentencing Reform Act

The DC Sentencing Reform Act contains a provision that empowers the Court to place a defendant in a halfway house for a specified period of time as a condition of probation release (D.C. Code §16-710). These types of orders should not be confused with other judicial directives that assign an offender to a residential treatment program following a stay in the jail-based Safety Net Program or those matters that are split sentences.

The CSO will provide the following documents for review by the Federal Bureau of Prisons (BOP) so that subsequent halfway house placement decisions can be made:

- i. Copy of the Pre-or Post-Sentence Investigation Report;
- ii. Copy of the Judgment and Commitment Order (J&C); and
- iii. Letter from the CSS Associate Director requesting the halfway house stay.

Once a BOP halfway house placement decision has been received (approximately ten business days from the initial referral), the SCSO and the CSO will be provided the date the offender is to report to the facility. The offender's failure to report must be reported by the CSO to the sentencing judge within three business days of occurrence.

The offender will be required to work or obtain employment and pay 25% of his/her salary for the halfway house residency period. The offender will not be eligible for the BOP Home Confinement Program.

BOP will contact the CSS Associate Director's Office to report any offender behavioral violations, and this information will, in turn, be conveyed to both the CSO and the SCSO. In the event of a violation, the CSO is to report the violation, in accordance with Agency policy, to the judiciary.

2. Parole

Parole is a term of community-based supervision that occurs during a sentence of incarceration. Parole is a form of early release from prison based on an offender's positive adjustment to rehabilitative goals established during the incarceration portion of a sentence.

As a parolee, the convicted offender is placed under the control, supervision and care of an Agency CSO in lieu of serving the remainder of his/her term of imprisonment, as long as his/her conduct complies with the conditions of release prescribed by the United States Parole Commission and CSOSA.

There are three types of release that may be granted to convicted offenders in the District of Columbia. These include: parole with or without special supervision conditions, supervised release and mandatory parole (see Appendix D, USPC Notice of Action Acronyms).

The USPC issues certificates granting parole with or without special supervision conditions. Effective August 5, 2000, offenders convicted of D.C. Code felony offenses may be sentenced by the D. C. Superior Court judiciary to supervised release. Under such a sentence, once the offender has served the required term of imprisonment, the Supervised Release certificate is subsequently issued by the USPC. The USPC may eventually revoke Supervised Release for offenders who violate one or more of the conditions of release.

The USPC prefers that an offender have a job (or job training opportunity) as well as a stable residence when released to community supervision. In some cases where a commitment for employment cannot be secured prior to release, a verifiable source of legitimate financial support may suffice for the purpose of authorizing release to parole. In cases where the sentencing Court has ordered an offender to serve a sentence imposed in a work release program, or where the offender is in a halfway house program as part of the releasing process, legitimate employment will generally be a prerequisite for release to parole because employment is an essential requirement of the work release program.

The USPC may make a discretionary decision on a case-by-case basis to allow an inmate granted parole to be released without employment. The CSO must, however, develop a parole plan to address residence and other special conditions. All parole plan approvals using the parole supervision folder must be first reviewed in SMART in addition to WALES in order to verify all current and/or previous supervision statuses.

a. USPC Oversight

The USPC is responsible for oversight of four types of release:

i. Supervised Release Certificate – This certificate is issued by the USPC and pertains to an offender who has served the full sentence imposed by the Court and is being released to the community following a probation revocation hearing, or a defendant not granted probation by the Court but who has served the Court-imposed sentence. Supervised Release is based on adherence to certain general conditions that are designed to protect the public welfare and ensure adequate supervision.

ii. Mandatory Release Certificate – This certificate is issued by the BOP and pertains to an offender who has reached the short term or statutory release date while in the institution. The offender must adhere to a set of general conditions of release that are designed to protect the public welfare and ensure adequate supervision. If the offender is suspected of violating a condition of release, he or she will receive a parole revocation hearing to determine if supervision should be revoked and whether the violator should be returned to prison.

iii. Parole Certificate – This certificate is issued by the USPC when the offender is being released by the BOP to the community for supervision.

iv. Detainer Certificate – This certificate is issued by the USPC when the offender is obligated to another jurisdiction to serve incarceration time. The offender is paroled or released to the other state(s). If there are multiple detainers, the state that has the shortest full term date will receive the offender first. The inmate's CSOSA supervision case will be placed in monitored status while the detainers are being served.

b. Conditions of Parole Order

The USPC generates the Parole Certificate that stipulates the terms of release for all parolees returning to community supervision. A copy of the

certificate is given to the inmate, a copy is sent to Community Supervision Services and (where appropriate) a copy to the jurisdiction where the offender will be serving parole under community supervision.

The executed original is returned to the USPC. The general and special conditions of release are part of the Parole Certificate and become effective on the date of release. If the parolee fails to comply with any of the general or special conditions, he or she may be summoned to a hearing, or be subject to retake on a warrant and be imprisoned, pending a hearing to determine if the release terms should be revoked.

i. General Conditions of Parole

The Parole Certificate provides the offender with clear-cut directions concerning the behavioral guidelines that he or she is expected to follow during supervision. As stated on the Parole Certificate:

You shall go directly to the district named in the certificate (unless released to the custody of other authorities). Within three days after your release, you shall report to the supervision office named on the certificate. If in any emergency you are unable to get in touch with the supervision office, you shall communicate with the United States Parole Commission, Chevy Chase, MD 20815-7286.

If you are released to the custody of other authorities, and after release from the physical custody of such authorities, you are unable to report to the supervision office within three days, you shall instead report to the nearest U.S. Probation Officer.

You shall not leave the geographic limits fixed by the certificate of release without written permission from your Supervision Officer.

You shall make a complete and truthful written report (on a form provided for that purpose) to your Supervision Officer between the first and third day of each month, and on the final day of parole. You shall also report to your Supervision Officer at other times as your Supervision Officer directs, providing complete and truthful information.

You shall not violate any law. You shall not associate with persons engaged in criminal activity. You shall get in touch within two (2) days with your Supervision Officer if you are arrested or questioned by a law-enforcement officer.

You shall not associate with persons who have a criminal record without the permission of your Supervision Officer.

You shall not enter into any agreement to act as an informer or special agent for any law-enforcement agency without permission from your Supervision Officer.

You shall work regularly unless excused by your Supervision Officer and support your legal dependents, if any, to the best of your ability. You shall report within 2 days to your Supervision Officer any changes in employment. You shall notify your Supervision Officer within 2 days any change in your place of residence.

You shall not drink alcoholic beverages to excess. You shall not purchase, possess, sell, manufacture, use or distribute any controlled substance or drug paraphernalia unless such usage is pursuant to a lawful order of a practitioner and you promptly notify your Supervision Officer of same.

You shall not frequent places where such drugs are illegally sold, dispensed, used or given away.

You shall not own, possess, use, sell, or have under your control any firearm, ammunition, or other dangerous weapons.

You shall permit visits by your Supervision Officer to your residence and to your place of business or occupation. You shall permit confiscation by your Supervision Officer of any materials which the officer believes may constitute contraband in your possession and which he observes in plain view of your residence, place of business or occupation, vehicle(s), or on your person. The Commission may also, when a reasonable basis for so doing is presented, modify the conditions of parole to require you to permit the Supervision Officer to conduct searches and seizures of concealed contraband on your person, and in any building, vehicle, or other area under your control, at such times as the Supervision Officer shall decide.

You shall make a diligent effort to satisfy any fine, restitution order, court costs or assessment and/or court ordered child support or alimony payment that has been, or may be, imposed, and shall provide such financial information as may be requested, by your Supervision Officer, relevant to the payment of the obligation. If unable to pay the obligation in one sum, you will cooperate with your Supervision Officer in establishing an installment payment schedule.

You shall be screened for the presence of controlled substances by appropriate tests as may be required by your Supervision Officer.

You shall cooperate fully with those responsible for your supervision.

You shall carry out the instructions of your Supervision Officer and report that failure to do so may be sufficient to cause your return to the institution.

You shall submit to the sanctions imposed by your Supervision Officer (within the limits established by the approved Schedule of Accountability Through Graduated Sanctions), if the Supervision Officer finds that you have tested positive for illegal drugs or that you have committed any non-criminal violation of the release conditions.

Graduated sanctions may include community service, curfew with electronic monitoring and/or a period of time in a community treatment center. Your failure to cooperate with a graduated sanction imposed by your Supervision Officer will subject you to the issuance of summons or warrant by the Commission, and a revocation hearing at which time you will be afforded the opportunity to contest the violation charge(s) upon which the sanction was based. If the Commission finds that you have violated parole as alleged, you will also be found to have violated this condition. In addition, the Commission may override the imposition of a graduated sanction at any time and issue a warrant or summons if it finds that you are a risk to the public safety or that you are not complying with this condition in good faith.

If you have been convicted of any sexual offense under District of Columbia or federal law (including the Uniform Code of Military Justice), you must report for registration with your state (including the District of Columbia) sex offender registration agency as directed by your Supervision Officer. You are required to report for registration in any state (including the District of Columbia) in which you live, work, attend school or have local convictions for sexual offenses, and in compliance with 42 U.S.C. § 14072(i) (which makes it a federal crime for any offender covered by 18 U.S.C. § 4042 not to register in accordance with state law). If there is any question as to whether or where you are required to register, you must seek and follow the guidance of your Supervision Officer.”

ii. Special Conditions of Parole

Special conditions of Parole include:

- (1) **Supervised Parole with Residential Reentry Center (RRC) Placement** - Offenders may be required by special conditions to be placed in a halfway house program as one of the initial conditions of release planning.
- (2) **Supervised Parole with Placement in the “Halfway Back” Program** - A special parole condition imposed by the U.S. Parole Commission and used as a sanction that obligates an offender to participate in and comply with the rules and regulations of the CSS Halfway Back Program.

c. CSO Parole Order Responsibilities

The CSO is responsible for providing the offenders with the following information upon release and reporting for community supervision:

- i. Ensure offender is made aware of his/her reporting requirements.
- ii. Inform the offender of community resources available to assist him/her.
- iii. Ensure that offenders without critical needs resources such as housing and funds are referred to the appropriate community support agencies prior to release.
- iv. Ensure that offender records are screened for outstanding warrants, open cases, and pending charges prior to release and follow established procedures upon determination.
- v. Ensure that the Statement of Employment and Residence Form are completed.
- vi. Ensure that in all matters that the appropriate Certificate is placed in the offender’s file.
- vii. Verify all information, as required, obtained from the defendant.
- viii. Ensure that the most current Certificate has the correct reporting address and that a copy is maintained in the offender case file.
- ix. Require all parolees to complete a supervision report during each office visit in accordance with the designated level of supervision.
- x. Review the supervision report to ensure that it is completed in its entirety and signed by the offender.

- xi. Help those parolees who cannot read or write to complete their supervision reports.
- xii. Set the time and location for the next scheduled office visit, field/home contact and/or employment verification contact.
- xiii. Provide written instruction(s) as dictated by the offender needs and treatment requirements.
- xiv. Provide the offender with a copy of appropriate document(s) and place copies in the offender case file. Verify information provided by the offender with follow-up telephone calls to appropriate sources (home, job, treatment programs, etc.) and establish collateral visits when and where appropriate.
- xv. In the event of violation(s), submit to the USPC a copy of the required supervision report with the Report of Alleged Violation(s) (RAV) to substantiate alleged violation(s) as required by CSS policies.
- xvi. Record all offender or collateral contact information in timely fashion in accordance with established Agency policies and procedures.

3. Supervised Release

The sentence of supervised release for felonies committed on or after August 5, 2000, begins upon the offender's completion of the Court imposed sentence and the offender's release from confinement to complete his/her sentence in the community. The offender is subject to the specified conditions of supervised release that are intended to prevent the offender's return to incarceration.

a. CSO Supervised Release Responsibilities

At the request of the USPC, the Superior Court instituted a procedure governing felony defendants sentenced to a term of incarceration to a Bureau of Prison (BOP) facility. When the judge imposes a term of incarceration during the sentencing phase, the offender will receive a copy of USPC CSR-1.1 Form (revised 11/02), Certificate of Supervised Release for the District of Columbia Code Offender. This form does not require the defendant's signature and details the seven conditions of release that the defendant will be required to adhere to upon release. In addition, the defendant is advised via this form of the period of supervised release and the requirement to report to CSOSA upon release from incarceration.

A second document, the Recommendation for Imposition of Special Conditions of Supervised Release, USPC CSR-1.2 (revised 11/02) will be completed by the Court at sentencing. The sentencing judge is required to complete this form if there

are special conditions that the Court wants the USPC to consider for inclusion in the Supervised Release Certificate.

Prior to the offender's release from incarceration, the USPC will forward the Supervised Release Certificate to CSOSA for eventual signature by the offender. If the offender fails to report as directed to the Agency and is later deemed to be in Loss of Contact status, the USPC will issue a retake warrant even though there is no signed Supervised Release Certificate on file.

In order to take this action, the USPC requires a copy of the original J&C Order and other case management information that supports the issuance of the retake warrant.

Chapter III: The Offender Processing Unit

The Offender Processing Unit (OPU) is the centralized branch in the Agency that is responsible for the intake and assignment of offenders for investigation and/or supervision. OPU staff assign offenders for investigations that are requested by the D.C. Superior Court (Pre- and Post Sentence Investigations); the Bureau of Prisons (Transitional Intervention for Parole Supervision Investigations) and other jurisdictions (Interstate Compact Investigations). The OPU also assigns to supervision teams those offenders who are released to the community in probation, parole, supervised release or mandatory release supervision.

The OPU staff: 1) gather and convey timely, comprehensive and accurate information on offenders for CSS staff; 2) manage and file offender case records; 3) update offender data in the Agency's case management system, SMART and 4) process offenders for the D.C. Department of Motor Vehicle's identification letters.

OPU's primary functions include:

- A. General Intake for Investigations and Probation Supervision Cases;
- B. General Intake for Parole, Supervised Release, and Mandatory Release Cases;
- C. Assignment of Cases to Supervision Teams;
- D. Preparing DMV Identification Letters;
- E. Notifying, Tracking and Monitoring FBI Flash Notifications; and
- F. Providing Information to Support Federal Designations for Prisoner Transfers.

A. General Intake for Investigations and Probation Supervision Cases

There are procedural requirements that are basic to completing the intake of pre- and post-sentence investigations, Interstate Compact investigations, and TIPS investigations, as well as probation supervision case assignments. The steps outlined below are the general intake functions required for offender investigations and probation supervision cases (see Appendix E, Specific Probation Intake Procedures).

1. Initial Intake Procedures

- a. Defendant signs the daily log.
- b. The Offender Processing Assistant (OPA) records the defendant's reporting time.
- c. The Offender Processing Assistant obtains the appropriate paperwork (the PSI Directional Form or the Judgment and Commitment Order) from the offender and/or his attorney.
- d. Spanish-speaking offenders who require the services of an interpreter are directed to the bi-lingual OPA or other Spanish-speaking staff.

- e. The OPA explains to the offender the intake process time requirement and provides the offender with the necessary intake forms to be completed.
- f. The OPA will:
 - i. Use the docket number to check the case summary screen in the Court's information system, confirm the offender's basic case information, and verify the police department identification number (PDID), and then print the screen.
 - ii. Use the PDID number to check JACCS for the DCDC number, other pertinent information and then print this screen. If the PDID number is not available in CIS/JUSTIS or JACCS, the OPA must check the Washington Area Law Enforcement System (WALES) for the actual PDID number.
 - iii. The OPA will use the offender's PDID number to check the Pretrial Real Time Information System Manager (PRISM) to see if the defendant has had a drug test within the past week. OPA must generate the release form from the system, which will give the OPA permission to enter PRISM to access the drug test results. The OPA will have the offender sign the release form. Once the form is signed, the OPA will access the results. If the defendant has not been drug tested in the past week, the OPA will make a note of this information so that a referral form can be printed from the Supervision Management Automated Record Tracking system (SMART). If the offender has been drug tested in the past week, the OPA will print the most recent drug test results as verification of the testing.

2. Initial Assignment

The Offender Processing Unit (OPU) staff assigns offenders to Teams/PSAs for supervision based on the offender's last known/verified or last investigated/approved home address. It is known, however, that offenders may give OPU staff conflicting information with regard to their residence(s) when they arrive at OPU for intake. The purpose of this instruction is to provide:

- guidance on what home address OPU staff will designate in SMART as the offender's primary address, given conflicting information provided by the offender; and
- clarification on transferring cases that are mis-assigned, per the Agency's Transfer Guidance Policy.

When an offender reports for intake and has information or documentation of a home address that is different from the information in SMART or on the offender's Judgment and Commitment (J&C) order, OPU will process the offender as follows:

A. Misdemeanor Probation Cases

In the case of misdemeanor probation cases, where the misdemeanor probation offender reports to OPU and states that he or she has a home address that is different than the home address identified on the offender's J&C, OPU staff will try to verify this information through other appropriate documentation and/or phone contact with someone with whom the offender is to reside. If OPU is unable to verify this information, then OPU staff will put into SMART the housing information provided to OPU by the offender and will note in the running record that the CSO needs to verify the offender's housing as soon as possible, since the offender has provided a home address that has not yet been confirmed.

Upon the CSO receiving the case, the CSO should do a home verification within a day or two of receiving the case assignment. If the CSO determines that the offender's home is in a different Police Service Area (PSA) than the one that was assigned through OPU, then the CSO can recommend to the SCSO that the case be transferred in accordance with the Case Transfer Guidance (see Chapter VII). In such a circumstance, the CSO is to return the case to his or her SCSO within two (2) business days of determining that the case has been mis-assigned. The SCSO must then transfer the case to the correct team within seven (7) calendar days upon learning of the error. Offenders assigned through intake with conflicting address information do not fall under the Case Transfer Guidance, which provides instructions on transferring cases where the offender has already been under supervision and is moving to a new home.

B. Felony Probation Cases with a Pre-Sentence Investigation (PSI)

All felony probation cases have a PSI completed. Normally, the PSI investigators conduct the home visit within 15 days of the PSI assignment. To reduce mis-assignments through intake, due to the offender providing a new home address that differs from the address on the J&C or file folder, PSI investigators will conduct a home verification one week prior to closing the case. The PSI investigator will call the owner/occupant to verify the address. If the address has changed, the PSI investigator will investigate this information and update SMART accordingly.

C. Probation Split Sentence Cases

Probation split sentence cases are assigned based on the address of record, unless diagnostic investigators provide a different address.¹ Upon assignment, the CSO monitors the case. Within 30 days of the offender's release date, the CSO is to verify the offender's proposed home. If the CSO determines that the offender has a new address, then the CSO is to return the case to his or her SCSO so the offender can be transferred to the correct Team. Upon the offender being released to the community, the new CSO is to verify the home within seven (7) business days.

D. Parole or Supervised Release Cases with a Transitional Intervention for Parole Supervision (TIPS) Investigation

All offenders transitioning through a Residential Re-entry Center (RRC) or being released directly to the community from prison, have a Transitional Intervention for Parole Supervision (TIPS) investigation completed. At least one week prior to release, the TIPS CSO determines the offender's appropriate housing and the home is verified.

Upon the offender reporting to OPU, the staff will verify the information provided by the offender in SMART by checking the housing verification screen or by reviewing the TIPS investigation. If the offender reports an address that is different than the one approved by TIPS staff, OPU staff will assign the offender based on the TIPS-approved address, inform the offender of the Team assignment and then enter a running record update into SMART noting that the offender presented to OPU with a different address. The assigned CSO is then to conduct a home verification within two (2) business days of assignment. If the CSO then determines the offender has a new home, then the case is to be returned to the SCSO for case transfer within seven (7) calendar days of this determination.

TIPS staff will attempt to find suitable housing for offenders² and, therefore, the assignment of an offender to a shelter is a last resort. In those cases where TIPS staff must assign an offender to a shelter, the TIPS staff will indicate the rationale for the selected shelter in the SMART housing verification comments box.

¹ Investigations are completed primarily in felony cases.

² Rationale: Please note there may be specific reasons why the alternative home plan presented by the offender to OPU is not a suitable home plan as investigated by TIPS. The TIPS rationale for a disapproved home plan will be noted in the TIPS Investigation report. Consequently, offenders are to be assigned to the office servicing the TIPS-approved home plan at intake.

E. Domestic Violence Cases

When an offender with a domestic violence case arrives at OPU, the staff are to ask the offender if he or she has a stay away order. If the offender has a stay away order, the offender cannot reside at the address of the victim on the stay away order, even if the victim accompanies the offender to OPU. In these cases, the offender is to be informed that he or she must go back to Court and have the order amended, and that the offender cannot live with the victim because there is a stay away order. The offender is not to be assigned to the address listed as the offender's residence on the order. OPU staff are to enter an alternate address provided by the offender for assignment. OPU staff will seek guidance, when required, from their supervisor if the offender claims that he or she has no other place to live. OPU staff are to make a running record entry documenting that the offender presented to OPU with the victim's address, and the offender was instructed that he or she could not live with the victim.

F. Mandatory Release Cases – No TIPs Investigation

For the assignment of mandatory release cases that do not have completed TIPs investigations, OPU staff are to enter and assign the offender's case based on the address information provided by the offender. This guidance should assist in ensuring that offenders are correctly assigned in accordance with existing Agency policies.

3. Intake Interviews and Case Processing

- a. The OPA reviews the appropriate paperwork (PSI Directional Form, PSI Intake Form, Probation Intake Sheet and the Judgment and Commitment Order) and explains the intake process to the offender.
- b. The OPA will initiate processing of the case in SMART by conducting a detailed search to determine if there is an existing offender record in the system. Using the last name, first name and PDID number, the OPA must verify that the PDID number matches the name of the offender that the OPA is selecting. While searching, the OPA also may enter the Pretrial Services Agency (PSA) number only to obtain a match and proceed with the search by matching the correct name of the offender with the PDID number.
- c. The OPA will conduct the intake interview with the defendant using all of the information gathered to date, which should include the appropriate Court paperwork, along with the printed Court information, JACCS, and PRISM screens.

- d. The OPA will process the case by entering data into SMART using the appropriate paperwork and other pertinent printouts.
- e. If a record already exists for the offender in SMART, the OPA will update the existing information beginning with the basic information screen. Subsequently, the following fields must be reviewed and updated:
 - i. Alias—only if the alias appears on the Judgment and Commitment Order.
 - ii. Housing—it is critical that the address is reviewed and verified with the offender. (See Page 2 under Initial Assignment). If the offender has a new address, it must be updated in SMART to include the Police Service Area (PSA) identification. Those offenders with no fixed address will be assigned to a shelter. If, however, an offender lives in a shelter and provides that address, the OPA should utilize the shelter address. Offenders with no fixed address or are homeless are assigned to General Supervision Team 20.
 - iii. The Police Service Area (PSA) in which the offender resides must be verified in SMART.
 - iv. Docket Information—this information must be obtained from the appropriate paperwork.
- f. If a prior offender case record does not exist, the Offender Processing Specialist (OPS) must create a new record by entering the offender's name and then entering basic information (aliases, housing, PSA, and docket information) for the case.
- g. Once all the information is entered into SMART, the system will automatically make an assignment to the appropriate team. SMART also will prompt the OPS to print out the assignment sheet; however, if the OPS determined that SMART has made an incorrect assignment, the assignment on the SMART generated form must be changed to the correct team. The OPS also will discuss the correct team assignment with the offender and instruct the offender to report to the correctly assigned team.
- h. Each case will be entered into the daily intake log with the correct assignment reflected.
- i. SMART also will prompt the OPS to print out the referral form for the Illegal Substance Collection Unit (ISCU). If the offender has not been drug tested in the past week, the OPS/OPA will ask the offender to sign the drug test referral form. The offender is then immediately referred to ISCU for the initial drug test.

The copy of the drug test referral form is given to the offender while the original form is sent to the responsible diagnostic or supervision team.

The OPS will instruct the offender to report to the ISCU immediately, unless during the hours of 1:00 p.m.—2:00 p.m., when ISCU is closed for lunch. If the ISCU has already closed, the OPS are to instruct the offender to report at 2:00 p.m. that same day.

- j. SMART also will prompt the OPS to print out the referral form for the Substance Abuse Treatment Referral. Appropriate offenders who have a qualifying offense (as identified automatically in SMART, based on the offender's conviction) are referred for DNA testing by the OPS and given a date and time for testing. Generally, DNA testing is to be conducted the same day the offender reports for intake.

In addition, offenders required to register as Sex Offenders are referred to the Sex Offender Registry Technician.

The OPA/OPS should instruct the offender that immediately after leaving the ISCU unit, the offender should report to the SATB office to have a drug assessment performed.

- k. OPA also must instruct the offender that he or she must contact the assigned unit by the next business day if the intake process is completed after 4:00 p.m.
- l. Each offender leaves the Intake Office with the appropriate paperwork.

4. File and Paperwork Preparation to Forward to Teams

- a. The OPU Office Assistant will log the case into the appropriate intake walk-ins log.
- b. The OPA/OPS will ensure that the following information is entered into the offender's file folder immediately:
- c. The OPA/OPS will check SMART for the proper assignment before forwarding the file folder from Intake.
- d. Once the OPA/OPS has checked SMART for the proper assignment and has verified that the case is assigned to the appropriate team, the OPA/OPS will place the file folder along with a verification form into an inter-office envelope to be forwarded to the assigned diagnostic/supervision team.

- e. Once the file folder has been received and verified either by the SCSO or the team CSA, the original verification form will be returned to the PSI Intake Office and filed appropriately to confirm receipt.

5. No Shows

No shows are offenders for whom the judge has ordered a Pre-Sentence Investigation, but the offender (who has been released from the Courtroom and ordered to report to PSI Intake), fails to report to Intake.

- a. Upon completion of photocopying of all Court jackets located in 500 Indiana Avenue in which a Pre-Sentence Investigation Report had been ordered by the Court, the File Management CSA will transport all documents in person to the Offender Processing Unit located at 300 Indiana Avenue, N.W. Room 2070. Once the Court jackets have been reviewed and a determination has been made that an offender has failed to appear as instructed, the OPA/OPS will conduct the record checks and update SMART with alises, housing, PSA and docket entries. The OPA/OPS will ensure that the following information is entered into the file folder:
 - i. The printouts from the CIS/JUSTIS, WALES and JACCS screens;
 - ii. The Court jacket information;
 - iii. A copy of the signed Assignment to the Diagnostic Team form;
 - iv. The PSI File Check form—a notation must be made in the comment field on the form if there is additional information that was not reflected prior to forwarding the file to the correct team;
- b. In making the SMART entries, the OPA/OPS should use the drop down list to indicate that the offender is “released”, as well as to mark the box that notates “NO SHOWS.”
- c. The OPA/OPS will ensure that the court jacket information is entered into the file folder.

6. Detained Cases

Detained cases are those cases in which the judge ordered that a Pre-Sentence Investigation Report be conducted at the same time the offender is currently detained, pending sentencing or serving a present sentence.

- a. Upon completion of the photocopying of all Court jackets in which Pre-Sentence Investigation Reports have been ordered, the documents are then transported to the Offender Processing Unit located at 300 Indiana Avenue, N.W. Room 2070 and given to the OPA/OPS responsible for entering detained cases into SMART.

The OPA/OPS will then conduct the record checks and SMART entries noted in step f. under the Initial Intake procedures.

7. Post-Sentence Investigations

Post-sentence investigations are conducted on those offenders who are sentenced by the Court to probation supervision without the benefit of a pre-sentence investigation.

- a. The OPA responsible for photocopying will gather all information from the Court jacket and forward the information to the Intake Manager who is located in the PSI Intake Office.
- b. The PSI Intake Staff will then enter the information into SMART and assign the Post-Sentence Report to a Diagnostic Team within Branch I for the report to be prepared.
- c. The average turnaround time for a Post-Sentence Report is eight (8) weeks and the U.S. Marshal Service will be notified of this pending report in a summary report of all information collected and submitted via email by the Intake Manager.
- d. If the offender has a sentence of two (2) months or less, a Post-Sentence Report will not be ordered; however, if there is a previous PSI request, that report will be forwarded to the U.S. Marshals Service.

8. Interstate Compact Case Intake

Interstate Compact information generally comes to the OPU from three primary sources: direct mail from other states, case files received from the TIPS unit and direct information from the offenders themselves. The process for handling interstate compact case assignments is as follows:

- a. Interstate packages should arrive in OPU in duplicate with dated transmittal forms attached. Case information is entered into the SMART Interstate module. The case is then transmitted to either the TIPS unit or the Interstate team for subsequent investigation. The OPA will photocopy and file the transmittal sheet (the original is attached to the actual case file at the point of forwarding).
- b. When investigations are completed, the file is returned to OPU for assignment to supervision. OPU staff will enter the case information (including the assigned PSA) into the appropriate SMART subsystem (probation or parole). The case is then transmitted to the Deputy Compact Administrator. The OPA will photocopy and file the

transmittal sheet (the original is attached to the actual case file at the point of forwarding).

- c. If the case involves a mental health offender or sex offender, a complete information package is to be sent to the appropriate special team. The original file is still routed to the Deputy Compact Administrator.
- d. The OPA will direct the offender when and where to report for supervision. The offender's picture is to be taken if there is no picture available in SMART. The offender is to be referred for an INITIAL SPOT TEST. The drug test referral form will include the out-of-state case number. Two copies of the case assignment package are made with one copy given to the offender and the other sent to the assigned team.
- e. The OPA will photocopy and file the transmittal sheet (the original is attached to the actual case file at the point of forwarding).

9. TIPS Investigations

The USPC requires the investigation of parole plans proposed for offenders being considered for eventual community supervision prior to their release. The TIPS units are responsible for investigating and verifying the information contained in the parole plans that are prepared and forwarded by BOP institutional case managers.

At the conclusion of the investigation, TIPS staff will advise BOP and the USPC whether or not the proposed parole plan is acceptable according to CSOSA policy and CSS case management standards.

- a. Upon receipt of the parole plan documentation, the OPA will date stamp and enter case information manually into the OPU logbook.
- b. Case information will be first verified and cross-referenced in SMART to ensure that no duplicate entries are made.
- c. File folders will be obtained from the OPU closed file section. If no file is available, OPU staff will create one and enter a verified identifier into SMART to obtain the correct case information. Once this is done, the SMART case record can be updated under the TIPS tab.
- d. After SMART has been updated, the OPA will assign the case to a TIPS team (by clicking the assign and complete tab).

- e. The OPU supervisor will review all parole plan documentation in SMART before the case file is forwarded to the designated TIPS team. Copies of the case transmittal form will be maintained in OPU until the signed original is returned from TIPS.

B. General Intake for Parole, Supervised Release, and Mandatory Release Cases

The Offender Processing Unit processes all offenders who are given a term of parole or supervised release and those offenders who are mandatorily released. The staff assigned to this unit ensure that offenders are assigned correctly to supervision teams, data are entered accurately into SMART, and quality assurance measures (execution of the OPU Case Review Form) are implemented to ensure all released offenders are assigned, including those who fail to report.

The OPU staff work closely with the Transitional Intervention for Parole Supervision (TIPS) Unit staff on these cases with primary case management functions as the responsibility of the TIPS teams. TIPS investigates an offender's home, employment, and case plans prior to his/her release from incarceration and forwards the offender's case file(s) to the OPU within the two weeks of the scheduled release date. The OPU staff maintains and updates offender files as additional documents relevant to those cases are received by CSOSA. Sex offender case files are flagged by OPU staff and expeditiously forwarded to the sex offender units in preparation for the scheduled release.

Following are intake procedures for parole, supervised release, and mandatory release cases (see Appendix F, Specific Parole and Supervised Release Intake Procedures).

1. Initial Intake Procedures

The offender signs the daily intake logbook. The OPS will:

- a. Determine if the offender's release certificate is in the case file. If the release certificate is not in hand or on file, contact the BOP releasing authority to fax a copy of the release certificate.
- b. Request the file from the OPU File Management Unit if the file is not located in the Processing Unit.
- c. Verify (in JACCS, WALES, OASIS, NCIC, SMART) information provided by the offender (particularly if the offender's file is not available).
- d. Confer with the TIPS program to obtain additional information.
- e. Initiate processing of the case in SMART by conducting a detailed search to determine if the offender's record exists in SMART.

- f. Create a new record for the offender if a prior case record does not exist. If there is an existing file, then merge the new and old documents.
- g. Verify and update existing information in the SMART record:
 - i. Aliases updated in SMART should reflect aliases listed in available official documentation.
 - ii. Housing updates should be made to the offender's residential address, which should be indicated as a primary address. If the offender lives in a shelter, the shelter address must be used.
 - iii. The Police Service Area (PSA), which is associated with the offender's primary residence, must be entered in SMART. Staff can use the MPD website or an office hard copy directory, if the website is not available, to determine the PSA in which the offender resides. This field is mandatory in SMART.
 - iv. Docket Information must be taken from the official file documentation. OPS must pay special attention to the case type by reviewing the conviction offense information.
 - v. Supervision details include the case type, supervision start and full term dates, general supervision and Interstate Compact information.
- h. SMART automatically assigns cases to the appropriate team based on PSA and/or special designations to the TAP, STAR/SAINT HIDTA, Sex Offender, Mental Health or Domestic Violence teams. Once all the information is entered into SMART, the case will be automatically assigned to the appropriate supervision team. SMART also will prompt the OPS to print out the offender's assignments sheet. If, however, the OPS determines that the assignment indicated in SMART needs to be changed, the OPS must change the assignment on the SMART generated form to reflect the correct team. The OPS also will discuss the changed team assignment with the offender and instruct the offender to report to the changed assigned team. The OPS will ask the offender to sign the Assignment to Supervision Instruction Form (which the OPS will sign as well).
- i. The OPS will enter each case into the daily intake log with the correct assignment reflected.
- j. SMART also will prompt the OPS to print out a referral form to the Illegal Substances Collection Unit (ISCU) so that the offender can be drug tested. The OPS will ask the offender to sign the drug test referral form after explaining the purpose of the referral itself. A copy of the form is to be given to the offender and the original is to be sent

to the supervision team. The offender will then be escorted to the ISCU by OPU staff.

- k. SMART will also automatically generate DNA and Sex Offender Registry referral forms as appropriate based on the nature of the conviction.
- l. The OPS will instruct the offender that s/he must report to the supervision unit no later than the next business day.
- m. Each offender will leave the OPU with:
 - i. Original Parole or Supervised Release Certificates (when appropriate).
 - ii. A drug test referral form instructing him/her to report to the ISCU (at 300 Indiana Avenue, N.W., Room 2001), if necessary with instructions to report that same day to the ISCU.
 - iii. The Assignment to Supervision Team form.
 - iv. Reporting Instruction Sheet.

2. Forwarding of OPU Offender Case Files to Supervision Teams

Upon processing the offender (reporter or non-reporter) through SMART, the OPS will then forward the offender's case file to the supervising team SCSO for assignment to a CSO. The OPS will:

- a. Prepare the file for forwarding as follows:
 - i. Log case into the intake log; and
 - ii. Forward the offender file (containing the intake and assignment forms and the initial paperwork) to the team within one business day.
- b. In cases where the team assignment was corrected, the intake staff person must send an email to the SCSO who initially received the incorrect assignment, requesting the SCSO to transfer the case to the appropriate team. When an incorrect assignment in SMART is made, notification must be sent immediately via email to the following persons:
 - i. The SCSO transferring the case;
 - ii. The SCSO receiving the case; and
 - iii. The SOPS of OPU.

- c. Send all paperwork to the corrected team assignment.
- d. Ensure that the following information is maintained in the offender file:
 - i. The parole or supervised release certificate;
 - ii. The intake form;
 - iii. A copy of the drug test referral form;
 - iv. A copy of the signed Assignment to Supervision Team form;
 - v. The case tracking form—a notation must be made in the comment field on the form if an incorrect assignment was made to SMART.

All information including the jacket must be sent out to the Supervisory Community Supervision Officer or the Community Supervision Assistant of the correct team by the next business day.

3. File Management

- a. The Offender Processing Unit (OPU) is the repository for all documents related to probation, parole and supervised release cases.
- b. Documents received regarding parole cases will be researched when appropriate and filed in the offender's file.
- c. The file will be maintained in a central location.

4. Intake Tracking

- a. OPU will maintain a daily intake log that includes the following information for each offender who reported that business day:
 - i. Intake Date;
 - ii. Offender Name;
 - iii. PDID/DCDC Number; and
 - iv. Type of Case (parole, supervised release, Interstate, Offender ID Letter).
- b. OPU will prepare and submit a monthly statistical report for the Associate Director documenting the number of offenders processed each day by type of case until this reporting capability is available in SMART.
- c. OPU staff will review the U.S. Attorney's monthly report regarding released offenders to determine which offenders failed to report for supervision. These offenders will be assigned to the appropriate supervision team for follow-up.

C. Assignment of Cases to Supervision Teams

Community supervision is one of the cornerstones of the assessment-driven CSOSA case management system. Effective supervision requires CSOs to supervise offenders in the communities where they reside. The team supervisor assigns offenders to the CSO caseload that serves the particular Police Service Area (PSA) where the offender resides (see Appendix G, OPU Sex Offender Registry). This allows CSOs to link offenders to important community-based resources necessary to assist them with transition towards law-abiding lives facilitate supervision activities in the community and ensure offender accountability. It is also necessary to establish a geographic team assignment strategy that apportions cases equitably among staff resources. Workload equity is an essential component in ensuring that each CSO is able to engage his/her offender in meaningful interactions.

1. Intake Case Assignment to a Supervision Team

Each PSA may have at least one CSO assigned to it. The SCSO will assign the offender to the appropriate CSO based upon the PSA wherein the offender resides. Records of assignments will be maintained by the SCSO for his/her specific field unit. Once assignments have been made, the SCSO will be responsible for recording the assignments in SMART. The CSS Intake Unit will assign cases to the appropriate supervision team. Each supervision team's area of responsibility is defined by the PSAs assigned to that location and is commonly referred to by the team supervisor's name.

The Intake Unit transmits the case jacket to the SCSO of the assigned supervision unit after making the appropriate data entries in the SMART automated database system.

The OPU will make the initial referral of the offender for drug testing. All offenders are required to report for drug testing at the point of intake and will be placed on a drug-testing schedule consistent with Agency policy. Based on compliance, the offender then will be tested in accordance with the testing regimen detailed by CSOSA policy and reflected elsewhere in this manual.

2. Mixed U.S. and D.C. Code Sentences To Be Supervised by U.S. Probation

In an effort to assist OPU staff in the assignment cases with mixed originating sentencing authorities, all offenders who have both D.C. Code and U.S. charges are to be supervised by U.S. Probation. The **U.S. Parole Commission Rules and Procedures Manual** substantiates this rule which is located on p.173 on-line and p. 167 in the hard copy of the Manual.

§ 2.91 SUPERVISION RESPONSIBILITY.

(a) Pursuant to D.C. Code 24-133(c), the District of Columbia Court Services and Offender Supervision Agency (CSOSA) shall provide supervision, through qualified Supervision Officers, for all D.C. Code parolees and mandatory releasees under the jurisdiction of the Commission who are released to the District of Columbia. Individuals under the jurisdiction of the Commission who are released to districts outside the D.C. metropolitan area, or who are serving mixed U.S. and D.C. Code sentences, shall be supervised by a U.S. Probation Officer pursuant to 18 U.S.C. 3655.

(b) A parolee or mandatory releasee may be transferred to a new district of supervision with the permission of the supervision offices of both the transferring and receiving district, provided such transfer is not contrary to instructions from the Commission.

3. Community Supervision Assistant (CSA) at the Supervision Team Case Assignment Duties

When an offender reports to the assigned supervision team, the CSA greets him/her and performs the following:

- a. Receives assignment paperwork file and creates a folder if one does not already exist.
- b. Makes additional checks for any errors and ensures that all key documents accounted for and case data elements have been entered into SMART.
- c. Notifies the SCSO of the arrival of the offender and directs the person as required by the facility's general practice for movement and accountability for offenders.
- d. If the assigned CSO is unavailable, the CSA will refer the offender to the assigned duty officer for the day.
- e. In Split Sentence cases, after reviewing the received documentation, the CSA prepares a calendar reminder when the offender is to be released from incarceration.

4. Supervisory Community Supervision Officer (SCSO) Case Assignment Duties

- a. In each supervision team, the SCSO will assign an individual CSO to PSA(s) that are within that team's geographic responsibility.
- b. The SCSO will ensure that CSOs handle both probation and parole matters on the same caseload.

- c. The SCSO will assign at least one CSO as the sole or primary/lead person for each PSA based on the number of offenders living within each PSA.
 - i. If the number of offenders for a particular caseload is less than the mean number of offenders per CSO on the team, then the CSO shall have primary responsibility for more than one PSA.
 - ii. If the number of offenders for a particular caseload is greater than the mean number of offenders per CSO on the team, the SCSO shall assign one CSO with primary responsibility for the particular PSA and designate appropriate other CSOs for secondary responsibilities.

A manual record of all cases assigned within the team will be maintained by each SCSO; however, as the information is available to the SCSO via SMART, once assignments have been made, the CSO will be responsible for entering that case management information in SMART.

- d. The SCSO will assign offenders to the appropriate CSO based upon that person's PSA residence and in a manner that maintains equity in caseload size among team CSOs. The first assignment of the offender shall be to the primary CSO of a given PSA.
- e. At the initial point that a case is assigned to the team, it will generally remain with that team until case closure. Exceptions to this standard may but are not limited to include offender moves of residence to another PSA, departure from the jurisdiction through the Interstate Compact or a new team is made responsible for the PSA.

5. Rotational Assignment

The SCSO will guarantee that probation/parole cases are assigned according to PSAs equitably and on a rotational basis to the number of available CSOs on the supervision team. The location of an offender's residence is given preference for assignment to an appropriate field unit, (i.e., a "Northwest" case will not be assigned to the Anacostia Field Unit.)

Recently hired CSO's must gradually learn their new professional responsibilities while they assume full offender caseloads in phases during the first six months of employment. Newly hired staff are to receive a phased-in caseload that reflects the following percentages of the unit's or span of control's caseload:

- a. 0-4 months: not to exceed 75%
- b. 5th month: not to exceed 85%
- c. 6th month: 100%

It is the responsibility of the Branch Chief to ensure that the new and transfer assignments for each newly hired CSO remain consistent with the guidelines identified above.

6. Procedures for No-Show Offenders

Once it has been determined that an offender has failed to report for supervision assignment, the following actions will be taken:

- a. The OPU will forward all photocopied materials and other pertinent information to the designated supervision team within one business day.
- b. The OPU staff person will make the probation case assignment and will notify the SCSO of the assigned unit within one business day.
- c. The CSO assigned by the SCSO will immediately (within 2 business days of the assignment) attempt to contact the offender. Initially a certified letter is to be sent to the most current offender residence followed by a field visit from the assigned CSO. Upon contact, the CSO will follow the procedures for initiating supervision.
- d. If the assigned CSO fails to establish contact with the offender at the last known address, the CSO is to conduct a criminal record check (to check for new arrest(s)) and ascertain whether or not the offender is incarcerated.
- e. If all reasonable efforts to locate the offender fail, the CSO is to request a warrant for the apprehension of the offender (Loss of Contact (LOC) procedure).
- f. The report is to be written no later than 18 business days from the date of case assignment to the CSO.
- g. All investigation activity for the no-show offender will be documented in the automated information system (SMART).

7. Procedures For Mental Health Cases

Mental Health offenders pose a greater risk to the community as well as themselves if the supervision process is delayed because of their failure to report. OPU has a responsibility to ensure that this type of offender arrives expeditiously at the correctly assigned unit.

Offender Processing Specialists are directed to escort offenders assigned to Mental Health teams located in 300 Indiana Avenue. All offenders are to be escorted once the assignment has been completed in SMART. If the offender

refuses to cooperate with this process, the team is to be alerted. The SMART Running Record must be updated to reflect those circumstances. The case file will subsequently be hand-delivered to the team once it has been completed.

D. Preparing DMV Identification Letters

The OPU will prepare offender identification letters for offenders under supervision who have no verifiable means of identification. The offenders will present the identification letters to the D.C. Department of Motor Vehicles (DMV). DMV then will issue a non-drivers identification card to the offender upon the offender completing a DMV form and submitting an application fee. These letters are generated from the SMART parole subsystem module (see Appendix H, Offender Identification Cards – Policy Statement 4014).

The process for offenders to obtain a DMV identification letter is as follows:

- a. The assigned CSO must ensure that all pertinent identifiers have been entered into SMART (i.e., picture, weight, eye and hair color, etc.).
- b. When the offender reports to the OPU, he/she should have received a DMV referral receipt from the CSO.
- c. The OPA will click on the offender's name and then the offender ID letter tab after ensuring that the information in the system matches the letter. SMART system information can only be updated if there is official supporting documentation.
- d. The DMV letter will be printed from SMART only after the identifying information has been compared and found to be verified by the referral document.
- e. The DMV letter will be printed in color and the conveyance letter will be sealed with the official Agency seal. The letter and application will be given to the offender who will hand-carry the documents to DMV.
- f. OPU staff will maintain a computerized folder labeled DMV referrals. Letters will be filed by the PDID number and maintained in an OPU file.

E. Notifying, Tracking, and Monitoring FBI Flash Notifications

The OPU Branch is responsible for notifying the Federal Bureau of Investigations (FBI) of offenders under supervision who have been convicted of certain serious charges as specified by the FBI. OPU staff will identify these offenders at intake for supervision, complete the FBI notification form, and submit the form to the FBI. OPU staff also is responsible for tracking and monitoring FBI flash notifications. When an offender's

flash notice needs to be transferred to another jurisdiction or cancelled, based on the offender's supervision status, OPU staff must notify the FBI.

If an offender who has an FBI flash notification active is rearrested, OPU's Special Projects Unit staff is responsible for receiving the automatic flash notice and notifying the appropriate CSO and SCSO of the re-arrest.

F. Providing Information to Support Federal Designations for Prisoner Transfers

1. Role of CSOSA in Information Sharing

The role that has been assigned to CSOSA in this information sharing process is to provide the U.S. Marshal Service (USMS) with Pre- or Post-Sentence Reports, as well as Alleged Violation Reports, or both. CSOSA staff will respond to requests made by the USMS for Pre-Sentence Reports and Alleged Violation Reports within three (3) business days from the date the request was received. Post-Sentencing Report requests will be answered within eight (8) weeks, as this is the normal turn-around time to have the report prepared by CSS Diagnostic staff.

2. Procedures

a. Timely Responses

The following procedures are to be followed to ensure timely responses and effective communication with respect to the requests from the USMS:

- i. The SOPA will receive an electronic listing from the USMS via email that will state the offender's name, PDID, sentence date, case number, which documents are needed (i.e., the PSI, violation report or both) and the status of the requested information.
- ii. The list is to be reviewed by the Intake Manager to include:
 1. Date stamping the arrival of the listings from the USMS;
 2. Checking the list to ensure that the work is not being duplicated;
 3. Reading thoroughly through the listing to determine how many documents will need to be produced by CSOSA.
- iii. The Intake Manager will then forward the list to the assigned CSA to begin gathering the requested information.

On a daily basis, the CSA assigned to gather the requested information will perform the following functions in an effort to respond to requests

within the aforementioned three (3) business days (from the date of the original request receipt).

b. Retrieving Pre-Sentence Investigation Reports

i. When retrieving the Pre-Sentence Investigation Reports, the CSA will first check SMART for any PSIs that have been prepared (within the last two years) and retrieve the PSI from SMART.

ii. If the PSI was prepared before January 2002, the CSA will check the shared drive of the CSOSA Intranet Information System and retrieve the PSI from that source.

iii. If the PSI is not in SMART and cannot be located on the shared drive, the CSA will then make a request to the File Management Unit to have the closed supervision file pulled and returned if a PSI is in the closed supervision file.

iv. The CSA will make a list of no more than ten (10) requests to the Supervisory Community Supervision Assistant (SCSA) of the File Management Unit, no later than 12:00 noon on the date of the request. The requested files will be pulled and forwarded to the requesting CSA no later than 12:00 noon of the next immediate business day. The request will be made via email to the File Management Unit and will include the offender's name, PDID number, case number and sentencing judge.

v. If the PSI cannot be located after exhausting all of the internal CSOSA resources, the CSA may then and only then, contact the sentencing judge's chambers to locate a copy of the PSI.

vi. If the PSI cannot be located by the CSA after performing the preceding steps, the CSA will then inform the Intake Manager via email that a Post-Sentence Report must be prepared; providing the offender's PDID number, the case number, the sentencing judge's name and the original sentencing date.

c. Retrieving Violation Reports

i. The CSA must first send a list of reports needed to the SCSA of the File Management Unit, requesting that the violation report be pulled from the closed supervision file. The CSA will make a list of no more than ten (10) report submissions by 12:00 noon of the request date.

- ii. The SCSA will notify the CSA of their findings no later than 12:00 noon of the following day. The request will be made via email and will include the offender's name, PDID number, case number and sentencing judge.
- iii. If the violation report is not available in the closed supervision file, the CSA will access the Alleged Violation Reports (AVR) module in SMART to determine if the report is accessible through the system.
- iv. If the violation report is not available through the AVR module, the CSA will send the list of requested reports to the Supervisory Offender Processing Assistant (SOPA), asking that the Court jackets be pulled to ascertain if a violation report(s) is included in any of the Court jackets. The CSA will make a list of no more than ten (10) reports by 12:00 noon of the requesting day.
- v. The SOPA will notify the CSA of the findings no later than 12:00 noon of the following business day. The request will be made via email and will include the offender's name, PDID number, case number and sentencing judge.
- vi. In the event that the violation report still has not been located, the CSA will then, and only then, contact the Community Supervision Officer (CSO) previously assigned to the offender, to determine if a copy of the violation report remains in the unit office files.

d. Transfer of Information

The CSA will transfer the information to the USMS as follows:

- i. Upon receiving all PSIs and/or violation reports, the CSA will create a spreadsheet listing the offenders' names, PDID numbers, case numbers and the information requested
- ii. Once the spreadsheet is completed, a copy of the spreadsheet, along with all documents requested, will be hand delivered by File Management Unit staff to the U.S. Marshal Service Office located in the D.C. Superior Court at 500 Indiana Avenue, N.W., C-Level, Washington, D.C. This information will be delivered on a daily basis.
- iii. The spreadsheet will allow for a signature by the receiving U.S. Marshal Service representative that will verify receipt of information provided.

e. Notification of the CSS Deputy Associate Director

The OPU Intake Manager will notify the CSS Deputy Associate Director of any documents that were not provided to the USMS within three (3) business days of the Court disposition, or the eight (8) week time frame in the case of Post-Sentence Reports.

Chapter IV: Offender Investigations, Diagnostics and Evaluations

A. Overview of the Investigations, Diagnostics and Evaluations Branch

CSS is committed to providing accurate and timely information and meaningful recommendations to criminal justice decision makers in order to assist them in determining appropriate dispositions for the offenders and/or inmates under their charge. The Investigations, Diagnostics and Evaluations Branch of Community Supervision Services (CSS) is responsible for conducting Interstate, Pre-Release, Pre-and Post-Sentence Investigations and other specialized reports of offenders as requested by the D.C. Superior Court (DCSC), the Federal Bureau of Prisons (BOP), the U.S. Parole Commission (USPC) and states participating in the Interstate Compact for Adult Offender Supervision agreement. These specialized investigations provide important information to criminal justice system authorities that must consider offender criminal and social histories in determining sentencing alternatives, treatment plans, special conditions of release, supportive services and in making institutional classification decisions.

The Investigations, Diagnostics and Evaluation Branch of Community Supervision Services (CSS) also include the Transitional Intervention for Parole Supervision (TIPS) Program. TIPS' responsibilities include a wide range of diagnostic services including the investigation of Institutional Pre-Release plans for offenders who are due to be released from incarceration and be reintegrated into the community-at-large. TIPS staff also conduct investigations on parolees and probationers requesting transfer of supervision from another jurisdiction to the District of Columbia, as well as those previously sentenced in the District of Columbia Superior Court requesting to relocate back to Washington, D.C., through the Interstate Compact for Adult Offender Supervision. In addition, TIPS staff cooperate with the Federal Bureau of Prisons (BOP) and the United States Parole Commission (USPC) in matters relating to offender release, placement, treatment and alternative housing. The TIPS Program is the central CSOSA consultative resource in dealing with various Federal and local law enforcement agencies in the processing of pre-and post-release investigations.

B. Diagnostic Case Management Standards

The Investigations, Diagnostics and Evaluations Branch standards for working files and preparation of the investigation reports are presented below.

1. The Diagnostic Case Working File

The diagnostic case folders are working files in that all information uncovered by the CSO during the investigation process is systematically maintained in a folder in accordance with branch standards. In certain cases, the diagnostic CSO will consolidate old file(s) with a new file so that there is only one file for each offender. All correspondence, criminal records checks, referrals and drug test information are maintained in the file, along with copies of release of information authorization forms. All diagnostic files must contain a copy of the completed investigative report.

The CSO is to maintain an electronic history in the Agency's automated information system of the CSO's progress in completing the investigation by recording e-chronological entries for all contacts to the running record for each case. Once the investigation is completed, the working file is forwarded to the appropriate CSS staff pending sentencing.

2. Professional Judgment and Objectivity

The pre-sentence report and other investigations prepared by the Investigations, Diagnostics and Evaluations Branch are to be unbiased and without any indication of personal prejudice, animosity or favor on the part of the writer toward the offender and the crime committed. All judgments made by the CSO within the report are to be objective and supported by verified, factual information, with sources clearly identified. The diagnostic report must be accurate and pertinent to the purposes of the requesting authority. The source(s) of all key information must be cited, specifying the date and person(s)/document providing the information.

When statements are made reflecting the diagnostic writer's professional judgment, the statements must be identified by the use of such wording as, "it is felt that" or "it is this officer's opinion". In this way, nothing written in the report is unsubstantiated or subjective. In accordance with the American Bar Association (ABA) standards, if a source feels that disclosure of certain information would result in harm to that source, or if some other detrimental effect is believed likely, the source should be identified in the report, but the CSO also may request that the sentencing judge maintain confidentiality as to that source prior to disclosing the contents of the report to counsel. In PSIs, the CSO may forward particularly sensitive material to the sentencing judge in a separate memorandum with the approval of the SCSO.

C. Types of Investigations

CSS staff conduct several types of specialized investigations. These reports differ in content and scope, based on the informational needs of the reviewing authorities. The reports are:

Pre/Post-Sentence Investigations:

1. Criminal
2. Traffic Alcohol
3. Sex Offender
4. Criminal Records Checks;
5. Home Study
6. Special
7. Interstate Compact
8. Pre-Release Home and Employment Plans
 - a. Direct/Institutional Plans
 - b. Residential Re-entry Center (RRC) Plans
9. Relocation Plans

Criminal Investigations, Pre/Post-Sentence Investigations, Traffic Alcohol Investigations, Sex Offender Investigations, Home Study Investigations, and Special Investigations are conducted by diagnostic CSOs. Interstate Investigations, Release Plan Investigations, and Relocation Plan Investigations are conducted by TIPS CSOs.

1. Pre/Post-Sentence Investigations

The Investigations, Diagnostics and Evaluations Branch intake process begins when an offender is convicted of a criminal charge and referred by a D.C. Superior Court judge or a commissioner for a PSI investigation, or when a request is received from the BOP or the D.C. Superior Court judiciary for a Post-Sentence Investigation. The various reports are submitted in accordance with prescribed timelines established through formal inter-agency agreements among CSOSA, the Court, and other criminal justice system entities. These in-depth reports require a thorough investigation into the background of each defendant (pre-sentence investigation) or offender (post-sentence investigation) and include the charges and outcome(s) of all previous offenses.

a. Pre-Sentence Investigations (PSIs)

The PSI is a comprehensive written report prepared and submitted upon request of the judiciary of the D.C. Superior Court. The primary purpose of the PSI is to provide information that will significantly assist criminal justice and corrections decision makers in understanding the treatment and supervision needs, risk potential and classification requirements of each individual offender and/or inmate. The PSI also is shared with and forwarded to other criminal justice system users (i.e., the Federal Bureau of Prisons, Interstate Compact authorities, etc.) to support informed decision making in other settings. The PSI contains information about the history and characteristics of the offender including: family, criminal, employment, health, substance abuse/addictions, lifestyle, living environment and financial information. Other important circumstances and information that may affect the offender's behavior and ability to comply with direction and supervision also are included in the PSI. To every possible extent, the PSI will address those criminogenic factors that contributed to the offender's past and present involvement in criminal offenses.

b. Post-Sentence Investigations

The Post-Sentence Investigation report is similar in content to the PSI, but is conducted on offenders who have already been convicted and sentenced. The report is done at the request of the Bureau of Prisons (BOP) and is used to make security classification decisions for the incarcerated offender.

c. Pre-/Post-Sentence Report Elements

These investigative reports include the following data elements:

- i. Contacts;
- ii. Offense;
- iii. A USA Statement;
- iv. Victim Impact Statement;
- v. Defendant's Statement;
- vi. Defense Attorney's Statement;
- vii. Prior Criminal Record:
 - a. Juvenile Arrest Record
 - b. Adult Arrest Record
- viii. Pre-Trial, Probation, Parole, Supervised Release, Pre-Disposition and/or Institutional Adjustment Report(s);
- ix. Employment History;
- x. Social History;
- xi. Health;
- xii. Comments and Assessments;
- xiii. Other Significant Information;
- xiv. Substance Use/Abuse;
- xv. Evaluation and Diagnosis;
- xvi. Criminal History Score (PSI only);
- xvii. Intervention Plan
- xviii. Suggested Special Conditions
- xix. Recommendation

d. Victim Impact Studies

Pursuant to the Victim and Witness Protection Act of 1983, Superior Court judges also may order that a Comprehensive Victim Impact Statement be completed by the CSOSA Victims Services Unit. In such instances, a specific format and formal protocol will be followed as prescribed in the Investigations, Diagnostics and Evaluations Branch Manual.

e. Application of Sentencing Guidelines

Preparation of the PSI report also must include the calculation of the offender's criminal history score, as determined through application of the DC Sentencing Guidelines (see Appendix I, Sentencing Guidelines Guide for Scoring Criminal Record).

2. Traffic Alcohol Investigations

For offenders with traffic alcohol charges pending sentencing, Traffic Alcohol Investigations identify an offender's substance and alcohol abuse and history, and the offender's willingness to commit to not driving while under the influence of drugs and/or alcohol.

The Traffic Alcohol Program (TAP) diagnostic report is the document by which the investigating CSO makes an assessment as to the existence and seriousness of the defendant's drinking/drug related behaviors. If a drinking/drug problem is found to exist, the CSO will make a recommendation(s) in the report that will focus on a variety of remedial steps and the appropriate course(s) of treatment to be pursued by the offender during the period of supervision.

The Traffic Alcohol diagnostic function begins when the defendant has been convicted of traffic related offenses. Traffic Alcohol Investigations are processed at the point of intake. Investigations of defendants who have entered a plea or been found guilty of a traffic alcohol offense or any traffic related offenses may, however, be referred by the Court for a diagnostic report.

The Traffic Alcohol Investigation Report is prepared on all traffic alcohol related offenses and normally takes seven (7) weeks and two (2) days to complete. In instances where the defendant was involved in an automobile accident involving personal or property damage, the judge may order specific information as to monetary restitution amounts to the victim.

3. Sex Offender Investigations

Sex Offender Investigations provide detailed information on the sex offender behavior of the individual and his or her victimization patterns of past and present crimes. Additional sections of the investigation report focus on the specific nature of the sex offense(s). The report emphasizes whether or not a treatment plan can be formulated, based on the offender's motivation for treatment; the offender's prognosis for rehabilitation; and whether the offender can be monitored in the community without undue risk of potential harm to the general public.

Sex offenders pose unique challenges in the field of criminal justice that require special attention and expertise in both diagnostic and supervision efforts. Research and experience in the field of sex offender case management and treatment have shown that there are many types of sex offenders. Research also has shown that sexually deviant behavior is often chronic in nature. In addition, a sex offender may have multiple victims prior to his/her first arrest. Sex offending behavior also can escalate in severity over time, and there is no "cure" for this type of behavior.

Perhaps most significantly, extensive research and experience have found that sex offenders often appear, to the untrained person, to be cooperative and seemingly benign individuals. This deceptive characteristic can, however, enable sexually deviant behavior to go unsuspected, undetected and unimpeded. The Sex Offender Pre-Sentence Investigation is to be conducted in a manner and with a proficiency that serves to uncover the full extent of an offender's past sexual deviancy and patterns of victimization. In the Sex Offender Investigation report, it is important for the investigator to identify significant risk factors that can determine the offender's potential to re-offend and/or successfully complete a period of community based supervision.

The investigator is to focus specifically on an offender's past sexual offending behavior patterns in order to provide the releasing authorities with pertinent, timely and accurate information so that informed decisions can be made. The investigative report also assists the supervising authorities (i.e., probation, parole or correctional facility) in their continuous monitoring of the sex offender.

The Sex Offender PSI also will provide pertinent and thorough background information to enable effective offender classification and assessment decisions to be made continually and support the informational needs of potential treatment providers.

4. Home Study Investigations

Home Study Investigations are conducted by order of the Court in certain domestic relations/civil matters wherein the Court requests an investigation of the home and/or residential circumstances of a parent or guardian seeking visitation privileges and/or custody of a minor child (or children) prior to granting such privileges. In most instances, the parties associated with these matters are related, and there has been a disruption or separation of the normal family circumstance. The investigation centers around ensuring the continued health, safety, and general well being of the minor child or children involved. The investigation's focus is on revealing the impact that visitation will have upon the child.

The Family Division of the D.C. Superior Court has jurisdiction over Domestic Relations matters. In this context, a domestic relations matter is defined as a civil case, normally involving issues such as divorce, separation, visitation privileges and/or child custody rights. With the passage of the Domestic Violence Amendment Act of 1990, a recurring duality in custody proceedings had been recognized.

Experience had shown that persons who are involved in domestic violence disputes in which Civil Protection Orders (CPOs) have been issued, are oftentimes themselves found to be petitioning the Court for custody of children or review of visitation rights. The complexity of these disputes requires that a Home Study Investigation be conducted prior to custody dispositions in certain Domestic Relations cases. The Court will order a Home Study Investigation if a civil protection order has been issued at the same time there is a pending dispute between the parties as to the custody of children and/or visitation rights.

The Home Study Investigation is prepared by a diagnostic CSO and consists of an in-depth examination of the home situation and/or residential circumstances of a parent, guardian or other involved person(s) petitioning the Court for visitation or custodial rights involving a minor child.

The Diagnostic CSO must recognize that the gravity and complexity of these cases arise from the conflict within the family, the contested placement decision of the children, and the highly charged issues of parental/custodial rights. The Diagnostic CSO must be guided by the fact that the child's welfare is the primary consideration in Domestic Relations cases, with the interests of the family/conflicting parties being of secondary concern.

The safety of the child/children must be established before the Court grants visitation or custodial privileges to either of the conflicting parties or a guardian.

In addition to ordering the investigation, the Court also may include drug, alcohol, and/or psychiatric testing for the parents and/or child as special conditions. Once the Home Study Investigation is completed, CSOSA has no further responsibility to the Court or the family in Domestic Relations matters, unless the Court orders further involvement.

a. The Home Study Format

The Home Study Investigation Report includes the following data elements:

- i. Date;
- ii. To;
- iii. Re;
- iv. Case;
- v. Subject;
- vi. Introductory Statement;
- vii. Current Status and Statement of Problem;
- viii. Contacts Made;
- ix. General Social Background;
- x. Principal(s) (By Name);
- xi. Observation of Home Environment;
- xii. Other Resource(s);
- xiii. Evaluative Summary;
- xiv. Recommendation;
- xv. Signature of Investigating CSO; and
- xvi. Signature of Reviewing SCSO.

5. Special Investigations

Special investigations are conducted by the Transitional Intervention for Parole Supervision (TIPS) CSO to obtain specific information requested by state correctional institutions and paroling authorities on inmates in **pre-parole/supervised release status**.

The special investigation provides specific information needed by a correctional institution to assist paroling authorities in formulating an offender's parole plan that will determine whether an inmate is to be released and under what circumstances. Once the investigation is completed, a memorandum is prepared and sent to the requesting agency.

The report content varies, depending on the information needed by the institution or paroling authority. The investigation is prepared in a memorandum on official CSOSA letterhead and provides specific information that includes two or three areas of concern that were identified in the requesting institution's original correspondence.

The CSO conducting the investigation is given four weeks to prepare the report, unless the information requested is needed by a specified date less than four weeks. Extension of the

due date for the submission of the investigation must have the endorsement of the SCSO and the approval of the Branch Chief. If the extension date is approved, the Branch Chief will contact the correctional institution to obtain a revised date for the submission of the investigation.

6. Interstate Investigations

Interstate Investigations are conducted to verify the residence and employment status of an offender whose criminal justice status originates in another jurisdiction, but who desires to relocate and reside in the District of Columbia. The report used by Community Supervision Officers (CSO's) investigating offenders who seek to reside in Washington D.C. is a specialized form utilized in accordance with the requirements of the Interstate Commission for Adult Offender Supervision. The purpose of the Interstate Commission is the prevention of crime through the management, control, and supervision of offenders who are approved to reside in a jurisdiction other than the community (state) where the originating offense/ conviction occurred.

An Interstate Compact case involves an offender who is serving a term of either probation or parole at the time that the offender makes an application to reside in a locality other than the original sentencing jurisdiction. In addition, inmates serving time in a correctional facility also may make a request (prior to release to community supervision) to be supervised in a location other than the original sentencing jurisdiction. Those D.C. Code offenders, who are released to supervision (parole, supervised or mandatory release) and request to reside in a jurisdiction other than the District of Columbia, will be supervised by the U.S. Probation Office in the jurisdiction in which they wish to reside. The U. S. Probation Office in the state where the inmate desires to reside will investigate the inmate's proposed home and employment circumstances and advise the United States Parole Commission (USPC) of the acceptance or rejection of the inmate's case upon his or her release to community supervision.

The Interstate Compact: 1) provides a simple and legal method wherein offenders may move to a better rehabilitative environment outside the originating state, without losing the advantages of supervision or escaping from the jurisdiction of the state in which they were sentenced; 2) provides for the return of violators without a prolonged judicial process; and 3) provides for the sharing of other criminal and social information and the option of cooperating in other investigative and/or supervision activities involving the requesting states.

a. The Reply to Transfer Request

The "Reply to Transfer Request" indicates that the District of Columbia, based upon its investigation, either does or does not agree that the offender can reside in this jurisdiction for the duration of his/her supervision term. The form also identifies the reasons for acceptance or rejection.

b. Production and Submission of Report

The TIPS CSO will conduct the investigation of the request for Interstate transfer supervision and prepare a report to accept or reject the request within thirty days of case receipt. Once completed, the report is submitted to the unit SCSO who will review the investigation and, if found to be in order, sign off and forward the investigation to Deputy Compact Administrator for further processing.

c. Interstate Investigation Report Formats

i. Probation

The forms entitled the “Reply to Transfer Request” and “Reply to Investigation Request” are completed and forwarded to the requesting and sending jurisdictions, respectfully, upon completion if the investigation.

ii. Parole

D.C. code parole cases are transferred between U.S. Probation offices and are not transferred under the Interstate Commission.

d. Memorandum Notice of Acceptance or Rejection

The memorandum, Notice of Acceptance or Rejection, is a formal correspondence advising the requesting agency that CSOSA has completed the investigation process and will accept or reject the offender for courtesy supervision. The correspondence is to indicate the date that the home contact was made, person(s) with whom the CSO talked, description of the dwelling, verification of the employment plan, and reporting instructions for the offender.

e. Residence and Employment Requirements

Prior to acceptance, all offenders must have an approved home and employment plan or a verifiable means of support. The plan required for this report must include a verifiable residence and place of employment (training, educational programs and/or treatment programs, when available). The plan must be approved by the assigned diagnostic CSO, the SCSO and the Deputy Compact Administrator (DCA). The Compact states have agreed, however, that an “opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.”

To be considered a resident, the offender or his family must have been an actual inhabitant of the state continuously for more than six months prior to the offending coming to the sending state. The probationer/parolee case also should be accepted when it appears there is a plan for the individual that has merit and will serve to aid in his/her ultimate rehabilitation.

The Compact Administrators will not reject an offender for supervision based solely upon the fact that he or she is unemployed. Compact rules require the offender to have a viable means of support. If unemployed, the offender's family must agree to provide the offender practical support, pending employment. It is expected that the offender actively seeks employment, enrolls and becomes actively involved in a training program and/or enroll in school. Employment may be verified through pay stubs and/or an on-site job visit. Upon completion of the investigative report, the TIPS CSO, with the approval of the TIPS SCSO, shall render a recommendation for acceptance or rejection to transfer supervision. The decision to accept or reject supervision will be determined by the Compact Administrator or designee.

f. Interstate Transfer Investigations and Case Assignment Procedures

The following section will provide instructions for investigation teams, supervision officers and Offender Processing Unit (OPU) staff who are responsible for the investigation and assignment to supervision of offenders who request to transfer to the District of Columbia from other jurisdictions. Interstate cases are assigned to the Investigations, Diagnostics, and Evaluations Branch, which ~~are to~~ determines an offender's eligibility to transfer to the District of Columbia and ~~to~~ verifies acceptability of the offender's address and employment

g. Standards for Investigation Assignments

The following instructions are specific to the assignment of cases for interstate.

- All completed interstate investigations must receive prior approval from the Deputy Compact Administrator before acceptance. The DCA will forward completed acceptances to the OPU for assignment to supervision teams. All rejected requests for interstate transfer will receive the appropriate response to be forwarded to the sending jurisdiction.
- Not all requests for interstate supervision under the mandatory acceptance criteria will be assigned to the investigation teams for processing. Most interstate transfer cases will be assigned and documents forwarded directly to the supervision teams. However, the Deputy Compact Administrator will continue to reserve the authority to assign any mandatory acceptance containing questionable information to the investigation teams for appropriate action. Cases that will no longer require interstate investigation are:
 - District of Columbia residents committing offenses in other jurisdictions and currently under supervision; and

- All mandatory acceptance cases where the reporting instructions have been issued.
- All supervision teams assigned mandatory acceptance cases or cases assigned with reporting instructions, must initiate supervision standards, in accordance with agency guidelines for a new case assignment.
- At the conclusion of the interstate investigation, investigation officers will complete, as part of the interstate package, the Interstate Reply to Transfer Request Form (see attached); however, the offender must be granted at least 7 to 14 calendar days to appear for supervision.
- Offenders that are District of Columbia (DC code) violators that have served a period of incarceration and released under the authority of the United States Parole Commission (USPC) are not required to request transfers to other jurisdictions via the interstate compact agreement. DC code offenders released under the authority of the USPC and reside in other jurisdictions are to be supervised by the United States Probation Office (USPO) in the designated jurisdiction. The transfer is facilitated through the Federal Bureau of Prisons (BOP) relocation process prior to release to community or by way of a letter after release requesting courtesy supervision. All DC code parole and supervised released transfer approvals must be through a certificate of release granted by the USPC (BOP facility) or an acceptance letter from the USPO agreeing to courtesy supervision (offenders residing in DC prior to transfer). The investigation teams are to make every effort to ensure that transfers are granted through the certificate of release whenever possible (BOP releases only). Offenders receiving courtesy supervision may have the courtesy revoked at anytime by the USPO and must return to the District immediately.
- The investigation teams will not be responsible for the investigation of any offender returning to the District under the authority of the USPC. Offenders returning to the District are to be assigned by OPU immediately to supervision teams for appropriate action.
- No statement written or implied in this document shall preclude District of Columbia code violators under the authority the D.C. Superior Court or other state code violators from compliance with the interstate compact process. All probation matters

pending transfer must comply with interstate compact procedures.

7. Pre-Release Home and Employment Plan Investigations

Release Plan Investigations require a thorough investigation into the background of each offender, similar to the preparation of PSI's. A review of the offender's prior criminal record, substance abuse, supervision and social history is conducted to develop a comprehensive supervision plan. The process begins when CSOSA receives a request from the Federal Bureau of Prisons (BOP) to prepare a release plan investigation for an offender who is due to be released soon from a BOP correctional institution. Two types of release plan investigations are conducted: Institutional Release Plan Investigations and **Residential Reentry Center (RRC) Designation Pre-Release Plan Investigations**.

a. Direct/Institutional Plans

Institutional Release Plan Investigations are prepared for inmates who are released from a correctional institution directly to the community (i.e., supervised releasees, mandatory releasees and parolees) without a RRC transition. The Institutional Release Plan Investigation includes a home and employment investigation (in a few cases when a place of employment is identified). Institutional Release Plan Investigations should be received from the BOP at least **8 months** prior to the offender's effective release date or designation date to a Residential Reentry Center.

b. Residential Re-entry Center (RRC) Plans

Home Plans are investigated for inmates designated for or transferred to RRC during the pre-release phase of incarceration. Proposed home and employment plans should be received by the TIPS CSO from the Federal BOP or BOP contract Case Manager approximately **8 months** prior and 30-45 days prior to the offender's projected release date, respectively. In some instances, the TIPS CSO will initiate the development of a home and employment, if indicated. The TIPS CSO shall investigate the proposed plan(s) submitted by the RRC Case Manager to ensure stability and suitability. The TIPS CSO identifies risk and needs and coordinates linkages to services.

c. TIPS Case Assignment of Proposed Home and Employment Plan Investigations

All proposed investigations are to be assigned to a TIPS CSO by the Offender Processing Unit (OPU). Once a request is received from the Federal BOP and/or the BOP contract case manager, the TIPS CSO will review the proposed home and employment plan (if, applicable), and other critical and supporting documents, which may include but are not limited to: Institutional Progress reports, PSIs, medical reports, mental health screenings/evaluation(s), sentry reports, psycho-social documents, and other relevant documents.

The TIPS CSO reviews the release plan, required criminal data bases, including WALES/NCIC, CIS, SENTRY, SMART to ensure time structure, review institutional programming, identify any individual needs and risk, if the data is available, accuracy of data to support the investigation. The CSO also will determine from SENTRY the date and location of the RRC placement, if applicable. The CSO also will review the SENTRY time computation screen to determine the offender's supervision full term expiration date, which will be included in the case file and the Reporting Instructions Sheet.

The TIPS CSO will review the file and the Notice of Action (NOA) to determine if the USPC has made any special recommendations for supervision and to determine the level of preparation needed to provide effective supervision. The NOA also will identify any special conditions to be imposed on the offender's release by the USPC.

The TIPS CSO also shall review the offender's Judgment and Commitment Order (J&C) to identify any other special conditions the offender may have, as well as to determine if the special condition(s) has been satisfied.

d. Offenders With Special Needs or Conditions

Based on a review of the NOA and J&C, the offender may be identified as having special needs or conditions of release. The TIPS CSO will determine an appropriate supervision unit assignment, based on all facts and documents received during the investigation using the CSS special supervision criteria and information available.

i. Residential Treatment (General & Mental Health Offenders)

If residential treatment has been recommended, the Central Intervention Treatment (CIT) staff will prepare a treatment package that includes the offender's Performance Contract, Accountability Contract, and Release of Information forms. These documents are to be faxed to the BOP or RRC Case Manager, as appropriate, for the offender's signature and returned to the CSO via fax. The CSO will contact the BOP or RRC Case Manager and request a copy of the offender's Tuberculosis test or will refer the inmate to a community clinic/health center if the offender is in a CCC. TIPS CSO will assist, if needed.

When the treatment package is completed, reviewed, and signed by the SCSO, the CSO will forward the package and any additional information needed to CSOSA's **Reentry and Sanctions Center (RSC)** for review. If the offender is accepted for placement (the day of placement will be the same day of the offender's release from the institution), the TIPS CSO will prepare an approval memorandum or release plan form and fax it to the BOP or RRC case manager.

The memorandum will provide the offender's treatment placement and admission date to the BOP or CCC Case Manager. If the offender does not meet the High Intensity Drug Trafficking Area (HIDTA) criteria for placement at the AOC, CIT will place the offender with other CSOSA treatment vendor(s).

▪ **TIPS Referral Criteria to the Re-Entry and Sanctions Center (RSC)**

The referral process to the Re-Entry Sanctions Center (RSC) is managed by Community Justice Programs. At full capacity, the RSC has approximately one hundred two available spaces for re-entrants, pretrial commitments, supervision sanctions and probation split-sentence releasees. The Diagnostic branch will ensure that the RSC admissions process is consistent with the operational requirements of TIPS and its release plan investigation obligations.

▪ **Mission Statement**

The mission of the Re-entry and Sanctions Center is to provide intensive assessment and reintegration programming for high-risk offenders/defendants and residential sanctions for offenders/defendants who violate their release conditions.

The program is designed to house the offender for a period of **28 days prior to release to the community**.

▪ **Referral Population**

The RSC is designed to service four primary populations of offenders:

- ❑ Offenders from a Federal Bureau of Prisons facility released to community supervision under the authority of CSOSA.
- ❑ Offenders who are misdemeanants or pretrial referrals located in a District of Columbia Department of Corrections facility.
- ❑ Offenders who are sentenced to a period of incarceration prior to being released to probation supervision (split-sentence offenders).
- ❑ Offenders who are currently under supervision with pending violations.

For the purposes of TIPS operation, the sole focus will be on the population released from the Federal Bureau of Prisons. TIPS, competing for bed-space with other designated populations, will provide referrals to the RSC from the **male** BOP population and the **mental health** that are: 1) homeless; 2) high risk offender (including substance abuse, high criminality, and dually diagnosed); 3) rejected by BOP for Public Law Placement; and 4) ineligible for halfway house referral or placement. Not any one factor will control whether an offender should be referred to the RSC.

In considering offenders for the RSC, the TIPS CSO should be assessing the most difficult to place offender with the greatest need for intensive in-patient services. Each case must be assessed on an individual basis. The fact that an offender may be homeless is not a deciding factor when viewed in isolation. If coupled with a history of mental health issues or multiple supervision failures or an extensive criminal history, the offender may then merit referral to the RSC.

▪ **The TIPS Investigation and Referral Process**

The standard procedure for the processing of a TIPS investigation includes the receipt of the release plan from the Federal Bureau of Prisons, at least six months prior to the release of the offender. Additionally, the assignment of the investigation from the Offender Processing Unit to a TIPS team should occur six months prior to the offender's release from incarceration. The TIPS CSO will be expected to identify potential referrals to the RSC by a review of all available data regarding the offender's background between 45 and 120 days of release. It is expected that the CSO will review:

Databases: SMART; NCIC; SENTRY; IJIS; JACCS and all other available systems

Reports: Drug Testing; AVRs, PSIs, BOP documents; CIT assessments and all other available documents

Other Documents: Notice of Actions; J&C special conditions; prior supervision, revocations, disciplinary reports, medical records, etc.

The referral package should include the following items, when available:

1. Current USPC Notice of Action;
2. Judgment and Commitment Order
3. Sentry Time Computation/Sentence Structure Record
4. Pre-sentence Investigation Report, if not located in SMART
5. BOP Progress Report
6. BOP Medical Form (to include TB Test results, if available)
7. SENTRY Disciplinary Report

Note: additional information may be requested on a case by case basis.

▪ **Eligibility Criteria for Mental Health Offenders**

To be eligible for referral to the RSC-Mental Health floor, the offender must:

- ❑ Have six (6) or more months remaining on supervision;
- ❑ Have a documented Substance Abuse History
- ❑ Be assessed as high risk (i.e., extensive criminal history, high criminality, threat potential to self or community, etc.), per the AUTO Screener, if applicable.

In addition to meeting the required eligibility criteria for referral to the RSC, the offender also may have one or more of the following criteria:

▪ **Mental Health Reference Guide**

There are at least five profiles or categories of mental health offenders who may require screening, assessments/evaluations and/or subsequent treatment services:

Category I: Offenders who may or may not have a past history/ current mental health diagnosis and present with mental health issues as documented in prior psychological reports, PSI, Judgment and Commitment Order, BOP progress report, self-report, CSO observations/ impressions, prior assignment to a mental health team, supervision records, other related sources

Category II: Offenders with a history of having been diagnosed with a mental illness in the past and/or were placed on psychotropic medication. At

mental health screening, the offender is not on medication and has been drug free, due to a period of incarceration. The offender does not have any psychotic symptoms at screening.

Category III: Offenders receiving psychological services at a BOP/RRC facility to address a co-occurring mental health disorder. The offender may or may not be compliant with treatment or taking prescribed psychotropic medication.

Category IV: Offenders receiving psychological services at a BOP/RRC facility to address a co-occurring mental health disorder. The offenders have psychotic symptoms such as delusions and hallucinations and may have a severe thought disorder.

Category V:

a) Offenders receiving psychological services at a BOP/RRC facility and present with suicidal or homicidal ideations, thereby significantly increasing the offender's risk to public safety and/or to self.

b) Offenders who also may present with manic personalities and appear to be out of control, threatening, and highly agitated.

▪ **Exclusionary Criteria**

Offenders ineligible for referral to the RSC include offenders who have a history of arson (arrest, charge, and/or conviction). Offenders with a sex offense history can be referred to the RSC; however, these offenders will be reviewed on a case-by-case basis.

After review by the RSC Program Director or designee, an acceptance or rejection will be provided to the TIPS staff within 3 – 5 days or by the specified time stated in the referral package. If the Program Director approves acceptance to the RSC, the TIPS CSO must approve a release plan for BOP designating the RSC and request that as a special condition of release, the offender is required by the United States Parole Commission (USPC) to participate in the program. In the event that program

acceptance is not obtained, the RSC Program Director will refer the package submitted by TIPS to CIT for evaluation. Upon receipt of the CIT assessment, the CSO is to follow normal protocol to ensure that the BOP is notified of the approved release plan and the USPC is notified of any special conditions that may need to be added.

FIGURE IV.1

Reporting and Sanctions Center Referral Form

| | | | |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--|
| OFFENDER INFORMATION | | | |
| LAST NAME: | | FIRST NAME: | |
| DCDC #: | | RELEASE DATE: | |
| FEDREG#: | | RSC RESPONSE TO REFERRAL DUE: | |
| PDID#: | | | |
| REASON FOR REFERRAL (check one or more): | <input type="checkbox"/> <i>High Risk</i> <input type="checkbox"/> <i>High Criminality</i> <input type="checkbox"/> <i>Homeless</i> <input type="checkbox"/> <i>Mental Health</i> <input type="checkbox"/> <i>PLP Denial</i> | | |
| Known Physical Limitations | | | |

| | |
|--------------------|------------------------------------------------------------------|
| <i>Attachments</i> | |
| | <i>Pre-Sentence Report- (Copy not in SMART)</i> |
| | <i>Judgment and Commitment Order</i> |
| | <i>Notice of Action (Copy not in Smart)</i> |
| | <i>USPC Order</i> |
| | <i>BOP Progress Report</i> |
| | <i>BOP Medical Form to include any available TB test results</i> |
| | <i>Sentry Computation-Sentence structure</i> |
| | <i>Other (please explain):</i> |

Community Supervision Officer Signature

Date

Supervisory Community Supervision Officer Signature

Date

ii. Sex Offenses

In sex offender cases, the TIPS CSO needs to ensure that adequate preparation is made for the offender's return to the community. To ensure public safety, the TIPS CSO will review the documentation with the Sex Offender Team staff. The TIPS CSO also will prepare a psychosocial referral package for a mental health screening to determine the offender's treatment needs/placement by contract psychologist. In some cases, an inmate or offender may be scheduled for a mental health evaluation appointment while at the RRC or upon release, respectfully, as indicated. In addition, the TIPS CSO shall determine the suitability of the proposed residential address or if an alternative release plan is necessary.

iii. Domestic Violence

In domestic violence cases, the TIPS CSO will ensure that the proposed release plan does not violate any Civil Protection Order (CPO) or other special conditions within that sentence. In cases where a history of domestic violence has occurred, the TIPS CSO will ensure that the offender is not released to the identified address where the incidents occurred and, instead, will request that the USPC order a special condition for the offender to stay away from certain people or location(s), in addition to receiving domestic violence counseling and related treatment services.

iv. Significant Health Issues

In instances where significant health issues have been identified, the TIPS CSO will request medical documentation from the BOP Case Manager and will ensure that the offender's release plan includes a referral for health services to address any ongoing medical condition. The goal is to have a continuum of care in place for the offender upon the offender's release.

In some cases, an inmate or offender may be scheduled for a health evaluation appointment while at the CCC or upon release, respectfully, as indicated.

v. Alternative Placement

In alternative placement cases, the TIPS CSO will establish contact with community based transitional programs to determine the offender's suitability for placement.

If transitional placement is not deemed appropriate, the TIPS CSO will forward a release memorandum with a recommendation for Public Law Placement.

- vi. High Criminality/Serious Substance Abuse Histories**
In high criminality matters or cases with serious substance abuse histories, where the offender has not been afforded a RRC placement, the TIPS CSO will forward a release memorandum to the BOP case manager and the USPC with a recommendation for Public Law Placement.

e. Conducting the Home and Employment Plan

For all release plan investigations, the TIPS CSO will investigate the offender's proposed home and employment plan. The TIPS CSO will contact a resident of the proposed residence and will schedule a home investigation. If the home residence is deemed appropriate, CSO will prepare an approval memorandum and fax it to the BOP Case Manager for Institutional Investigations. In CCC investigations, the CSO will approve or deny the home and employment plan on the standard CCC release plan form from the CCC Case Manager. The CCC Case Manager will then forward the release plan form to the Center Director for approval of the CCC Designation Pre-Release Planning Investigations. In addition, the CSO will prepare the reporting instruction sheet to be signed by the offender and faxed back to the CSO or the officer at the CCC for signature by the offender. If an employment plan is noted with the offender's current or proposed employment, the CSO will contact the employer to schedule an employment investigation.

For institutional investigations, the TIPS CSO has 60 days prior to the offender's 10% date, as defined in the offender's computation sheet, to complete the release plan investigation. A memorandum with the results of the home and employment investigation, if applicable, will be sent to the BOP institutional case manager. For RRC Designation Pre-Release Plans, which have a shorter turnaround time, the CSO must complete the investigation prior to the offender's release.

f. Employment Verification Requirement in SMART

It is of great importance that CSOs understand that the entire employment information screen must be completed in SMART. In addition to indicating an offender's employment status, i.e., "unemployed" and the reasons for that particular status, i.e., "incarcerated", etc., the CSO must also ensure that the verification portion of the screen in SMART is fully completed as well. This information must be completed in all instances and without exception.

g. Denial of Home and Employment Plan

Upon investigation of the offender's home and employment plan, the TIPS CSO may deny the home or employment plan for any number of reasons. Some common reasons the CSO may deny the release plan during the TIPS investigation may include:

- i. The CSO is unable to establish contact with the resident or owner, or the resident or owner is unwilling to cooperate with the scheduled home visit;
- ii. The resident or owner is unable to verify ownership of the residence;
- iii. The resident or owner does not permit the offender to reside there upon release (i.e., not enough space, prefers the offender to enter residential or transitional housing, etc.);
- iv. The CSO determines that there are already too many occupants in the residence, there will be a hardship to the family, or the occupant refuses to allow offender to return with or without explanation;
- v. The person is a sex offender who is barred by D.C. Public Housing Authority policy from residing near a school or some other exclusionary criteria;
- vi. The residence is not located within the geographical boundaries of the District of Columbia;
- vii. The NOA or J&C Order requires the offender's placement in an inpatient or residential treatment setting immediately upon release;
- viii. The CIT recommendation was included in the PSI (instant offense), and the offender has a recommendation for inpatient treatment;
- ix. The CIT assessment was conducted while the inmate was located at an institution, and the recommendation is for inpatient treatment;
- x. Institutional staff (i.e., medical and/or mental health professionals) recommend inpatient placement for the offender to address mental instability or medical issues;
- xi. The offender is a pedophile who proposes to reside where children are known to visit the residence;
- xii. The offender is a pedophile who wants to reside near schools, recreational centers, day care centers, etc., where children are known to frequent;
- xiii. The proposed residence will violate a current Civil Protection Order or special condition in a Domestic Violence case;
- xiv. Per CSO discretion, the residence is situated in or near the neighborhood where the instant offense occurred. At the discretion of the CSO, the proposed residence may be denied because the location is where illegal activity occurs, or it may not be conducive to one's recovery;
- xv. Another offender resides at the proposed residence (unless approved by the CSO and SCSO); or
- xvi. The offender meets the criteria for Public Law Placement.

h. Public Law Placements (PLPs)

The following suggested criteria should be used when determining the appropriateness of PLPs as a recommendation for release. The criteria fall into six primary categories with suggested halfway house lengths of stay.

- i. Homeless Offenders.** Homeless offenders are defined as persons who do not have a home and lack a residence in the District of Columbia for release. The recommended length of stay in these matters is usually 90 to 120 days.
- ii. High Risk Offenders.** High-risk offenders may include:

 - 1. Substance abusers with a documented history of chronic substance abuse with no evidence of a substance abuse treatment intervention. Recommended length of stay is 60-120 days;
 - 2. Substance abusers with a documented history of chronic substance abuse with some treatment interventions and no significant periods of sustained abstinence post-treatment. Recommended length of stay is 60-120 days;
 - 3. Substance abusers with a documented history of chronic substance abuse and have participated in an institutional substance abuse treatment program such as CENIKOR or similar **DC Department of Corrections** programs. Recommended length of stay is 45-90 days; and
 - 4. **Offenders who present a** high-risk history of high criminality (more than two felony convictions with prior supervision failures). Recommended length of stay is 90-120 days.
- iii. Health Risk Offenders.** Medical offenders who present with medical disabilities and are unable to work because of disability. These persons will apply for SSI services upon release to community supervision and would benefit from transitional assistance to assist with coordinating medical support services. Recommended length of stay is 60-120 days.
- iv. Mental Health Offenders.** Mental health offenders (on a case by case basis) may be:

 - 1. Persons who present with a history of mental health conditions and do not require medication. (Need most recent psychological status report). Recommended length of stay is 60-120 days; or
 - 2. Persons who present with a history of mental health conditions, stabilized on medications and, if applicable, have a history of stabilization/adjusting well in the community. (Need most recent psychological status report). Recommended length of stay is 90-120 days.

- v. **Offenders With No Suitable Home and/or Support.** Offenders who lack a suitable release address / family / significant other and lack practical support have had a home address investigated and denied.
- vi. **Expedited Cases.** Expedited cases are parole revocation cases where the offender needs a transitional halfway house experience to assist with reducing risk level and increase opportunities for successful completion of supervision. Recommended length of stay is 30 to 60 days.

Infrequently however if, during the course of the investigation, the offender is currently assigned to a General Supervision Unit CSO, the TIPS CSO will initiate contact with the GSU CSO to advise that a TIPS investigation is currently active. This will ensure continuity of supervision and assist the GSU CSO with accurate information on the offender's status.

i. TIPS Referrals for Shelter Placement

With respect to the referral of offenders transitioning from incarceration to community-based shelters, it has been the long-standing practice in TIPS that shelter referrals are to be made only as a residential placement of last resort. Shelter referrals are to be made only under the following circumstances:

- Expedited requests and the offender does not have a fixed address
- Public Law request has been denied
- Offender is ineligible for public law placement and has no fixed address
- Requested residence deemed unsuitable for reasons of public safety and/or detrimental to the offender's successful transition to the community
- Offender has an outstanding Detainer and no fixed address of record.

To determine whether shelter placement is the most viable option, staff must complete a thorough review of the record in order to exhaust other placement options. The preference of all shelter placement referrals is for facilities that feature a transitional program. When possible, TIPS staff must attempt to secure a bed with the shelter's transitional component, however, in most instances, shelter programs generally require self-enrollment and entrance through the component for a transient population. It is also important to note that when making shelter recommendations for offenders transitioning directly from incarceration, the offenders must be advised through the case manager at the facility of possible "wrap-around" services available at the shelter. All offenders must sign a consent

or release of information form so that the assigned supervision officer will be able to verify program participation at the shelter and the offender's whereabouts.

The TIPS supervisor will ensure that staff continues to adhere to the practice as outlined herein. Shelter placement is a very important resource available for assisting offenders and must be utilized only under the strictest circumstances that will ensure compliance with supervision standards.

8. Relocation Plan Investigations

Relocation Plan Investigations are conducted on D.C. code offenders (parole and supervised release offenders) who are scheduled to be released from a BOP institution, but request to live in another jurisdiction. For these investigations, the TIPS CSO will prepare a memorandum to the USPO and request a proposed relocation investigation be conducted to verify the offender's proposed address and determine if the USPO will accept the offender for supervision.

D. Re-Entry Planning Services - Residential Re-entry Center (RRC) Cases

An offender who is transferred from a BOP Correctional facility to a halfway house, where he or she will complete the remainder of his or her sentence prior to receiving a certificate of release (Parole or Supervised Release) from the USPC, will receive case management service from TIPS CSOs to assist them in successfully re-entering society. The typical halfway house stay is from 30 to 120 days. Case management services provided by TIPS CSOs during the halfway house stay include Intake and Orientation activities (1-10 working days).

During the risk and needs assessment phase, the TIPS CSOs will conduct the CSOSA AUTO Screener (**RRC** Designation Pre-Release Planning Investigations, only) to determine the offender's risk and needs statuses.

Based on the findings, TIPS staff will consult with other staff, including BOP case management staff and substance abuse, mental health, sex offender, medical, and other professionals, to determine an appropriate intervention and treatment needs that will be used to develop a viable re-entry plan. This process includes making necessary referrals to support the offender's transition to the community, initial supervision plan, and special conditions of supervision. Many referrals for the offender can be initiated by the TIPS CSOs during the investigation process. In addition, offender's transitioning through the CCCs receives referrals from both the TIPS CSO's and the BOP contract Case Managers. These referrals include:

1. Substance abuse referrals to CIT, **RSC**, Blair House Transitional Program, or another community programs;
2. Mental health referrals to CSS mental health professionals or community resources;

3. Medical services to DC Healthcare Alliance, Unity Healthcare, and the Veterans Administration;
4. Employment/Vocational referrals to CSOSA's Vocational Opportunities, Training, Education, and Employment (VOTEE) unit and/or the DC One-Stop Center;
5. Transitional housing referrals to community resources; and
6. If eligible, referral to CSOSA's Faith-Based Initiative.

E. Procedures for Referring, Assessing, and Placing Inmates/Offenders Referred by CSOSA TIPS Teams to the CJP Treatment Management Team

1. Paper Review Assessment and Referral Process (for BOP Inmates)

CJP/TMT/CIT conducts paper review assessments on inmates detained in BOP Federal Correctional Institutions as a part of the Transitional Intervention for Parole Supervision (TIPS) pre-release investigation.

a. Scheduling

Standard Scheduling Requests

To schedule a paper review assessment for an inmate in BOP custody, the TIPS CSO forwards a referral package to the K Street ASA containing the following information (documents in SMART will not be forwarded):

- TMT Referral Form;
- Judgment and Commitment Order or USPC Notice of Action, for all cases in which the evaluation/placement is ordered by the releasing authority;
- PSI, if available (or criminal history);
- NCIC Warrant Status Check; and
- TB test results (if available).

Note: PSI reports should be accessible via SMART. Treatment Specialist can access the PSI report by uploading the offender profile page and then by clicking on investigations. Click on investigations again (dark green highlighted field) and then select view PDF option.

In addition to the information listed above, the TIPS CSO should also forward the following information as a part of the referral package, when available:

- Institution Progress Report
- Medical Documentation
- Psychological Reports
- Other Supplemental Documents that may assist CIT in making a treatment recommendation

Note: The TIPS CSO may send an e-mail of notice to the K Street ASA indicating that a referral package has been forwarded to CIT. The notice should include the inmate's name, PDID number, location/BOP institution, and release date

Generally, in all cases where fewer than 15 business days are remaining prior to release, the TIPS CSO will not refer the case to CIT/TMT for processing. The TIPS CSO will forward the case to the appropriate TIPS Halfway House CSO or supervision CSO, who is responsible for generating a referral at the appropriate CIT site.

b. Expedited Scheduling Requests

When an individual poses a high risk to public safety due to severe substance abuse, the nature of the instant offense, or mental health concerns, CIT will attempt to provide expedited processing for cases, even when fewer than 15 business days are remaining prior to release. To request expedited processing, the TIPS SCSO contacts the K Street Supervisory Treatment Specialist (STS) via telephone or via email to discuss the case. The STS and the TIPS SCSO collaborate on the response to the case, and the STS will provide specific instructions for forwarding referral documents

c. Package Receipt Confirmation

Within one (1) business day of receipt of the TIPS referral package, the K Street ASA sends an email to the TIPS CSO, (with a "cc" to the TIPS SCSO and Supervisory Treatment Specialist) advising him/her of receipt of the package and the name of the Treatment Specialist to whom the package has been assigned. The Treatment Specialist has five business days from the date the package confirmation receipt is sent to complete the paper review.

d. Assessment Results

The Treatment Specialist makes recommendations based upon the information available for review. Paper Review assessment results are recorded on a Performance Contract, which contains a narrative statement including a discussion of the following information:

- Listing of all documents reviewed (including dates on the documents – i.e., DC Superior Court Pre-Sentence Investigation Report, dated 03/20/91)
- Listing of any UPSC/DCSC Special Conditions related to substance abuse
- Treatment Recommendation (including the specific modality recommended)

The Treatment Specialist records the assessments results in SMART no later than the close of business on the date the Paper Review Assessment is completed.

Residential Treatment Recommendations

When the Treatment Specialist recommends residential treatment for an inmate, the Treatment Specialist emails the Performance Contract and Release of Information forms (Substance Abuse Treatment, Privacy Act Waiver, and Mental Health/Sex Offender Treatment) to the TIPS CSO, who is responsible for forwarding the recommendation to the BOP case manager to review with the offender, receiving his/her concurrence or refusal, and returning it to CIT within twenty (20) business days. Release of Information Authorizations can be found on the CSOSA Web.

If the signed Performance Contract (or any other outstanding document, including a TB test) is not returned to CIT by the 21st day, CIT will close its interest in the case and will email the TIPS CSO and SCSO to advise him/her of this action. CIT will notify the CSO at least two days prior to closing interest in cases where documentation remains outstanding. The TIPS CSO will be required to forward the Performance Contract to the supervision CSO or TIPS Halfway House CSO (flagging it with a “Prior CIT Assessment” note – *see attached sample*), who will be required to follow-up on the recommendation once the case is placed on supervision, or once the individual arrives at the Halfway House. By “reactivating” the referral, the supervision CSO/TIPS Halfway House CSO is certifying that the outstanding information has been obtained (i.e., the Performance Contract has been signed and/or the TB test has been obtained), and there has been no substantial change in the offender’s substance use (i.e., resumed/increased use that may result in the need for detoxification services), medical status, or mental health status.

Outpatient Treatment Recommendations

When the Treatment Specialist recommends outpatient treatment for an inmate, the Treatment Specialist emails the Performance Contract to the TIPS CSO and immediately closes CIT’s interest in the case.

If treatment is still desired for the case, the TIPS CSO will be required to forward the Performance Contract to the supervision CSO or TIPS Halfway House CSO (flagging it with a “Prior CIT Assessment” note – *see attached sample*), who will be required to follow-up on the recommendation once the case is placed on supervision, or once the individual arrives at the Halfway House. By “reactivating” the referral, the supervision CSO/TIPS Halfway House CSO is certifying that all outstanding information has been obtained (i.e., the Performance Contract has been signed and/or the TB test has been obtained), and there has been no substantial change in the offender’s substance use (i.e., resumed/increased use that may result in the need for detoxification services), medical status, or mental health status.

e. Treatment Placement Coordination

Upon receipt of a signed Performance Contract from the TIPS CSO, the Treatment Specialist makes the necessary entries into SMART and forwards the referral package to RPT for placement. The Treatment Specialist emails the TIPS CSO to advise him/her of the date that the package is sent to RPT.

Within one (1) business day of receiving a referral package from CIT, RPT emails the TIPS CSO to advise him/her of the receipt of the package. Placements for incarcerated individuals are scheduled based on the institution release date provided by TIPS.

2. Halfway House Assessment and Referral Process (for cases NOT assessed during incarceration)

CIT conducts assessments on inmates detained in BOP Residential Reentry Centers (Halfway Houses) as a part of the Transitional Intervention for Parole Supervision (TIPS) release planning process.

a. Scheduling

Standard Scheduling Requests

To schedule an assessment for an inmate in a BOP Halfway House, no later than 25 business days prior to the inmate's Halfway House release date, the TIPS Halfway House CSO contacts the CIT K Street ASA via telephone or e-mail. Within two (2) business days of receiving the call, the ASA schedules the appointment, enters it into the Outlook calendar, and sends an email confirmation of the appointment date and time to the TIPS Halfway House CSO. Generally, in all cases where fewer than 15 business days are remaining prior to release, the TIPS Halfway House CSO will not refer the case to TMT for processing. The TIPS Halfway House CSO will forward the case to the appropriate supervision CSO, who is responsible for generating a referral at the appropriate CIT site.

Cases Not Assessed Prior to Halfway House Release

If, due to CIT scheduling demands, CIT is unable to complete an assessment prior to the individual's Halfway House release date, CIT K Street staff is responsible for identifying the supervision CSO and forwarding the referral package to the correct CIT/ASA servicing site for scheduling of an assessment appointment while the offender is under community supervision. All offenders forwarded to another CIT site under these circumstances are scheduled in accordance with the normal scheduling protocol at the new CIT site.

Expedited Scheduling Requests

When an individual poses a high risk to public safety due to severe substance abuse, the nature of the instant offense, or mental health concerns, CIT will attempt to provide expedited processing for cases, even when fewer than 15 business days are remaining prior to release. To request expedited processing, the TIPS Halfway House SCSO contacts the K Street Supervisory Treatment Specialist (STS) via telephone or via email to discuss the case. The STS and the TIPS Halfway House SCSO collaborate on the response to the case, and the STS will provide specific instructions for forwarding referral documents.

b. SMART CSO Referral Screen

Upon receipt of the email appointment, the TIPS Halfway House CSO enters the appointment information into SMART on the CSO Referral screen.

c. Referral Packages

After entering the information into the CSO Referral screen, the TIPS Halfway House CSO is required to forward the following referral documents to the ASA, either via fax (202-442-1332), interoffice mail or by hand delivery, a minimum of seven (7) business days prior to the assessment appointment:

- TMT Referral Form;
- Judgment and Commitment Order or USPC Notice of Action, for all cases in which the evaluation/placement is ordered by the releasing authority;
- Notification of Special Accommodations Required (i.e., interpreter service);
- NCIC Warrant Status Check; and
- TB test results.

Note: DC Code requires that all persons admitted into substance abuse treatment programs in the District of Columbia have documented evidence of a negative TB test administered within six months of the treatment admission date. To expedite the CIT assessment and placement process, CIT requires offenders to have a TB test completed prior to being evaluated by CIT. While CSOs should make a concerted effort to obtain a TB test that was administered within the past six months, as a courtesy, CIT will accept the most recent TB test administered by BOP (for Halfway House cases only).

d. Incomplete Referral Packages

If the required information is not received within four (4) business days of the assessment appointment, the ASA follows-up with the TIPS Halfway House CSO and SCSO via email to re-request the missing information.

If CIT does not receive all of the required referral information at least one (1) business day prior to the scheduled appointment, CIT will notify the CSO and SCSO via email that the appointment is cancelled so that the time can be offered to another offender.

e. Assessment Results

After completing the assessment, if treatment is recommended, the Treatment Specialist makes recommendations and records them on a Performance Contract and in SMART. Treatment Specialist emails the Performance Contract to the TIPS Halfway House CSO, who is responsible for reviewing the recommendation with the offender, receiving his/her concurrence or refusal, and returning it to CIT within twenty (20) business days.

If the signed Performance Contract (or any other outstanding document, including a TB test) is not returned to CIT by the 21st day, CIT will close its interest in the case and will email the TIPS CSO and SCSO to advise him/her of this action. If treatment is still desired for the case, the TIPS Halfway House CSO will be required to forward the Performance Contract to the supervision CSO (flagging it with a “Prior CIT Assessment” note – *see attached sample*), who will be required to follow-up on the recommendation once the case is placed on supervision. By “reactivating” the referral, the supervision CSO/TIPS Halfway House CSO is certifying that all outstanding information has been obtained (i.e., the Performance Contract has been signed and/or the TB test has been obtained), and there has been no substantial change in the offender’s substance use (i.e., resumed/increased use that may result in the need for detoxification services), medical status, or mental health status.

f. Treatment Placement Coordination

Upon receipt of a signed Performance Contract from the TIPS Halfway House CSO, the Treatment Specialist makes the necessary entries into SMART and forwards the referral package to RPT for placement. The Treatment Specialist emails the TIPS Halfway House CSO to advise him/her of the date that the package is sent to RPT.

Within one (1) business day of receiving a referral package from CIT, RPT emails the TIPS Halfway House CSO to advise him/her of the receipt of the package. Placements for individuals residing in Halfway Houses are scheduled based on the release date provided by TIPS.

3. Halfway House Referral Process (for cases PREVIOUSLY assessed during incarceration)

To expedite the placement of cases that have been assessed by CIT during incarceration, TMT has adopted a revised referral process for use by TIPS Halfway House CSOs. In cases where CIT completed an assessment and made treatment recommendations during incarceration, but where no placement action was initiated (due to an incomplete referral package), CIT agrees to “reactivate” cases for placement, provided that they meet the eligibility criteria as described below.

a. Case Review

Upon receipt of case from a TIPS CSO, the TIPS Halfway House CSO reviews the case file to locate the “Prior CIT Assessment” flag. Upon location of the flag, the CSO reviews the case to determine what information is required before the referral can be resubmitted to CIT for processing (i.e., signatures on the Performance Contract, TB test), and takes appropriate steps to obtain the information.

After obtaining the missing information (Performance Contract signatures, TB test), the TIPS Halfway House CSO is required to determine whether there have

been any changes in the individual's substance use (i.e., resumed/increased use that may result in the need for detoxification services), medical status, or mental health status since the time of the prior CIT assessment. If any changes have occurred, the TIPS Halfway House CSO is required to schedule a standard CIT appointment as described in the preceding section (page 6).

b. Contacting CIT

After completing the case review and determining that the case is eligible for "reactivation", the TIPS Halfway House CSO contacts the CIT K Street ASA via telephone to request "reactivation" of the referral. The ASA verifies that the case meets the eligibility criteria and provides instructions for forwarding the necessary documents and for making the appropriate referral entry in SMART.

c. Treatment Placement Coordination

Upon receipt of the referral package from the TIPS Halfway House CSO, the Treatment Specialist makes the necessary entries into SMART and forwards the referral package to RPT for placement. The Treatment Specialist emails the TIPS Halfway House CSO to advise him/her of the date that the package is sent to RPT.

Within one (1) business day of receiving a referral package from CIT, RPT emails the TIPS Halfway House CSO to advise him/her of the receipt of the package. Placements for individuals residing in Halfway Houses are scheduled based on the release date provided by TIPS.

FIGURE IV.2

Sample Form: Prior CIT Assessment Flag

The form provided below should be used by TIPS CSOs when forwarding a package to a subsequent CSO for CIT follow-up.



PRIOR CIT ASSESSMENT CONDUCTED

Dear CSO _____:
CSO's Name

This is to advise you that _____ was assessed by
Offender's Name/PDID

CIT on _____
Date of CIT Assessment

To expedite the processing of this case, please complete the following steps (*check all that apply*):

- Obtain the offender's signature on the Performance Contract
- Instruct the offender to obtain a TB test and provide the results to you.
- Other (please specify): _____

Once the steps above are completed, please contact the CIT Administrative Support Assistant at your CIT servicing site to obtain instructions for forwarding the case.

Sample Form: CIT Case Reactivation Request Form

The form provided below should be used by CSOs when forwarding a package to CIT for “reactivation.” This form should be completed and attached to the front of the referral package that is forwarded to CIT for processing.



CIT CASE REACTIVATION REQUEST

Attached please find a CIT referral for _____.
Offender's Name/PDID

This offender was previously assessed by CIT during the TIPS investigative process. By sending this referral, I certify that there have been no changes in this offender's substance use (i.e., resumed/increased use that may result in the need for detoxification services), medical status, or mental health status since the time of the prior CIT assessment.

CSO's Name

CSO's Signature

Date

F. Parole/Supervised Release Offender Mentoring

This section provides procedures for the Court Services and Offender Supervision Agency (CSOSA or Agency) staff involved in the supervision of offenders in accordance with the Guidelines on Supervision, Collateral and Field Contacts.

Referral to Mentoring Services shall be mandatory based on findings from CSOSA's assessment process that indicate whether the offender is in need of and can benefit from Mentoring Services. CSOs in the TIPS units located in RRCs and general supervision units are required to refer qualifying offenders to Mentoring Services using the Mentoring Services Criteria Form and provide appropriate monitoring for those referred.

To be eligible for Mentoring Services, offenders must:

- Have at least six (6) months of community supervision to complete upon release from RRC;
- Have been assessed at the medium to high risk level of supervision based on the results of the AUTO Screener and contingent upon SCSO approval; and
- Be in compliance with CSOSA's drug testing schedule and have no residential drug treatment obligations pending at the time of the referral. Although it is preferable that the offender demonstrates abstinence from drugs, alcohol and other psycho-active substances for a three (3) month period prior to the referral to the Mentoring Initiative, one (1) or two (2) positive drug tests during the three (3) month period immediately prior to the referral may not disqualify an offender for mentoring services. Job retention difficulties, unstable living arrangements and/or a lack of family/social connections or support shall not disqualify an offender.

An offender shall be excluded from receiving Mentoring Services if he/she has been classified as a sex offender under CSS guidelines; has been classified as a mental health offender under CSS guidelines; has a documented pattern of aggravated assault, violent felony arrests or convictions; has active substance abuse as evidenced by three (3) or more positive urine results within the past two (2) months; is currently in a loss of contact status or has been in a loss of contact status within the past four (4) months; or is currently in a level two (2) or above sanction status.

General supervision CSOs are required to participate and document monthly contacts with the offender's assigned mentor. General Supervision CSOs are also required to meet with the offender and his/her mentor at least quarterly and make note of mentor activity in SMART. The Mentoring Services Liaison shall, among other duties, serve as a conduit between CSOSA staff, assigned Cluster Coordinators and mentors.

1. General Procedures

a. Initial Orientation for Offender/ Mentee Candidate

- i.** Within five (5) business days of the offender's arrival at the RRC, the TIPS CSO shall schedule a meeting with the offender to introduce Mentoring Services and other programs to the offender. Prior to this meeting the TIPS CSO will have reviewed the offender's case documentation and the Mentoring Services Mentee Criteria Form
- ii.** If the offender agrees to participate in mentoring services, he/she shall be scheduled to attend an Initial Family Support/Mentoring Initiative Staffing (this meeting is in lieu of the general family/community support meeting.)
- iii.** The TIPS CSO shall request that the offender complete the Privacy Act Waiver Form and the Authorization for Release of Information and Waiver: Third Party Disclosure for Alcohol and Drug Treatment Form. The TIPS CSO shall follow the Mentoring Services Mentee Orientation Checklist as guidance to ensure that the correct procedures are followed. Should the offender refuse to sign either Waiver, he/she shall not be further considered for Mentoring Services.
- iv.** The TIPS CSO shall conduct an Initial Mentoring Services Staffing with the offender. The head of the household in which the offender will potentially reside, the appropriate Cluster Coordinator, the Mentor Services Liaison, and the identified mentor will be invited to participate in the Initial Staffing two (2) weeks prior to the offender's release from the RRC.

b. Offender/Mentee Information Gathering

- i.** As a part of the standard TIPS investigative and general assessment process, the TIPS CSO shall conduct all Mentoring Services (e.g., housing, education, positive socialization, etc.) activities related to cases for offenders with a stay of forty-five (45) days or more. In cases where the offender has less than a forty-five (45) day stay, the TIPS CSO shall conduct abbreviated activities to include an initial staffing and a combined discharge/community staffing.
- ii.** Within ten (10) business days of the offender's initial Mentoring Initiative Orientation, the TIPS CSO will determine cluster assignment.

c. Mentor Referral Process

- i.** Within five (5) business days of the determination of the offender's Police Service Area (PSA) (see B.2. above), the TIPS CSO shall complete the Universal Referral Form (Referral Form - Appendix F) and fax it to the TIPS SCSO.
- ii.** The TIPS SCSO shall review the Referral Form for completeness and approve or deny the referral within three (3) business days of receipt. If the SCSO or designee approves the referral, he/she shall fax the Referral Form to the Cluster Coordinator. In accordance with the Mentoring Services agreement, the Cluster Coordinator is responsible for matching the offender/mentee to a church located within the community where the offender resides. The faith organization is responsible for matching the offender with an appropriate mentor.
- iii.** The Cluster Coordinator shall fax, email or call the TIPS SCSO to inform him/her of the name and contact information of the mentor. The TIPS SCSO or designee shall forward this information to the assigned TIPS CSO via e-mail or telephone.
- iv.** If the TIPS SCSO or designee does not receive the completed Referral Form from the cluster coordinator within five (5) business days, he/she shall follow-up with the cluster coordinator via e-mail and/or a telephone call.
- v.** The Community Supervision Assistant (CSA) or other administrative staff shall add to the Mentee Profile Spreadsheet (Spreadsheet) the name of each new offender participating in Mentoring Services. The CSA or administrative staff shall forward the updated version of the Spreadsheet to the Agency designee immediately following the update.

d. Family Support/Mentoring Initiative Staffing

- i.** The TIPS CSO shall conduct the initial Mentoring Services staffing in accordance with the date established in the Referral Form.

 - For offenders with less than a forty-five (45) day stay, the initial/discharge staffing related to the faith-based program, shall occur three (3) to ten (10) business days prior to release.

- For offenders with more than a forty-five (45) day stay, the initial staffing related to the faith-based program, shall occur seven (7) to fourteen (14) days after the PSA has been identified.
- ii. The TIPS CSO shall notify the mentee, mentor, SCSO, the General Supervision CSO and the Cluster Coordinator of the date of the staffing.
- iii. The TIPS CSO shall be responsible for facilitating the Initial Mentoring Services staffing (e.g., timeline for meeting goals of the faith-based program, and role/responsibility of participants).

e. Release Planning for Offenders With RRC Stay of 45 Days or More

- i. Release planning for offenders with a RRC stay of forty-five (45) days or less, see Section F. below.
- ii. The CSA or other administrative staff shall schedule monthly Mentoring Services staffings to monitor the status of the mentoring relationship and review goals and objectives. The offender, mentor, Mentoring Services Liaison, and currently identified General Supervision CSO should discuss the offender's progress in order to reinforce the relationship between the offender and the assigned mentor.
- iii. Two (2) weeks prior to the offender's scheduled release date, the TIPS CSO shall coordinate and schedule a final discharge mentoring staffing.
- iv. The TIPS SCSO or designee shall notify the TIPS CSO of the mentor name and information received from the Cluster Coordinator within two (2) business days of receipt.
- v. The Cluster Coordinator or designee shall be invited to attend the meeting. During this meeting, the cluster coordinator/designee, and the mentor if identified, establishes contact with the offender, the head of household where the offender will reside and/or members of the offender's family.
- vi. As a part of the monthly staffings conducted at the RRC, the offender and mentor should discuss the offender's progress in order to reinforce the relationship between the offender and the assigned offender mentor.

- vii. Ten (10) business days prior to the offender's release from the RRC, the TIPS SCSO shall advise the general supervision SCSO of the offender's participation in Mentoring Services by faxing the Referral Form to the general supervision SCSO. The general supervision SCSO shall have one (1) business day to advise the TIPS SCSO of the assigned general supervision CSO handling the case. The Referral Form shall indicate the date, time and location of the discharge staffing.
- viii. The TIPS CSO shall exchange contact information with the General Supervision CSO, the offender and the mentor at either the Discharge Staffing or the Family Support Night. The Mentoring Services Liaison shall schedule the follow-up meeting with the mentor and mentee.

f. Release Planning for Offenders With RRC Stay of 45 Days or Less

- i. The TIPS SCSO shall notify the TIPS CSO of the mentor's name and information received from the Cluster Coordinator upon receipt of the notification from the Cluster Coordinator, but no later than two (2) business days from receipt of the information.
- ii. The Cluster Coordinator or designee shall be invited to attend the initial/discharge staffing. During this staffing, the cluster coordinator/designee, and the mentor if identified and in attendance, establishes contact with the offender and the head of household where the offender will reside and/or members of the offender's family.
- iii. As a part of the initial/discharge staffing conducted at the RRC or alternate sites, the offender and mentor should discuss the offender's progress in order to reinforce the relationship between the offender and the assigned offender mentor.
- iv. The SCSO or designee shall fax or e-mail the Referral Form to the general supervision SCSO to notify him/her of the offender's participation in Mentoring Services within three (3) business days of the verified home plan. The Referral Form shall indicate the date, time and location of the Discharge Family Support/Mentoring Services Staffing. The TIPS SCSO or designee shall advise the Mentoring Services Liaison of the Mentee Profile Spreadsheet updates via e-mail.
- v. The TIPS CSO shall exchange contact information with the General Supervision CSO, the offender and the mentor at either the

Discharge Staffing or the Family Support Night. The Mentoring Services Liaison shall schedule the follow-up meeting with the mentor and mentee.

g. Offender Transition to Community Supervision

i. Release to Community Supervision With a RRC Stay

a. Initial Community Supervision Office Visit

- As a part of the general supervision procedures outlined in the Guidelines on Supervision, Collateral and Field Contacts, the CSO shall provide a brief overview of his/her role in the Mentoring Services.
- The CSO will receive confirmation of the name and contact information of the offender's mentor from the Mentor Services Liaison. The Mentor Services Liaison will monitor and facilitate ongoing contact and staffing between the mentor, mentee and the CSO, when needed. Within the first thirty (30) days of case assignment the Mentor Services Liaison shall contact the assigned CSO to determine whether that person has any questions regarding the Offender Mentoring Initiative or any issues that require resolution.
- The CSA or other administrative staff shall complete the Mentor/Mentee Contact Sheet (Appendix E) and provide a copy to the offender.

ii. Release to Community Supervision Without a RRC Stay

a. After completion of the AUTO Screener, if it is determined that an offender is suitable for the Mentoring Services, the CSO shall introduce the Mentoring Services during the initial orientation interview, if the offender agrees. Upon referral of the offender to the Mentoring Services, the CSO shall request that the offender complete the Privacy Act Waiver Form and the Authorization for Release of Information and Waiver: Third Party Disclosure for Alcohol and Drug Treatment Form. The CSO shall follow the Mentoring Services Mentee Orientation Checklist as guidance to ensure that the correct procedures are followed. Should the offender refuse to sign either Waiver, he/she shall not be further considered for the Mentoring Services.

b. Mentor Referral Process: The CSO and SCSO shall then follow the procedures listed in Section C: Mentor Referral Process.

iii. Ongoing Community Supervision Office Visits

a. At the subsequent community supervision office visit, the CSO shall inquire about the offender's initial contact with his/her assigned mentor.

b. At the time of the CSO/mentee visit, the CSO shall make an entry into the designated SMART fields that reflect whether a mentor/mentee contact occurred, the meeting location, and nature of the contact. Through SMART reports generated monthly, the Mentor Services Liaison will monitor CSO/mentee/mentor activities and report findings to the appropriate program designee.

c. The Mentor Services Liaison is responsible for ensuring that Community Supervision Services has an active and vital role in the success of the Faith Based Initiative. This individual serves as the liaison to assist with communications between the Community Supervision Services and Community Justice Programs. Specific duties and responsibilities will include, but are not limited to the following:

- Coordinate CSS presentations and information sessions designed to educate CSOs on the program initiative and provide continuing education to CSOs as program changes occur.
- Keep CJP and CSS Associate Directors abreast of current issues related to the Faith Based Initiative.
- Provide program assistance and coordination with video conferencing.
- Attend and assist in the preparation of Community Resource Days.
- Assist TIPS in the gathering and processing of assessment information, as needed.
- Initiate contact with the newly assigned CSO(s) to ensure and understanding of the FBI, its forms and how to contact and work with the mentor.
- Provide appropriate information related to mentee cases to the CSO, Mentor and Cluster Coordinators and the Program COTR.

- Maintain data and provide reports, as requested, relative to staffings, CSO/mentor/mentor relationships and follow up activities.
- Coordinate all press related issues for CSS and CJP related to the Mentoring Services to Mentoring Services in conjunction with the Office of Legislative, Intergovernmental and Public Affairs to include the Annual Re-Entry Week in January.

iv. Ongoing CSO Mentoring Services Involvement

a. Within ten (10) business days of the initial orientation interview, the CSO shall participate in the initial mentoring staffing. The Mentoring Services Liaison shall invite the offender, the head of household, the Cluster Coordinator and the mentor.

b. One standard condition of the offender’s supervision requirements is that the CSO will be contacted by the mentor of each offender on a monthly basis. The CSO shall make note in SMART of each mentor communication.

c. The CSO shall participate in quarterly meetings with the offender, the offender’s mentor and the Mentor Services Liaison to ensure that the mentoring process is meeting the needs of the offender as established in the initial mentoring assessment.

d. The Mentor Services Liaison shall follow-up on any outstanding Mentoring Services issues that require resolution.

G. Documentation of Investigation Activity

Diagnostic and TIPS CSOs are to document investigation activity in the Agency’s Supervised Management and Automated Record Tracking (SMART) database. Staff may use the following contact purposes to document the status of the investigations in the running record entries:

1. Release plans;
2. Case Reviews;
3. Investigations;
4. Treatment Assessments;
5. Referrals;
6. Home Verification; and
7. Employment Verification.

Staff also is to make and document referrals for services in SMART, verify basic information on offenders, and update the offender's housing, employment, and collateral contacts screens. For CCC Designation Pre-Release Investigations, the CSO also is to conduct a risk and needs AUTO Screener on the offender and is to recommend an appropriate supervision team type:

1. Supervision Team Assignment Determinations. The TIPS CSO shall Propose the supervision assignment to ensure offenders needing specialized services with be assigned to the appropriate supervision team, such as Mental Health, Sex Offender, SAINT HIDTA and Domestic Violence. The SCSO shall ensure that the appropriate team is identified, consistent with the CSS assignment criteria.

H. Guidance on the Execution of Arrest Warrants for RRC Cases

The Court Services and Offender Supervision Agency (CSOSA) also has the responsibility, as a law enforcement agency, to ensure that all offenders under supervision and within the jurisdictional authority of the District of Columbia are monitored for compliance with the conditions of release or violation of their release stipulations. Offenders placed in the local CCCs pending release to supervision are under the custody and authority of the BOP; however, it is the responsibility of each assigned TIPS Community Supervision Officer (CSO) to maintain accountability and monitor all offenders for outstanding warrants and determine the appropriate action to be taken.

In instances where offenders are located in the CCC pending release to supervision, and the TIPS CSO determines that there is an outstanding warrant for the offender, it is the responsibility of the TIPS CSO to notify the CCC Director and case management staff in writing of the warrant. This notification must be documented in the Agency's Supervision, Management and Automated Record Tracking (SMART) system. Additionally, the Supervisory Community Supervision Officer (SCSO) must notify the BOP regional headquarters at Annapolis Junction of the warrant and recommend its execution. **Extraditable** warrants should be lodged as a "detainer" since the offender is in an inmate status.

The CSO shall determine the warrant status of the offender by conducting NCIC/WALES record checks on a 30-day basis for all offenders assigned for investigation. All CCC warrant matters should be brought to the attention of the SCSO immediately. The CSO also must refer all inquiries from offenders regarding the warrant to the CCC Case Manager.

I. Guidance on the Execution of Warrants During an Interstate Investigation

The Court Services and Offender Supervision Agency (CSOSA) has the responsibility, as a law enforcement agency, to ensure that all offenders under the supervision and within the jurisdictional authority of the District of Columbia are monitored for compliance with the conditions of release or violation of release stipulations. It is the responsibility of each assigned Community Supervision Officer (CSO) to maintain accountability and monitor all offenders for outstanding warrants and determine the appropriate action to be taken.

In addition to the guidance that has been previously provided on the execution of outstanding warrants, CSOs involved in the Interstate Investigation process must adhere to the following guidance:

If it is determined during the course of an interstate investigation that the offender has an outstanding warrant in this jurisdiction, the officer must

1. Notify immediate supervisor and provide proof of the warrant;
2. Make efforts to verify the residence requested in the interstate documents by requesting written documentation (letter, lease agreement, ownership verification, etc.) from the offender;
3. Schedule an in-office appointment with the offender;
4. Notify law enforcement and building security of the scheduled appointment date; and
5. Ensure that the warrant is executed in accordance with CSOSA's policies, guidance, etc. on the Execution of Warrants.

Consistent with agency guidance, CSOs are not to conduct home visits of residences with outstanding warrants. In accordance with the Interstate Compact for Adult Offender Supervision, all states have a responsibility to ensure that offenders are in "substantial compliance" with conditions of release under the sending state prior to forwarding packages to the Receiving States. However, in the rare instance that a CSO receives a request for an interstate investigation and it is determined that the offender has an outstanding warrant in a jurisdiction, other than the District of Columbia, the CSO is to:

1. Notify immediate supervisor and provide proof of outstanding warrant;
2. Reject transfer and immediately notify the Deputy Compact Administrator that the offender is not in "substantial compliance" with the conditions set forth by the sending state; and if the offender is currently in the District of Columbia, then,
3. Notify the jurisdiction as noted by the "originating agency identifier (ORI)" number of the offenders whereabouts;
4. Provide appropriate running record entries documenting reason for rejection and close interest in the case.

Staff are to continue to exercise "best practices" to ensure employees safety and to minimize risk.

J. Guidance on the Investigation of Pending Charges, Warrants and Detainers for Institutional Cases

The Court Services and Offender Supervision Agency (CSOSA) also has the responsibility, as a law enforcement agency, to ensure that all offenders under supervision and within the jurisdictional authority of the District of Columbia are monitored for compliance with the conditions of release or violation of their release stipulations. Offenders in an inmate status may be under the Bureau of Prisons or the D.C. Department of Corrections, however, it is the responsibility of each assigned TIPS Community Supervision Officer (CSO) to maintain accountability and monitor all offenders for pending charges, consecutive sentences, outstanding warrants and determine the appropriate action to be taken.

In instances where offenders are located in the institution pending release to supervision, and there is a determination that there is a pending charge or an outstanding warrant for the offender, it is the responsibility of the TIPS CSO to notify the originating jurisdiction as noted by the “originating agency identifier (ORI)” of the offender’s whereabouts. The TIPS CSO must confirm the outstanding warrant and determine if the warrant is an extraditable warrant. The TIPS CSO must also confirm if the warrant will be lodged for the issuance of a detainer and a copy of the detainer must be obtained for the file. The TIPS CSO will update SMART with the outcome of the warrant investigation and provide the following information: originating jurisdiction, charge, docket or case number, warrant number and length of sentence if there is a consecutive sentence.

In the event that the TIPS CSO verifies that the warrant is not extraditable, the TIPS CSO must update SMART to reflect that there is an outstanding warrant that will need to be executed upon release and enter the following information in SMART: originating jurisdiction, charge, docket or case number, and warrant number.

In instances where offenders are located in BOP custody pending transfer to a CCC and the CSO determines that there is an outstanding warrant for the offender, it is the responsibility of the TIPS CSO to notify the CCC Director, case management staff and the BOP regional headquarters at Annapolis Junction in writing of the warrant or detainer and recommend its execution. This notification must be documented in SMART.

The TIPS CSO shall determine the warrant status of the offender by conducting NCIC/WALES record checks within 5 days of case assignment and on a 30-day basis for all offenders assigned for investigation. In addition to reviewing NCIC/WALES, the TIPS CSO is responsible for reviewing the PSI, criminal records, SENTRY printouts and BOP Release Plans for information about the status of pending charges, warrants and detainers. When information is received from the originating jurisdiction that contradicts information noted in the case file, the TIPS CSO must obtain documentation from the originating jurisdiction that verifies that there are no pending matters. SMART system updates must be entered only after all pertinent information has been confirmed and verified.

Chapter V: Evidence-Based Practices and Risk and Needs Assessment

CSOSA has committed to institutionalizing and implementing evidence-based best practices in its supervision services so that effective case management strategies can lead to improved offender outcomes, reduced recidivism, and improved public safety. Toward this end, CSOSA partnered with the National Institute of Corrections (NIC) to provide evidence-based practices (“What Works”) knowledge, skills building, and implementation training within the Agency for all CSS staff. In addition, CSOSA developed a comprehensive, state-of-the-art risk and needs assessment to identify offenders’ specific risks and needs.

A. Evidence-Based Practices—“What Works”

1. Background—National Perspective

Community supervision has experienced significant growth in the number of offenders under supervision. In 1995, 3.8 million people were under parole or probation supervision and in the ensuing years, this number has grown at an annual rate of 3 percent for parole and 2 percent for probation. As the numbers of offenders entering the criminal justice system has increased, so too has the percentage of offenders with substance abuse histories. At the beginning of the decade of the 1990s, 79 percent of the offenders entering the system reported drug use histories (with 50 percent of those reporting drug use in the month prior to arrest). By the end of the decade, those figures had risen to 83 and 57 percent respectively¹. Despite the fact that incarceration is a unique opportunity to treat offenders with substance abuse issues, most correctional facilities are unable to meet the need for substance abuse treatment. As a result, many incarcerated offenders return to the community under community corrections supervision without having received substance abuse treatment while incarcerated. In addition, a significant number of offenders who are under probation supervision are being supervised for drug law violations or problems related to alcohol abuse, including a substantial percentage being supervised for driving while intoxicated convictions.

2. Literature

Over the years, a number of studies have been published which show the effectiveness of substance abuse treatment and support the idea that correctional interventions can be effective in reducing recidivism. Now, a significant body of evaluation research exists which supports the efficacy of some interventions for some offenders, and more well-designed control studies continue to increase the field’s knowledge of the principles of effective correctional intervention for both institutional and community settings (Andrews, 1995²; Andrews, Zinger, Hoge, Gendreau, and Cullen, 1990³; Gendreau and Ross, 1979⁴; Izzo and Ross, 1990⁵; Lipsey, 1991⁶; Lipton, 1994⁷; McGuire and Priestley, 1995⁸; Palmer, 1975⁹; Van Voorhis, 1987¹⁰; Wexler, Falkin, and Lipton, 1990)¹¹. These studies have shown the effectiveness in reducing offenders’ substance abuse use and other related criminal-justice outcome variables. This body of literature has become known as the “What Works” literature or evidence-based practices.

3. Philosophy

Evidence-based practices focus on five important areas: assessment, treatment, monitoring and drug testing, co-occurring disorders, and relapse prevention.

a. Assessment

The “What Works” literature argues that substance-abusing offenders are not a homogeneous group—they have different natures and severity of substance abuse; therefore, comprehensive assessments are key to identifying offenders’ substance abuse severity, chronicity, and relationship to criminal behavior. From sound assessments, programmatic approaches can be developed to address these needs, approaches, which consider the intensity and duration of treatment required for the offender. Using this information, offenders can be placed in programs most appropriate to meet their needs.

b. Treatment

Treatment is an important component of “What Works.” Treatment has been found to reduce offender substance abuse and recidivism, although no one program or treatment modality has been found to be differentially effective with offenders (Lightfoot, 1999)¹². Treatment is an important component of “What Works.” It is important to evaluate offenders’ substance-abuse treatment and other treatment needs and place them in treatment programs that best meet their needs.

c. Monitoring and Drug Testing

Drug monitoring and testing is an effective supervision tool in closely monitoring the behavior of drug involved parolees, probationers, and diversion offenders (such as drug court offenders), and can possibly deter future drug use and criminal behavior (Vito, 1999)¹³. Drug testing can identify offenders in need of substance-abuse treatment and can help an offender reduce denial of drug use during the first stage of treatment.

d. Co-Occurring Disorders

“What Works” recognizes that offenders with co-occurring disorders are at higher risk for a wide range of problem behaviors and criminal recidivism due to the fact that “dual disorders” are undiagnosed or are not adequately addressed in the environments encountered by the offenders (Peters and Hills, 1999)¹⁴. Comprehensive assessment of offenders is key to identifying offenders with co-occurring disorders and placing them in appropriate treatment. Treatment for offenders with co-occurring disorders needs to focus on obtaining integrated treatment services and should provide individualized programming according to symptom severity and functional impairment.

Community supervision of these offenders requires additional monitoring to review abstinence and recurrence of symptoms and to ensure compliance with court orders or conditions of release (Peters and Hills, 1999)¹⁵.

e. Relapse Prevention

The role of relapse prevention in “What Works” is very important. Cognitive-behavioral relapse prevention programs have been found to be effective in reducing substance abuse in non-correctional populations. Identifying offenders who would benefit from relapse prevention services, such as outpatient substance-abuse treatment, would help to reduce recidivism.

B. AUTO Screener

Key to developing effective community supervision strategies based on evidence-based best practices is the assessment process. CSOSA has developed a comprehensive assessment-screening instrument that not only identifies an offender’s risk to the community, but also identifies an offender’s needs. The CSOSA AUTO Screener was designed to assist the CSO in determining the offender’s risk in the community and what needs the offender has that should be addressed. Using this information, the CSO can determine the offender’s appropriate level of supervision and make appropriate referrals for treatment services to address the offender’s needs in an effort to reduce recidivism.

Using the AUTO Screener, the CSO collects specific offender data in 12 different functional areas. The computerized assessment tool then automatically generates an individualized intervention plan for the offender.

1. AUTO Screener Domains

The SMART AUTO Screener is comprised of the following screens, each of which represents a specific functional area or domain:

- a. Education;
- b. Community Support/Social Networking;
- c. Residence;
- d. Employment;
- e. Criminality/Violence;
- f. Victimization;
- g. Supervision/PreRelease/Institutional Violations/Failures;
- h. Substance Use/History;
- i. Mental Health;
- j. Physical Health/Disability;
- k. Leisure Time; and
- l. Attitude and Motivation.

a. Education

Research suggests that certain educational characteristics are associated with criminal justice outcomes and should thus be included in offender assessments. The Education Screen collects information on the offender's current educational level, any learning challenges the offender may have, and whether or not the offender is currently enrolled in school and/or a vocational education program.

b. Community Support/Social Networking

Certain community support/social networking characteristics are associated with criminality and negative supervision outcomes. The sociological and criminological literatures highlight the importance of pro-social peer groups/networks and communities that foster collective pro-social values as factors that prevent crime and delinquency. The Community Support/Social Networking screen captures various aspects of an offender's community support and social networking. These data include the types, nature, and frequency of relationships with family, friends, and others; marital and family status; and involvement in conventional society.

c. Residence

Residential instabilities are disproportionately high among offenders subsequently failing community supervision. The Residence screen collects information on the quality and stability of living arrangements. Additionally, these screens capture information on the environmental factors within neighborhoods that contribute to increased risk of exposure to crime and factors associated with an offender's potential criminal involvement.

d. Employment

Employment status and stability are strong predictors of criminal justice outcomes. The Employment screen collects information regarding the offender's current employment status, the nature of the employment, number of jobs within the past six months, and current or prior sources of income. These data are known to have an association with supervision performance.

e. Criminality/Violence

Past criminal/violent behavior is a strong predictor of future offending behavior. The Criminality/Violence screen captures data on the offenders past and current offense history. These data can assist in identifying services for the offender to address underlying biopsychosocial factors that may contribute to future criminal involvement.

f. Victimization

Assessments of risk should incorporate measures of victimization in order to identify offenders who potentially pose a heightened risk of negative supervision outcomes based on their own victimization experience. The Victimization screen collects data regarding the offender’s victimization as a child and/or an adult, and whether or not the offender believes he or she is in danger of victimization at the time of the assessment.

g. Supervision/PreRelease/Institutional Violations/Failures

Research indicates that aspects of prior incarceration and supervision performance are both predictive of future offending and that both influence future supervision outcomes. The Supervision/Pre-Release/Institutional Violations/Failures screen captures data on the offender’s previous supervision, pre-release, and institutional violations and failures.

h. Substance Use/History

Use and abuse of both alcohol and illegal substances are consistently associated with offending and negative supervision outcomes. The Substance Use/History screen summarizes drug-testing results for the offender’s most recent, last 30 days, and previous six months drug tests. It also collects data from the offender regarding his or her self-reported drug(s) of choice, usage history and patterns, and other data regarding the offender’s current and/or past drug use. This information is used to prioritize offenders into a treatment continuum.

i. Mental Health

Certain mental health characteristics anticipate negative supervision outcomes. Early identification of these characteristics enhances risk and needs assessment. The Mental Health screen collects data regarding the offender’s current mental health status, history of mental health issues, including any recent losses, and any previous or current mental health treatment. Mental health information is used to assess the offender’s need for specialized supervision strategies, an offender’s ability to function in a community setting given the type of mental health diagnosis, and the appropriate referrals to mental health service providers.

j. Physical Health/Disability

The Physical Health/Disability screen captures a wide-range of physical health issues, including chronic diseases, physical anomalies, sexually transmitted diseases (STDs), and the offender’s assessment of physical attractiveness.

k. Leisure Time

Studies find that offenders who lack structure, have inconsistent daily routines, and have excessive leisure time face increased risk of criminal involvement. The Leisure Time screen collects data from the offender regarding the offender's participation in pro-social leisure activities, interests, and talents.

l. Attitude and Motivation

Research regularly finds that offenders with the most negative attitudes and the least motivation are also the most crime prone. The Attitude and Motivation screen measures such items as involvement in pro-social activities, self-esteem, impulsiveness, rebelliousness, anger, and aggression.

2. Conducting the AUTO Screener

The SMART AUTO Screener represents a fundamental shift in the way CSOs conduct offender screenings and assessments. The AUTO Screener is *not intended to be completed in one session*. CSOs have up to 25 working days to complete the assessment screening process and are encouraged to take the entire time.

a. Gathering Information

The AUTO Screener provides staff the flexibility to start the screener, save work already entered into the system, collect additional information, and return to the AUTO Screener to add new information or modify information that had been entered during a previous session. CSOs can change data up until the time the offender's score is calculated. This method of conducting the AUTO Screener allows staff to enter information as it is obtained.

In addition, the AUTO Screener automatically populates the date of the offender's most recent housing and employment verifications into the assessment from the SMART housing and employment screens. Drug testing data also are summarized from PRISM and automatically placed into the AUTO Screener.

b. Sources of Information

Various sources of data are available to staff in conducting the AUTO Screener. When conducting the AUTO Screener, the CSO is to rely heavily on official documents, such as the Pre-Sentence Investigation (PSI) report, the Judgment and Commitment Order (J&C), and Notices of Action (NOA) from the United States Parole Commission. The CSO also should routinely review the PSI report, if available, upon receipt of the offender for supervision.

However, official documents are not the only sources of information available to the CSO when conducting the AUTO Screener. These documents cannot provide responses to all of the AUTO Screener items, particularly those regarding the offender’s leisure time activities, recent losses, attitude and motivation. For this reason, the offender also serves as a primary source of information for the AUTO Screener. Information gained from the offender through the use of interviewing techniques must be verified by the CSO, to the greatest extent possible, through official documents, collateral contacts, and existing Agency records.

The table, below, lists various sources of information to be used when conducting the AUTO Screener. This list is not all-inclusive, and multiple sources should be used to validate information obtained directly from the offender.

| Source(s) of Information |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Pre-Sentence Investigation (PSI) report(s). • Court Judgment & Commitment Order(s). • USPC Notice of Actions (for offenders under parole or supervised release) • Interviews with the offender, the offender’s significant family members, collateral contacts, and employers. • SMART data records, including running record entries, the Supervision Periods screen, Housing and Employment screens, and prior and current drug testing/treatment history. |

3. Frequency of Conducting AUTO Screeners

a. Initial AUTO Screener Assessment

The CSO must complete an initial AUTO Screener assessment for all offenders within 25 working days of the offender being assigned to supervision (ACTIVE status only), unless an initial screener was completed during the PSI or TIPS processes within the past 180 days. Detailed instructions on how to create an initial AUTO Screener in SMART are provided in the AUTO Screener Operations Manual. For offenders placed in a Residential Reentry Center (RRC) on parole or supervised release, an initial screener must be conducted within 14 days of placement in the RRC, if one was not conducted within the past 180 days by TIPS staff.

Upon completing the initial assessment, SMART automatically will recommend a level of supervision for the offender, based on the data obtained from the interview and case file information. The CSO can either accept the recommended level of supervision or increase/decrease the offender’s supervision level with the SCSO’s approval. The CSO must obtain approval from the SCSO for the offender’s initial supervision level, even if the CSO accepts the supervision level recommended by the AUTO Screener. In addition, an AUTO Screener must be completed for any subsequent change to increase or decrease the offender’s supervision level, including if the increase or decrease is due to an incentive or

sanction. Once the offender's recommended level of supervision is accepted or approved by the SCSO, SMART will automatically update the offender's level of supervision, along with the date the screener was completed, under the Supervision Periods screen.

b. AUTO Screener Reassessment

The CSO must complete an AUTO Screener reassessment for all offenders with an ACTIVE supervision status within 180 days of the last assessment (initial or reassessment) up until the time the offender's supervision level becomes minimum. Once the offender is in a minimum level of supervision, no further AUTO Screener reassessments are required.

The CSO also must complete a reassessment under any of the following conditions:

- i. The offender is rearrested and is in minimum or medium level of supervision;
- ii. The offender has experienced a significant life event (such as a death in the family);
- iii. The CSO believes that a reduction in the offender's level of supervision is warranted; or
- iv. The CSO and SCSO hold a case conference/consultation and are considering an increase or reduction in the offender's level of supervision.

c. Reducing an Offender's Level of Supervision

Prior to reducing an offender's supervision level, a CSO must:

- i. Perform a field visit to verifying the offender's address and employment. This activity will also help in assessing the offender's overall compliance with his/her individualized prescriptive supervision plan; and
- ii. Conduct a criminal record check on the offender prior to reducing the offender's supervision level; and
- iii. Obtain supervisory approval, which is required for all reduced levels of supervision.

4. Exceptions to Conducting an AUTO Screener Assessment

The AUTO Screener does not need to be completed in the following instances:

- a. The offender is in the minimum level of supervision and has not been rearrested, has not had a significant life event, and is compliant with the terms of supervision.

- b. The offender has six months or less remaining under supervision.
- c. The offender is in an overall warrant or monitored status. However, once staff resumes active supervision of the offender, an initial assessment (if the offender never reported to supervision) or a reassessment assessment, as appropriate, must be conducted within 25 working days of placing the offender in active status.
- d. The offender has had a Show Cause or Parole Revocation Hearing and the releasing authority continues supervision.

5. Standards for Offenders in Active – TBD Status

Current policy requires that offenders be assessed within 25 working days of assignment. In cases where an offender is assigned to active supervision, but has not yet been assessed, supervision contact standards (for each 30 day period until the AUTO Screener is completed) are as follows:

- Two (2) face-to-face contacts in the office;
- One (1) collateral contact;
- One (1) home visit and
- Drug testing, per Agency policy.

Once an offender has been assessed, the offender’s supervision contact standards are to be in accordance with the standards associated with the offender’s determined supervision level.

C. Prescriptive Supervision Plan

Upon completion of an initial or reassessment AUTO Screener and the supervision level being approved, SMART automatically will create a Prescriptive Supervision Plan (PSP) for the offender, based on information obtained during the assessment. A PSP is to be completed in conjunction with each initial and reassessment AUTO Screener.

1. Creating the PSP

Upon selecting “Plan” from the AUTO Screener Details screen, the CSO will see a list of plan items, goals, and action items for the offender that were identified through the screener assessment. The CSO can prioritize, override (with the SCSO’s approval), and/or add items to the PSP. For each plan item that the CSO chooses for an offender to complete, a target date and comments can be added to the plan. Once the plan items are finalized, the CSO must save the plan items and then print the PSP.

2. PSP Document

Upon completing the selecting “Print”, the PSP document automatically will display on the screen in SMART and list the areas (domains) from the screener that the offender needs to address, the specific need, goal(s) related to the need, action items, and target dates. For example, if an offender is identified as being unemployed, underemployed, or unemployable as a result of the AUTO Screener, the AUTO Screener will identify the need for the offender to be referred to Vocational Opportunities, Training, Education, and Employment (VOTEE) Unit for a comprehensive assessment. The PSP also allows the CSO to prioritize the offender’s needs and goals when the offender has more than one competing need. For example, if the offender is identified as having substance abuse treatment and employment needs, the CSO can have the offender address the substance abuse treatment issue, first, and then the employment need.

The plan is first reviewed with the SCSO for approval and signature. The PSP then is reviewed and agreed to by the offender, who is to sign and date the PSP. The PSP then is signed and dated by the CSO. If the offender has a mentor, the mentor can, but is not required, to sign the PSP.

Only the PSP can be shared with the offender. No initial and/or reassessments instruments are to be shared with the offender. The offender should never see the actual assessment instrument.

3. Updating the PSP

The PSP is a living, dynamic document. It is to be updated as the offender completes or fails to complete goals and action items, or as action items change before a new assessment is required. It also should be reviewed regularly with the offender during office visits. However, when a new assessment is conducted, a new PSP is to be developed, reviewed with the offender, signed off, and updated on a regular basis.

¹ Bureau of Justice Statistics Special Report (1997). Substance Abuse and Treatment: State and Federal Prisoners, 1997. NCJ 172871, January 1999.

² Andrews, D.A. (1995). The psychology of criminal conduct and effective correctional treatment. In J. McGuire, ed. *What Works: Reducing reoffending*. New York: Wiley.

³ Andrews, D.A. (1995). The psychology of criminal conduct and effective correctional treatment. In J. McGuire, ed. *What Works: Reducing reoffending*. New York: Wiley.

⁴ Gendreau, P. and Ross, R.R. (1979). Effective correctional treatment bibliotherapy for cynics. *Crime and Delinquency*. 25:463-489.

⁵ Izzo R.L. and Ross, R.R. (1990). Meta-analysis of rehabilitation programs for juvenile delinquents. *Criminal Justice and Behavior*. 17:134-142.

⁶ Lipsey, M.W. (1991). Juvenile delinquent treatment: A meta-analytic inquiry into the variability of effects. *Meta-analysis for Explanation: A Casebook*. New York: Russell Sage.

⁷ Lipton, D.S. (1994). “The correctional opportunity: Pathways to drug treatment for offenders.” *Journal of Drug Issues*, Winter/Spring, 24(1/2), 331.

⁸ McGuire, J. and Priestley, P. (1995). Reviewing “What Works”: Past, present and future. In J. McGuire, ed. *What Works: Reducing Reoffending*. New York: Wiley.

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- ⁹ Palmer, T. (1975). Martinson revisited. *Journal of Research in Crime and Delinquency*. 12:133-152.
- ¹⁰ Van Voorhis, P. (1987). Correctional effectiveness: The cost of ignoring success. *Federal Probation*. 51, 56-62
- ¹¹ Wexler, H.K., Falkin, G.P., and Lipton, D.S. (1990). Outcome evaluation of a prison therapeutic community for substance abuse treatment. *Criminal Justice and Behavior*. 17:71-92.
- ¹² Lightfoot, L. (1999). Treating substance abuse and dependence in offenders: A review of methods and outcomes. In Latessa, E., Ed. Strategic solutions: *The International Community Corrections Association examines substance abuse*. Arlington, VA: Kirby Lithographic Company.
- ¹³ Vito, G.F. (1999). What works in drug testing and monitoring. In Latessa, E., Ed. Strategic solutions: The International Community Corrections Association examines substance abuse. Arlington, VA: Kirby Lithographic Company.
- ¹⁴ Peters, R. and Hills, H. (1999). Community treatment and supervision strategies for offenders with co-occurring disorders: What Works? In Latessa, E., Ed. Strategic solutions: *The International Community Corrections Association examines substance abuse*. Arlington, VA: Kirby Lithographic Company.
- ¹⁵ Ibid.

Chapter VI: Core Case Management Activities

The CSOSA Case Management Process encompasses the entire range of investigative activities and offender supervision practices performed by CSS staff. The present chapter presents the specific functions that CSS staff must be familiar with in order to perform their daily tasks and help fulfill the Agency's mandate to increase public safety, prevent crime, reduce recidivism and support the fair administration of justice in the District of Columbia.

The Agency recognizes the importance of continuing to train newly appointed CSO staff as they gradually assume their professional responsibilities for supervising offenders in numerous community-based settings. Newly appointed CSO staff, therefore, are not to be assigned full offender caseloads until their sixth month on the job. Newly hired CSOs will receive cases in phases during this period that reflect the team, unit or span of control's total caseload as follows:

- | | |
|-------------------------|-----------|
| • 0 to 4 months | Up to 75% |
| • 5 th month | Up to 85% |
| • 6 th month | 100% |

The Branch Chief and each SCSO is responsible for ensuring that new intakes as well as transfer case assignments for incoming CSO staff occur in a pattern that is consistent with the percentages identified above.

A. Offender Orientation Procedures

1. Initial Orientation

Successful completion of the supervision term is, in part, contingent upon the offender having complete knowledge and understanding of his/her responsibilities and expectations for successful completion of the term. The orientation session is designed to accomplish this objective.

Orientation sessions are intended to ensure that offenders receive a single, clear and consistent message relative to their responsibilities to the CSO and the CSS Unit. The standard message includes brief but detailed discussions of the Court/USPC processes, the Court Probation Order or Parole Release Order, the community supervision process and violation procedures that could result in a Show Cause Hearing or Warrant issuance.

All offenders should be encouraged to ask questions. Offenders are informed that they can complete their period of community supervision successfully if they follow simple guidelines and work cooperatively with the CSO.

At the point of case assignment, the CSO is also responsible for orienting the offender at the time of his/her first contact. This orientation may be conducted in groups or individually.

The Offender Orientation Checklist Form (see Forms/Template Manual, Form No. GS-0043) must be discussed in full and signed by the appropriate parties. One copy of the form must be given to the offender and the original is placed on the left-hand side of the case file.

Statutory Authority: Pub.Law105-33, §11233,111 Stat.748; D.C. Official Code §24-133© (2001 Edition).

2. Procedures

The CSO administers a thorough orientation to each offender upon the initial contact with the offender. During the orientation, the CSO attempts to establish rapport with the offender and addresses the areas outlined below:

- a. Overview of the supervision process (probation, parole, supervised release;
- b. Role of the CSO;
- c. Office hours, telephone number and emergency contact procedures;
- d. Probation/parole general conditions, in detail;
- e. Drug-testing requirements;
- f. Special conditions, in detail;
- g. Current and other levels of supervision;
- h. Reporting requirements;
- i. Incentives for compliance;
- j. Sanctions for non-compliance;
- k. Aspirations for personal growth and development;
- l. Short-term and long-term goals;
- m. Appropriate referrals, such as employment services, counseling and drug treatment;
- n. Current employment or prospects for employment;
- o. Names of family members and significant others (collateral contacts e.g., spouse, girlfriend/boyfriend, parents, children); and
- p. DC and Interstate conditions (for Interstate cases) and requirement to register with the Metropolitan Police Department in specified cases (referral of the offender to the appropriate police district).

The CSO begins the information and data collection for the assessment instrument in direct probation and mandatory release cases. The assessment is due within 25 working days of assignment of the case to the CSO. (The Assessment instrument is administered at the community correctional center for all other parole cases and during the pre-sentence investigation for all other probation cases.) See Chapter V for additional information.

The CSO asks the offender whether he/she has any questions regarding the items discussed during the orientation; addresses any questions; and requires the offender to sign the Orientation Checklist (see Forms/Template Manual, Form # GS-0043) acknowledging that he/she has been oriented to all items listed on the form. The CSO verifies the offender's address and home telephone number. The CSO also obtains additional contact telephone numbers (collateral contacts e.g., parents, relatives, girlfriend/boyfriend and neighbors).

The CSO obtains copies of the offender's birth certificate, social security card, and a picture identification (e.g., driver's license, non-driver's identification, or in-house identification) to be filed in the case jacket.

The CSO provides the offender with an orientation-briefing packet containing:

- a. General operating hours for the Agency;
- b. CSO office hours and telephone number;
- c. Supervision conditions;
- d. Emergency contact procedures;
- e. Copies of any signed agreements; and
- f. All other pertinent documents.

The CSO conducts an orientation follow-up at the next scheduled supervision contact. At the follow-up session, the CSO:

- a. Discusses the offender's short-term goals (one day to one year) in detail;
- b. Discusses the offender's long-term goals (one year or longer) in detail;
- c. Verifies that the offender has appeared for drug testing; and
- d. Ensures that the offender has obtained a valid form of identification.

B. Motivational Interviewing

A key skill for the CSO is the ability to use motivational interviewing techniques with the offender. Interviews with the offender should be meaningful and use open-ended questions to elicit information from the offender about himself or herself, a situation or event. Establishing trust and rapport encourages the offender to disclose pertinent information and participate in problem-solving and ongoing interventions.

1. Introduction to Motivational Interviewing (MI)

Motivational interviewing (MI) is an evidenced-based clinical method for helping offenders engage in and maintain behavioral change. MI prepares people for change. This style of interviewing is thought to reduce resistance and foster engagements between the interviewer and client. This client-centered approach to counseling was originally developed to help people with alcohol/drug problems but is now being applied more widely. The goal of this approach is to help offenders increase their motivation for change, resolve ambivalence about

engagement in treatment, strengthen commitment, enhance confidence levels and follow through with behavioral change. The MI approach involves a shared responsibility in the counseling partnership.

2. Benefits of Motivational Interviewing

Motivational interviewing is a technique in which the CSO becomes a helper in the change process. MI is a democratic partnership with the following benefits:

- a. Provides a model for the process of change;
- b. Reframes “denial” as “ambivalence”;
- c. Shows the CSO how to manage ambivalence about change;
- d. Identifies offender motivational structure;
- e. Improves treatment planning by focusing on offender stage of readiness;
- f. Helps CSO more accurately attuned to the offender;
- g. Affirms the offender (interviewee);
- h. Increases rapport with offender;
- i. Helps offender make progress toward change;
- j. Empowers offender to be involved in treatment plan;
- k. Puts offender more in control of and makes him/her responsible for personal choices; and
- l. Produces Significantly Better Outcomes.

3. Stages of Change Model

In Prochaska’s “Stages of Change” theoretical model (see the chart on page 6), the stages identified are: Pre-Contemplation, Contemplation, Preparation, Action, Maintenance and Termination.

In pre-contemplation, offenders lack recognition that there is a problem and are not yet considering or wanting change. In the contemplation stage, the offender begins to experience ambivalence about change, maybe-maybe not. The offender knows there might be a problem but is still not committed to making a change. During the preparation stage, the offender makes the decision to change but needs guidance because s/he does not know how to change. In the action stage, individuals begin to take concrete steps toward modifying their behavior. In maintenance, offenders work to prevent relapse and engage in pro-social behavior. The offender is maintaining change to permanence. During this stage, the offender continues to improve upon the skills that s/he learned in the action stage. The termination stage is defined as the stage when offenders are not tempted to return to past behavior. There is a debate about whether or not an offender ever reaches the termination stage in that the offender will always have the temptation to return to anti-social behavior but may refuse to act on it.

4. General Principles of Motivational Interviewing (Stages of Change)

The five general principles of Motivational Interviewing are as follows:

a. Express Empathy

The expression of empathy is important to the MI approach. The general MI goal is to see the world through the offender's eyes, think as the offender thinks and feel the things that the offender feels in his/her life experience.

Through the effective use of reflective listening skills (non-possessive warmth, accurate understanding and unconditional positive regard), offenders are more likely to open-up and share their experiences.

As offenders share their experiences, it allows the CSO to determine when and where support is needed and anticipate potential pitfalls. As offenders feel empathy from the CSO, they become more open to examining their own behavior. Acceptance by the CSO facilitates change in the offender.

b. Develop Discrepancy

Discrepancy is defined as the difference between propositions and facts. The goal of developing discrepancy is to show the offender the differences in the way s/he is living and the way s/he wants to live. To do so, the CSO must document the offender's behavior accurately and completely. Analyzing information (assessment results, prior files, case records, pre-sentence investigations and other available reports) and confirming the differences provides opportunities for offenders to face their situations.

Discrepancy comes from within the offender and it is the offender who must present the argument(s) for change. The MI process is designed to elicit and support change statements.

c. Avoid Argumentation

Conversations about behavior change can provoke arguments. Arguments are counter-productive and ineffective methods of communication and often lead to more resistance to change. Offender resistance is significantly influenced by CSO behavior; therefore, resistance may well be a signal to the CSO to change strategies. To gather information and respond appropriately, the CSO must listen skillfully and hear what offenders are saying.

d. Roll with Resistance

Resistance is common when offenders are attempting to make a behavior change. The CSO must accept this resistance and become adept at working through it. The CSO should try to help the offender to move forward, explore his/her views and develop personal strategies and solutions to the problems that have been targeted.

e. Support Self-Efficacy

Someone knows that s/he can accomplish a task because s/he has done so in the past is called self-efficacy. As self-efficacy is developed and reinforced, success rates for offender rehabilitation will improve. The CSO can assist offenders by discovering and affirming past successes. Determining past transgressions and relapses can also help offenders avoid future situations that may lead to anti-social behavior.

FIGURE VI.1

INTERVENTION TECHNIQUES

| <u>STAGE</u> | <u>OFFENDER BEHAVIOR</u> | <u>INTERVENTION TECHNIQUES</u> |
|--------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pre-Contemplation | Lack of recognition that there is a problem. Denial. | Establish rapport, build trust. Remain neutral allowing the offender to choose what is best for him or her. Help offender see pros and cons of criminal behavior. |
| Contemplation | Offender on the fence regarding change. | Continue to remain neutral. Elicit self-motivational statements for change. Elicit ideas regarding offenders self-efficacy and expectations about treatment. |
| Preparation | Offender is ready for change but needs support and encouragement. | Provide support, options, and help. View this stage as an opportunity to support the offender in changing his or her behavior. |
| Action | Change is new, not yet stable. Offender will either take on or reject pro-social life | Reinforce pro-social behavior. Support change through feedback and verbal praise. Acknowledge difficulties and barriers to success. |
| Maintenance | Positive changes have been made. | Be supportive. Encourage stability in the changes offender has made. Focus on long-term goals. Develop plan for offender to “get-out” if he or she starts to slip into criminal conduct. Help find crime free alternative social opportunities. Teach, practice and reinforce pro-social skills. |

Prochaska, J.O. and DiClemente, C.C. (1986). “In toward a comprehensive model of change.” In

The CSO can help offenders move toward a pro-social lifestyle by supporting self-efficacy throughout the supervision process.

5. Intervention Strategies

Motivational Interviewing works well with the “Stages of Change” model and is aimed at moving people quickly through those stages. MI offers a number of intervention strategies that can be used and it is important to use varying strategies with offenders in different stages. The chart provides a brief description of appropriate intervention strategies for each stage and behavioral description.

C. Offender Referrals

One of the most critical case management services that can be conducted by the CSO is the referral process. The CSO is responsible for ensuring that the orders of the releasing authority are carried out adhered to by the offender. In addition, the prescriptive supervision plan generated from the AUTO Screener assessments administered before and during supervision identify additional needs that must be addressed by the offender to provide the offender the optimum opportunity to change anti-social behavior and successfully complete the conditions of supervision.

To address the ordered conditions and needs identified through assessments, the CSO is responsible for referring offenders to CSOSA and to public and private community-based resources that provide the requisite services. Brokering for services is a fundamental casework tool requiring knowledge of the resources available in the community. All referrals are to be documented in the Agency’s information system.

1. Type of Referrals

To assist offenders toward effective personal rehabilitation, referrals can be made for but are not limited to the following:

- a. Drug testing;
- b. Drug treatment;
- c. Medical evaluation;
- d. Mental health assessments and treatment;
- e. Community service;
- f. Education;
- g. Employment (career and vocational); and
- h. Educational opportunities.

Once the referral has been made, it is the ongoing case management responsibility of the CSO to monitor the referral status in order to assess the effectiveness and timeliness of those services that have been requested and/or provided.

2. Offender Drug Testing Referrals

All offenders are referred for drug testing at intake and are drug-tested in accordance with the Agency's drug testing policy. The offender drug test schedule varies based on an individual's prior substance abuse history, level of supervision, and/or length of time under supervision. All offenders placed on a drug-testing schedule are required to read and sign the Agency's official Drug Testing Instructions (see Appendix J, Offender Drug Testing Protocol - CSOSA Policy Statement 4005). This policy defines the authorities, background and procedures and instructions that will guide CSS staff in the performance of this critical case management function.

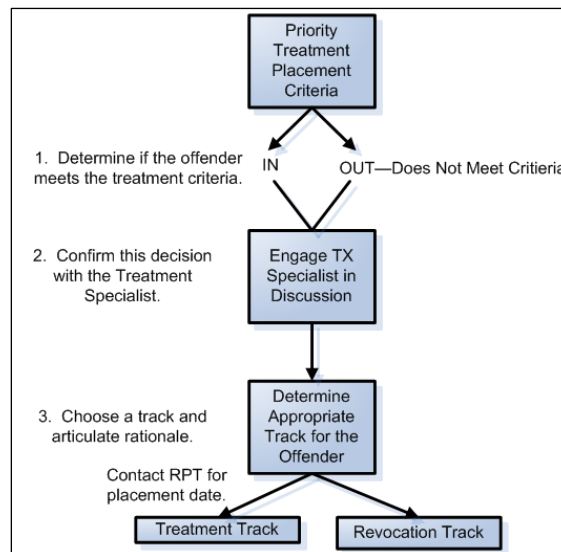
3. Priority Treatment Placement Criteria - Treatment Track Versus Revocation Track

The following section will provide guidance on the process to be used when reviewing/approving a decision by the CSO on whether the offender should go into a treatment track or a revocation track. The Agency has a responsibility both to ensure public safety and to use its treatment dollars wisely. Many offenders with substance abuse issues are not amenable or motivated for treatment. Referring these offenders for a treatment evaluation, while simultaneously submitting an AVR to the releasing authority recommending a warrant or show cause hearing, is not a good use of the Agency's scarce treatment resources.

Coverage:

These offenders may get evaluated and placed into treatment while the AVR is pending, only to be abruptly taken out of treatment if a warrant is issued, which does not serve the best interests of the offender. In addition, the offender could complete his/her term of treatment only to be brought before the releasing authority with the consequences being that the term of supervision is revoked, and the offender is incarcerated.

To address this concern, CSOs and SCSOs are to use the following three-pronged approach when considering an offender for treatment:



a. Priority Treatment Placement Criteria

- i.** Determine if the offender meets the priority treatment placement criteria:

(1)The CSO is to determine if the offender meets the priority treatment placement criteria. Once this decision is made, if needed, the CSO should discuss the case with the Treatment Specialist to confirm that the offender (based on the priority treatment criterion) will not be eligible for agency funded treatment placement.

(2)If the offender does not meet the priority treatment placement criteria, then the CSO should clearly articulate why in the AVR, such as the offender is not amenable, motivated, or otherwise does not meet the priority treatment placement criteria. These cases are to be placed on the revocation track with the AVR submitted to the releasing authority.

- ii.** Confirm this decision and engage Treatment Specialist in discussion:

For those offenders who meet the priority treatment placement criteria, upon referral to treatment for an assessment, the CSO is to communicate with the treatment staff to obtain a possible placement treatment date. The CSO is to use motivational techniques to engage and encourage the offender to remain compliant with the pre-treatment group protocol until the treatment placement date.

- iii.** Determine appropriate track for the offender and choose a track and articulate rationale: treatment or revocation track.

b. Revocation Track

The revocation track should be reserved for those offenders who have demonstrated, by their non-compliant behaviors, that treatment is not a viable option. These offenders' substance abuse is more related to their criminality, and these offenders have been resistant to change in spite of the CSO's prior sanctioning efforts and/or a prior failed treatment episode, etc. The SCSO should be available to provide proper guidance to the CSO with respect to the offender's treatment or revocation track.

c. CIT and CSO Role

i. As the Central Intervention Team (CIT) is currently applying the treatment priority criteria to both detained offenders (awaiting treatment assessment for placement) and offenders who are not detained, a major issue will arise if the detained probation offenders are kept in jail for an extended period of time past the decision that the offender does not meet the treatment priority placement criteria. With regards to the detained cases, all of whom have a pending treatment status hearing date¹ before the sentencing judge, the CSO is to proceed as follows:

- CIT will e-mail the SCSO/CSO to advise that the offender will not be placed in treatment because the offender did not meet the treatment priority criteria.
- CIT will recommend an alternative treatment modality via the DC Public Health Substance Abuse Treatment System.
- Upon receipt of the e-mail from treatment, the CSO is to e-mail the sentencing judge to request an expedited treatment placement status hearing.
- The CSO is to include the following language in the e-mail to the sentencing judge:

“It has been determined via a treatment assessment that the offender does not meet the priority placement criteria for treatment placement by the Agency. It is recommended that the offender be released from detention so that treatment placement efforts can be made via the city’s Substance Abuse Treatment System. CSOSA will work with APRA to facilitate the offender’s placement; however, CSOSA cannot guarantee that APRA will place the offender in treatment.”

¹ See the December 1, 2005, Treatment Placement Protocol memorandum.

- If the CSO does not receive a response from the judiciary within two business days, the CSO is to resend the e-mail to the sentencing judge.
- ii. In the absence of the assigned CSO, the SCSO is to give direction to another CSO to forward the aforementioned information to the sentencing judge. The SCSO is to be copied on all such correspondence to the Judiciary. The SCSO is also to apprise his/her Branch Chief of any detained offender who will not be placed in treatment due to the offender not being eligible for priority treatment placement (i.e., the offender did not meet the priority treatment placement criteria). There are two types of detained probation cases for which we need to be cognizant:
- Newly sentenced to probation offenders stepped back to the jail pending a treatment placement by the Agency; and
 - Offenders stepped back to the jail as a result of a show cause hearing, and the judge orders a treatment assessment and subsequent placement.
- iii. To expedite the priority treatment placement criteria process, the SCSO/CSO can expect an e-mail or phone call from the **Treatment Specialist** to aid in the offender’s “**amenability**²” to treatment determination process.” In light of the offender’s detained status, the CSO or SCSO is to respond as quickly as possible to the treatment specialist’s inquiry.
- iv. In light of our treatment priority placement criteria, we need to make sure that the sentencing judge is advised as soon as possible regarding the Agency’s decision that an offender does not meet the criteria for treatment placement. Given the information provided, the sentencing judge will then be in a position to decide the next cause of action for the offender.

4. Criteria for Prioritization of Substance Abuse treatment Referrals

The current CSOSA treatment budget enables the provision of a full continuum of care to only 25% of offenders in need of treatment services each year. To ensure

² In this content, amenability means that the CSO should be able to address with the Treatment Specialist the offender’s motivation to change and ability to be engaged in the treatment process.

that the Agency's resources are reserved for the highest priority cases, the following criteria have been developed for use by CSOSA when making recommendations for placement:

a. Detained Referrals (DC Jail) for Placement

To qualify for CSOSA funded treatment, detained offenders must meet all of the following criteria:

- Addiction profile meeting ASAM PPC-2R criteria for residential treatment.
- Instant offense is a violent offense (priority given to murder and non-negligent manslaughter; rape and aggravated sexual assault; robbery, and aggravated assault; followed by misdemeanor sexual assault; simple assault; domestic violence; and weapons offenses in conjunction with drug offenses).
- Amenable to treatment placement, as evidenced by no unexcused failures to report for treatment assessments or other CIT appointments within the preceding 12 months.
- Amenable to treatment placement, as evidenced by no failures in CSOSA-funded treatment within the preceding 12 months.
- Motivation to succeed in treatment, as evidenced by expressing a desire for/need for treatment.
- No medical or mental health issues that will preclude full participation in the treatment process.

b. Detained Referrals (BOP) for Placement

To qualify for CSOSA funded treatment, detained offenders referred by TIPS must meet all of the following criteria:

- Addiction profile meeting ASAM PPC-2R criteria for residential treatment.
- Instant offense is a violent offense (priority given to murder and non-negligent manslaughter; rape and aggravated sexual assault; robbery, and aggravated assault; followed by misdemeanor sexual assault; simple assault; domestic violence; and weapons offenses in conjunction with drug offenses).
- No failures of CSOSA funding within the preceding twelve months.
- No unexcused failures to report for assessments or CIT appointments within the preceding twelve months.
- Correlation between substance abuse and criminal history resulting in revocation.
- Offender has been incarcerated for eight months or fewer.
- Majority of urine surveillance testing demonstrated persistent use of illicit substances thirty (30) days prior to incarceration. (Example, an offender testing twice weekly, will have had the opportunity to provide

eight (8) samples in a thirty day period. If five of the eight samples were positive for illicit substance this would constitute the majority).

c. Community-Based Referrals for Placement

To qualify for CSOSA funded treatment, offenders in the community must meet all of the following criteria:

- Addiction profile meeting ASAM PPC-2R criteria for residential treatment.
- Supervision at the intensive level (consideration will be given to lower supervision levels as funding permits).
- Instant offense is a violent offense (priority given to murder and non-negligent manslaughter; rape and aggravated sexual assault; robbery, and aggravated assault; followed by misdemeanor sexual assault; simple assault; domestic violence; and weapons offenses in conjunction with drug offenses).
- Amenable to treatment placement, as evidenced by no unexcused failures to report for treatment assessments or other CIT appointments within the preceding 12 months.
- Amenable to treatment placement, as evidenced by no failures in CSOSA-funded treatment within the preceding 12 months.
- Motivation to succeed in treatment, as evidenced by assessment at the “Preparation” or “Action” Stage of Change (consistent with CSOSA’s application of the “What Works” curriculum).
- No medical or mental health issues that will preclude full participation in the treatment process.

5. Guidance for Referring Substance Abusing Offenders to the Central Intervention Team (CIT) for Evaluation

The following is to be used as guidance in determining when an offender should be referred to the CIT for a substance abuse evaluation. This guideline will ensure that offenders with a serious substance abuse history, versus offenders who use drugs on a casual/social basis, are referred to CIT for an evaluation and assessment. In addition, it will allow the Community Supervision Officer (CSO) and the Supervisory Community Supervision Officer (SCSO) to determine the offender’s level of compliance with supervision requirements. This process will ensure that CSOSA treatment dollars are spent judiciously.

Past CSOSA policy referred offenders immediately to the CIT upon the first positive drug test. This practice did not allow the offender an opportunity to change his or her behavior based on interaction with the CSO. Many offenders are able to change their inappropriate behavior through the application of sanctions and with guidance and direction from the CSO. Current CSOSA guidelines provide this opportunity to the offender.

As the following procedures reflect, an offender is not to be referred to CIT for an evaluation until the CSO has followed the Behavior and Response Guideline for Offender Drug Use. There are, however, three exceptions to this process: 1) sex offenders, who are to be referred *immediately* to CIT for evaluation upon the first positive drug test; 2) offenders who express a need for substance abuse treatment, who should be referred to CIT as soon as possible; and 3) offenders who the SCSO and CSO, in consultation with the Treatment Specialist, believe present an immediate need for treatment, shall be referred directly to CIT for an evaluation. Offenders who fall under these exceptions can be referred to CIT for an evaluation without the SCSO and the conducting a compliance review. A compliance review is a case review held between the SCSO and the CSO 30 days after the offender signs the behavioral contract (or sooner, as appropriate). The compliance review is held to determine the offender's level of compliance with the behavioral contract and to select the appropriate referral track for the offender.

Under this guideline, the Agency maintains its zero-tolerance drug testing policy through the implementation of appropriate, graduated sanctions for non-compliant behavior. The SCSO serves as the Agency's gatekeeper in referring an offender to CIT for an evaluation.

Unless the offender falls under one of the exceptions to this guideline, the offender is given approximately 30 to 60 days in which to change his or her inappropriate behavior. This time frame also provides the SCSO and CSO with an appropriate evaluation period in which to assess the offender's amenability to treatment and supervision. During this time, the offender's level of compliance with the graduated sanctions is evaluated and this information assists staff in determining which referral track would best meet both the treatment and supervision needs of the offender. In this way, valuable treatment dollars can be allocated to those offenders who are most in need of and amenable to treatment.



Behavioral Contract

OFFENDER: _____ **PDID:** _____

BEHAVIORAL CONTRACT

My signature, below, indicates that I agree to meet the short-term goals listed below. I understand that my failure to meet these goals may result in notification to the releasing authority and possible revocation.

Short Term Goals

| I. Goals and Methods | Target Date | Goal Met? |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------|
| <u>Goal 1: The Offender will comply with his/her supervision plan.</u> The SCSO, CSO, and offender will meet to discuss and reinforce the offender's compliance with his/her release conditions. | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <u>Goal 2: The Offender will adhere to his/her relapse prevention plan.</u> The Offender will provide the CSO with documented proof of attending community NA/AA support groups. The offender will refrain from substance abuse. | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <u>Goal 3: The Offender will not engage in criminal activity.</u> The Offender will be given an assignment, which reflects on his/her criminal behavior. The assignment is to focus on the offender's goals and how drug use negatively impacts the offender in achieving those goals. This assignment may take the form of a two-page essay, a collage, videotape, a tape-recorded message, or any other form approved by the CSO. The Offender will submit/present this assignment to the CSO. | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <u>Goal 4: The Offender will obtain a sponsor/mentor.</u> Through community support network, the offender will identify and establish a sponsor/mentor to encourage the Offender in adhering to his/her supervision and relapse prevention plan and meeting the offender's goals. | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <u>Goal 5: The Offender will attend Sanctions Groups.</u> The Offender will attend his/her scheduled sanctions groups and will fully participate in groups | | <input type="checkbox"/> YES <input type="checkbox"/> NO |

Offender

Date

CSO

Date

cc: Offender/Offender File

6. Offender Substance Abuse Treatments and Referral Process

CSOSA places offenders in treatment modalities within a continuum of care to address substance abuse treatment needs. To ensure that all CSOSA offenders who require or request treatment are properly screened and assessed by substance abuse treatment professionals, all referrals must proceed through the Substance Abuse and Treatment Branch (“SATB”) referral process. All treatment recommendations are supported by performance contracts that reinforce accountability and aim to reduce criminal activity.

a. Pre-Sentence Defendants

All offenders under community supervision who are in need of substance abuse treatment shall be identified and appropriately assessed to determine the most appropriate treatment methodology that will reduce recidivism and enable those offenders to become productive members of society (i.e. drug-free, employed, and family supportive). In the interim, between conviction and sentencing in the judicial process, the presiding judge may order a substance abuse screening and/or assessment of defendants with perceived community reintegration impediments. Nevertheless, a substance abuse screening and/or assessment will be performed on all pre-sentenced defendants. However, if the Pretrial Services Agency has performed a substance abuse assessment of a defendant and the assessment is **within the last 180 days**, the defendant will not require a re-assessment during the pre-sentence period.

- i. At the point of intake, the Diagnostic Community Supervision Assistant (“Diagnostic CSA”) shall refer all defendants to a Treatment Specialist for a substance abuse screening and/or assessment.
- ii. If the defendant fails to appear for the scheduled substance abuse screening and/or assessment, the Treatment Specialist shall notify the diagnostic CSO within one (1) business day of the missed appointment.
- iii. The Treatment Specialist shall complete the screening, **within three (3) business days of the receipt of the referral.**
- iv. The Treatment Specialist will complete the assessment (including on site jail assessments) **within five (5) business days of the receipt of the referral.** If the offender’s status changes (e.g., transfer to a different facility), Central Intervention Team (“CIT”) staff shall notify the sentencing judge of the offender’s change in status.

- v. The results of all screenings/assessments shall be formalized and returned to the Diagnostic CSA or team **within ten (10) business days** from the receipt of the CIT referral. All information regarding offenders shall be exchanged in compliance with the Privacy Act and 42 C.F.R. Part 2.
- vi. CIT shall provide substance abuse screenings and assessments (if appropriate) for defendants who are the subject of a pre-sentence investigation.

b. Newly-Sentenced Probationers

Offenders sentenced to probation are directed by the Court to report immediately after sentencing to the OPU/Probation Intake Unit.

- i. The OPU/ Intake Unit staff shall assign the probationer's case to the appropriate PSA/Supervision Team in accordance with the "Case Assignment" procedure.
- ii. The Intake Unit shall direct the offender to report either:
 - (1) Immediately to the assigned supervision team if the team assignment is within the same building as the Intake/Control Center and no later than one (1) business day from the date of intake if the offender's assigned supervision team is located within one of the field units; or
 - (2) Directly to CIT if Court-ordered treatment conditions were imposed at sentencing.
- iii. At the time of receipt of a case containing Court-ordered treatment conditions, the OPU/Intake Unit staff shall fax a copy of the Court order and supervision assignment to CIT within one (1) business day, in order to initiate the CIT data recording process.
- iv. At the point of intake, OPU/Intake Unit staff shall direct all probationers with Court ordered treatment conditions to report to the Metropolitan Police Department Building at 300 Indiana Avenue, NW for a drug test and to CIT for the scheduling of required screenings/assessments not conducted in the post-sentence stage.

Additionally, CIT shall schedule all probationers with Court-ordered treatment conditions for a treatment staffing (“Staffing”) if a treatment assessment was completed by CIT or consulting treatment professionals, and is not dated beyond 180 days. If the previous treatment assessment is dated beyond 180 days, CIT shall re-assess the offender in conjunction with the timelines stated above.

c. Pre-Release Parolees and Supervised Releases

- i.** The Transitional Intervention Parole Supervision (“TIPS”) CSO will conduct the Addiction Severity Index (ASI) assessment on each offender. This assessment will focus on possible substance abuse issues and, if involved, ascertain the level of offender addiction. The ASI shall be conducted within seven (7) days of the offender’s admission to the Community Correctional Center (“CCC”).
- ii.** The TIPS CSO shall administer the CSOSA Screener if the offender was not classified within the past 180 days and a copy of the CSOSA Screener is not a part of the PSI contained within the offender’s institutional file.
- iii.** The TIPS CSO shall direct the offender (through written reporting instructions prior to release) to:

(1) Report immediately to 300 Indiana Avenue, NW for an initial drug test following his/her release from the CCC.

- If the offender’s assigned supervision team/officer is located at 300 Indiana Avenue, NW, the offender is to report to his/her assigned supervision team/officer immediately following the drug test. If the offender’s assigned supervision team/officer is located at a field unit, the offender shall be instructed to report on the day following his/her initial drug test.
- Upon the first CSO contact with the offender following his/her release from the CCC, the CSO is to confirm that the offender has completed the initial drug test. If the offender has not completed the initial drug test, the offender shall be directed to report to the ISCU for a drug test.

- iv. Upon receipt of **any** parole case with a special condition of “treatment”, the TIPS CSO shall submit the following documents to CIT and the supervising CSO as a complete referral packet no later than two (2) business days after the offender’s discharge planning conference:
 - (1) The SATB Treatment Referral Form;
 - (2) All treatment and assessment information – including substance abuse risk assessment instruments, CSOSA Screener and any historical treatment assessments present in the inmate’s CCC record;
 - (3) The Pre-Sentence Investigation/FPO Evaluations/Other Diagnostics Data;
 - (4) A copy of the United States Parole Commission (“USPC”) Notice of Action;
 - (5) TB test results and/or medical clearance;
 - (6) WALES check for new arrests; and
 - (7) NCIC – Warrant Status Check.

d. Role of the CSO in Offender Treatment Referrals for Offenders Under Community Supervision

- i. During the initial contact, the CSO will review the probation “Judgment and Commitment Order” or the parole “Notice of Action” and record any special conditions for treatment imposed by the releasing authority.
- ii. The CSO will also review any treatment assessment reports present in the offender’s supervision record for indications that the offender may have had a prior substance abuse history. Special attention is to be paid to treatment recommendations proffered by a treatment professional. If the offender has a substance abuse treatment need and was not referred for treatment at intake, the CSO shall:
 - (1) Make a direct referral to CIT for assessment and placement in **parole cases**.
 - (2) Petition the Court for the imposition of a special condition for substance abuse treatment (if none exists on the Court order) and refer the offender to CIT for assessment and placement in **probation cases**.
 - (3) If the offender is released from the CCC after normal business hours, s/he is to report to 300 Indiana Avenue for an initial drug test and CSO contact on the following day.

- (4) If no special treatment conditions or other evidence supporting the need for treatment exists in the offender's record; the CSO shall question the offender regarding his/her history of drug and alcohol use and desire for treatment.
- (5) If the offender requests treatment intervention or initially tests positive for illicit drug use or admits to recent use, the CSO shall complete the SATB referral process which includes the following:
 - Filling-out the SATB Referral Form and sending it to the CIT Referral Placement Team ("RPT") via e-mail (with a copy to the SCSO). This allows RPT staff to begin the treatment data tracking process prior to receiving the entire treatment referral package.
 - Forwarding all required referral documents to CIT **within three (3) business days.**

iii. The required referral documents for the SATB referral are as follows:

- (1) The SATB Treatment Referral Form;
- (2) All treatment and assessment information - including substance abuse data;
- (3) Risk assessments, CSOSA Screener and historical treatment information;
- (4) Assessments present in the inmate CCC record;
- (5) The Pre-Sentence Investigation/FPO Evaluations/Other Diagnostics Data;
- (6) A copy of the release order;
- (7) The offender PSA/Supervision team assignment (if available);
- (8) **A statement that both the WALES and NCIC warrant status checks had been conducted and that no outstanding warrants were found.**

In cases where an offender on probation requests treatment and a special condition for treatment does not exist on the probation order, the CSO will petition the Court for the imposition of a special condition for substance abuse treatment while referring the offender to CIT for assessment and placement.

The CSO will inform the offender that his/her placement into a treatment program will take approximately **10-15 business days** from his first successful screening/assessment appointment with CIT.

The screening or assessing Treatment Specialist will advise the CSO of the offender's treatment recommendations **no later than one (1) business day** after the treatment assessment is completed and formalized in accordance with Privacy Act guidelines. CIT will notify the CSO of the date and time of the offender's **staffing conference** at which the offender, the CSO and the Treatment Specialist will be present.

The CSO will notify the offender of the staffing conference date and time and direct and mandate the presence of the offender at the same. The CSO will also ensure that all necessary release of information forms are signed by the offender and brought to the staffing conference.

All offenders referred to CIT shall be classified according to their treatment needs and placed correspondingly in Pre-Treatment Groups until they are placed in treatment. In addition, all offenders referred to CIT shall also be placed on an appropriate drug-testing schedule as outlined in the "Drug Testing Protocol and Administrative Sanctions" procedure.

In all cases where offenders fail to report for scheduled appointments, the CSO will sanction them in accordance with Community Supervision Services sanction protocols. Once an offender has been sanctioned for a missed appointment, the CSO may re-refer the offender for treatment. As part of a re-referral for treatment, the CSO must provide documentation that a sanction was imposed.

7. Referral of Appropriate Mental Health Offenders to the Re-Entry and Sanctions Center (RSC)

The following information is to provide guidance to the Community Supervision Services (CSS) staff with respect to identifying the targeted mental health population that is appropriate for post-release and supervision referrals to the Re-Entry and Sanctions Center (RSC) for admission consideration¹.

Offenders (parolees, probationers, or supervised releasees) identified for referral to the RSC should be those offenders who have exhibited non-compliant behaviors that have increased the offenders' risk to re-offend in the community or whose stability in the community is compromised owing to the offenders' lack of treatment resources. The offender's risk level or need for treatment services, as assessed by the Community Supervision Officer and/or CSS Management, is to be at a significant level to warrant the offender's temporary removal from the community to a therapeutic environment. Those offenders who have been referred

¹ This referral process is independent of the CIT referral process. Referrals are to be submitted via the CSO's Referral Module in SMART 3. (Note: CSS will request OIT to add a drop down for the RSC to the CSO's module in SMART.)

through the mental health referral process to determine mental health needs may be candidates for referral to the RSC.³

Eligible offenders are to be referred to the RSC as:

1. an alternative to incarceration after the implementation of graduated sanctions have failed to change the offender's non-compliant behavior;
2. as a vehicle to assess the need for services for this special population;
3. reentry from a maintaining institution following a period of incarceration or jail detention; or,
4. recommendation by the CSO following a Show Cause Hearing or USPC Sanction Hearing.

The goals of the RSC referral are:

- Community safety by enrolling the offender in an environment conducive to a reassessment of the offender's risk and need levels; and,
- Development of an individualized treatment assessment and treatment plan for the offender that will be incorporated by the CSO in the offender's Prescriptive Supervision Plan (PSP).

The goals of the RSC intervention are to:

- Identify the specific offender holistic service needs;
- Develop a service plan and initiate a referral process in collaboration with mental health staff;
- Identify medications and medical resources required to stabilize the offender in the community, and make appropriate referrals, as necessary; and,
- Identify potential gaps in treatment services between RSC and mental health service providers.

The mission of the RSC is to provide intensive assessment and reintegration programming services in a residential setting (28 days) for high-risk, non-compliant offenders who are in technical violation of their conditions of release.

a. Required Eligibility Criteria

To be eligible for referral to the RSC, the offender must:

- Have six (6) or more months remaining on supervision;
- Assessed as high risk (i.e., extensive criminal history, high criminality, threat potential to self or community, etc.), per the AUTO Screener; and,

² All mental health referrals for the RSC from general supervision must go through the existing mental health referral process.

- An extensive and chronic history of mental health issues;

In addition to meeting the required eligibility criteria for referral to the RSC, the offender also may have one or more of the following criteria:

- Technical violations of the release condition;
- A history of current and/or past substance abuse issues;
- Non-responsive to graduated sanctions imposed for non-compliant behaviors;
- Currently taking medication for mental health disorder(s);
- Prior assessment, treatment, or hospitalization for mental health conditions;
- Motivation to complete treatment (community based/sanctioned offenders/defendants); or
- An identified mental health disorder, but the offender fails to comply with the prescribed treatment regimen.

b. Exclusionary Criteria

Offenders ineligible for referral to the RSC include offenders who have a history of arson (arrest, charge, and/or conviction).

Offenders with a sex offense history can be referred to the RSC, however, these offenders will be reviewed on a case-by-case basis.

c. Categories of Mental Health Offenders

There are at least four profiles or categories of mental health offenders who may require assessment and/or subsequent treatment services:

Category I: Offenders with a history of having been diagnosed with a mental illness in the past and were placed on psychotropic medication. At mental health screening, the offender is not on medication and has been drug free, due to a period of incarceration. The offender does not have any psychotic symptoms at screening.

Category II: Offenders presently in treatment at one of the core service agencies with a co-occurring mental health disorder. The offender is on psychotropic medication was treatment compliant, but has relapsed.

Category III: Offenders not assigned to a mental health provider. The offenders have psychotic symptoms such as delusions and hallucinations and may have a severe thought disorder.

Category IV:

- (1) Offenders not assigned to a mental health provider, but who presents with suicidal or homicidal ideations, thereby significantly increasing the offender's risk to public safety and/or to self.
- (2) Offenders who also may present with manic personalities and appear to be out of control, threatening, and highly agitated.
- (3) Offenders who appear to have mental dysfunctions that grossly interferes with the offenders' ability to function independently (i.e., take care of basic needs) or who cannot function effectively in a program.

d. Referral Process

The CSO is to staff all offenders' cases that are being considered for referral to the with his or her SCSO in consultation with the Agency's contract staff and/or mental health coordinator. If the SCSO agrees that a case is eligible for referral to the RSC, the CSO is to prepare a referral package to the RSC for program enrollment consideration. A referral to the RSC by the CSO is to be submitted via the CSO referral module in SMART. The SCSO is to email the RSC's Referrals mailbox ⁴ to advise when the referral package was sent and the method used to send the package (i.e., electronic or internal mail,). At the direction of CSS Management, the CSO is to prepare and forward an offender referral package to the RSC for program consideration.

The referral package is to include the following information:

- a copy of the offender's J&C, parole or supervise release certificate;
- a copy of the offender's drug test results* ;
- a copy of a signed release of information form;
- a copy of any medical/psychological information;
- a current TB test result(s) (conducted within a least 6 months of admission);
- a copy of the offender's signed behavioral contract
- a completed RSC referral form;
- a copy of the Pre-sentence Investigation Report (PSI)* ;
- a violation screen printout (copy specific relative referral information the section of the running record)* ;
- Notice of Actions (NOAs);

³The RSC will contact OIT to obtain a mailbox for all RSC referrals. CSS plans to begin making referrals for the Sanctions Unit the last week of July 2006.

- a running record printout of offender's compliance and noncompliance (only those entries that led to the referral for placement should be included)* ;
- a statement of the offender's impressions by the mental health coordinator, contract psychologist or contract psychiatrist; and/or,
- Any assessment previously conducted by mental health professionals.

(NOTE: * asterisked items will be obtained via SMART by the RSC staff)

After review of the referral package by the RSC determination team, an acceptance or rejection will be provided to the SCSO and CSO within 3–5 calendar days via e-mail. The RSC staff will update the SMART Treatment Module. If the Program Director approves acceptance of the offender to the RSC, the Program Director or designee will e-mail the SCSO and CSO to advise them of the acceptance for the offender and the enrollment date.

If the RSC determines from the review of the paperwork and discussions with the CSO that the offender requires placement in a detoxification center before admittance into the RSC, the RSC staff will coordinate the detox placement. At the conclusion of the detox stay, RSC staff will escort the offender to the RSC and notify the CSO of the placement.⁵

In the event that program acceptance is not recommended by the Program Director or designee, the SCSO/CSO will be notified via email that the offender was not selected for the RSC and that offender's referral package will be forwarded to CIT for evaluation by the RSC staff. The CSO will follow the normal protocol based on the CIT assessment.

e. Offender Notification

Upon notification by the Program Director or designee of the RSC enrollment date, the CSO is to immediately contact the offender and provide the date, time, location, and contact person at the RSC to whom the offender must report. The offender will be expected to report to the RSC as directed by the CSO. At the CSO's discretion, he/she may escort the offender to the RSC and may request a Government Operated Vehicle (GOV) for that purpose. Additionally, another CSO will accompany the CSO and the offender. The CSO is to inform the offender that the offender's failure to report to the RSC as directed will result in an Alleged Violation

⁵ CJP will follow-up on its request to OIT for a drop-down in the SMART Treatment Module for the RSC.

Report (AVR) notification to the releasing authority. The CSO also may place the offender on GPS pending the decision by the releasing authority to the AVR request.

f. Orientations and Staffings

The CSO may assist the RSC Program staff in an orientation of the offender to the RSC and community supervision requirements. The CSO and the Program staff will agree upon the number of staffings to be held at the RSC regarding the offender's response to the assessment process, discharge plan, and/or assist with the therapeutic sanctioning process. The CSO may be required to report to the RSC not later than within 2 (two) business days for a staffing upon notice from the RSC staff to assist the RSC staff in the event that an emergency or behavioral crisis situation develops with the offender. The CSO will attempt the enforcement of a behavioral contract.

The

At a minimum, the CSO or designated CSO appointed by the SCSO will be required to meet with the offender along with the assigned RSC counselor or case manager, within the first seven days of admittance.⁶ purpose of this collaborative efforts is aimed at assisting the offender to understand the purpose of the RSC enrollment, what to expect from the assessment experience, the limitations of the assessment experience, what may happen after the 28-day stay, the importance of being prepared for the treatment experience, offender supervision responsibilities, expectation of the releasing authority regarding treatment compliance, the CSO's responsibility to report to the releasing authority treatment failures or if the offender leaves the facility against the advise of the treatment staff, obtain additional collateral contact information from the offender and to address with the offender any additional questions.

In addition, the CSO will be required to participate in the discharge staffing process (on or about day 21). At least 7 days before the discharge staffing is held, an RSC staff person will send electronic notification to the CSO and SCSO of the meeting date, time, and location. Other staffing participation will be required as mutually agreed and as necessary. The staffings will include, but will not be limited to, the following topics:

By day 7:

- the offender's compliance with the assessment processes;
- the offender's compliance and active participation in the group process; and a review of the offender's behavioral contract.

⁶ If an offender is noncompliant before his/her initial staffing is held, the RSC will immediately notify the CSO and request the CSO to come over to the RSC for a staffing.

By day 21:

- the offender's re-entry compliance plan (CSO leads);
- discussion of the offender's discharge summary (RSC leads), treatment continuum, supervision recommendations (aftercare strategy, supervision support), life supports needed (housing, influences, etc.), and relapse prevention;⁷
- the offender's barriers and positive influences to achieve the re-entry compliance plan; and
- the offender's home plan (the CSO is to review the TIPS Investigative Report in SMART to determine if the offender's original proposed home plan was rejected).

g. Summary

Offenders referred to the RSC are considered to be a high risk to community safety. An offender who fails to report as directed to the RSC, leaves the RSC against medical advice, or fails to follow the next level of care as recommended by the RSC staff is to be sanctioned immediately with an AVR to the releasing authority.

The offender's behavioral contract is to include the aforementioned information. It is important that the CSO fully implement the tenants of CSOSA's currently established evidence-based practices with this high-risk offender group. Staff must assist the offender in education and employment efforts, housing, marital/family involvement, positive attitude, community functioning, and CSOSA's other currently established evidence-based practices. The SCSO is to closely monitor staff's supervision efforts with this special population post-release from the RSC.

⁷ CSO and TX staff should confer to agree upon a date for the staffing. It is imperative that the CSO attend the discharge staffing as this meeting is critical to discuss with the offender his Re-Entry behavior contract.



II. ATTACHMENT- RSC REFERRAL FORM

FIGURE VI.3

Re-Entry and Sanctions Center (RSC)

Sanctions Referral Form

| Identification Information | |
|----------------------------------------------------------------------|--------------------------------------------|
| Offender's Name | |
| PDID | |
| DCDC | |
| Full Term Date | |
| Probation/Parole Expiration Date | |
| Current Address | |
| Approved Contact Person | |
| Special Needs (i.e., physical limitations, interpreter requirements) | |
| Mental Health Status | No History History Assessment Needed |

| Supervision Information | |
|--------------------------------------|-----------------------------------------------------------|
| Community Supervision Officer's Name | |
| Unit/SCSO's Name | |
| Telephone Numbers | CSO SCSO |
| Fax Number | |

| Referral Reason (check all that apply and provide a summary in the box provided) | |
|----------------------------------------------------------------------------------|-----------------------|
| Positive Urinalysis | Lacks Recovery Skills |
| High Criminality | Lacks Motivation |
| Chronic Substance Abuse | Lacks Social Supports |
| Other Non-Compliance | Lacks Life Skills |
| Summary: | |
| | |

| Attachments | |
|--------------------------------------|-------------------------------------------------------|
| PSI (SMART) | Parole/Release Certificate |
| Judgment and Commitment Order | Toxicology Results (SMART) |
| Signed Release of Information | Current TB Test Results |
| Medical/Psychological Information | Performance Contract Including Reason for Sanction |
| Graduated Sanctions Contract/History | Violations History Screen (SMART) |

Community Supervision Officer

Date

Supervisory CSO

Date



FIGURE VI.4

Offender Behavioral Contract

OFFENDER'S NAME: _____ CSOSA#: _____ PDID#:

CSO'S NAME: _____ TEAM #: _____ TELEPHONE:

OFFENDER'S FULL TERM DATE: _____

A. PRESENTING PROBLEM(s): (CSO identifies and lists issues of offender non-compliance)

B. LIST CONDITIONS OF RELEASE:

C. SHORT TERM GOALS: (0 to 30 days) [short term goals to be completed within 30 days]. Offender will enter and complete The Re-Entry and Sanctions Center.

D. LONG TERM GOALS: (31 to 180 days) [goals to be completed within six months consistence with the prescriptive supervision plan i.e. employment, housing, abstinence, pro-social contacts, etc]. Offender will enter and complete any other treatment programs recommended by the Re-Entry and Sanctions Center staff:

RSC STAFF'S RECOMMENDATION FOR THE CSO:

- a.
- b.
- c.

Offender Signature & Date

Community Supervision Officer Signature and Date

**Supervisory Community Supervision Officer
Signature & Date**

RSC Treatment Specialist Signature & Date

D. Maintaining Case Files

Accurate and detailed case documentation is essential in maintaining the official record of offender behavior and personal activities during the period of supervision. Official case records include the case file, SMART running records, field notes, correspondence and official documentation.

The case file itself is an official Agency folder maintained on each offender that contains sensitive information and records related to that particular case. The file is confidential and should only be taken from the office for the purposes of conducting official Agency business.

The intake data, legal documents, Division investigations and supervision history are to be arranged in the case file folder in date sequence or chronological order (latest material on top). The case folder should contain a complete history of the offender from intake to discharge.

All correspondence received by a CSO pertaining to an offender under supervision is to be placed in that offender's case file. Supervision report forms and correspondence received from the offender are to be contained in the file.

Files are to be maintained with chronological information secured by two-pronged fasteners to minimize problems with lost papers. If a folder becomes too full, a new one should be created. The label of the over-filled file should clearly display the beginning and ending dates of the contents. The new folder label should clearly show the beginning date of material in the continuation file that should be placed proximate to the new file in the secured office file. The new folder should begin at a logical point in time such as the beginning of a month or year.

Note: The Initial Supervision Sheet, Restitution Record and the SMART Running Record are automated, however, if printed they are to be placed in the file and kept on the top of all material filed on the right hand side of the case folder. (See Appendix K-CSS Case File Standards)

1. Securing Files

All folders should be kept in a locked file cabinet or desk drawer and not left on desktops overnight in or around the CSO office. The file cabinet should be marked "Supervision Cases". Case files shall be maintained in a secured area at all times, thus preventing the risk of violating confidentiality or contaminating official case information. Folders are not to be removed from CSS facilities overnight except with supervisory permission. Those cases that have expired, been revoked or placed in fugitive warrant status should be processed for case closure within forty eight (48) hours of the last official action.

Offenders are not allowed to handle or read their own or any other person's case files without official approval. (See Freedom of Information/Privacy Act section in this chapter).

2. Supervision Case Folder Standards

All Supervision Units will maintain case folders in a standard fashion (see Appendix K, Case File Standards).

- a. Pre-Trial Information/Court Papers;
- b. Pre-Sentence Investigation (PSI) Worksheet (Regular Cases Only);
- c. PSI (Regular Cases Only);
- d. Post-Sentence Report (Specified Direct Cases);
- e. Interstate requests for investigation(s) including all information received from the sending jurisdiction at the time of the request;
- f. Probation Order;
- g. Case Classification Form;
- h. Running Record;
- i. Restitution Form and;
- j. Initial Supervision Sheet

On the left hand side of the case folder are to be the following (in chronological order):

- a. Police reports and other Investigative Records;
- b. PSI Correspondence;
- c. All Written Correspondence (Appointment Notices, Letters, etc.);
- d. Probation Orientation Form;
- e. Referral Forms;
- f. Show Cause Orders;
- g. Supervision Reporting Forms;
- h. Interstate Progress Reports, Inquiries, Responses to Inquiries, Closing Instructions and Requests for Closing Instructions;
- i. Copies of Evaluations (Psychiatric, Psychological, Vocational, Physical, etc.) in Chronological Order;
- j. Copies of Employment Pay Stubs; and
- k. Receipts.

Note: All case folders are to be maintained neatly with no loose papers or papers filed out of sequence. Duplicate folders should never be maintained by a CSO but any copied record(s) when found must be combined immediately with the official file).

E. Supervision Contact Standards

1. Guidelines for Supervision Contact Standards, Collateral Contacts and Field Contacts

a. Categories of Cases

i. Community Supervised

Offenders residing in the community within the geographic boundaries of the District of Columbia and other jurisdictions while under the authority of the Court Services and Offender Supervision Agency. Examples include:

- (1) Probation, parole and supervised release cases (general and special supervision);
- (2) All Interstate Compact cases (transferred out and received in);
- (3) Unsupervised probation cases (unsupervised YRA (903a) or expungement 541e/904e);
- (4) Civil Protection Orders;
- (5) Deferred sentencing cases;
- (6) Diversion matters;
- (7) Monitored cases; and
- (8) Inactive supervision cases.

ii. Confined

Offenders held in custody under obligation to the Court Services and Offender Supervision Agency pending release to community supervision. Examples include:

- (1) Split sentence cases;
- (2) Administrative parole matters;
- (3) Offenders paroled to detainees; and
- (4) Offenders paroled to consecutive sentences.

iii. Warrants

Offenders who are in a state of non-compliance where the sentencing/releasing authority has issued an arrest order.

Examples include:

- (1) Probation and parole arrest warrants;
- (2) Detainer warrants;
- (3) Executed warrants; and

- (4) Warrants for offenders who are pending trial or sentencing in other jurisdictions.

iv. Supervision Contact Standards for Offenders in Active-TBD Status

Agency policy requires that offenders be assessed within 25 working days of assignment. In cases where an offender is assigned to active supervision but has not yet been assessed, supervision contact standards for these offenders will be as follows for each 30 day period until the AUTO Screener has been completed:

- Two (2) face-to-face contacts in the office;
- One (1) collateral contact;
- One (1) home visit and
- Drug testing schedule in accordance with Agency policy

Once the offender has been assessed, the supervision contact standards will then be conducted in accordance with the requirements of that offender's determined supervision level.

b. Categories of Contacts

i. Face-to-Face Positive Contact with Offenders

Interaction that occurs between an offender and a CSO or SCSO (on or off CSOSA premises) in which that official can document in writing the offender's progress or adjustment in relation to the offender's individual performance goals or other aspects of his or her reintegration into the community. A CSO or SCSO may count as purposeful any face-to-face contact with an offender that is consistent with the case plan (see Appendix M, Distribution of Tokens To Offenders – Policy Statement 4016). In addition, a CSO or SCSO may count as purposeful any face-to-face contact with an offender that resulted from a verified interaction between the offender and one of the Agency's staff or partners, e.g. educational specialist, employment and training specialist, in-house treatment specialists and law enforcement partners, etc.

Types of face-to-face positive contacts with offenders include:
Residence verification;

- (1) Employment, training, treatment or education verification;
- (2) Office contacts;

- (3) Accountability tours;
- (4) Unscheduled face-to-face contacts (office or field); and
- (5) Other community contacts (e.g., community service verification, institutional visits, etc.).

Face-to-face positive contacts with offenders are held to:

- (1) To address allegations of parole or probation violations;
- (1) To assess compliance with general or special conditions of release; or
- (2) To collect and verify other information relevant for case management or other issues necessary to enable the offender to reintegrate into the community.

ii. Treatment Contacts

Treatment contacts count as collateral contacts when the interaction involves a CSO or SCSO and treatment staff or is documented in writing by the treatment program.

iii. Telephone Positive Contacts

Telephone positive contacts do not substitute for the required minimum number of face-to-face positive contacts per supervision level. The CSO must record the time, date, and content of all telephone conversations with offenders.

iv. Collateral Contact

Contact between a CSO and SCSO with an individual other than an offender who can provide relevant information on the offender's adjustment in the community or provide potential services or resources that will contribute to the offender's reintegration. Collateral contacts occur frequently between the CSO or SCSO and offender family members, significant others, friends, police and other community stakeholders.

v. Telephone Collateral Contacts

Contact between a CSO and SCSO with an individual other than an offender via the telephone.

2. Supervision Levels: Community Supervision Officer-Offender Contact Standards

The CSO is responsible for meeting with offenders in accordance with the offender's individualized case plan. Guidance as to the **minimum number** of

face-to-face contacts required by the offender's supervision level is provided in the matrix below.

An offender's supervision level is established in accordance with his/her CSOSA Screener score except in the instance of an administrative adjustment where the CSO in consultation with his/her supervisor, departs from the Screener score due to factors or information available to the CSO at the time of the administration of the Screener instrument.

The CSO in conjunction with the SCSO shall reduce or increase supervision levels in accordance with the administrative sanctions matrix outlined in this manual.

In addition, the CSO must perform a criminal records background check on the offender prior to reducing his/her supervision level.

a. Supervision Level/Minimum Number of Face-to-Face Contacts/Frequency of Field Contacts

Offenders are to be seen a minimum number of times per month based on their level of supervision:

- (1) Intensive 8 times per month / 4 per month;
- (2) Maximum 4 times per month / 2 per month;
- (3) Medium 2 times per month / 1 per month; and
- (4) Minimum 1 time per month / 1 per every 2 months.

Not less than 50% of all required contacts must be conducted in the field.

b. Supervision Contact Standards for Offenders Pending An Initial Assessment

Current policy requires that offenders be assessed within 25 working days of assignment. In cases where an offender is assigned to active supervision, but has not yet been assessed to determine the offender's level of supervision, supervision contact standards for these offenders, for each 30day period until the AUTO Screener is completed, are as follows:

- (1) Two (2) face-to-face contacts in the office;
- (2) One (1) collateral contact;
- (3) One (1) home visit;
- (4) One (1) employment verification; and
- (5) Drug testing, per Agency policy.

Once an offender has been assessed, the offender's supervision contact standards are to be set in accordance with the standards associated with the offender's determined supervision level.

3. Frequency of Field Contacts

At least 50% of the minimum number of face-to-face contacts for each classification level must take place in the field (i.e., outside of the office setting). In this context, face-to-face contacts are broadly construed to include purposeful contact between the offender and CSO/SCSO that is scheduled or unscheduled or between the offender and a CSO and other Agency staff and law enforcement partners not directly charged with the offender's supervision.

An example of a positive face-to-face contact is when the supervising CSO receives confirmation from Agency staff that an offender attended a sanctions group, education, or other Agency-sponsored program in accordance with the individualized offender supervision plan. Another example of a positive face-to-face contact is when a law enforcement partner for the supervising CSO team meets with the offender to address compliance issues with the offender's conditions of supervision while the law enforcement partner is making his or her community policing rounds and informs the CSO.

a. Intensive Supervision

Intensive supervision is the most restrictive level of supervision. The appropriate number of face-to-face contacts will be driven by the offender's individualized case plan. Nevertheless, intensive supervision requires a minimum of eight (8) face-to-face contacts with the offender per month.

Four (4) of the eight (8) contacts must be conducted in the field.⁸

Intensive supervision is reserved for those offenders who score *intensive* on the Screener instrument and those offenders whose supervision levels have been increased from maximum. In addition, intensive supervision requires a high degree of collateral contacts as outlined in the case plan.

b. Maximum Supervision

The appropriate number of face-to-face contacts will be driven by the offender's individualized case plan. Nevertheless, maximum supervision requires a minimum of four (4) face-to-face contacts with the offender per month. **Two (2) of the four (4) contacts must be conducted in the field.⁹**

Maximum supervision is reserved for those offenders who score *maximum* on the Screener instrument and those offenders whose supervision levels have been increased from medium or decreased from intensive. Maximum

⁸ For offenders in an intensive level of supervision, at least one contact in the field each month must be a home visit.

⁹ For offenders in a maximum level of supervision, at least one contact in the field each month must be a home visit.

supervision also requires a high degree of collateral contacts as outlined in the case plan.

c. Medium Supervision

The appropriate number of face-to-face contacts will be driven by the offender's individualized case plan. Nevertheless, medium supervision requires a minimum of two (2) face-to-face contacts with the offender per month and periodic collateral contacts. **One (1) contact per month must be conducted in the field.**¹⁰ Medium supervision is reserved for those offenders scoring *medium* on the Screener instrument and those offenders whose supervision levels have been increased from minimum or decreased from maximum.

d. Minimum Supervision

The appropriate number of face-to-face contacts will be driven by the offender's individualized case plan. Nevertheless, minimum supervision requires a minimum of one (1) face-to-face contact with the offender per month and periodic collateral contacts as outlined in the individualized offender supervision plan.

One contact every two (2) months must be conducted in the field. Minimum supervision is reserved for those offenders scoring *minimum* on the Screener instrument and those offenders whose supervision levels have been reduced from medium supervision.

4. Fieldwork

a. Rationale for Fieldwork

Fieldwork is work-related travel outside CSOSA offices (but within the metropolitan Washington, D.C. area) to make contact with an offender, the offender's family, the employer, a treatment facility, a correctional facility, a potential community resource, or a law enforcement or social services agency. An important tool of the CSO is his/her planned use of community resources in all phases of case management practice.

Under the CSOSA Patrol Service Area ("PSA") approach to community supervision, it is the responsibility of each CSO to know the resources in the community and to maximize their use. (see CSOSA Resource Directory).

Fieldwork is an integral part of CSO professional responsibility. The CSO is expected to regularly perform fieldwork (in accordance with the supervision levels of the particular caseload), to follow Agency procedures

¹⁰ For offenders in a medium level of supervision, at least one contact in the field every other month must be a home visit.

with respect to safety and security, and to properly document fieldwork according to agency procedures, as outlined below.

Fieldwork is conducted for the following reasons:

- i.** To make face-to-face contacts with an offender, as prescribed above;
- ii.** To conduct/participate in accountability tours according to protocol;
- iii.** To locate a person whose whereabouts are unknown when efforts to do so by phone and mail have failed (“Loss of Contact” procedure);
- iv.** To investigate complaints or allegations regarding an offender’s behavior, or to verify suspicious situations or reports related to the offender’s home, employment or program adjustment;
- v.** To verify an offender’s address, employment and/or participation in treatment or support groups;
- vi.** To verify an offender’s change of address or employment. In the case of a change of address or employment, the CSO must perform the verification fieldwork within ten (10) working days and document both the offender’s rationale and collateral party’s (e.g. primary homeowner, employer, etc.) reason(s) for the change of status in the “comments” box on the Field Contact Screen;
- vii.** To meet an offender’s family in an attempt to gain cooperation and understanding;
- viii.** To gather information available only in the field;
- ix.** To initiate contact in split-sentence cases when, in CSO judgment, a letter or telephonic interview is considered less desirable or effective;
- x.** To support, enhance or promote compliance with probation/parole conditions and to enhance communication with involved teachers, counselors, employers, etc.;
- xi.** To ensure compliance with the Court order in domestic violence cases in which the victim and the offender reside

together (victims may withhold information about continued domestic violence); and

- xii. To ensure compliance with supervision conditions in sex offender cases.

b. Required Activities When Performing Field Visits

Required activities for the CSO when performing field visits include:

- i. Properly document the travel in the “comments” box on the Field Contact Screen;
- ii. Sign SCSO fieldwork logbook prior to embarking on fieldwork that includes the CSO itinerary with specific reference to the name of offenders to be visited and location and estimated times of home/community contacts;
- iii. Give advanced notice to those to be visited whenever possible of the time and date of the visit unless there are case management reasons for making an unannounced visit;
- iv. Follow standard field safety protocols at all times while in the field, as prescribed in the “Field Safety” procedure (see Chapter XII, Staff Safety); and
- v. Conduct oneself in a professional manner at all times.

Statutory Authority: Section 11232 (b) (1), § 11232(b) (2), § 11233(b) (2) (B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat. 712, D.C. Code § 24-1232(b) (1), § 24-1232(b) (2), § 24-1233(b) (2) (B) (1996 Repl., 1999 Supp.) (Director’s authority); D.C. Code § 24-103 (1996 Repl.) (Probation’s authority); D.C. Code § 24- 201.2(a)(3) and D.C.M.R. §§ 213.4-2.13.6 (1987) (Parole’s Authority).

5. Employer Notification

This key factor in determining the success of the offender’s overall adjustment carries with it an obligation to closely monitor job activities and protect the community from inappropriate offender placement in certain high-risk employment settings.

a. Employer Notification of Offender Supervision Status

The Agency has established a general policy with respect to the release of sensitive offender file information (see “Sensitive Offender File Information” policy). An equivalent policy on employer notification supplements that general policy by establishing within the Community Supervision Services Division (“CSS”) the requirement for CSS staff to notify an offender’s employer or prospective employer, in certain circumstances, that the offender is currently under supervision with CSOSA and may pose a threat to others.

One of the Agency’s goals is to support offenders in obtaining gainful employment that will assist the offender in the reintegration process into the community. The Agency is also responsible for increasing public safety. Agency staff unlike the general public are privy to criminal history and/or other information with respect to the offenders that we are charged with supervising and therefore may have a duty to warn specific members of the public who are at a risk of physical or financial harm.

This policy on employer notification addresses the release of offender information in those cases in which the employment status of the offender coupled with the criminal history and/or current offense(s) and other information may pose a potential risk of physical or financial harm to others.

In supervision cases, notification to the employer of offender information will be required or other steps will be taken to attempt to lessen the risk to the public, such as barring the offender from accepting a position or directing him/her to relinquish a position. In probation cases, if it is determined that notification to the employer is not sufficient and that the most appropriate form of action is to bar the offender from accepting a position (or direct the offender to relinquish a current position), the CSO must request that the court hold a hearing on the modification of the offender’s terms and conditions of probation supervision if the offender refuses to comply.

b. Offender Identification and Determination of Risk

The CSO has a duty to warn specific third parties of an unreasonable risk of physical or financial harm that the CSO reasonably foresees the offender may pose to the third party.

If it is determined that the offender’s employment would pose an unreasonable risk of physical or financial harm, the CSO must take steps to warn the public. This policy applies to all offenders under supervision, and includes both those who are convicted and those who receive probation before judgment.

CSO staff are required initially at the time of case assignment and periodically to review cases under active supervision to ascertain whether an offender is employed or will be employed in a “sensitive employment situation” such that the offender may pose a foreseeable and unreasonable risk of physical or financial harm to specific third parties by virtue of such employment.

At initial and future office visits with offenders, the CSO must discuss any current employment or potential employment plans. The CSO must obtain specific details as to job duties and functions. CSO staff must pay particular attention to prior employment positions of the offender in which the former employer was the victim of an action by the offender. CSO staff are required to review all documents (e.g., PSI reports, offense reports, Court records, etc.) concerning the instant offense(s) for which the offender is under supervision to learn all the details of the case. The CSO is also required to research the criminal history of offenders under supervision.

In determining whether a foreseeable risk of physical or financial harm exists, CSOs must take into consideration the following factors:

- (1) the nature of the employment at issue and the specific duties that will or are being performed;
- (2) the offender’s current offense;
- (3) the offender’s criminal history, including the nature and dates of the prior offenses; and
- (4) the offender’s conduct while under supervision.

The CSO should pay particular attention to offenders who have a prior record or current offense within his/her last five (5) non-incarceration years. Examples of sensitive employment situations that would normally require notification include the following:

- (1) A convicted pedophile or a child sexual abuser employed in a school system or in a day care facility;
- (2) A convicted embezzler employed as a bank teller;
- (3) A convicted DWI/DUI offender employed in a position requiring the operation of a government or company vehicle, heavy equipment, aircraft or commercial vessel on the water ways;
- (3) An offender who tests positive for drugs and is employed as a driver of a shuttle bus or other commercial vehicle.

In certain circumstances, a DWI/DUI conviction may be a bar against certain government positions that require a security clearance. These examples are not all inclusive of positions and circumstances that may require employer notification.

A supervisor must review all determinations as to whether or not a foreseeable risk of physical or financial harm is present.

c. Employer Notification and Other Actions

If the CSO determines, and the SCSO concurs, that the offender's current or prospective employment position poses an unreasonable and foreseeable risk of physical or financial harm to specific third parties, based on the factors specified above, the CSO is required to:

- (1) Advise the offender of the Agency's policy on employer notification;
- (2) Attempt to persuade the offender not to accept the position at issue or relinquish the current position;
- (3) If the offender refuses to reject the position at issue or relinquish the current position, direct the offender immediately (on or before his/her next day on the job) to advise his/her employer of his/her current offenses and prior record and notify the offender that there will be follow-up verification (by the CSO) on or before his/her next day on the job and by a letter within five (5) working days;
- (4) Contact the employer by telephone as soon as possible but no later than five (5) working days, depending upon the seriousness of the offense and verify that the disclosure was made by the offender;
- (4) If the employer indicates over the telephone that the offender has not made the notification as instructed, notify the employer of the offender's information and follow-up by letter within three (3) working days;
- (5) If the employer indicates over the telephone that the offender did make the disclosure, follow-up the notification with the employer by letter within five (5) working days from the oral verification;
- (7) Document in the offender's file (electronic and/or paper) all steps taken relating to the employment notification issue; and
- (8) Consult the Agency's screening instrument to determine whether the offender's supervision level is appropriate given his/her risk to the community.

In the event that the employer requests additional information relating to the offender following the notification, request the offender to sign a release for such information. If the offender refuses to sign a release, advise the employer that you are not authorized to release the information without a written request pursuant to the Freedom of Information Act (“FOIA”). Such a request must be directed to the Agency’s FOIA office. If the employer decides to hire or retain the offender *after* a warning has been given, the CSO should prepare a letter to the employer stating that the offender is being hired/retained against the specific advice of the CSO and that the Agency therefore cannot be responsible for the offender’s actions on the job. The letter should be signed by the SCSO.

d. Requests for Information/Inquiries

One of the Agency’s goals is to support offenders in obtaining gainful employment that will assist that person in the reintegration process into the community, while at the same time ensuring the safety of members of the community to the greatest extent possible.

Persons who may advocate for the offender against employer notification may attempt to influence CSS staff not to adhere to the CSOSA policy with respect to this issue.

Staff may provide to the interested party(s) (i.e., attorney, offender, etc.) a copy of the Agency’s policy with respect to employer notification. Staff may also advise the interested party(s) that the disclosure policy is governed by and conforms to the requirements of the Privacy Act (5 U.S.C. 552a).

e. Modification of Conditions of Probation Regarding Employment

In probation cases, if it is determined that the most appropriate form of action is to bar the offender from accepting a position or direct him/her to relinquish a current position and s/he refuses to comply, the CSO must request that the Court hold a hearing on the modification of the offender’s terms and conditions of probation supervision.

Statutory Authority: Section 11233(b) (2) (B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat. 712, D.C.Code § 24-1233(b) (2) (B) (1996 Repl., 1999 Supp.) (Director’s authority); D.C. Code § 24-103 (1996 Repl.) (Probation Authority).

6. Modification of Supervision Levels

The CSO, in conjunction with the SCSO, shall reduce or increase supervision levels in accordance with the administrative sanctions matrix outlined in the “Drug

Testing Protocol and Administrative Sanctions” (see Appendix J, Offender Drug Testing Protocol – Policy Statement 4005) and the guidelines contained in the “Screener Instrument” and “CSOSA Screener: Administrative Supervision Level Adjustment” procedures (see Chapter V, Evidence-Based Practices and Risk and Needs Assessment).

Prior to reducing an offender’s supervision level, however, the CSO must perform a field visit for the purpose of verifying the offender’s address and employment. The field visit will also enable an assessment of the offender’s overall compliance with the individualized case plan. In addition, the CSO must perform a criminal background record check on the offender prior to reducing his/her supervision level.

In the event that special drug testing or supervision treatment conditions is imposed by the releasing authority, the following procedures will apply:

- a. A specific supervision level requested by the releasing authority as a specific condition of release will be assigned.
- b. Administrative adjustments may only be implemented after the CSO submits written justification for a supervision level override, which has been signed by the CSO and approved by the SCSO; and
- c. The CSO shall inform the offender of the adjustment and the justification for the adjustment. The SCSO shall record all adjustments on the case audit form.

7. Contact Standard Exemptions: Unsupervised Cases, Monitored Cases, Inactive Cases, Diversion Matters, Civil Protection Orders and Confined Cases

Unsupervised probation cases, monitored cases, inactive cases, diversion matters, civil protection orders and cases where the offender is held in confinement are exempt from the minimum contact standards delineated in this practice.

a. Unsupervised Probation Cases

These cases include offenders who have been placed on unsupervised probation by the Court under D.C. Code §§ 48-904 (1e) and 24- 803, and 18 U.S.C. § 5010 (i.e., 541(e), YRA, and FYCA cases) as well as those under regular supervision in which the probation term has been divided into a supervised period to be followed by an unsupervised period.

- i. The CSO is required to monitor these cases for new arrests on a monthly basis and report any new arrest to the Court within 24 hours of receipt of notice;

- ii. YRA/FYCA and 48-904 (1e) files are maintained by the CSO until the probation term has been completed. The CSO must submit the appropriate paperwork to the Court to ensure that expungement of the criminal record or set-aside of the conviction is granted as long as the offender has not been convicted of a new offender(s); and
- iii. In cases where the Court has divided the probation term into a supervised period and an unsupervised period, the CSO will close the case once the supervised term is satisfied. The CSO forwards the case file to the Control Center after he/she has made the appropriate update in SMART.

b. Monitored/Unsupervised Probation Cases

i. Monitored

This supervision status consists of offenders who have met all probation conditions and have made an exemplary adjustment to active supervision, such that the Court has determined that face-to-face and collateral contacts are no longer necessary. The CSO is required to monitor cases for new arrests on a monthly basis and report any new arrests to the Court within 24 hours of receipt of notice.

ii. Monitored Unsupervised

These are cases wherein the Court does not require any active supervision. These cases do not go through OPU unless the offender has a special Court imposed condition that requires an administrative function by the CSO. If an offender does well under supervision, the CSO can request that the case be closed. If the Court denies the request, the CSO can place the offender in the Monitored-Unsupervised probation status.

c. Inactive Parole Supervision Cases

Inactive supervision refers to those parolees who have been relieved by the United States Parole Commission of the previously imposed conditions of parole, except the requirement that they obey all laws and refrain from behavior that would bring discredit to the parole system. The CSO is required to monitor these cases for new arrests on a monthly basis and report any new arrest to the USPC within 24 hours of receipt of notice.

d. Diversion Matters (Probation Only)

A disposition of a criminal defendant, either before or after adjudication of guilt, in which the Court directs the defendant to participate in a community service, educational or rehabilitative program as part of the disposition. In these cases, the CSO is required to monitor the offender's compliance with community service, educational, or rehabilitative programming.

e. Civil Protection Orders

A civil order from the court whose purpose is to protect an individual from further harassment or abuse from another individual. The CSO is required to monitor the offender's compliance with Court-ordered rehabilitative programming.

f. Confined Cases

Offenders held in custody under obligation to CSOSA pending release to community supervision. In these cases, the CSO is required to monitor the institutional status for the offender's actual date of release.

F. Supervision Conditions

The releasing authority grants probation, parole and supervised release statuses with the requirement that the offender abide by both the general and specific conditions of his/her release. The conditions of release become, therefore, the focal points of supervision and are specific to the offender based upon the level of risk presented by that person's presence in the community and his/her individualized needs for supportive services that are required for personal rehabilitation. These factors are determined through use of the CSOSA Auto-Screener, an automated assessment inventory and evaluative process used to classify offenders with respect to the levels of risk and need. The Auto-Screener is administered at the beginning of supervision and periodically throughout the supervision term to re-assess the offender's risk and needs circumstances.

CSOSA utilizes an assessment-driven case management system wherein classification decisions serve as the basis for the development of case plans applied to all offenders including those in specialized programs who may present unique risk and needs case management requirements.

The CSOSA offender assessment and re-assessment procedures help to standardize case management practices for probationers and parolees and define uniform offender classification and contact standards throughout the District of Columbia.

1. General Supervision Conditions

The general conditions of probation and parole supervision have been listed in Chapter II of this manual.

Two general conditions that almost always appear in the releasing authorities' orders are requirements for offender drug testing and/or treatment, and employment. These conditions also can be listed as special conditions on the J&C order. Key aspects of these two requirements are:

a. Drug Testing and Treatment

Studies show that, among offenders, high rates of drug use are associated with increased rates of criminal activity. Conversely, during periods of relative abstinence, criminal activity tends to decline.

Legal pressure or coercion can be effective in enhancing abstinence and improving treatment outcomes. Drug testing serves as both the pressure mechanism and a metric to assess these outcomes. Drug testing is necessary to monitor offenders' compliance with their conditions of parole, probation, and/or supervised release, to ensure the successful rehabilitation of offenders, and to reduce the risk to the community of further criminal conduct. Drug testing is necessary to monitor offenders' compliance with their conditions of parole, probation, and/or supervised release, to ensure the successful rehabilitation of offenders, and to reduce the risk to the community of further criminal conduct. Drug testing of each offender will be carried out consistent with risk assessments.

Drug testing is conducted on all offenders placed on supervision by the Courts and the U.S. Parole Commission (USPC) to identify those who are abusing substances and to allow for appropriate sanctions and/or treatment interventions. All offenders under the active supervision of CSOSA shall test not less than once per month in accordance with the procedures of this Policy Statement.

Authorities: Section 11233(b) (2) (B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. L. 105-33, § 11233, 111 Stat. 748; D.C. Official Code § 24-133(c) (2001 Edition).

All offenders are to be referred to CSOSA drug-testing collection sites at the time of release to parole or probation supervision for an initial drug test and photograph. The offender is referred to the initial drug test by OPU Intake staff through the Agency's automated caseload information system.

Upon each office visit, the CSO shall review the offender's drug test results. If the result is positive, and/or if, at any time during supervision, the offender has a positive drug test result, admits to using drugs, and/or expresses a desire for treatment, the CSO shall follow the Agency's Guidelines for Referring Substance Abusing Offenders to the CIT for Evaluation (See Appendix_). The CSO also shall review with the offender the offender's drug test results during each face-to-face contact with the offender.

b. Employment

Perhaps the most significant variable in determining an offender's personal viability during the supervision term in the community setting is the ability to obtain and retain competitive employment. Obtaining a job often is prescribed as special condition of release. Offenders who have a special condition for employment must be referred to the Vocational Opportunities, Training, Education, and Employment (VOTEE) unit.

VOTEE is a specialized CSOSA program intended to provide direct and supportive employment services for offenders. The Agency is equipped to provide academic services for offenders at the 1230 Taylor Street, 25 K Street, and Saint Luke's remote site locations. Employment Specialists are available to provide employment assessments and employment placements, as well as, referrals to the Department of Employment Services for both job readiness and actual placement services. Staff should refer to VOTEE offenders who are:

- i. Unemployed;
- ii. Under employed and with the potential to benefit from job placement; and
- iii. Lack a GED equivalency or high school education.

VOTEE services can be arranged to fit the specific needs of the offender. CSOSA has advised the judiciary that staff may request a special condition for offenders to receive VOTEE academic services if there is unwillingness on the part of the offender to comply with the established supervision strategy in this regard.

2. Special Supervision Conditions

Special conditions also can be imposed on offenders. Special conditions include, but are not limited, to:

a. Special Conditions Related to Special Populations

Offenders convicted of certain crimes (see Appendix N, Offender DNA Sample Selection Procedures) or with special needs may have special conditions of release imposed on them by the releasing authority. Examples include domestic violence treatment; traffic/alcohol program; sex offender treatment, evaluation, therapy, and/or registration (see Chapter VIII, Sex Offender Supervision) and mental health evaluation and treatment.

b. Fines, Costs, and Restitution

The D.C. Superior Court Finance Division is responsible for the collection of all Court-ordered fines, costs and restitution to be paid by offenders. The CSO is responsible for placing the offender on a monthly payment plan and to ensure that Court debts and restitution are satisfied no later than 90 days

prior to expiration of the case. The Court and United States Parole Commission may order an offender to pay restitution, fines, and/or costs as special condition of supervision. The ordered fees include, but are not limited, to: restitution; fines and Court costs; attorney fees; and other costs and/or administrative fees.

i. Collection Support Systems

To assist the CSO in the collection function and accounting aspect of case supervision/monitoring, CSS utilizes the Court's information system, an integrated computerized system that stores information regarding each collection and accounting case. The Court's computer system provides information to the CSO that assists the CSO in monitoring the offender's compliance with collection requirements.

ii. CSO Reporting Responsibilities When Probationer/Parolee Violates Payment Special Condition(s)

The CSO must report to the Court and USPC the offender's failure to pay financial obligations as ordered. The CSO will use the Fines and Restitution Balance Sheet, along with the offender's proof of wages documents (pay stubs, etc.), to determine his or her ability to pay. The CSO can also verify the status of the offender's outstanding payment obligations (i.e., fines, restitution, other ordered requirements, etc.) through the Court's information system.

The analysis of this data will enable the CSO to determine whether or not a summons or warrant should be issued as a result of the violation of the special condition. If the offender refuses to comply with the special condition to pay financial obligations, the CSO is to complete and submit an Alleged Violation Report (AVR) to the releasing authority. Supporting documentation to be submitted with the AVR to the releasing authority includes:

- (1) Information on the offender's current employment status;
- (2) A copy of the offender's pay stub, if available;
- (3) The amount of the payment delinquency;
- (4) A copy of the order to pay restitution and/or fines; and
- (5) The date of the alleged violation and any other supportive documentation.

Prior to submitting the report, the CSO should assess the offender's ability to pay by considering his or her work circumstance, employment history, and the availability of other financial resources through family, commercial loans, etc.

The CSO must also assess any good faith efforts the offender has made to obtain the resources to comply with the payment order. At the point the violation report is submitted to the reviewing authority, a requested decision/action from the Court/USPC must be indicated.

If a warrant or summons is being requested, the justification for such a request must be indicated and supported in the report.

As previously stated, the CSO must verify that the financial conditions that were imposed by the Court have been satisfied before official case closure can occur. If the offender has not satisfied his or her Court-imposed payments obligations, the CSO must request a show cause hearing not less than thirty days prior to the scheduled expiration of the supervision case.

By statute, CSOSA has an obligation to provide a status report to the sentencing judge no later than thirty days prior to the scheduled expiration of a probation case. At the initial meeting with the offender, the CSO was to have reviewed all of the general and special conditions of supervision (including financial obligations).

In subsequent supervision contacts, the CSO was to have reminded the offender of his or her outstanding payment obligation(s). It is the preferred practice for the CSO to establish a payment plan that will permit the offender to satisfy all Court financial obligations well in advance of the scheduled case expiration date.

Agency staff are prohibited from taking or collecting cash, money orders, or checks from an offender as payment towards the offender's Court debt. The CSO is to instruct offenders to send all payments for Court debts to the following mailing address:

DC Superior Court
Attention: Criminal Finance Office
500 Indiana Avenue, NW
Fourth Floor, Room 4203
Washington, DC 20001

Although CSS staff are not permitted to collect payments toward the offender's Court debt, staff has ministerial responsibility to ensure that the offender has complied with all conditions of release prior to the scheduled case expiration date. Furthermore, CSS staff

is required to monitor the offender's progress toward compliance with the Court's directive for full payment of all fines, restitution, etc.

It is imperative that non-payment of the Court-imposed debt be brought to the attention of the judiciary in sufficient time, prior to the expiration of the case, so that the sentencing judge can render a decision with regard to the offender's non-compliance.

In an effort to provide sufficient services to the Court, staff should continue to provide periodic updates on the offender's continued non-compliance with respect to the Court-imposed debt.

Periodic updates should be at 25%, 50%, and 75% of the elapsed supervision period prior to the scheduled case expiration date.

For example, if the offender has one year of supervised release and is non-compliant with respect to the Court-imposed debt, the CSO should update the judge regarding the offender's payment non-compliance at months three, six, and nine of the supervision term.

In summary, no case under active supervision may be closed with an outstanding balance due on a Court-imposed financial obligation.

c. Community Service

Community service placements are formally structured, closely monitored work assignments in which offenders perform a service for a prescribed number of hours with governmental and non-profit entities.

Based on the concept of restitution (repayment) for the loss suffered by the community as a result of criminal behavior, the sentencing judge may order an offender to participate in community service as a special condition of supervision. Additionally, a CSO may require a parolee or a supervised releasee to perform community service as a graduated sanction. Furthermore, a CSO may recommend that the United States Parole Commission (USPC) include community service as a parole or supervised release condition.

Offenders who have been Court-ordered or sanctioned to complete community service shall be identified by CSOs and referred to the Community Service Program (CSP) for placement at a community service site.

d. Global Positioning System (GPS) Tracking of Offenders and Curfews

CSOSA policy establishes procedures for Agency staff involved in use of a device or the electronic tracking of offenders via a Global Positioning System (GPS) during certain designated periods (see Appendix O, Global Positioning System Passive Tracking of Offenders – Policy Statement 4018). CSOSA staff with specific responsibilities under these procedures include Community Supervision Officers (CSOs), Electronic Monitoring Technicians (EMTs) Technicians and immediate supervisors (SCSOs).

Historically, CSOSA has utilized electronic monitoring of offenders under supervision as a special condition of release which may be ordered by the Superior Court of the District of Columbia (Court) or the United States Parole Commission (USPC) and, more recently, as a sanctioning condition recommended by CSOs. Electronic monitoring is used as a means to enforce curfews imposed upon offenders in an attempt to restrict movement during certain high risk time frames.

In recent years, CSOSA has identified the need for a heightened form of electronic monitoring for the most high-risk offenders, those with a history of violent crime and a propensity to re-offend. A CSOSA committee investigated the use of a global positioning system (GPS) for tracking as a viable option for intense monitoring of high-risk offenders and recommended a pilot period for the use of GPS.

As an outcome of the pilot GPS tracking program for high-risk offenders, CSOSA decided to implement a full-scale GPS tracking component for designated high-risk offenders under supervision in the Sex Offender and Domestic Violence units foremost, as well as those high-risk offenders under general and/or special supervision.

CSOs shall refer eligible, high-risk offenders to the EMT for GPS tracking. The CSO in conjunction with the EMT shall schedule with the offender an installation date. GPS tracking shall be used for thirty (30) to ninety (90) day intervals as a sanction or supervision tool, unless otherwise imposed by the Court or USPC as a condition of supervision. The offender shall be required to sign a contract which details the terms of the imposed period of GPS tracking.

This technology also can be used to monitor an offender's special condition for a curfew. It must also be noted that in the event that a GPS bracelet is cut, the CSO will receive immediate notification and, in cases where there is a victim, the Victim Services Coordinator will be notified, as well.

Authorities:

National Capital Revitalization and Self-Government Improvement Act of 1997, D.C. Official Code § 24-133 (c) (2001 Edition), D.C. Code 28 C.F.R. § 2.85(a) (15) (Conditions of release; D.C. Code parolees)

e. Weekends in Jail

Judges of the D.C. Superior Court may in certain instances impose a sentence that includes a special condition of probation in the form of “week-ends in jail”. The supervision of felony cases in which an offender has been ordered by the sentencing judge to serve a term of confinement or “week-ends in jail” must be processed differently than other cases. As stated in official CSOSA directives, sentenced felons who are granted a term of probation with a stipulation of week-ends in jail are no longer the responsibility of the D.C. Department of Corrections and thus, can not present themselves to the D.C. jail to serve their time. Pursuant to the D.C. Revitalization Act, the Federal Bureau of Prisons (BOP) is responsible for detaining these offenders in one of their designated correctional facilities. CSS staff who supervises felony offenders sentenced to serve weekends in jail is to fax a cover letter/memo (counter-signed by his/her supervisor) requesting weekend confinement as a condition of probation to the attention of:

Community Corrections Specialist
Federal Bureau of Prisons
Community Corrections Office
(Fax) 301-317-3138
(Voice) 301-317-3233

The communication should include: the offender’s name, date of birth, PDID/DCDC identifier, and address, Judgment and Commitment Order and PSI. If the offender’s PSI is not available, the CSO will need to include the offender’s social security number and place of birth.

The offender must be made aware that s/he will be responsible for his/her own transportation to and from the designated facility each weekend. The offender must also be aware that the BOP maintains a zero tolerance policy with respect to institutional policy, therefore that if s/he does not report as ordered for week-end, s/he will not be allowed to return the following week. In such instances, the Court shall be notified of the violation within two business days and a show cause hearing must be requested. Any difficulties with this procedure are to be reported immediately to the Office of the Associate Director. The CSOSA goal in this regard is to maintain timely and effective communication with the decision-making officials and to ensure case compliance with Court-ordered conditions of supervision.

f. Halfway House Placements as a Condition of Probation

D.C. Superior Court judges may order an offender under probation for a Halfway House placement as a condition of probation. When an offender is sentenced to a term of probation, and the sentencing judge also orders a Halfway House stay as a special condition of probation, those placements are handled by the Offender Processing Unit (OPU) in conjunction with the Office of the Associate Director. The Probation Intake component must forward a copy of the Judgment and Commitment Order to the Associate Director and the OPU.

OPU will, in turn, prepare a package for the BOP requesting Federal halfway house placement. Once a facility has been designated, OPU staff will contact the supervising CSO via e-mail and provide information regarding the offender's halfway house placement date and location. During the period that the offender is remanded to the halfway house, the CSO must maintain supervision responsibility of the offender, just as if that person were being supervised in the community.

When an offender is ordered to serve a split-sentence, meaning the execution of the original sentence is suspended as to all but a certain amount of time to be served in a halfway house, the responsibility for facilitating the halfway house placement rests with the D.C. Department of Corrections. (DOC).

To ascertain that these placements are made and to verify the offender's release date from the designated facility, CSOs should contact the DOC Community Corrections Administrator's Office at (202) 727-2700 or the DOC Records Office Administrator's Office at (202) 673-8276. During the period of halfway house placement for offenders serving split-sentences, the CSO will not assume supervision responsibility until the offender has been officially released from the halfway house. As is reflected in current CSOSA policy, the CSO is required to monitor the offender and upon his/her release, initiate and continue to conduct supervision activities in accordance with CSOSA policy.

Copies of split sentence Judgment and Commitment Orders do not need to be forwarded to the Office of the Associate Director but only to the Offender Processing Unit contact person(s).

g. Treatment Placements

As a follow-up to special judicial agreements, SCSOs are to ensure that staff follows the procedures noted below for all sentenced offenders from the Superior Court for the District of Columbia:

- i. For all adjudicated offenders in which a Safety Net special condition is ordered, staff will contact the Director of the

Safety Net Program within two business days of receipt of the J&C Order to ensure that the offenders are scheduled for program entry;

- ii. Within five (5) business days upon contacting the Program Director, staff is to notify the judge, via fax, of any offenders not yet placed in the Safety Net Program;
- iii. For any offender who has a Safety Net order while in a pre-trial status and who has had a pre-sentence investigation ordered, Substance Abuse and Treatment Branch (SATB) staff are to notify the diagnostic writer who will confirm with the Safety Net Director the anticipated program completion date for the offender. His important information is to be included in the PSI document pending Court submission; and
- iv. For adjudicated offenders with an in-patient treatment order and who are remanded back to the jail, CSS staff will arrange for the placement of the offender at the treatment facility no later than ten (10) working days from the date of notification to SATB.

This condition may require that the offender leave Safety Net prior to completion. In such instances, staff are to notify the sentencing judge no later than the 10th business day if the in-patient placement for a detained offender has not be processed (as noted above) and, in the subsequent written communication with the judge, staff will provide the expected placement date.

3. Implementing Conditions Imposed by the Releasing Authority

General and special conditions are obligations imposed on the offender by the releasing authority to minimize criminal activity. Conditions imposed vary according to the discretion of the releasing authority, the nature of the crime committed, and/or the offender's physical, mental, or emotional condition(s). The CSO will:

- a. Review all general and special conditions with the offender;
- b. Foster the offender's compliance with the J&C order conditions by monitoring, counseling, referring, sanctioning the offender;
- c. Address all unmet conditions of release at each office visit thereby closely monitoring the offender's compliance;
- d. Verify the offender's completion of all conditions and record the same in the SMART case management system;
- e. Impose appropriate graduated sanctions as required; and
- f. Submit an Alleged Violation Report (AVR) to the releasing

authority when the probationer does not comply with his or her conditions of release or is rearrested.

The determination of how the imposed conditions are to be implemented is generally left to the discretion of the Agency, except in cases where the releasing authority sets specific guidelines as to the manner and timeframe in which conditions are to be met, such as restitution, fines, drug/alcohol treatment, and therapy.

4. Offenders and Alcohol Use While Under Supervision

The Agency has provided guidance to staff with respect to the issue of offenders and their use of alcohol during the offenders' tenure under supervision. Unless specifically delineated in the order of release for the offender, no blanket prohibition exists mandating that offenders are to refrain from the use of alcoholic beverages during their tenure under community supervision services. However, conditions do exist where it is prudent, warranted and in the best interest of public safety to reduce the potential risk of the offender from future criminal justice involvement by imposing a restriction on an offender's alcohol use.

a. Coverage

A prohibition on an offender's alcohol use may be imposed in the following circumstances:

- The pre-sentence investigation (PSI) stage, where the PSI writer determines a clear nexus between the offender's past criminal activity and use of alcohol;
- The Transitional Intervention for Parole Supervision (TIPS) process, where the TIPS officer, as a result of reviewing pertinent historical information about the offender, determines that the offender's past criminal justice involvement has a primary basis with alcohol;
- The initial 25 working day assessment process, where the Community Supervision Officer (CSO), in consultation with his or her Supervisory Community Supervision Officer (SCSO), determines that the offender's abuse of alcohol has been a contributing factor in the offender's most recent and past criminal behaviors; or
- The Central Intervention Treatment (CIT) assessment process, where the treatment specialist, in view of the offender's past criminal history and alcohol abuse, consults and in concurrence with the treatment supervisor, recommends that the offender is to refrain from alcohol and/or alcohol abuse in the best interest of safety

b. Procedures

Although the Agency has the authority to place an offender into a program (treatment or helping services)¹¹ based on our assessment and determination of an offender's needs, if the joint decision between the General/Special Supervision CSO and the SCSO is made that the offender is to refrain from alcohol during the course of supervision, the preferred practice in probation cases is to notify, in writing, the sentencing judge and request that a special condition to prohibit alcohol use be added to the offender's release conditions. This request is to include the Agency's rationale for requesting the special condition. The SCSO or Branch Chief is to counter sign all correspondence to the Court. The Superior Court Judge will most likely schedule a show cause hearing for the CSO to explain in person why the special condition is warranted. The CSO, with coaching by the SCSO, must be prepared to present the Agency's position on why it is critical for the alcohol restriction special condition to be placed on the offender. This special condition can only be placed on the offender upon the approval by the judiciary.

During the PSI stage, the PSI writer is to continue the current practice of recommending to the Court an alcohol use restriction, consistent with the offender's criminal history in which the use and abuse of alcohol was a factor in the offender's arrest.

Parole, supervised release, and mandatory release cases contain General Condition #10 that states, "You must not drink alcohol to excess." General Condition #10 permits offenders under the authority of the USPC to drink alcohol and may not be sufficient to modify an offender's behavior. The CSO, in consultation with his or her supervisor, may prohibit an offender's alcohol use if the following conditions are met:

- Substance abuse treatment professionals recommend that the offender is to refrain from alcohol beverage consumption, and;
- Alcohol abuse intoxication has been a consistent problem for the offender based on his or her past criminal behaviors. There must be evidence that the most recent and past criminal behaviors were committed under the influence of alcohol.

Although alcohol is a legal drug, its abuse by certain individuals can be a contributing factor in maladaptive behavior patterns leading to criminal involvement. During the initial offender assessment period, as well as during the course of supervision, the CSO needs to investigate the offender's past substance abuse history, be cognizant, and seek guidance

¹¹ The new probation order (revised April 2004) mandates an offender's participation and completion in the Court Services and Offender Supervision Agency's (CSOSA) program screener assessment.

from his or her supervisor pertaining to the offender's substance abuse history and the offender's past criminal episodes.

The current method for the detection and confirmation of an offender's alcohol use is via urinalysis. Staff members are to be guided by the Drug Testing Protocol with respect to the frequency of testing and/or spot testing to detect the presence of alcohol for offenders who are restricted from alcohol use.

G. SMART Data Updates

Supervision, Management, and Automated Record Tracking (SMART) system is the Agency's information database that is used to document all case management activities related to the offender's investigation and supervision, including:

- a. Assignments;
- b. Special Conditions;
- c. Referrals;
- d. Case/Docket Information;
- e. Violations;
- f. Warrants;
- g. Alleged Violation Reports;
- h. Case Statuses; and
- i. Offender Level of Supervisions

All case management activities related to the investigation or supervision of the offender are to be documented in SMART within two business days of the event.

Upon receiving a case, the team CSA will make an entry in SMART indicating the date of the assignment. This will be done for all cases, regardless of whether or not a case had been received directly from Intake. All running record entries are to be automated through SMART. Delete and manual file information is to be legible so as to be easily legible by another CSO or supervisor. SMART records should contain sufficient information so that a new supervising CSO could write a comprehensive report or adequately testify at a violation/revocation hearing using only the information contained in the field notes. Running record entries and status changes (closures, warrants, etc.) should be made immediately upon the conclusion of the contact but no later than forty eight (48) hours after the contact was made. Field note entries should be made for all correspondence received from or about any offender under supervision.

1. The Running Record

The SMART Running Record is an official CSOSA document. It is created at the time a case is assigned for a diagnostic pre-sentence investigation and/or community supervision by the CSO. The running record, which is admissible in hearings before sentencing and/or paroling authorities, must be maintained by the

responsible CSO until the offender's supervision status is terminated, expires or revoked.

Upon assignment of the case to supervision, the CSO is to use the running record entry to document every important event occurring during the period of investigation and supervision, including all contacts with or on behalf of the offender. References should be made to other appropriate SMART screen/tabs that are to be updates accordingly. The running record entries should be brief, factual and to the point.

They also must include all contacts and other pertinent information relevant to the supervision of the case. Running record entries will be audited for completeness and accuracy by management.

a. Running Record Entries

The following information is to be documented in the Running Record entry:

- i. Significant telephone contacts with the offender and important collateral contacts;
- ii. Loss of contact—dates of missed appointments and follow-up efforts;
- iii. Office visits;
- iv. Impressions of any significant differences in the offender's attitude or unusual behavior during a particular contact;
- v. Case presentations;
- vi. Mass Orientations;
- vii. SCSO Conferences;
- viii. Accountability tours and scheduling of meetings;
- ix. Case transfer summaries; and
- x. Closing supervision summaries.

Running record entries should never include qualitative statements or disparaging remarks about the condition of the case or of the former CSOs or SCSOs who managed the case. It also is not appropriate to enter in the running record identifying information about the victim, including the victim's name, address, or telephone number. Running record entries also should not include confidential information that is protected under federal law or state statute, such as HIV status, informant information and mental health or substance abuse information (i.e., disorders, treatment, etc.).

2. Supervision Reporting Requirement

For each face-to-face contact with an offender, the CSO must include the following information in the Supervision Report:

- i. All referrals made;

- ii. All instructions given to the offender;
- iii. School/Employment data;
- iv. Programs involved in;
- v. Re-arrest information;
- vi. Next scheduled reporting date(s);
- vii. Docket and PDID numbers;
- viii. Offender and CSO signatures;
- ix. All referrals made; and
- x. All instructions given to the offender.

3. SMART Supervision Status Definitions

It is important to note that the offender’s status must be updated regularly, as it changes, and within two (2) business days of any significant new event. It is important to correctly and immediately change statuses as they become known based on the definitions that follow.

Staff is required to be familiar with these revised status definitions and update cases appropriately in SMART. It should also be noted that the status “Monitored—Confined” should not be used for parole or supervised release offenders who have a future release date that is greater than 30 days. For example, if an offender was on probation, was revoked and then received a supervised release sentence with a future release date, the case should not be assigned to supervision until the offender is close to a release date. The case should be Closed—Administrative. Parole and Supervised Release cases will go through TIPS. After the TIPS investigation, or directly upon release if the case was a mandatory release case, the cases will be assigned to supervision. Staff are not to hold open cases that should be closed.

a. Active

- i. **Active** The offender has at least one open supervision period, is assigned to a supervision team, and is in the community. The offender is not in a loss of contact status, is not an interstate **out** case, and is not pending a show cause hearing.
- ii. **Active—Loss of Contact.** The offender is placed into Active—Loss of Contact status after the CSO has completed implementing Loss of Contact Procedures (see PS 4010 issued October 19, 2003) and has submitted an AVR requesting a summons, a warrant, or a Show Cause Hearing, depending on the releasing authority. Once a warrant is issued, the offender’s status is to be changed to Warrant—Issued.
- iii. **Active—Non-Transferable.** The offender is placed into Active—Non-Transferable status by Interstate Branch V

staff to designate that the offender is in Active status and cannot be transferred under the rules of the Interstate Commission for Adult Offender Supervision (ICAOS).

- iv. **Active—Pending Show Cause Hearing.** The offender is a probationer who is in the community or being detained and pending a show cause hearing. This code is to be used only when the offender’s full-term date has been reached and the offender has a show cause hearing scheduled.

b. Monitored

Offenders in Monitored supervision status are to be monitored in accordance with established Agency policy.

- i. **Monitored—Confined.** The offender is detained due to a re-arrest, the result of a Court Hearing, **or an executed warrant**, and a final disposition has not been made regarding the offender’s status. Monitored—Confined is a temporary status that normally is adjusted within 30 days and is not to be used for offenders who are revoked to incarceration. **Offenders who have been revoked to incarceration in a Bureau of Prisons facility are to be closed in SMART as Closed—Revoked to incarceration (i.e., probation offender rearrested and convicted of a new offense). If a parole, mandatory release, or supervised release offender is in a Monitored-Confined status and has been convicted of a new crime, is incarcerated, and is pending a USPC institutional hearing, then the case is to be closed as Closed—Pending USPC Institutional Hearing.**

The status Monitored—Confined should not be used for parole, mandatory release, or supervised release offenders who have a future release date that is greater than 30 days. For example, if an offender was on probation, was revoked and then received a supervised release sentence with a future release date, the case should not be assigned to supervision until the offender is close to a release date. The case should be Closed—Administrative. Parole and Supervised Release cases will go through TIPS. After the TIPS investigation, or directly upon release if the case was a mandatory release case, the cases will be assigned to supervision. Staff are not to hold open cases that should be closed.

Examples:

- An offender under active supervision is re-arrested for a new criminal offense. The offender is held, and remains **in**

detention until the next Court Hearing, usually within 30 days. Upon notification of the re-arrest, the CSO adjusts the offender's supervision level to Monitored—Confined. The CSO then submits a violation report in accordance with established policy to notify the releasing authority of the re-arrest. If the offender is released on his/her own recognizance or makes bond before the releasing authority takes action, the offender's supervision status is adjusted back to Active. Otherwise, the offender's status remains Monitored—Confined until the releasing authority makes a final determination (i.e., issue Arrest Warrant or Detainer Warrant).

- An offender under active probation supervision is re-arrested for a new criminal offense. **The offender is not released, but is detained pending the trial date.**
 - An offender under active probation supervision is in violation of his or her conditions of release. As a consequence to the technical violations, the Judge orders the offender to be “stepped back” during the Show-Cause hearing. Although the offender remains on probation, he or she is temporarily confined while awaiting placement into a drug treatment program, or if the Court deems the offender's release a potential threat to public safety, the offender may be held to a later date, to be determined by the Court.
- ii. **Monitored—Deported.** The offender has been deported to another country, is no longer available for supervision, and is a parolee or supervised releasee who has not been approved for case closure by the United States Parole Commission.
- iii. **Monitored—Detainer.** The offender is paroled to a detainer in another jurisdiction to serve the remainder of his or her sentence. In these cases, the offender is incarcerated in another jurisdiction serving a sentence, while serving his or her parole sentence.

Example:

- The CSO receives a parole file on an offender who was recently paroled from a DC sentence. However, a Maryland detainer prevented the offender's release to the community. Instead, the offender was transported to Maryland to begin serving a 40-year Robbery sentence. While the offender is serving his Maryland sentence, the

offender's DC parole remains active. The CSO is to mail a letter to the offender, which instructs the offender to report to CSOSA to fulfill his or her parole obligations if the offender is released prior to reaching his or her parole full term date.

- iv. **Monitored—In Residential Treatment.** The offender is in a community residential treatment program and is not at-large in the community or in the ReEntry Sanctions Center.
- v. **Monitored—Inactive Parole.** The offender is on parole and has been granted inactive supervision by the United States Parole Commission or the former Board of Parole.
- vi. **Monitored—Interstate Compact Out.** The offender is being supervised in another jurisdiction through the Interstate Compact Agreement.
- vii. **Monitored—Non-Transferable.** The offender is placed into Monitored—Non-Transferable status by Interstate Branch V staff to designate that the offender is in Monitored status and cannot be transferred under the rules of the Interstate Commission for Adult Offender Supervision (ICAOS).
- viii. **Monitored—Pending Release.** The offender has been assigned to supervision, is a high risk case, and the offender has not yet been released by the releasing authority. These cases are assigned to supervision staff in anticipation of *imminent* release within 30-60 days, such as sex offenders, mental health offenders, and offenders designated for SAINT HIDTA. Generally, these offenders have gone through the Transition for Parole Intervention Supervision (TIPS) process and had a TIPS investigation completed. This status is not to be used for split sentence cases.
- ix. **Monitored—RSC.** The offender has been placed in the ReEntry Sanctions Center (RSC) for assessment and has been removed from the community.
- x. **Monitored—Split Sentence.** The offender is on probation and is serving the first part of his sentence confined, to be followed by a period of supervised probation.
- xi. **Monitored—Unsupervised.** The offender is on probation, and the judge has granted the offender unsupervised probation. Usually, these cases are not opened by the

Agency, unless the sentencing judge requires monitoring of a specific condition (i.e., payment of restitution). Also, a judge may order a term of active supervision to be followed by a term of unsupervised probation (i.e., the judge imposes a two year probation term with the first year supervised, and the second year unsupervised).

c. Warrant

- i. **Warrant—Issued.** An offender for whom the releasing authority has issued an arrest warrant (i.e., Parole Warrant/Bench Warrant). In instances where another jurisdiction has issued a warrant, the status should remain active, but the CSO shall immediately notify the releasing authority, and submit a violation report accordingly, if the offender's new criminal action was subsequent to probation.
- ii. **Warrant—Executed.** An offender whose previous status in SMART was Warrant Issued or Warrant Detainer, and the warrant on the offender has been executed. Upon execution of the warrant, the CSO is to notify the releasing authority to request a revocation hearing. **The CSO also is to update SMART with the status of Warrant—Executed. Changing the status to Warrant—Executed will result in SMART automatically then changing the status to Monitored-Confined.**
- iii. **Warrant—Detainer.** An offender on parole for whom the United States Parole Commission has issued a Detainer Warrant, and the offender is being detained on another charge. Once the Detainer is executed, the supervision status should be changed to Warrant—Executed. **Upon updating the case to Warrant—Executed, the case status should then be changed to Monitored—Detainer. (Note: Staff must manually change the status to Monitored—Detainer until this feature is implemented in SMART).** These cases are to be reviewed monthly for any change in the offender's status.
- iv. **Warrant—Rescinded.** An offender who was in warrant-issued status had the warrant rescinded by the releasing authority. **Once Warrant—Rescinded is selected as the supervision status, SMART will automatically change the offender's supervision level to the last supervision**

status prior to the case going into a Warrant—Issued status.

d. Closed

- i. Closed—Administrative.** This case closure type is to be used if an offender was assigned to supervision in error, or is a data cleanup case.
- ii. Closed—Case Returned to Sending Jurisdiction.** Interstate Compact Cases which are returned to the sending jurisdiction.
- iii. Closed—Death.** The offender has died while under supervision, and the death has been verified.
- iv. Closed—Deported.** This status is to be used for probation cases, once the CSO determines that the offender has been deported. The judge is to be notified of the offender's status and that the case has been closed.
- v. Closed—Expired--Satisfactory.** The offender's community supervision expires on the scheduled Full Term or Maximum Supervision date, and the offender has completed all general and special supervision conditions.
- vi. Closed—Expired--Unsatisfactory.** The offender's community supervision expires on scheduled Full Term or Maximum Supervision date, but the offender has not completed all general and special conditions. A Violation Report was submitted to the releasing authority, but no response was received prior to the offender's expiration of the supervision period.
- vii. Closed—Revoked to Incarceration.** The offender's community supervision has been revoked by the releasing authority and a custodial sentence has been imposed. A custodial sentence is defined as sentence of confinement that is at least 24 hours or one (1) day in duration.
- viii. Closed—Revoked--Unsatisfactory.** The offender's community supervision is revoked, but a custodial sentence is not imposed. This disposition is most prevalent in 33-541, YRA, and deferred adjudication cases where the offender's community supervision has been revoked and a graduated sanction is imposed.

Examples:

- 33-541 probation revoked, YRA probation imposed;
- YRA probation revoked, adult probation imposed;
- DVIP deferred adjudication revoked, offender adjudicated guilty with probation imposed.

- (1) **Closed—Terminated--Satisfactory.** The offender's community supervision ends before scheduled Full Term or Maximum Supervision Date due to the offender's completion of all supervision conditions, or an early termination requested and granted by the releasing authority. A Court or US Parole Commission Order must be obtained for termination of any nature to be effective.
- (2) **Closed—Terminated--Unsatisfactory.** Community Supervision ends before scheduled Full Term or Maximum Supervision Date; violation report submitted to the releasing authority with the end result being termination of supervision. A Court or US Parole Commission Order must be obtained for termination of any nature to be effective.
- (3) **Closed—Transfer to U.S. Probation.** Parole cases, in which the offender lives in a jurisdiction other than the District of Columbia, are to be closed out in SMART as Transfer to U.S. Probation.
- (4) **Closed—Pending USPC Institutional Hearing.** Paroled and supervised release offenders, who have been convicted of a **new crime**, are incarcerated, and are pending a USPC revocation hearing, are to be closed out in SMART as Pending USPC Institutional Hearing.

4. Criminal Records Checks

When offenders are originally placed on community supervision status, an initial criminal records check is made. It is important to note that every month, thereafter, another record check will be made as long as the offender is supervised by CSS. On direct probation cases, the criminal record check is secured by the supervision team via CIS/JUSTIS, SMART, WALES and NCIC.

Furthermore, subsequent record checks must be completed prior to modification of supervision levels, if a probation, or parole or supervised release violation

occurs or if the offender is rearrested. Thirty days prior to case closure, a final criminal record check must be done on offenders in all supervision statuses.

a. WALES/NCIC

CSOSA employees have access to a variety of automated criminal justice information systems. All usage of these systems is monitored for compliance with professional standards for managing confidential and secure information. The automated criminal justice database system is to be used for legitimate law enforcement purposes only.

Any inappropriate access, use, disclosure or dissemination of such information (including personal use) is strictly prohibited and may result in disciplinary action.

In addition, WALES and NCIC regulations provide for a penalty (fine and/or imprisonment) for misuse or unlawful disclosure of the information contained therein.

5. Home Visits and Housing Verifications in SMART

The SMART information system requires CSS staff to document the reasons for going to an offender's residence. This reason data field, called **Purpose for Home Verification**, is under the Housing Verification Details screen (see the screenshot on the subsequent page).

a. Look-Up Values

The new look up values for the **Purpose for Home Verification** field is as follows:

- Case Transfer
- Consultation with Collateral Contact
- Consultation with Significant Other
- Home Visit-Scheduled
- Home Visit-Unexpected
- MPD Accountability Tour-Scheduled
- MPD Accountability Tour-Unexpected
- PSI Home Investigation
- TIPS Home Investigation
- Request for CSO to Visit
- Weekend Accountability Tour
- Verify Residence

b. Definitions

The use of the choices, above, are intuitive, with the exception of the home visits, MPD accountability tours, Weekend Accountability tours, and the Verify Residence look up values. The definitions for these **Purpose For Home Verification** look up values are as follows:

Home Visit – Scheduled – documents that the CSO went to the offender’s home for a home visit which was scheduled with the offender in advance of the visit.

Home Visit – Unscheduled – documents that the CSO went to the offender’s home for a home visit which was not scheduled with the offender in advance (i.e., was unscheduled, a surprise visit, drop-in visit).

MPD Accountability Tour – Scheduled – documents that the CSO conducted an MPD accountability tour to the offender’s home which was scheduled in advance with the offender.

MPD Accountability Tour – Unscheduled – documents that the CSO conducted an MPD accountability tour to the offender’s home which was not scheduled in advance with the offender and was not conducted as a weekend accountability tour initiative.

Weekend Accountability Tour – documents that the CSO conducted an MPD accountability tour to the offender’s home as part of a weekend accountability tour initiative. These weekend accountability tours are not scheduled in advance with the offender.

Verify Residence – documents that the CSO verified with the resident owner that the offender lives at the address. The residence is to be verified with the owner in person. Documentation should be a statement or written documentation from the resident owner verifying that the offender resides at the home.

c. Documenting Housing Verifications in SMART

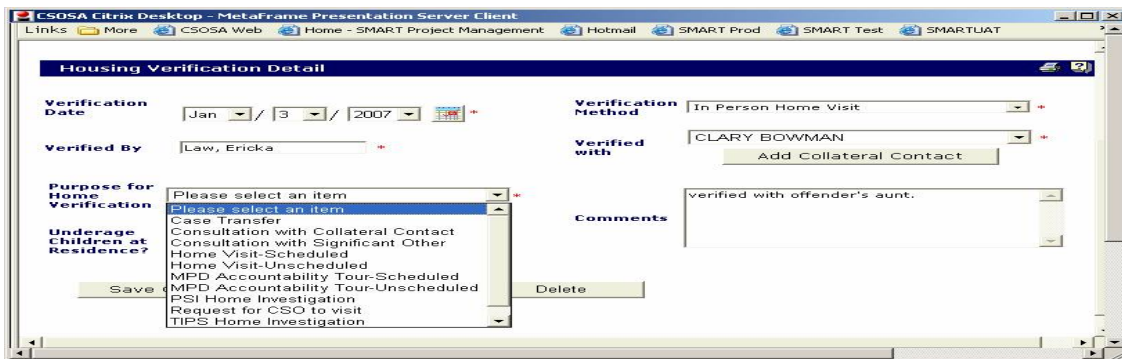
All housing verifications and home visits are to be documented in the housing verification detail screens, even those home visits where the CSO went to the home and no one was present. Staff must document in the comments section of the housing verification screen the dialogue that occurred if contact was completed, or efforts made if contact was not completed (i.e., put in the comments section that a note was left on the door, etc.). It is very important that staff not only document that a contact was made, but also document what transpired during the visit. The quality of the contact, such as the issues that were discussed and/or addressed with the offender, is critically important.

In the running record, staff can continue to document that they scheduled an accountability tour with MPD or had one cancelled by choosing the running record purpose values of: Accountability Tour – Scheduled and Accountability Tour – Cancelled. *Note that in the running record, the Accountability Tour – Scheduled purpose value (noting that an accountability tour has been set up) has a different meaning than*

Accountability Tour – Scheduled under the Housing Verification Details screen (see definitions, above).

If the CSO selects a **Purpose for Home Verification** value of Home Visit –Scheduled, and neither the offender nor a collateral contact was present for the schedule home visit, then the home verification was attempted but not completed, due to no one being available as scheduled to meet with the CSO. In this example, the CSO would document the **Purpose for Home Verification** as Home Visit – Scheduled with the **Verified With** value of **No Contact**.

Verified With values include any collateral contacts, the name of the offender, or the value **No Contact**.



Using the combination of the **Purpose for Home Verification** and **Verified With** values, we can determine the number of attempted home visits that were scheduled or unscheduled, the number that were made with the offender or another collateral contact, and the number that were attempted but no contact was made.

These two fields now eliminate the need for duplicate data entry under the housing verification screen and the running record.

d. Difference Between and Frequency of Home Visits and Home Verifications

Home visits, also commonly referred to as home contacts, are to be conducted and entered into SMART monthly for all offenders who have an overall status of Active and have a supervision level of intensive, maximum, or medium. Home visits are to be conducted and entered into SMART every 60 days for Active cases with a minimum level of supervision. Home visits are done with the offender to assess the offender's living quarters, interact with other residents, and determine how the offender is adjusting to his or her living situation, and to assess any potential problems/barriers that the offender may be experiencing in the

home or community that may affect the offender's success under supervision.

Home verifications are to be entered into SMART at least quarterly for all offenders who have an overall status of Active in SMART. Home verifications are to be conducted with the owner of the residence in which the offender resides. Home verifications are to be documented in SMART using the **Purpose for Home Verification** lookup value of Verify Residence.

6. Residential Contacts / Sleeping Arrangement Information

The Court Services and Offender Supervision Agency (CSOSA) and Metropolitan Police Department (MPD) are committed to advancing their partnership and promoting safety for law enforcement officials with respect to offender supervision contacts in the community and possible apprehensions at offender residences. A specific area of concern is that, on occasion, offenders do not experience a positive supervision experience and need to be remanded to custody, based upon Alleged Violation Reports submitted by Community Supervision Officers to the releasing authorities.

In order to facilitate the arrest of these offenders, CSS staff will provide MPD with a profile of the offender from the SMART information system which includes basic information that may assist MPD in taking the offender into custody. Early notification to MPD of a new arrest or other recalcitrant behaviors of a supervised offender is critical to public safety and the CSOSA mission.

Conducting home contacts is a strategy instituted to accomplish the goals of determining the suitability of the residence to benefit the pro-social change of the offender, prevent crime and support offender compliance with the terms and conditions of release. The home contact facilitates the gathering of information that can be crucial in establishing or modifying a supervision plan and may well prove beneficial to the offender's community adjustment. This activity also provides CSOSA and MPD with the general characteristics of the area in which the offender spends most of his or her time. For example, knowledge of the home and its layout is crucial to assist our law enforcement partners in the apprehension of offenders who have outstanding warrants for their arrest.

The characteristics of the sleeping quarters should be noted during the initial home contact and recorded in SMART by the CSO. The following CSO supervision functions and activities can provide this information while CSS staff conduct home verifications specific to their areas of responsibility:

a• Diagnostics When conducting the initial visit to the residence of the pre-sentence offender, the CSO should ask, when appropriate, the landlord, legal owner or adult tenant/occupant who is offering the residence to the offender to view the area where the offender would sleep or spend most of his/her time.

b• Transitional Intervention for Parole Supervision (TIPS) When conducting the initial contact to the residence during the offender’s period of supervision by the Bureau of Prisons, the CSO should ask, when appropriate, the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender would sleep or spend most of his/her time.

c• General Supervision Branch When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the he/she will sleep or spend most of his/her time.

d• Domestic Violence (Supervision) When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender will sleep or spend most of his/her time.

e• Substance Abuse and Treatment Branch When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender will sleep or spend most of his/her time.

f• Interstate Branch As appropriate and required, when conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender will sleep or spend most of his/her time.

g• Special Supervision When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area that the offender will sleep or spend most of his/her time.

In collaboration with its partners, the Agency has played a major public safety role and is responsible to the residents and stakeholders of the District of Columbia to ensure that supervised offenders are held accountable for their actions while in the community.

CSS staff must approach their duties with professionalism, be courteous and not be overbearing or insensitive when interacting with the public. In collaboration with its law enforcement partners and stakeholders, CSS staff continues to promote public safety and offender rehabilitation through the application of various skill sets and the conduct of proven intervention practices.

H. Request For An Offender To Be An Informant

All requests for an offender under supervision to be considered as an informant must be sent to the Associate Director for CSS' Office. If the Community Supervision Officer (CSO) receives a request directly from a law enforcement agency, such as the Assistant United States Attorney's Office (AUSA), the Federal Bureau of Investigations (FBI), or the Metropolitan Police Department (MPD), the CSO needs to have the law enforcement agency contact the Associate Director for CSS' office.

1. Requirements

For an offender to be considered for informant status, the following information from the requesting law enforcement agency must be provided:

- a.** A letter from the law enforcement agency requesting the offender to be an informant that provides an overview of the proposed utilization of the offender, specifically stating the significance of intended target(s) in the case. The letter must be signed by the Director of the Agency or a ranking official of the Agency who has oversight responsibilities for the Agency's informant program.
- b.** The letter should contain:
 - The agent (by name and telephone number) who will be working directly with the offender;
 - The agency's operating instructions to the offender and the administrative controls to be utilized;
 - An evaluation of the offender's risk factor and the agency's plan to combat this risk;
 - A statement indicating why the potential benefit to the government outweighs the risk of the offender's re-involvement with criminal associates;
 - A statement concerning monies to be paid to the offender for his services and/or expenses;
 - A statement concerning any travel that the informant might be required to make outside the supervising district; and
 - A summary of any intended utilization of electronic equipment, surveillance equipment or wiring of the offender.

2. Approval Process

- a. Parole, Mandatory Release, and Supervised Release Cases.** For offenders under parole, mandatory release, or supervised release, the Associate Director for CSS will review the request once it is received, prepare a letter to the United States Parole Commission (USPC) with the Associate Director's recommendation, and forward the initial request from the law enforcement agency to the

USPC for the USPC's review and decision. Once a response is received from the USPC, the requesting law enforcement agency will be notified of the decision and whether or not the offender can participate as an informant, as well as the CSO and Supervisory Community Supervision Officer (SCSO).

- b. **Probation Cases.** For offenders under probation, the Associate Director for CSS will review the request, make a decision regarding the offender's appropriateness to serve as an informant, and inform the requesting law enforcement agency, as well as the CSO and SCSO.

3. Confidentiality

- a. The CSO should take care not to discuss the offender's cooperative relationship with any staff person other than the SCSO or the Branch Chief (BC).
- b. If there is a change in BC or SCSO to the Branch/Team, the CSO is to brief the newly assigned BC/SCSO regarding the offender's informant relationship.
- c. If the offender is reassigned to another CSO for some reason (i.e., the assigned CSO is no longer with the Agency), the SCSO is to brief the new CSO regarding the offender's informant relationship.
- d. Home contacts and community contacts are to be planned in advance with the offender.
- e. No information in the running record or subsequent reports to the releasing authority, such as Alleged Violation Reports (AVRs) is to include information regarding the offender's informant relationship with law enforcement.

4. Conditions of Release

Offenders working in a cooperative relationship with law enforcement are required to comply with all conditions of release. Rule violations are not to be excused because the offender is a law enforcement informant.

Chapter VII: Special Core Case Management Activities

This chapter will address special core case management activities for which CSOSA Community Supervision Officers (CSOs) are responsible. These core functions constitute certain critical elements of offender supervision and involve the interface of CSOSA and other external criminal justice systems and/or releasing authorities including the D.C. Superior Court, the United States Parole Commission and Interstate Compact authorities. The core functions addressed include: violations, sanctions, violation hearings and warrants.

A. Violations

1. Failure to Report Procedures

Loss of Contact between the offender and the supervising CSO is a potential threat to public safety. In order to protect the public, CSOs must take immediate action any time an offender fails to report for a scheduled appointment with the CSO without appropriate justification.

The CSO, in an effort to make contact and resume supervision efforts, must initiate failure to report procedures as soon as possible but no later than the next business day after the day on which the offender fails to report for a scheduled appointment. If contact with the offender is not established within seventeen (17) calendar days, on the eighteenth (18th) day the offender is classified as being in a Loss of Contact (LOC) status. In such cases, CSOs must notify the Superior Court of the District of Columbia (in probation cases) or the United States Parole Commission (USPC) in parole cases within three (3) business days of the date that the offender's case is classified as LOC.

Statutory Authority:

Section 11233 (b) (2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 748, D.C. Official Code 24-133 (c) (2001 Edition) (Director's Authority); D.C. Official Code 24-303 (2001 Edition) (Probation Authority).

If an offender misses a scheduled appointment and does not contact his or her CSO prior to the missed appointment or is not excused by the CSO in advance of the scheduled appointment, the CSO shall initiate the following failure to report procedures to reestablish contact with the offender.

- a.** No later than the next business day after the missed

appointment, the CSO shall telephone the offender. If the CSO is able to reach the offender by telephone, the CSO shall inform the offender of the rescheduled date for the appointment.

If unable to reach the offender, the CSO shall immediately telephone the offender's pager, cell phone, significant other, family members, roommates, employer, and any other person who may have knowledge of the offender's whereabouts. This information will be noted in the file, listing the date, time of call and persons contacted.

b. If unable to establish contact with the offender, the CSO shall run a complete WALES, JACCS, NCIC, and Triple I check no later than the next business day after the missed appointment to determine whether the offender is detained/incarcerated. (Note: If an offender is being detained by law enforcement authorities as a result of a criminal investigation, the CSO must monitor the status of the offender so that he or she can advise the releasing authority if the results of the criminal investigation lead to the offender being charged with a crime.)

i. If the offender is detained/incarcerated and the offender is a

Probation Case: The CSO shall prepare a re-arrest report and submit it to The Court as soon as possible, but no later than three (3) business days after learning of the detention/incarceration.

Parole Case: The CSO shall prepare an Alleged Violations Report (AVR) as soon as possible, but no later than three (3) business days after learning of the detention/incarceration.

ii. If the offender is not detained/incarcerated, the CSO shall mail a certified letter by the next business day instructing the offender to report by the twelfth (12th) business day from the date the certified letter is sent.

(Note: the scheduled appointment as per the certified letter includes the five business day wait period for the return receipt from the United States Postal Service).

c. If the offender is not detained/incarcerated and he or she still has not reported, the CSO shall conduct a home visit within five (5) business days of the initial missed appointment to verify the offender's residence and to continue the process of reestablishing contact.

- If the CSO encounters the offender at his or her reported address, the CSO shall provide the offender with a written notice to report for a scheduled office visit, which must take place within two business days of the positive contact. During the positive contact established with the offender at his home, the offender shall be advised that a certified letter has been sent to him/her; however, the offender must report as directed per the instructions given by the CSO and disregard the reporting date provided in the letter.

During the scheduled office visit, the CSO shall direct the offender with respect to future reporting requirements.

- If no one is present at the offender's address, the CSO shall leave a notice to report (e.g., under the door, attached to the door, etc.), directing the offender to report within two (2) business days of the home visit. If the offender resides in a large apartment building complex and the CSO cannot gain entrance to the building, the CSO will attempt to locate a resident manager or other apartment building employee for purposes of gaining entrance to the building. If the CSO is able to gain entrance to the apartment building, the notice shall be placed on or under the door of the apartment in which the offender resides. If the CSO is unable to gain entrance to the apartment building, the notice shall be placed on or under the entry door of the apartment building in which the offender resides. (The CSO shall indicate in the file, where the letter was placed, i.e., under the door, etc. along with a brief description of the premises, and shall note the circumstances and the efforts to gain entry.

d. If the offender does report within seven (7) days of the initial missed appointment for the second scheduled appointment, the CSO shall immediately implement sanctions procedures (see Section 3 below).

e. If the offender fails to report for the second missed appointment within seventeen (17) calendar days of the initial missed appointment (as per home visit instructions) and, for the third scheduled appointment within twelve (12) business days, and the CSO has followed the procedures described in Section A,

subsections 1 through 3, the case shall be designated a LOC case.

2. Loss of Contact (LOC) Procedures

a. Probation Cases: Once designated a LOC case, the CSO shall prepare an alleged violation report (AVR) to the Court requesting a **show cause hearing** and submit the AVR to the Court within three (3) business days of the LOC designation.

b. Parole/Supervised Release Cases: Once designated a LOC case, the CSO shall prepare an AVR recommending the issuance of a warrant and submit the AVR to the USPC within three (3) business days of the LOC designation.

c. Pending judicial or USPC action, efforts to contact the offender must continue on a monthly basis (e.g., collateral contacts, D.C. hospital contacts, criminal history record check, etc.). Upon notification that a warrant has been issued, the CSO shall follow the provisions of the Warrant Issue Status Case Policy Statement.

d. If the offender does report prior to judicial or USPC issuance of a warrant, Order to Show Cause, notice to appear at a hearing, or other action, the CSO shall send the appropriate notice to the Court or the USPC advising of the changed status of the offender. The CSO shall also implement the appropriate sanctions as referenced in Section C.

All efforts to ascertain the whereabouts of the offender and/or to bring the offender into supervision compliance are to be documented into the Supervision and Management Automated Record Tracking (SMART) information system.

In the event of a CSO's absence for a period of three business days or more, their cases will be monitored for offenders who fail to report and may become Loss of Contact cases.

3. Sanctions Procedures

When the CSO reestablishes contact with the offender, he/she shall sanction the offender in accordance with the offender's sanction level and the procedures outlined in the "Drug Testing Protocol and Administrative Sanctions Policy Statement."

A letter to the offender's residence or a home visit is not required, however, if the CSO has verification from the primary (adult) family member or other occupant/owner of the residence confirming that the offender no longer

resides there and his/her whereabouts are unknown. In such instances, the CSO must obtain the full name of the person providing the information and identify his/her relationship to the offender. The CSO must, furthermore, record the date and time that the information was provided and the date that the offender was reported to have vacated the residence. (See Section B for all additional information)

This information must be documented as soon as possible in the SMART running record and be included in any subsequent violation report(s) that may be required.

4. Supervised Releases/Loss of Contact

Periodically, special circumstances may arise that merit particular attention for LOC procedures with respect to Supervised Release cases. In the past, in certain instances, the DC Jail has released an offender at the conclusion of his sentence whom the judge had ordered to a term of supervised release.

The major problem presented is that neither CSOSA nor the USPC was advised of the offender's supervised release status. In response to this problem, several interactive alert strategies have been developed among cooperating criminal justice agencies.

- a.** In any case where the offender is sentenced by the Court to a term of incarceration followed by a period of supervised release, the defendant will be required to sign the supervised release certificate at the conclusion of the sentencing hearing;
- b.** The BOP will require that all DC Code offenders who are housed in their facilities sign the supervised release certificate prior to release;
- c.** BOP staff will give specific instructions to all DC Code offenders to report to their CSOs within 72 hours of release. This special instruction is to be cited in the AVR if the offender becomes a loss of contact by failing to report after release;
- d.** TIPS staff will ensure that any inmate who is a supervised release will sign the supervised release certification prior to release; and
- e.** The DC Jail staff will canvass its population to identify any inmate with a condition for supervised release and contact the USPC for a supervised release certificate for signature by the inmate prior to release.

In the rare case that a supervised release somehow begins supervision and subsequently enters LOC status and a signed supervised release certificate is not

on file, the USPC is prohibited by statute from issuing a re-take warrant on any offender who has not been advised of the conditions of his/her release. With respect to these types of cases, staff are to forward an informational report to the USPC advising that the offender was released from incarceration without signing a supervised released certificate.

The report is to include in detail the efforts made by the CSO to locate the offender. The CSO is to conclude the report by advising the USPC that a follow-up report will be submitted within thirty days. Every effort is to be conducted to locate the offender. The SCSO will provide guidance with respect to the additional efforts that are to be made to locate the offender and bring him/her into compliance.

It is important not to confuse a sentenced inmate whose institutionalization is to be followed by supervised release with an offender with a judicial order to be placed in a halfway house as a condition of probation. The new DC Sentencing Reform Act abolished parole in favor of supervised release and provided that the sentencing judge can order the offender to reside in a halfway house for up to a year as a condition of probation.

5. Re-Arrests

All re-arrests must be documented in SMART within two business days of the event.

a. Re-arrest Violations

i. New Charges:

OPU's Special Projects Unit (SPU) is the central unit that identifies and tracks re-arrests and warrants for offenders under supervision with the agency. SPU monitors the daily arrests in the District of Columbia to identify offenders supervised by CSOSA who have been re-arrested and have had new charges filed. SPU collects available arrest information that in most cases includes an arrest report (PD 163).

Special Projects also may provide information generated from the Court's information system. When the arrest report is not available copies of documents from the court jacket (i.e., Gerstein) will be provided to supervision staff by SPU staff. SPU transmits this information to the SCSO and CSO supervising the case to support preparation of a violation report.

In addition, other sources may inform supervision staff of an offender re-arrest, such as the SMART Track Notification system, Pretrial Services Agency (PSA), law enforcement agencies in other jurisdictions, the offender, etc.

In cases where an offender is re-arrested outside of D.C., the CSO researches and collects documentation to support a violation report.

Upon notification of a re-arrest by Pretrial Services Agency, or by OPU (Special Projects), the CSO is required to provide information regarding the offender's current adjustment and to make a recommendation as to release. The CSO must recommend that a five (5) day hold be placed on the offender if the new offense is a major felony.

The CSO also notifies the appropriate releasing authority of the offender's re-arrest as to the offender's release status. The U.S. Attorney's Office frequently requests a five (5) day hold in serious re-arrest matters.

The arrest will be reported to the appropriate releasing authority together with whatever details are known about the offense. The CSO should not seek statements from the offender as to innocence or guilt, since these statements might violate their right against self-incrimination. In most cases, notification of the re-arrest to the Court is the only action to be taken until after a Disposition Hearing on the new offense.

It is the CSO's responsibility to submit a written report of the re-arrest violation to the releasing authority within two (2) business days of the notification of the re-arrest. In cases where there are multiple releasing authorities, separate reports are submitted to each.

The report(s) include not only the pertinent information regarding the new arrest, but also the offender's adjustment to supervision (both positive and negative) especially regarding any special conditions the releasing authorities may have imposed. In probation cases, a recommendation for a Show Cause Hearing is usually made. If the re-arrest is a felony, it will be noted that the offender poses a threat to the community and a five-day hold will be requested.

If the new arrest is not papered for prosecution by the government (No Papered) or the case is dismissed at the time of arraignment (Nolle Prosequi), the offender's overall adjustment must still be addressed in the Alleged Violation Report (AVR).

If the offender is arrested on an outstanding Bench Warrant in the supervision case, no report is required unless the offender is also charged with a new offense. In that case, the same procedures are used. This also holds true if an offender is picked-up as a Fugitive from Justice (wanted in another jurisdiction).

Supervision staff must track pending cases on a monthly basis to determine any indictments, convictions, five-day holds or dismissals. This task can be done through computerized record checks, verified reports from the offender, and/or contacts with other jurisdictions.

Upon conviction or any other disposition in a pending case, the releasing authority must be notified immediately. The CSO also must document the disposition in SMART.

In those instances where an offender is re-arrested outside of the District of Columbia and when such information is received in timely and credible fashion, the supervising CSO is to make an effort to contact in writing (via fax or email) the local Pretrial Services Agency or court. This notice is to advise the jurisdiction of the offender's active supervision status in the District. This practice is intended to contribute to an improved level of communication among criminal justice agencies throughout the nation.

ii. Maryland Arrests:

The Agency's IT Division now receives an electronic arrest file from Maryland that it then runs against SMART to see if any CSOSA offenders match those individuals on the Maryland arrest file. In the event that such matches are found, CSOs and SCSOs will be informed via SMART of an offender's possible rearrest in Maryland. It is important to note

that SPU staff will not be providing CSOs and SCSOs with the Maryland rearrest report. Instead an automatic e-mail notification will be sent to alert the particular CSO that there is a need to further research and verify the initial report on the Maryland Court's website.

Once a rearrest in Maryland has been verified, the CSO must update SMART with the violation information by entering the necessary information in the violations detail screen and then preparing the AVR in accordance with current Agency practice. The outcome and eventual decision of the Maryland sentencing authority will need to be updated at a later date, once that information has been determined and verified.

b. Five-Day Hold Notifications for Parolees

The D.C. Code (S. 13-1322 (a) (1) (c)) states:

The judicial officer shall order the detention of a person charged with an offense for a period of not more than 5 days, excluding Saturdays, Sundays and holidays and direct the attorney for the government to notify the appropriate court, probation or parole official or local or state law enforcement official, if the judicial officer determines that the person charged with an offense:

- (1) Was at the time the offense was committed on probation, parole or supervised release for an offense under local, state or Federal law; and
- (2) May flee or pose a danger to any other person or the community.

This type of hold, known as a five-day hold, provides the releasing authority five business days to determine whether or not to issue a warrant for the offender.

The releasing authority depends on the timely submission of the AVR and supporting documentation to make a decision regarding whether or not to issue a warrant.

CSS must ensure that AVRs submitted to the releasing authority are timely and complete. The AVR must be completed and faxed to the releasing authority on the offender's third day in custody – the day of arraignment is the offender's first day of custody and weekends and holidays are not included. For parole cases, the CSS program analyst shall

immediately attempt to contact the CSO, team duty officer, or SCSO so that the preparation of Alleged Violation Report (AVR) can begin without delay.

On the offender's fifth day of custody, a detention hearing is held where the AUSA presents the case on the offender to the D.C. Superior Court judge. If the AUSA does not have evidence that a warrant has been issued, the offender is released to the community.

A copy of the fax or electronic confirmation receipt must be maintained in the offender's case file as verification that the releasing authority was notified in accordance with the above policy/procedure.

c. Re-arrest Notifications to External Jurisdictions of Current D.C. Supervision Status

This section provides guidance concerning certain supervision case circumstances wherein an offender is re-arrested in another jurisdiction.

In the majority of cases, CSS often receives no, or at best, late notice from other jurisdictions that an offender has been re-arrested. In other cases, however, where immediate and timely notice of a re-arrest is received, the supervising CSO is to make an effort to notify, in writing via fax or e-mail, the local Pre-Trial Services Agency or Court in the concerned jurisdiction of the offender's current supervision status in the District of Columbia. This practice will help overcome some of the existing information gaps that have occurred in recent parole and probation case incidents. These high profile matters have highlighted the communications difficulties prevalent among criminal justice agencies in a variety of jurisdictions. This practice should be reviewed and discussed from time to time in various management meetings and implemented whenever possible.

d. Submission of Violation Reports to the U.S. Parole Commission

By 12:00 p.m. on the third business day of the offender's detention, the CSO must have completed the AVR and submitted it to his or her supervisor for signature. The SCSO is responsible for ensuring that the AVR is entered into the automated case management database.

The SCSO is responsible for ensuring that the documentation is forwarded immediately (by mail, fax or electronic means) to the USPC. The AVR must include the following information:

- i.** The history of the offender under the latest period of supervision (and any previous periods of supervision,

- if available), including reporting habits and compliance with special conditions of parole/supervised release, etc.
- ii. The offender's overall community adjustment, including employment, history of substance abuse/dependency and participation in treatment programs, prior sanctions imposed (if any), home situation, family and/or other support systems in the community, and participation in educational or training programs, if applicable;
 - iii. Other currently outstanding criminal charges and technical violations against the offender;
 - iv. Similarity of the new criminal charges to past crimes of the offender, including the offense(s) for which the offender is currently serving a sentence on parole/supervised release, if any;
 - v. A copy of the police arrest report (PD-163);
 - vi. A copy of the Gerstein statement, if available; and
 - vii. Any other information relevant to the case.

Statutory Authority

D.C. Code § 24-1233(c) (1)-(4) (1996 Repl., 1999 Supp.) and D.C. Code § 23-1322(a) (1) (C) (1996 Rep.)

6. Technical Violations

Whenever it has been found that an offender is violating the conditions of the releasing order, the CSO should immediately schedule a face-to-face contact with the offender and begin the sanctioning process.

Whenever an offender's violation of conditions cannot be managed through supervision and sanctioning by the CSO, the Court or Releasing Authority is notified through the submission of an Alleged Violation Report (AVR). When reporting a violation of the conditions, the CSO should set forth efforts made by the CSO to foster the offender's compliance. The report should also include any recommendations for revocation or modification of conditions, including whether the offender is appropriate for Community Monitoring and other sanctions.

As noted earlier, one of the primary conditions of supervision is to maintain contact with the CSO. When a failure to report occurs or when an offender habitually misses appointments even though the appointments are not missed consecutively, loss of contact procedures will result. An AVR must be filed when loss of contact procedures fail to bring an offender into compliance.

Any use of illegal drugs constitutes a technical violation; however, before reporting a violation to the releasing authority or the prosecutor (i.e. CPO cases), the CSO should make every effort to foster compliance with this condition (unless the releasing authority specifically notes that any positive tests are to be reported).

The offender is to be sanctioned in accordance with the Administrative Sanctions Matrix (see Section A-3, Sanctions Procedures and Section B, Sanctions). All positive drug tests are to be entered as separate violations on the violations screen.

a. Gas Chromatography Mass Spectrometry (GC/MS) in Supervised Release Cases

Gas Chromatography Mass Spectrometry (GC/MS) confirmation for a positive drug test only is required on supervised release cases. CSS is no longer to request from the Toxicology Lab a GC/MS confirmation and an affidavit for parolees to confirm a positive drug test. SCSOs and CSOs need to make sure that confirmation testing only is requested and processed for supervised release offenders (the supervised release certificate is in the offender's case file). Staff are not to request GC/MS confirmation on probation cases.

b. Requesting an Affidavit

All GC/MS affidavit requests are specific to parole and supervised release cases only. The affidavit is to be requested for one of the violating offender's positive drug tests that occurred within the last 30-days.

The violating offender's assigned Community Supervision Officer (CSO) must submit a request for the GC/MS confirmation affidavit to FTDTL staff via e-mail to "Chain of Custody HD" (listed in the Agency's Microsoft Outlook address book). The e-mail must contain the following information:

- (1) Nature of request (i.e., request for GC/MS confirmation and affidavit;
- (2) Identification of the case type (parole or supervised release);
- (3) Date of positive test and corresponding specimen number; and

Upon receipt of the CSO e-mail request, FTDTL staff has five (5) business days to forward the affidavit back to the requesting CSO.

The affidavit will be an e-mail attachment in Microsoft Word format that will contain the official electronic signature of the FTDTL Director. If the

CSO does not receive the affidavit within the established time, s/he shall defer to the SCSO.

c. Submitting the Affidavit to the USPC

Once the supervising CSO has received the electronic copy of the affidavit from the FTDTL, the CSO shall print and submit the document along with the AVR for supervisory approval. After the AVR has been reviewed and signed by the SCSO, the CSO shall submit the affidavit, the AVR and all other supporting evidence to the appropriate USPC case analyst, via certified mail.

The offender's drug testing history, as extracted from SMART, must still be submitted with the AVR to the USPC case analyst as supporting evidence. The GC/MS affidavit does not take the place of the offender's drug testing history when supporting an allegation of illegal substance abuse.

Only if the assigned CSO is requesting an emergency warrant will the AVR and affidavit be submitted via fax to the USPC. In which case, the AVR may be submitted to the USPC prior to receiving the affidavit from the FTDTL with notation that the positive confirmation is forthcoming. Once the affidavit is received, the CSO shall then submit the affidavit to the case analyst via fax as well.

d. Offender Admission of Illegal Substance Use

Confronting offenders about their illegal drug use is standard practice among Community Supervision Officers. In addition to obtaining an affidavit of GC/MS confirmation, if a violating offender admits to illegal drug use (a verbal admission will suffice), the admission must be documented and included in the AVR being submitted to the USPC. Submitting this information to the USPC provides additional confirmation of the violating offender's illegal substance use.

If an offender fails to comply with other general or specific condition(s) imposed by the releasing authority (employment, drug/alcohol treatment, fine, etc.), a technical violation report is warranted after the CSO has exhausted graduated sanctioning options as listed in the Administrative Sanctions Matrix. An AVR shall include the specific violations; a summary assessment of the offender's adjustment (both positive and negative) and all conditions shall be addressed.

7. Execution of Warrants

Special Projects is the central component to receive and disseminate information regarding executed warrants. This information is obtained from the Metropolitan Police Department lockup list and the U.S. Marshals Service Warrant Squad.

Special Projects notifies the supervising SCSO and CSO when an offender under supervision is arrested pursuant to a warrant. When a PD-163 re-arrest report is available, Special Projects forwards this information to the CSO.

Any inquiries from the U.S. Attorney's Office about the status of a CSOSA warrant request in a five-day hold case shall be referred to the appropriate staff of the releasing authority.

The releasing authority will directly notify both the U.S. Attorney's Office and the CSO (by fax) if a warrant is issued by the USPC in response to the five-day hold and a copy of said warrant shall be transmitted forthwith by overnight express mail or hand carried to the U.S. Marshals Service for the purposes of lodging a detainee or entry of the warrant into NCIC.

B. Sanctions

The goal of sanctioning is to change offender behavior. Imposition of sanctions shall occur as quickly as possible in response to non-criminal violations. Every violation must have a corresponding graduated sanction imposed on the offender. Community Supervision Officers have a continuum of sanctions that they can impose on offenders without having to obtain Court or USPC approval. These sanctions are presented in Figure VII.2, Administrative Sanctions Matrix, on the following page.

CSOs are to apply graduated sanctions on offenders per the Administrative Sanctions Matrix. Offenders who are rearrested are to be "sanctioned" via the submission of an AVR report to the releasing authority.

Such a system may reduce the number of violation reports sent to the Court or the USPC and increase the likelihood that the Court or the USPC will carry through with the supervising CSO request. In addition, a well-planned supervisory review system will guarantee the consistency and timeliness of imposed sanctions.

Statutory Authority

Section 11232(b) (2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 712, D.C. Code §§ 24-1231 et seq. (1996 Repl., 1999 Supp.) (Trustee's authority); D.C. Code § 24-103 (1996 Repl.) (Probation's authority); D.C. Code § 24-201.2(a) (3) and 28 D.C.M.R. §§ 213.4 – 2.13.6 (1987) (Parole's authority).

1. Accountability Contract

A critical factor in the success of CSOSA in reducing the crime rate is its ability to introduce an accountability structure into the supervision process and to provide swift responses to non-compliant behavior. Individuals under supervision must be closely case managed, including entering into accountability contracts acknowledging their responsibilities under probation, parole, or supervised release as granted by the Superior Court for the District of Columbia or the United States Parole Commission.

In order to instill an imperative of individual accountability, every documented accountability contract violation will be met with a prescribed and immediate response. An offender's sanction schedule will correspond to his/her level of risk. At appropriate intervals, multiple or severe violations will result in a disciplinary hearing before the appropriate releasing authority. Conversely, compliance and graduated progression will be rewarded through incentives.

Therapeutic interventions are equally critical in reducing the risk of recidivism. Individualized treatment interventions are to be provided as needed in conjunction with the imposition of graduated sanctions. Therapeutic interventions available for use are addressed in separately issued CSOSA policies (for example, Offender Substance Abuse Treatment and Referral Process).

It is Agency policy that all offenders will enter into an accountability contract within 25 working days of assignment to a CSO. The use of accountability contracts across all supervision units will result in a seamless continuum of services, increased offender accountability, and enhanced case management. The CSO will institute Level I, Level II, Level III, or Level IV sanctions for drug testing violations, and other non-criminal "technical" violations within three business days of notification of an offender's non-compliance. Violations that should result in immediate, graduated sanctions are summarized in sections B and C of Appendix A of this Policy Statement.

Authority

Section 11233(b) (2) (B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 712, D.C. Code § 24-1233(b) (2) (B) (1996 Repl., 1999 Supp.) (Director's authority); D.C. Code § 24-103 (1996 Repl.) (Probation's authority); 28 C.F.R. § 2.85(a) (15).

The CSO must ensure that an accountability contract is maintained in an electronic environment or is included in the offender's file within 25 working days of the offender's assignment to the CSO.

Note: CSOSA reserves the right to modify the sanctions contained in the offender's accountability contract. Parolees/supervised releasees are advised that

they must accept the graduated sanctions contained in the accountability contract pursuant to the Conditions of Release contained in their parole certificate (28 C.F.R. § 2.85(a)(15)). Probationers are advised that they must accept the graduated sanctions contained in the accountability contract pursuant to the general conditions of their probation. Failure to sign the accountability contract does not relieve the offender of the obligations contained in the accountability contract.

a. Substance Abuse Violations

A drug test violation encompasses the following—a positive urine sample; failure to report for drug testing (behavioral positive); submission of a bogus sample; and failure to submit a sample. In addition, failure to appear for treatment sessions or failure to complete inpatient/outpatient treatment programming, as required by the offender’s conditions of release or as instructed by the CSO, are violations which will result in the composition of a sanction.

b. Types of Other Non-criminal “Technical” Violations

Other non-substance abuse related technical violations include:

1. Failure to report to CSO or permit the CSO to visit his/her home;
2. Leaving the judicial district without the permission of the court or CSO;
3. Failure to work regularly or attend training and/or school;
4. Failure to notify CSO of change of address and/or employment;
5. Frequenting places where controlled substances are illegally sold, used, distributed, or administered;
6. Associating with persons engaged in criminal activity or associating with a person convicted of a felony without the permission of the CSO;
7. Failure to notify the CSO within 48 hours of being arrested or and for parolees who have been questioned by a law enforcement officer;
8. Entering into an agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court or USPC; and
9. Failure to adhere to any general or special conditions of release.

c. Schedule of Accountability through Graduated Sanctions

Upon documentation of a violation, the CSO institutes the appropriate response in accordance with the schedule presented below **within three (3) business days of the violation, if the offender is available.** Pursuant

to Agency regulations, CSOSA has, at its disposal, a range of sanctions to address offender noncompliance. The Schedule of Accountability through Graduated Sanctions represents the sanctions currently deemed appropriate for effectively supervising CSOSA offenders.

d. Alleged Violation Reports (AVR)

Violations of the Accountability Contract are also violations of an offender’s condition of release. The CSO must be vigilant in supervising offenders and be on the alert for major violations of the accountability contract/condition of release. (Major violations are actions that pose a threat to public safety, e.g. re-arrest, loss of contact, etc. Reference the appropriate CSOSA policy, procedure or guideline.) When major violations occur, the CSO must submit an alleged violation report to the appropriate releasing authority in accordance with applicable CSOSA policies, procedures and guidelines. Additionally, the CSO must prepare an AVR to the appropriate releasing authority after exhausting the Level IV sanction.

e. Applicable CSOSA Regulations

Authority: Pub. L. 105-33, 111 Stat. 712 (D.C. Code 24-1233(b) (2) (B)).

§ 810.1 Supervision contact requirements.

If you are an offender under supervision by the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA), CSOSA will establish a supervision level for you and your minimum contact requirement (that is, the minimum frequency of face-to-face interactions between you and a Community Supervision Officer (CSO)).

§ 810.2 Accountability contract...

(a) Your CSO will instruct you to acknowledge your responsibilities and obligations of being under supervision (whether through probation, parole, or supervised release as granted by the releasing authority) by agreeing to an accountability contract with CSOSA.

(b) The CSO is responsible for monitoring your compliance with the conditions of supervision. The accountability contract identifies the following specific activities constituting substance abuse or non-criminal violations of your conditions of supervision.

(1) Substance abuse violations:

- (i) Positive drug test.
- (ii) Failure to report for drug testing.

- (iii) Failure to appear for treatment sessions.
- (iv) Failure to complete inpatient/outpatient treatment programming.

(2) Non-criminal violations:

- (i) Failure to report to the CSO or permit the CSO to visit your home.
- (ii) Leaving the judicial district without the permission of the court or the CSO.
- (iii) Failure to work regularly or attend training and/or school.
- (iv) Failure to notify the CSO of change of address and/or employment.
- (v) Frequenting places where controlled substances are illegally sold, used, distributed, or administered.
- (vi) Associating with persons engaged in criminal activity.
- (vii) Associating with a person convicted of a felony without the permission of the CSO.
- (viii) Failure to notify the CSO within 48 hours of being arrested or questioned by a law enforcement officer.
- (ix) Entering into an agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court or USPC.
- (x) Failure to adhere to any general or special condition of release.

(c) The accountability contract will identify a schedule of administrative sanctions (see § 810.3(b)) which may be imposed for your first violation and for subsequent violations.

(d) The accountability contract will provide for a reduction in your supervision level and/or the removal of previously imposed sanctions if:

- (1) You maintain compliance for at least ninety days,
- (2) The Supervisory Community Supervision Officer concurs with this assessment, and
- (3) There are no additional reasons unrelated to the imposed sanction requiring the higher supervision level.

§ 810.3 Consequences of violating the conditions of supervision.

(a) If your CSO has reason to believe that you are failing to abide by the general or specific conditions of release or you are engaging in criminal activity, you will be in violation of the conditions of your supervision.

Your CSO may then impose administrative sanctions (see paragraph (b) of this section) and/or request a hearing by the releasing authority. This hearing may result in the revocation of your release or changes to the conditions of your release.

(b) Administrative sanctions available to the CSO include:

- (1) Daily check-in with supervision for a specified period of time;
- (2) Increased group activities for a specified period of time;
- (3) Increased drug testing;
- (4) Increased supervision contact requirements;
- (5) Referral for substance abuse addiction or other specialized assessments;
- (6) Electronic monitoring/or Global Positioning System (GPS) for a specified period of time;
- (7) Community service for a specified number of hours;
- (8) Placement in a residential sanctions facility or residential treatment facility for a specified period of time.
- (9) Travel restrictions.

(c) You remain subject to further action by the releasing authority. For example, the United States Parole Commission may override the imposition of any of the sanctions in paragraph (b) of this section and issue a warrant or summons if you are a parolee and it finds that you are a risk to the public safety or that you are not complying in good faith with the sanctions.

FIGURE VII.1

APPENDIX C


| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
|  | Court Services and Offender Supervision Agency for the District of Columbia <i>Office of Community Supervision Services</i> |
| ACCOUNTABILITY CONTRACT | |
| Offender Name: _____ | PDID: _____ |
| <p>I understand that I am responsible for abiding by the conditions of my release as granted by the Superior Court for the District of Columbia, the United States Parole Commission, or _____ (fill in name of appropriate judicial body). Furthermore, I understand that if I violate any of the general or special conditions of my release, fail to report as required by my Community Supervision Officer (including failing to permit my Community Supervision Officer to visit my home), fail to report for drug testing, test positive for illegal drugs, submit an adulterated sample, fail to appear for treatment sessions, or fail to complete inpatient/outpatient treatment programming as required by conditions of my release or as instructed by my Community Supervision Officer, I am subject to the following sanctions or revocation of my probation, parole, or supervised release. In addition, my Community Supervision Officer may, at any time, submit a violation report to the appropriate releasing authority recommending the revocation of my community supervision. These conditions will remain in effect for as long as I am on probation, parole, or supervised release.</p> <p>Pursuant to 28 C.F.R. §2.85(a)(15) and Part 810, CSOSA has, at its disposal, a range of sanctions to address offender noncompliance. The Schedule of Accountability through Graduated Sanctions attached below represents the sanctions currently deemed appropriate for effectively supervising CSOSA offenders. CSOSA reserves the right to modify the sanctions attached to the offender's Accountability Contract. Offenders are advised that they must accept the graduated sanctions attached to this Accountability Contract pursuant to the Conditions of Release established by the relevant paroling or court authority. Failure to sign this Accountability Contract does not relieve the offender of the obligations contained in this document.</p> | |
| _____ Signature of Offender | _____ Date |
| _____ Signature of Community Supervision Officer (CSOSA) | _____ Date |

FIGURE VII.2

SCHEDULE OF ACCOUNTABILITY THROUGH GRADUATED SANCTIONS

If the violation does not include a drug-testing violation, only the sanction above the dashed-line will apply. If a drug testing violation is included in the violation, the items above and below the dashed-line will apply.

| | | Level I | Level II | Level III | Level IV | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----|-----------------------|-----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------|-----|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--|--|--------------------------------|--|-------------------|--|----------------------|--|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------|-----|------------------------------------------------------------------------------------------|
| Intensive/Maximum Drug Testing Sanctions Supervisory Discretion | <ul style="list-style-type: none"> CSO written reprimand OR Increase Supervision Level if not Intensive | <ul style="list-style-type: none"> SCSO Written Reprimand Daily Sanctions Groups Community Service Increase Supervision Level 5-Day Daily Check-In | <ul style="list-style-type: none"> GPS Curfew Halfway Back Residential Sanctions Facility AVR Increase Supervision Level, if appropriate | <ul style="list-style-type: none"> GPS Curfew Halfway Back Residential Sanctions Facility AVR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th># Pos.</th> <th>Sanction/Action</th> </tr> </thead> <tbody> <tr> <td>1st</td> <td> <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy </td> </tr> <tr> <td>2nd</td> <td>CSO Written Reprimand</td> </tr> <tr> <td>3rd</td> <td>SCSO Written Reprimand</td> </tr> </tbody> </table> | # Pos. | Sanction/Action | 1st | <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy | 2nd | CSO Written Reprimand | 3rd | SCSO Written Reprimand | <table border="1"> <thead> <tr> <th># Pos.</th> <th>Sanction/Action</th> </tr> </thead> <tbody> <tr> <td>4th</td> <td> <ul style="list-style-type: none"> Refer to CIT Increase Supervision Level, as appropriate </td> </tr> <tr> <td colspan="2">PLUS ONE OR MORE SANCTIONS, BELOW:</td> </tr> <tr> <td></td> <td>Community Support Groups 2X/wk</td> </tr> <tr> <td></td> <td>Community Service</td> </tr> <tr> <td></td> <td>5-Day Daily Check In</td> </tr> <tr> <td></td> <td>Sanctions Group</td> </tr> </tbody> </table> | # Pos. | Sanction/Action | 4th | <ul style="list-style-type: none"> Refer to CIT Increase Supervision Level, as appropriate | PLUS ONE OR MORE SANCTIONS, BELOW: | | | Community Support Groups 2X/wk | | Community Service | | 5-Day Daily Check In | | Sanctions Group | <table border="1"> <thead> <tr> <th># Pos.</th> <th>ONE OR MORE SANCTIONS:</th> </tr> </thead> <tbody> <tr> <td>5th</td> <td> <ul style="list-style-type: none"> GPS Curfew Inpatient Treatment 5 Days in Jail/AVR (Probation Cases) Increase Supervision Level as appropriate Sanctions Group AVR </td> </tr> </tbody> </table> | # Pos. | ONE OR MORE SANCTIONS: | 5th | <ul style="list-style-type: none"> GPS Curfew Inpatient Treatment 5 Days in Jail/AVR (Probation Cases) Increase Supervision Level as appropriate Sanctions Group AVR | <table border="1"> <thead> <tr> <th># Pos.</th> <th>ONE OR MORE SANCTIONS:</th> </tr> </thead> <tbody> <tr> <td>6th</td> <td> <ul style="list-style-type: none"> GPS Halfway Back AVR </td> </tr> </tbody> </table> | # Pos. | ONE OR MORE SANCTIONS: | 6th | <ul style="list-style-type: none"> GPS Halfway Back AVR |
| | # Pos. | Sanction/Action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1st | <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2nd | CSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3rd | SCSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| # Pos. | Sanction/Action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| PLUS ONE OR MORE SANCTIONS, BELOW: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Community Support Groups 2X/wk | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Community Service | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5-Day Daily Check In | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sanctions Group | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 6th | <ul style="list-style-type: none"> GPS Halfway Back AVR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Risk Level (Criminality) Medium Supervisory Discretion Drug Testing Sanctions | <ul style="list-style-type: none"> CSO written reprimand Increase Supervision Level to Intensive/Maximum | <ul style="list-style-type: none"> SCSO Conference/Written Reprimand, AND Daily Sanctions Groups Community Service Increase Supervision Level to Intensive/Maximum 5-Day Daily Check-In | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1st | <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2nd | CSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3rd | SCSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | Community Support Groups 2X/wk | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Community Service | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5-Day Daily Check In | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sanctions Group | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum Supervisory Discretion Drug Testing Sanctions | <ul style="list-style-type: none"> CSO Written Reprimand Increase Supervision Level to Medium | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th># Pos.</th> <th>Sanction/Action</th> </tr> </thead> <tbody> <tr> <td>1st</td> <td> <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy </td> </tr> <tr> <td>2nd</td> <td>CSO Written Reprimand</td> </tr> <tr> <td>3rd</td> <td>SCSO Written Reprimand</td> </tr> </tbody> </table> | # Pos. | Sanction/Action | 1st | <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy | 2nd | CSO Written Reprimand | 3rd | SCSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | |
| | # Pos. | Sanction/Action | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1st | <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2nd | CSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3rd | SCSO Written Reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

With respect to offenders who are testing positive for marijuana use, urine test results that are positive are to be evaluated to confirm that the offender's positive test result is reflective of new use versus residual use. Offenders are not to be sanctioned if the positive test result is reflective of residual use.

Note: Individualized treatment interventions will be provided as needed throughout the graduated sanctions continuum.

After 90 days of compliance, the offender returns to level one of the sanctions matrix per his/her risk level. If the offender's risk level has increased due to a previous sanction, the CSO may submit a request to his/her Supervisory Community Supervision Officer to consider lowering the offender to his/her previous level.

This information must be documented as soon as possible in the SMART running record and be included in any subsequent violation report(s) that may be required.

2. Types of Sanctions

CSOs have a wide range of sanctions available to use with offenders to bring them into compliance with the terms of their release. These sanctions include:

- a.** Reprimands, verbal and written, by Community Supervision Officers (CSOs) and Supervisory Community Supervision Officers (SCSOs);
- b.** Daily check-in with the supervision officer for a specified period of time;
- c.** Attendance at community support groups for a specified period of time;
- d.** Increased drug testing;
- e.** Global Position System (GPS) monitoring and/or a curfew for a specified period of time;
- f.** Community service for a specified number of hours;
- g.** Increased level of supervision;
- h.** Attendance at sanctions groups;
- i.** Placement in a residential sanctions facility or residential treatment facility for a specified period of time;
- j.** 5 days in jail for probation cases; and/or
- k.** Re-Entry and Sanctions Center (RSC) See Chapter VI;

3. USPC Reprimand Sanction Hearing

a. Purpose

CSOSA is committed to assisting offenders to change and to successfully reintegrate into society. The Community Supervision Officer (CSO) plays a critical role in acting as the change agent for the offender to achieve this goal. Through confronting non-compliant behavior swiftly and with an appropriate graduated sanction, the CSO can help the offender to take responsibility for his or her own change process.

For offenders released under the authority of the United States Parole Commission (i.e., offenders under parole and/or supervised release), CSOs now have a new sanction to use to assist these offenders to change: the USPC Reprimand Sanction Hearing. The purpose of this operational instruction is to provide guidance on the use of the USPC Reprimand Sanction Hearing as one of several graduated sanctions available to supervision staff.

b. Mission and Goals

The mission of the USPC Reprimand Sanction Hearing is to provide a graduated sanction, short of revocation, that permits the Commission to address non-compliant offender behavior and to encourage a commitment from the offender to make positive behavioral changes to comply with the conditions of release.

The goals of the USPC Reprimand Sanction Hearing are to:

1. Improve offender satisfactory compliance with the conditions of release;
2. Reduce parole revocation hearings by providing an alternative, graduated sanction that reduces the need for parole revocation hearings;
3. Reduce the offender's risk level in the community; and,
4. Identify the offender's needs and collaborate with the Agency's stakeholders on service acquisition.

To achieve these goals, a process to hold USPC Reprimand Sanction Hearings will be established at three CSOSA field offices.

c. Sanction Protocol

i Target Population

The offender population that is eligible for referral for a USPC Reprimand Sanction Hearing are those CSOSA offenders who are on parole, mandatory, or supervised release and are behaviorally non-compliant with their terms and conditions of release. With the exception of minor offenses (such as a traffic, possession of an open container of alcohol, or solicitation offenses), offenders alleged to be in violation of release conditions owing to a subsequent arrest, are excluded from this process. In addition, prior sanctioning by the CSO and the SCSO has failed to improve the offender's compliance. Special emphasis will be placed on those offenders whose behaviors are assessed to be an increase to public safety, but warrant an intervention short of a recommendation to the United States Parole Commission to remove the offender from the community. Generally, these offenders tend to be young offenders demonstrate a resistance to social control and authority and do not see a successful law-abiding future for themselves.

Offenders identified as non-compliant by the CSO, the Supervisory Community Supervision Officer (SCSO) and/or the Branch Chief (BC) are to be referred for a USPC Reprimand Sanction Hearing if the intermediate sanctions have not been successful.

ii. Referral Process to the USPC

The steps to be followed for referring offenders for a USPC Reprimand Sanction Hearing are as follows:

- (1) The CSO obtains endorsement from the SCSO or the Branch Chief (BC) that the identified offender is eligible for and would benefit from a USPC Reprimand Sanction Hearing, based on the results of a case review.
- (2) The BC or the SCSO directs the CSO to prepare a “Summons Request – USPC Reprimand Sanction Hearing.” The CSO can use the Alleged Violation Report (AVR) for recommending a Reprimand Sanction Hearing. If the CSO uses the AVR for this purpose he or she will subtitle the report “USPC Reprimand Sanction Hearing.”
- (3) The CSO obtains from the Branch Secretary a date, time, and location for the USPC Reprimand Sanction Hearing. Hearings are scheduled every 45-60 minutes intervals starting at 9:00 a.m. on a designated day each week. A minimum of six hearings will be scheduled per day (i.e., 9:00 a.m., 10:00 a.m., 10:45 a.m., 12:45 p.m., 1:30 p.m., and 2:30 p.m.). The CSO is to include the date, time and location of the hearing on the summons form. The CSO recommends the date and time of the hearing on the “Summons Request-USPC Reprimand Sanction Hearing”; Alleged Violation Report (AVR).
- (4) The SCSO endorses the “Summons Request-USPC Reprimand Sanction Hearing.” If the notice for a USPC Reprimand Hearing is not received within 10 working days of the scheduled hearing, the CSO is to schedule a meeting with the offender as soon as possible but no less than five working days of receipt of the USPC notification.

- (5) The SCSO directs the staff to email the request to the following USPC electronic mailbox:
uspc.rsh@usdoj.gov.
- (6) The SCSO/Team Secretary notifies the Branch Chief/Branch Secretary via email of the date and time when the request was emailed to the USPC.
- (7) The “Summons Request-USPC Reprimand Sanction Hearing” must be forwarded to the USPC at least three weeks and three working days prior to the date of the scheduled hearing. This time frame will permit sufficient review time by the United States Parole Commissioner, an approval decision of the request to the CSO by USPC; and, the CSO’s subsequent notification to the offender to report to the sanction reprimand hearing.
- (8) **USPC reviews the request:**

a. USPC Approves the Request

The USPC notifies the CSO and SCSO via e-mail that the request has been approved for the offender to report to the USPC Reprimand Sanctions Hearing on the specified date, along with the time and location. The CSO then will notify the Branch Chief/Branch Secretary via e-mail of the USPC’s approval (same day).

b. USPC Disapproves the Request

The USPC notifies the CSO and the SCSO that the request for the hearing has not been approved. The CSO then notifies the Branch Chief/Branch Secretary and follows the directive from USPC.

c. If the CSO does not hear from the USPC within seven working days regarding the request for the USPC Reprimand Sanctions Hearing, the CSO is to contact the designated USPC Case Analyst Supervisor by phone and/or email.

iii. Docket Scheduling

- (1) The Branch Secretaries will be responsible for scheduling the docket hearings for the USPC

Reprimand Sanction Hearings for their assigned location and date:

- a.** Taylor Street – 1st week of the month;
- b.** South Capital Street – 2nd week of the month; and
- c.** Rhode Island Avenue – 3rd week of the month.

(2) Upon confirmation from the CSO that the USPC has approved that the summons be issued for the offender to attend the USPC Reprimand Sanctions Hearing, the BC Secretary or alternate (in absence of the Branch Secretary) will finalize the docket and e-mail a copy of the docket to:

- a.** Deputy Associate Director;
- b.** Branch Chief;
- c.** SCSO;
- d.** The designated case analyst supervisor at the USPC and a designated alternate at USPC; and, the
- e.** Public Defender’s Service (PDS)—Parole Division; PDSParoleDocs@pdsdc.org

(3) Summons Service

- a.** Ten work days prior to the scheduled hearing, the offender is to be served with the summons by the CSO or a staff person (CSO) designated by the BC or SCSO. The offender’s written signature and date on the summons is required. The offender is to be advised that the hearing will proceed regardless of whether or not the offender contacted the PDS for representation.
- b.** Up to one week prior to the scheduled hearing the CSO will continue the Agency’s preferred practice to remind the offender of the scheduled hearing. Face-to-face contact is the preferred method of notification. The CSO is to record in SMART the date and time the offender was reminded of the scheduled hearing.

(4) Docket Modifications

- a.** Once the USPC Reprimand Sanctions

Hearing date is set, the CSO is to notify the Branch Secretary immediately if the offender will not be present at the reprimand hearing due to arrest, hospitalization, or death.

- b.** If sufficient time permits, the Branch Secretary may modify the docket by rearranging the time slot on the docket or adding another offender to the docket.

iv. Sanction Reprimand Hearing Responsibilities

- (1)** Branch Secretary Responsibilities. The Branch Secretary, or designated alternate, has primary responsibility for ensuring that the Hearing room is prepared for the hearing, for developing a Hearing Summary Document, and sending the Hearing Summary Document to the USPC. In this capacity, the Branch Secretary:
 - a.** Ensures that room is adequately set up for the hearing (temperature, lighting, and physical layout of the room).
 - b.** Notifies security that the USPC Reprimand Sanction Hearing will be held on the specified date and times.
 - c.** Take notes and prepares a Hearing Summary Document, which will serve as an official record of the hearing (see attached form).
 - d.** E-mails the Hearing Summary Document to the USPC electronic mailbox uspc.rsh@usdoj.gov within three working days of the USPC Reprimand Sanctions Hearing date.

- (2)** CSO Responsibilities. During the USPC Reprimand Sanction Hearing, the CSO will:
 - a.** Escort the offender to and from the hearing room.
 - b.** Present the alleged violation(s) before the US Parole Commissioner.
 - c.** Respond to any questions posed by the US Parole Commissioner or the PDS Attorney.
 - d.** Present a case plan for the offender to follow

- e. to bring the offender back into compliance. Upon receipt of the signed summary document of the USPC Sanction Reprimand Hearing, present same in person to the offender.
- f. Document the request, approval, denial, cancellation, and/or rescheduling of a USPC Reprimand Sanction Hearing for an offender using the appropriate running record purpose codes in SMART.
- g. Document the USPC Reprimand Sanction Hearing as a sanction for a violation in SMART, along with the date the USPC Reprimand Sanction was held.

v. Offender Failure to Report

If the duly served offender fails to report for the USPC Reprimand Sanction Hearing, the CSO will update the sanction hearing report and follow the directive of the USPC Commissioner. If the USPC Commissioner directs that a warrant be prepared, the CSO is to forward the AVR, via email, within three working days of the hearing date.

d. Data Collection

Data will be routinely collected to evaluate the outcome of this initiative. Quarterly and annual reports will be prepared. These reports will include:

- i. Number of offenders referred;
- ii. Type of case (parole/supervised release);
- iii. Offender offenses;
- iv. Offender demographic information;
- v. Offender’s previous revocation history;
- vi. Offender compliance/non-compliance (technical) quarterly after the hearing;
- vii. Average number of sanctions prior to the hearing;
- viii. Average number of sanctions following the hearing;
- ix. Percent of offenders sanctioned with a USPC Reprimand Sanction Hearing who successfully complete their supervision terms versus those offenders who had a USPC Reprimand Sanction Hearing and did not;
- x. Offender rearrest (misdemeanor/felony) following a USPC Reprimand Sanction Hearing;
- xi. Data sorted by Branch/Team/CSO;
- xii. Program services referred and completed by the offenders;

- xiii. Cost/benefit analysis;
- xiv. Date of release to reprimand hearing date;
- xv. Process timeline; and
- xvi. Hearing timeliness to warrant issuance.

4. Halfway Back Initiative (HBI): A Sanctioning Alternative To Incarceration

The Halfway Back Initiative is an innovative CSOSA program and important option for the management of certain non-compliant offenders who are facing potential probation revocation. The Halfway Back Initiative (HBI) is a probation-sanctioning alternative that was developed in cooperation with the Superior Court judiciary. The initiative utilizes a residential component and a series of progressive sanction of probation offenders who have been guilty by the sentencing judge of violating the term(s) of release. Under the HBI, non-compliant probation offenders will be placed for 14 to 28 days in a residential facility where they can be stabilized in a secure environment.

This stabilization process is essential as a strategy in ensuring that the offenders do not pose a continuing threat to themselves or public safety. The HBI is designed as an additional tool for the Agency to effectively manage and control non-compliant behavioral patterns of the offenders short of incarceration. Under the initiative, the CSO will request a show cause hearing for non-compliant offenders who fit a specific set of criteria.

During the show cause hearing, the CSO will recommend to the sentencing judge that the offender be assigned to the HBI. If the judge approves, the offender will be required to sign an accountability contract.

This contract, that will specify sanctions, will have the approval of the sentencing judge. The probationer offender will be placed in a halfway house for a designated period of time for assessment and stabilization. Once the probationer offender is released from the residential sanctions facility, s/he will be subject to a progressive series of graduated sanctions (positive incentives will also be built into the accountability contract).

The goals of the HBI are to stabilize the non-compliant probation offender who is presenting a complex range of issues related to criminality. In addition, supervision efforts would aim to reintegrate the offender into the community under a highly structured supervision strategy that decreases the likelihood of future non-compliant behaviors.

C. Violation Hearings

Violation hearings are generally initiated by the CSO (but can also be ordered by the releasing authority) when an action or inaction by an offender occurs that is contrary to the conditions of his/her community supervision. A violation hearing is scheduled when:

- The offender appears to be a threat to public safety;
- The offender has shown resistance to successfully completing probation conditions; or when
- The releasing authority schedules the offender to appear.

1. Probation Violation Hearings

A CSO may request that the Court schedule a violation hearing to show cause why the offender's probation should not be revoked. Due to reported violations, the Court will determine whether to issue an order to show cause or a summons/warrant to ensure that the offender appears for the hearing.

The CSO should be prepared to proffer a recommendation to the Court with respect to disposition for the alleged violations. Therefore, staff presenting the alleged violations must have sufficient knowledge of the case before the Court. The criminal proceedings statute permits the sentencing judge to revoke the terms of probation and hold the offender in detention until the re-sentencing date.

The CSO is not to close the probation case in SMART pending the re-sentencing hearing. The CSO should continue to monitor the offender's compliance pending final disposition of the case. Staff are to inquire from the Court the re-sentencing date. There also may be occasion when the judge revokes and does not detain the offender. In such instances, the CSO is to inquire from the Court the special conditions to be followed until the re-sentencing date.

In the event that a drug assessment and/or treatment placement is ordered by the Court, the CSO is to alert the CIT and OPU that a judicial substance abuse assessment has been requested and that the J&C Order will follow.

Lastly, at a disposition to the show cause hearing, the Court also may step the offender back to the DC Jail, pending a treatment assessment/placement or transfer to another CSS team. In these cases, the CSO is to e-mail the CIT and OPU of the Court's request for treatment placement and advise that the J&C Order will follow.

2. Parole/ Supervised Release Violation Hearings

The CSO may request a hearing with the U.S. Parole Commission to determine if the offender's parole should be revoked due to reported violations.

If the USPC determines that the offender has violated the conditions of parole or supervised release, a parole hearing or warrant will be issued for the offender to appear for a hearing.

3. Procedures the CSO Follows When Attending Violation Hearings

Once a violation hearing has been requested, the CSO who requested the warrant or summons is required to appear before the Court/USPC for the violation hearing. At all hearings, the CSO should be fully prepared and have sufficient knowledge of the instant case to make a recommendation as to the disposition of the matter. In the District of Columbia, the criminal proceedings statute permits the sentencing judge to revoke the terms of probation and hold the offender in detention until the re-sentencing date. There may also be occasions wherein the judge may revoke and not detain an offender. In these instances, the CSO is to inquire of the Court the special conditions to be followed until the re-sentencing date. Staff are to make the following recommendations to the Court:

- i.** Revoke: 30 days in jail and re-sentence to probation;
- ii.** Revoke: incarceration;
- iii.** Continue on supervision with new special conditions (i.e. treatment assessment. Mental health assessment, VOTE referral for employment, etc.);
- iv.** Probation continued; step back to jail, pending treatment, assessment/placement; and
- v.** Revoke and extend supervision period.

The CSO is not to close the probation case in SMART pending the re-sentencing hearing. The CSO should continue to monitor the defendant's level of compliance pending disposition of the case. Staff are to actively inquire from the Court the re-sentencing date.

A probation/parole violation hearing is an adversarial proceeding, and the CSO must be prepared to undergo intensive cross-examination by the offender's counsel. Accordingly, the CSO must be prepared to prove the allegations against the offender. Proper documentation established through thorough record keeping and accurate reports is essential to achieving this end.

The CSO will take all open case files of an offender to violation hearings in case the Court/USPC should request additional information relative to a companion case (i.e., split-sentences, parole matters, etc.). The CSO is expected to plan his/her arrival in Court/USPC prior to the scheduled hearing in sufficient time to notify all appropriate parties that s/he is present. In addition to the case materials for the hearing, the CSO may bring other work that can be completed while waiting for the case to be called should there be a long delay. If the hearing is to be held in a geographical area outside of the assigned officer's usual jurisdiction,

the CSO should consult with the Court/USPC clerk to identify the work area prior to the hearing.

When used to prove a violation of probation/parole, hearsay evidence is inadmissible unless the witnesses to the conduct can substantiate that violation is available or the evidence is otherwise shown to be reliable. Therefore, in cases where the CSO is trying to show proof of a criminal act (and a conviction has not yet been obtained), the Courts/USPC will scrutinize the quality of the evidence. A foundation should be laid in the case of hearsay evidence being presented to show why the people who witnessed the alleged criminal conduct are not available to testify. In cases where the Courts or the USPC permit hearsay evidence concerning criminal conduct, such evidence should be of strong quality.

Special care should be taken to review, update, and supplement case materials prior to a violation hearing. This is especially true if the person who is testifying is not the CSO who wrote the special report or if a significant period of time has elapsed since the warrant was issued. The CSO must be prepared to present to the releasing authority full information concerning the alleged violation(s).

Before testifying at probation/parole violation hearings, CSOs are to obtain those certified or true test copies of docket entries and offense reports or statements of charges required by the Court/USPC to document prior convictions.

If probation/parole is revoked and the offender is incarcerated in the D.C. Jail or a contracted institution, the supervising CSO must document the Court/USPC decision, file the required CSS documents and update the offender's status in the SMART database system. This information will be used for the purposes of offender classification and future parole release decisions.

In certain instances at show cause or violation of probation hearings, the sentencing judge may impose a condition for the offender to be supervised by Pre-Trial Services at the same time the offender's case with CSS is not closed by the judge. On those rare occasions when the judge may impose such a special condition, the CSO will request clarification of the judge's instructions with respect to which Agency has the overriding case management responsibility for the offender in question.

D. Warrants

1. Warrant Status

Following the submission of an Alleged Violation Report (AVR) on the offender, the releasing authority issues a warrant at the request of the CSO. If it is determined that the offender has absconded, a request for warrant is to be submitted to the releasing authority after eighteen (18) calendar days.

Once it has been determined that the offender has absconded from supervision, the CSO has three (3) business days following absconder status to complete the report for forwarding to the sentencing/releasing authority.

The absconder will be charged with leaving the home and employment and failing to report. When a warrant or subpoena is requested from the USPC, the Specification of Conditions Violated will be prepared through SMART by the CSO. The CSO must provide sufficient documentation in the body of the violation report to sustain the request for a re-take warrant. The CSO and SCSO must sign the completed report.

The CSO must update SMART with all warrant information. In Supervised Release (Parole) cases, OPU updates SMART with information from BOP, USPC and US Marshal Service.

When a warrant or request for show cause is requested from the Court, the “Specification of Conditions Violated” is to be inserted in numerical sequence within the text of the report. The following procedures are to be observed in completing this section:

- a.. Begin this section with the phrase: “It is alleged that the subject of this report has violated the following conditions...”
- b.. List the conditions alleged to have been violated in decreasing order of importance;
- c.. Cite the specific USPC rule number and write out the violated conditions in full narrative form;
- d.. For each condition cited, provide a concise statement of how the offender is alleged to have violated the condition. This statement should include the date of the violation and other descriptive information. Include a separate statement for each violation where multiple violations have occurred;
- e.. All Request(s) for Warrants should include in the letterhead: Team/Unit number, CSO Name, Complete Address (including room number), Phone Number and Fax Number.

2. Common USPC or Court Requested Actions and Guidelines for determining when a recommendation for a particular action is appropriate.

a. Warrant Request – The issuance of a warrant is to be recommended:

- i. Whenever the offender presents a significant risk to the general public and himself or herself and/or cannot remain

in the community without endangering the personal safety or property rights of others;

- ii. When initiating violation or revocation proceedings against an offender who is already in the custody of law enforcement or correctional officials;
- iii. When an offender fails to report for Intake or absconds once supervision has been established or
- iv. When directed by the Court or USPC and
- v. A notice of the Court disposition is to be attached to the request for a warrant:

(1) If a response is not received from the Court within fifteen (15) business days, a follow-up to the Court is to be made personally or in writing to request notification of the Court's decision or

(2) If no response is received to the second request, the Court is to be contacted directly to determine the status of the warrant request. The extent of these contact efforts (dates, names and results) must be clearly documented in SMART.

b. Subpoena/Summons Request – This request should be recommended when there is evidence to indicate that the offender is able to successfully continue supervision efforts in the community without further risk to public safety even though possible violation(s) of the conditions of release have occurred. This action reduces the possibility that an offender would jeopardize his/her employment status:

- i. A notice of Court disposition is to be attached to the request for a summons/subpoena for reports to the USPC. If a response is not received within fifteen (15) business days and at every subsequent 15-day interval, a follow-up notice is to be made personally or in writing and documented in SMART to request notification of the Court's decision.

If no response is received to the second request, the Court is to be contacted directly to determine the status of the summons request

- ii. Once the report has been forwarded to the Court, a data entry must be placed in the Case Record Update indicating the requested action. After the subpoena/summons has been issued, this information

should be entered in the Case Record Update screen of SMART.

c. Response to Violations

- i. Request for a Commission Reprimand** – This action can be recommended when the offender has been convicted of a new offense or there are continuing technical violations. This request is to be used in cases where the offender’s behavior does not justify incarceration but does justify a reprimand from the Commission. Before requesting a meeting, a SCSO reprimand must have been conducted, and the results documented in the report.
- ii. Court Reprimands** – Various actions can be recommended when an offender has been charged with a new offense, public safety is not jeopardized and the charges have not yet been adjudicated. This recommendation is most often used when reporting a new offense/new disposition.
- iii. Recommend Addition of Special Conditions** – This action can be recommended when the offender would benefit from a formalized treatment modality such as drug treatment, alcohol treatment, psychotherapy, etc. A special condition is needed to order an offender into any treatment modality.
- iv. Recommend Deletion and/or Modification of Special Conditions** – This action can be recommended when it appears the offender has achieved maximum benefit from a formalized treatment modality.
- v. Request for Warrant** - See earlier in Chapter VII, Section D, 2.

d. Procedures for D.C. Code Offenders Arrested on D.C. Court/USPC Warrants While Outside The Jurisdiction

According to the United States Marshal Service (USMS), in cases where a probationer is arrested in another state on a D.C. Superior Court bench warrant, the matter is heard before a U.S. Magistrate Judge in that state. If the judge determines that the probationer should be sent back, the USMS (in the state's U.S. Courthouse) will make arrangements to transport the offender to D.C. That process is supposed to occur within 10 days depending upon the availability of transportation.

In cases where the arrest is based on a parole warrant, either an old DC Parole Board warrant or a warrant issued by the United States Parole Commission (USPC), the local United States Parole Office (USPO) will conduct a preliminary hearing within 5 days of the offender's arrest. The USPO will determine probable cause and make a recommendation to the USPC for the offender to have an institutional or local revocation hearing. The offender will be transferred by the USMS to the nearest Federal institution to await the revocation hearing.

e. Procedures for Warrant Issue Status Cases

CSOs are responsible for the monitoring of offenders under active Community supervision. In certain instances, an offender may violate the stipulations of supervision in a manner requiring a warrant to be issued for the offender by the releasing authority. During the period between the issuance of the warrant and the resolution of the warrant, CSOs are accountable for the monitoring of an offender's case while it remains in warrant issue" status. Upon the execution of the warrant, the CSO will determine the appropriate case status for monitoring/ supervision.

i. Assignment of Warrant Issue Status Cases

The team SCSO, in conjunction with the team CSO staff, is responsible for all active warrant issue cases assigned within the team. The team SCSO shall:

- Identify all warrant cases assigned to the team;
- Assign each case to a CSO;
- Ensure that the case assignment is entered in SMART; and
- Audit warrant cases on a quarterly basis.

ii. Monitoring of Warrant Issue Status Cases

Once a warrant has been issued, the CSO shall conduct monthly NCIC/WALES record checks to determine if any new arrests or convictions have occurred. The CSO shall advise the releasing authority within three (3) business days of any arrests or convictions, identified during the record check that occurred while the offender was in "warrant issue" status.

The CSO shall also determine the current status of each warrant case (arrest, detainee, executed, or closed). In accordance with the status of each warrant case, the CSO shall:

- Complete the Violator Profile Form and forward the

form to the United States Marshal Service (USMS), in the case of arrest warrants where the offender is residing in the community;

- Monitor the offender's status for change in location or release from an institution, in the case of detainee warrants;
- Monitor the case for upcoming hearings/Court dates, in the case of executed warrants; and
- Return each case to the SCSO for appropriate action, in the case of closed warrants (case closure).

iii. Interstate Compact Supervision Cases/Other Warrants Executed Outside of D.C.

SCSOs and CSOs shall be aware of the following procedures when parole or probation violations warrant is issued in the District of Columbia and executed in another jurisdiction.

In cases where a probationer is arrested in another jurisdiction on a bench warrant of the Superior Court of the District of Columbia, the matter is heard before a judicial officer in the jurisdiction where the arrest occurred. If the judge determines that the probationer should be sent back to the District of Columbia, the USMS (in that jurisdiction) will make arrangements to transport the offender to D.C. That process generally occurs within ten (10) business days, based upon the availability of transportation.

In cases where the arrest is based on a parole warrant (either an old District of Columbia Parole Board warrant or a warrant issued by the United States Parole Commission (USPC)) and the offender is apprehended in either Virginia or Maryland, the offender will be transported by the USMS to the District of Columbia Jail.

The USPC Parole Hearing Examiner will conduct the probable cause hearing and make a recommendation to either hold the offender for a local revocation hearing or to designate the offender to a federal facility for an institutional hearing.

If the offender is arrested outside of Maryland or Virginia, the local United States Probation Office (USPO) in the jurisdiction where the arrest occurred will conduct a

preliminary hearing within a reasonable time; usually within five (5) business days of the offender's arrest. The USPO will determine probable cause and make a recommendation to the USPC for the offender to have an institutional or local revocation hearing. The offender will be transferred by the USMS to the closest federal institution to await the revocation hearing.

iv. Closing Bench Warrant Misdemeanor Cases Administratively

If the judiciary decides to close its interest in a BW misdemeanor case that is in a Warrant-Issued status, based on CSOSA's request, staff should change the supervision status from Warrant-Issued to Closed Administrative. The Status Change Date should be the date the judge made the decision. The comments to be entered in the comment box should include: Administrative decision made by Judiciary to close the case this date.

v. Ongoing CSO Accountability

The CSO shall monitor and update all "warrant issue" status cases on a monthly basis. The CSO shall advise the USMS, or other law enforcement authorities in warrant cases, of new information that would affect the execution of a warrant, such as the location of the offender, death, etc.

vi. Definitions

Warrant pending/warrant application: This status reflects a case wherein warrant has been requested by a CSO but has not yet been (and ultimately may not be) issued by the releasing authority. Warrant issue status/open warrant/active warrant: This status reflects a case wherein a warrant has been issued against an offender but the warrant has not yet been executed by law enforcement authorities.

Warrant executed: This status reflects a case in which an offender has been apprehended on a warrant however, a determination has not yet been made by the releasing authority regarding the offender's status.

3. Warrant Checks in Monitored Cases

The close supervision of offenders under the Agency's jurisdiction is one of its primary responsibilities. One way to ensure that offenders designated in a monitored status are being closely monitored is to conduct periodic warrant

checks to verify that the offender has not been released from detention/prison to the community and, if so, has not committed a new offense. This memorandum provides guidance on the frequency in which warrant checks will be conducted for cases in a monitored status.

Warrant checks on monitored cases should be done based on the length of time the offender is expected to be in a monitored status according to the following guidelines:

| Expected Time in Monitored Status | Frequency of Warrant Checks |
|------------------------------------------|------------------------------------|
| Less than two years | Monthly |
| Two to five years | Every six months |
| More than five years | Annually |

The requirement that warrant checks include verification that the offender is still incarcerated will continue for offenders who are in a monitored-confined or monitored-detained status. There is no change to the current policy with respect to monthly warrant checks on active cases or monitored-treatment cases. The intent of this guidance is to reduce the requirement for monthly warrant checks for offenders based on the offender's period of confinement.

E. Warrants and Arrests at Pretrial Services Agency and Community Supervision Service (CSS) Sites

This section is not available to the public due to Privacy Act and confidential agency process restrictions.

Chapter VIII: Additional Case Management Activities

This chapter will address additional and critically important case management activities for which CSOSA Community Supervision Officers (CSOs) are responsible. The universal case management function of report writing is essential to every type of supervision case. Standards for the transfer and closure of offender supervision cases that differ by various releasing authorities are presented in detail. The management of sensitive and confidential case management information and the performance requirements of the Freedom of Information Act (FOIA) will provide the CSO with specific directions for the efficient handling of critical offender information. The final area of concern covered in this chapter involves the responsibility of each CSO for the reporting of accurate and timely information to the Immigration and Customs Enforcement Agency (ICE) with reference to the activities and statuses of all non- U.S. citizens who become involved with CSOSA in any and all official statuses.

A. Report Writing

Reports vary in nature, purpose and prospective uses but there are characteristics that are common to all effective reports. Critical decisions are made based on the information presented in reports and thus, reports must be factual, accurate, clear, concise, complete and timely. Reports are professional documents that always contain correct punctuation, grammar and spelling. Reflecting sound professional judgment, the flow of information presented in each report, regardless of its type, should carry the reader to a logical, supportable recommendation or conclusion.

Below is a summary and description of various CSS supervision report types and their formats:

1. Probation Reports

- a. Request for Expungement - D.C. Official Code 1981 §48-904.01 (e)**– is used to request a judicial expungement of a probation record (case). The form defines the conditions of probation, docket identifying information and lists the Agency’s formal certification statement and the signature line recommending expungement.

- b. Notice YRA Sentence Set Aside - D. C. Official Code §24-906 YRA Act of 1985** – is used as a notification and should be sent thirty days prior to case expiration to MPD and the FBI. The form verifies that an offender’s sentence has been set aside under D.C. Superior Court’s YRA Expungement 906. There are three attachments to this report as follows:

- i. **Judicial Notification Form** – is a list of identifying docket information, response to probation conditions, recidivism record, overall adjustment and the Agency official recommendation statement. It should be noted that the Form defines the offender as a defendant who was sentenced under the D.C. Youth Rehabilitation Act of 1985.
- ii. **Order of Discharge and Certification Form** – identifies docket information that explains the set aside conviction, certifies successful completion of community supervision and provides a signature line for judicial approval.

The Court will send the executed certification statement back to the CSO who will then forward copies to the MPD and the FBI as well as maintain a copy in the offender file. It should be further noted that because these cases have been supervised by CSS, a copy of the form would **not** be sent to PSA.

- iii. **FBI and MPD Notification Form** – contains/includes the offender’s identifying docket and criminal tracking numbers, current offender information, the official Agency Notification of a set aside sentence and the CSS official signatures.

It is the CSO responsibility to send copies of the form to the MPD and the FBI as well as maintain a copy in the offender file once the executed form has been returned from the Court.

c. Request for Early Termination of Probation – is used to request early termination of probation supervision when an offender has satisfactorily completed all general and special probation conditions and is not deemed a threat to public safety. The report lists all identifying docket information and provides a space to describe the probationer’s adjustment. A SCSO approval line is followed by a space for the judge to approve or deny the request.

d. CSO Notification of Non-Compliance (Civil Protection Order) – is used to notify the U.S. Attorney’s Office of offender non-compliance with a Civil Protection Order. The report form lists all identifying docket information, the civil order conditions, and describes how the offender failed to comply with the Court’s order. A copy of the report is also sent to the sentencing judge.

e. Non-Compliance to Deferred Sentencing Agreement – is used to notify the U.S Attorney’s Office of an offender’s non-compliance with a Deferred Sentencing Agreement. The report form lists all identifying docket information, the terms of the deferred sentencing agreement and describes how the offender failed to comply. A copy of the report is also sent to the sentencing judge.

2. Parole/Supervised Release Reports

a. USPC/Dept. of Justice Travel Request Information Report – is used to document official requests from parolees who seek permission to travel outside of the local Washington, D.C. Metropolitan area.

b. USPC/Dept. of Justice Report for Drug Use – is used to document and report a parolee’s positive urinalysis results to the USPC.

c. USPC/Dept. of Justice Modification of Release Conditions – is used to document the following:

- (1) To request a modification(s) of the release conditions by CSS
- (2) To list a parolee compliance with and/or failure to adhere to these requirements and/or
- (3) For USPC to officially concur with or deny the CSS request for a modification of the parole conditions of release.

d. USPC/Dept. of Justice D.C. Code YCA/YRA Offender Supervision Report – is used to document and evaluate parolee progress under supervision and levels of compliance with the general and special conditions of release.

e. CSOSA Annual Parole Supervision Report – is used to document and evaluate parolee progress under the period of supervision and levels of compliance with the general and special conditions of release.

3. Alleged Violation Report (AVR)

SMART has an automatically generated AVR report that is used to report new arrests and technical violations and make recommendations to the releasing authority regarding an offender’s supervision status. This report is used for all types of cases (see SMART Note 54, AVR Reports in SMART and Appendix T for instructions on how to create the report.)

The AVR report must be created in SMART since it pulls data from SMART onto the report, and SMART maintains the record of the report being created and submitted for future reference. Therefore, it is very important that the offender’s

SMART record is up-to-date when the report is created. Data placed onto the report from the offender's SMART record includes the offender's photo, name, and identifiers; sentencing information, including all sentences, date of sentences, and charges; age and gender; alleged violations, including all sanctions imposed; home address, length of time at the current address, last home verification, and method of home verification; work address if employed, length of employment or unemployment; current supervision level and date placed on that level of supervision; assigned CSO, SCSO, Team, and Branch, and contact information.

The report has five basic sections:

- a. Cover Page**, which indicates to whom the AVR is being sent, the date, the offender's photo, address, identifiers, contact information on the CSO submitting the report, the reason the report is being submitted (for example, Non-compliance with Parole), and the action the CSO is recommending, such as Warrant;
- b. Sentencing Information**, which provides the offender's age, gender, sentencing date(s), charges, and all special conditions;
- c. Alleged Violation(s)**, which lists all violations the offender has violated during the time period the AVR report is being submitted and corresponding sanctions and dates;
- d. Case Summary**, which provides data on where the offender resides, length of stay in the current residence, last home verification and method, employment status, supervision level, date placed on the most recent level of supervision, and the CSO's assessment of the offender's overall adjustment to supervision.
- e. Recommendation**, which provides the CSO's impression of the offender's risk to the community and summarizes the CSO's recommended action (i.e., request for a warrant). *An AVR recommendation is the course of action the CSO is recommending to the releasing authority at the time of the submission of the AVR to that same releasing authority.* For example, in probation cases, staff can recommend a Show Cause Hearing (with no jail time being recommended) or a Show Cause Hearing with a recommended length of time, for example: 5 Days Jail Term (recommending a five day jail sentence). This type of recommendation is not appropriate for other case types. Similarly, for parole and supervised release cases, a CSO can recommend the issuance of a warrant. This type of AVR recommendation would not be appropriate for Deferred Sentencing Agreements, Civil Protection Orders, or Probation cases. If the CSO is not recommending any specific action, but needs to inform the releasing authority about some matter concerning the offender, then the CSO can submit an AVR with a recommendation

value of: No Action Taken. This AVR recommendation value is available for any case type.

*An **AVR Outcome** is the value staff must use to document what the releasing authority did in response to the CSO submitting the AVR.*

For instance, in a probation case where the CSO recommended a ShowCause Hearing with or without a recommended jail term, did the court schedule a Show Cause Hearing, close the case in unsatisfactory status or was no action taken.

*An **AVR Disposition** is the value staff is to use to document what occurred as a result of a hearing that was held by the releasing authority in response to the submitted AVR.. For example, in a parole or supervised release case, was the offender revoked on a new offense or a technical violation, revoked and immediately reinstated or was the case unsatisfactorily closed? (See new Appendix Z).*

Supervision staff will use the appropriate AVR recommendation, outcome, and disposition values for each type of case. ***CSS staff must be careful to choose values according to the chart reflected in new Appendix Z, based on the particular case type. For instance, staff that are submitting an AVR on a parole or supervised release case should not choose an AVR recommendation of Show Cause Hearing. This value would only be appropriate for probation cases.*** Future SMART updates will ensure that staff can only choose the appropriate AVR recommendation, outcome, and disposition values based on the overall case type.

The CSO can also add detailed information to any of the sections above to support the CSO's action recommended in the AVR, including running record entries.

All AVRs must be supported by verified, relevant evidence of the violation that is described in the body of the AVR. A copy of the available evidence, such as Running Records, automated database system's screen printouts, copy of PD 163 Arrest Report (MPD Arrest Report), and other related documents must accompany all AVRs. If a document is not available, the CSO must clearly indicate why the document is not attached and what efforts were made to obtain the required document. Each violation also should include a graduated sanction and sanction date.

AVRs are to be mailed to the appropriate releasing authority. However, in cases where the SCSO determines immediate action is required by the releasing authority, the AVR and supporting documentation will be faxed.

4. Where to Send Reports

a. Parole/Supervised Release Cases: If the report is a notice or a request in a parole case, the CSO is to send the report to the USPC at:

United States Parole Commission
5550 Friendship Boulevard
Chevy Chase, MD 20815-7201
(301) 492-5830
(301) 492-5543 Fax

b. Probation Cases: If the report is a notice or a request in a probation case, the report is to be sent to the sentencing judge. If the judge is no longer a member of the Bench or assigned to a non-criminal docket at the time the report is written, the report is to be sent to the respective Clerk's Office based on the charge status:

Misdemeanor Clerk's Office
500 Indiana Ave. NW, Room 4001
Washington, D.C. 20001
(202) 879-1655/1350

Felony Clerk's Office
500 Indiana Ave. NW, Room 4019
Washington, D.C. 20001
(202) 879-1019

c. Special Reports: Reports that are submitted directly to the U.S. Attorney's Office in Domestic Violence cases are to be sent to:

U.S. Attorney's Office
555 4th Street, NW
Washington, D.C. 20001
(202) 514-2000

d. Other Documents: Reports or certifications that are mailed to the Metropolitan Police Department (MPD) are to be sent to:

Metropolitan Police Department
Criminal Records Section (Police Clearances)
300 Indiana Ave., NW, Room 3055
Washington, DC 20001-2106
202-727-4245

e. **FBI:** Reports or certifications to the FBI are to be sent to:

Federal Bureau of Investigations
Attn: Identification Division
1000 Custer Hollow Road
Clarksburg, WV 26306
(304) 625-2000

f. **Office of the Assistant U.S. Attorney (AUSA)**

Violation reports, warrants or summons being submitted to the Office of the Assistant U.S. Attorney (AUSA) are to be sent to:

Office of the AUSA
Attn: Operations Manager
D.C. Superior Court Division
555 4th Street, NW
Washington, D.C. 20001
202-544-2000

g. **Office of the Attorney General (OAG)**

Deferred sentencing agreements (non-Civil Protection Orders) and compulsory education case documentation are to be sent to:

Office of the Attorney General for the District of Columbia
441 – 4th Street, N.W.
Washington, DC 20001

5. Tracking Alleged Violation Reports in SMART:

The AVR Tracking Report is a business objects report that is available in SMART at the Agency-Branch, Team, and CSO levels. The AVR Tracking Report provides valuable information to staff regarding the creation of AVRs in SMART over a specified time period.

CSS staff are to use the AVR Tracking Report to ensure that the date the AVR was submitted to the releasing authority, the type of AVR outcome, and the AVR disposition and date are tracked and updated, as appropriate in SMART. (SMART will be updated in the future to include an AVR outcome date).

For every AVR submitted to the releasing authority, SMART should include an AVR date that the report was submitted to the releasing authority and an outcome related to submitting the AVR. Depending on the outcome of submitting an AVR, there may not be any data for the AVR disposition or AVR disposition date. For instance, if the outcome of submitting the AVR was “Close Case Unsatisfactory” or “No Action Taken,” then the AVR disposition and AVR disposition date would not have any data.

Staff due diligence is required in tracking AVR recommendations, submissions, outcomes, and dispositions, particularly as the AVR outcome and disposition may not be known for some time after submission of the AVR. This report should help supervision staff at all levels in the Agency keep track of this very important critical success data. (See new Appendix X).

B. Case Transfer Guidance Procedures

Cases are assigned to supervision based on the Police Service Area in which the offender resides or special focus offender population, i.e. Sex Offender, Mental Health, Domestic Violence, Traffic Alcohol or Interstate Supervision. The following guidelines are to be used when making intra-branch case transfers that occur within a branch or inter-branch case transfers, which occur between branches.

1. Reasons for Case Transfer

Cases may be transferred for one of the following reasons:

a. Intake/SCSO assignment error: In instances where the Intake staff assigns the case to a SCSO in error, the receiving SCSO, based on PSA or special focus offender population must forward the case to the correct SCSO within seven (7) calendar days upon learning of the error. If the CSO is assigned a case in error from a SCSO, the CSO must return the case to his or her SCSO for proper assignment within two (2) business days. **A missing or unavailable case folder or other case file materials shall not prevent or delay a case transfer to the appropriate team.**

b. Change in offender address: Based on the offender moving from one PSA to another, the offender may have to be transferred to another CSO or unit/branch. Prior to submitting a case to a SCSO for transfer based on movement from one PSA to another, the sending CSO must:

- i.** Complete a computerized NCIC/WALES and CIS criminal record check and document results in the SMART running record.
- ii.** Conduct a home visit within five (5) business days of notification of the move to verify that the offender resides at the new address. If the offender is the homeowner or lessee, a copy of the deed or lease must be provided to the CSO. If the offender is not the homeowner or lessee, the CSO must obtain a written statement from the homeowner or lessee, at the time of the home visit, which authorizes the offender to reside at the address. The document verifying the change of residence must be transmitted with the case file.

The offender must show stable residence at the new location for a period of 30 calendar days and a subsequent home visit at the end of the 30-day calendar period that must be conducted by the sending CSO prior to the transfer being initiated.

- iii. Case Precedence: A case may be transferred if there is a new or additional case that has precedence over the original special condition or new case category. Except in the case of Traffic Alcohol, assignment or transfer to special supervision units, mental health, sex offender, domestic violence, and Interstate will take priority over assignment to General Supervision Units.
- iv. Discretionary Transfer: A case may also be transferred in conjunction with new program development, Agency or Division reorganization or at the discretion of management.

2. Special Focus Offender or Interstate Supervision Populations

If an offender has a case under supervision that involves another active open docket that meets the criteria for assignment to the Sex Offender, Mental Health, Domestic Violence or Traffic Alcohol Program Units, it should be transferred accordingly.

No case should be presented to the judiciary by a CSO for transfer to the Mental Health Unit without a prior assessment or consultation with the Branch Chief responsible for the Mental Health Teams.

3. Cases Eligible for Transfer

Cases may be considered for transfer if they are in compliance with CSOSA/CSS policies, and have a minimum of ninety (90) calendar days remaining on the supervision term.

a. Probation Cases

The offender must not have any pending Court hearings within thirty (30) calendar days of the transfer based on the filing of an Alleged Violation Report (AVR). The assigned (transferring) officer will represent the case at the Show Cause Hearing and obtain any additional adjustment information from the newly assigned CSO prior to the hearing.

b. Parole Cases

In the event that an Alleged Violation(s) Report (AVR) has been submitted, cases are not to be transferred until notification of USPC action (NOA) is received. In the case of a USPC reprimand and continued parole supervision, the case can be transferred upon receipt of the NOA (as long as there are no new violations that have not been addressed). If a hearing is not set within thirty (30) calendar days upon receipt of notification, the case can be transferred with the understanding that the reporting officer will transfer the case at the hearing with any additional updated adjustment information obtained from the newly assigned CSO.

c. Halfway House Cases

If an offender has been ordered to serve a period of time in a halfway house facility, either as a special condition of probation or as a parole sanction, and the halfway house is located in a PSA other than the offender's home address of record, the case is not eligible for transfer to the PSA where the halfway house is located. During the offender's halfway house designation, the case will remain assigned to the offender's home PSA. Upon the offender's completion of his/her term in the halfway house, and if the offender relocates to another PSA, the offender must maintain a stable residence for 30 calendar days and a subsequent home visit at the end of the 30 calendar day period must be conducted by the sending CSO prior to the transfer being initiated.

d. Offenders in Substance Abuse Treatment

In cases where the offender is placed in an in-patient treatment program for any length of time, the case is not to be transferred until the entire treatment modality has been completed.

Upon completion of the entire treatment modality (when the offender is released from in-patient care), the offender must maintain a stable residence for 30 calendar days and a subsequent home visit at the end of the 30 calendar day period must be conducted by the sending CSO prior to the transfer being initiated. The Case Audit Form is to be used to review all cases prior to transfer.

4. Transfer Procedures

The following procedures are to be followed when transferring an eligible case:

- a.** The transferring CSO will e-mail the SCSO requesting approval for transfer after the offender has remained stable in the new residence for 30 calendar days and a subsequent home visit has been conducted.

- b.** Within three (3) business days of the transfer notification, the transferring SCSO will audit the case for compliance, certify that the case meets the standards for transfer and advise the transferring CSO accordingly.
- c.** The transferring SCSO will e-mail the receiving SCSO to give notification of the transfer. The transferring SCSO will forward the case file to the receiving SCSO within one (1) business day.
- d.** Within three (3) business days, the receiving SCSO will review the case for acceptance and advise the transferring SCSO of his/her decision via e-mail or telephone.
- e.** If accepted, the receiving SCSO will give the transferring SCSO a date and time for the offender to report to the new unit. The transferring SCSO is responsible for making the SMART running record entry noting that in consultation with the receiving SCSO to whom the case is being transferred. The change in team assignment will be made in SMART by the transferring SCSO.
- f.** If based on the criteria for transferring cases, the case is deemed SCSO of the decision with justification. Further discussions about the transferability of the case will be between the two SCSOs, with the intervention of the respective Branch Chief, only if a stalemate occurs.

5. Timeframe for Finalizing Case Transfers

If the case is determined to be transferable, the case transfer is to be initiated by the transferring CSO/SCSO within three (3) business days and completed within ten (10) business days of initiation.

6. Review of New and Transfer Cases

- a.** As part of the SCSO case review of all new and transfer cases, when applicable, the SCSO is to provide specific instruction to the assigned CSO regarding the offender's case. In addition, the SCSO is to establish a specific period in the future to ensure that the specific SCSO instructions are followed.

For example, a team may receive a new case or a case by transfer in which a detained offender has been ordered to serve a period of time in a halfway house as a special condition of his/her probation term.

After reviewing the new or transferred case, the SCSO is to ensure that the halfway house placement process is initiated in a timely manner by providing specific instructions to the CSO on where to fax a copy of the

offender's Judgment and Commitment Order to request the halfway house placement. The SCSO should then follow-up with the CSO in twenty (20) business days to ensure that the halfway house placement occurred as ordered by the sentencing judge.

b. In all new and transfer cases the SCSO must review the Judgment and Commitment Order and all other relevant case documents in cases assigned to his/her respective team to ensure accuracy and awareness in the following areas:

- (1) Correct case assignment based on the offender's PSA or other criteria;
- (2) Equal distribution of work to caseloads within the team;
- (3) Cognizance of media related cases;
- (4) Specific instruction is given to staff to address and accomplish time-specific tasks.

c. The SCSO is to note the date of the initiated and/or transfer case review in SMART for documentation. Specific written case instructions are to be given to the assigned CSO. The SCSO is also responsible for developing a system for follow-up to ensure that case specific instructions are accomplished by the assigned CSO.

d. During periods of leave for a week or more, the SCSO is to seek guidance from his/her Branch Chief as to who will be responsible for the SCSOs team case review process until the SCSO returns to work status.

7. Criteria for the Transfer of Cases to Specialized Supervision Teams

All cases transferred to Specialized Supervision Teams must meet the criteria set forth in the Case Transfer Guidance Procedures as well as the criteria listed below under each specialized team. Cases meeting the criteria **MUST** be referred for transfer to the appropriate unit with a review toward acceptance.

a. Domestic Violence (DV) Teams

- i.** Criminal and civil cases with a special condition for Domestic Violence Treatment.
- ii.** Cases in which the offender is under supervision for an offense that is not domestic assault, but the underlying circumstance(s) of the case are domestic in nature (i.e., Unlawful Entry, Simple Assault); prior to transfer, the Court order must be modified to include domestic violence treatment.

- iii. Cases in which the offender is not on supervision for a domestic offense, but the sentencing judge has ordered the offender to be supervised by a domestic violence unit. When in question, the transferring team is to contact the Domestic Violence Supervision team SCSO assigned to the PSA in which the offender resides.

b. Sex Offender Unit (SOU)

- i. Cases in which the offender is on probation, parole or supervised release for a sexual offense (i.e., Misdemeanor Sexual Abuse, Indecent Exposure, 1st Degree Sexual Abuse, Rape, etc...).
- ii. Cases in which the offender is not on probation, parole or supervised release for a sexual offense but the circumstances of the crime are sexual in nature (offenses to look for: Simple Assault, Burglary, Kidnapping, Cruelty to Children, Child Abuse, Breaking and Entering, Stalking, Peeping, Murder, Manslaughter, Carjacking).
- iii. Cases in which the offender is not on probation, parole or supervised release for a sexual offense, however the sentencing Judge has recommended that the offender be supervised by the Sex Offender Unit (this must be written on the Court order).
- iv. Cases in which the offender is not on probation, parole or supervised release but he/she was convicted of a sex offense in the past. (This requires an in-depth review of the offender's criminal history.).
- v. Cases in which the offender is convicted of a sex offense as a juvenile should be evaluated by one of the SOU SCSOs prior to transfer.

c. Mental Health Supervision Unit (MHSU)

- i. Cases in which there is a judicial order specifying mental health team supervision.
- ii. Cases in which there is a judicial order specifying mental health and/or psychological assessment or evaluation.

- iii. Cases where an offender has been assessed and deemed appropriate for supervision by a mental health team as proffered by a CSOSA mental health specialist

d. TAP Supervision Unit

- i. Cases where the offender, who is presently supervised in a misdemeanor case, incurs a traffic arrest/conviction that results in Court ordered TAP supervision. The case shall be transferred upon expiration of the original misdemeanor matter.
- ii. Any general supervision felony or other special focus case will always supercede the assignment or transfer to the TAP supervision unit; therefore these cases are ineligible for transfer to the TAP Supervision Unit.
- iii. Offenders with existing felony, sex, and DVIP offenses, who incur traffic related offenses, shall not be transferred to the TAP Unit because felony, sex and DVIP offenses supercede traffic, with respect to supervision status. In these cases, the current supervision officer shall maintain his/her supervision responsibilities and refer the offender to CIT for TAP treatment.
- iv. Offenders incurring convictions for felony, sex or domestic violence offenses, during their TAP Supervision term shall be transferred to the appropriate supervision team (following established transfer guidance procedures). In the event an offender incurs a new conviction for a misdemeanor offense, the TAP Unit will maintain supervision until the expiration of the traffic offense, after which the case will accordingly be transferred to a General Supervision Unit.

C. Case Closure Responsibilities by Various Releasing Authorities

The releasing authority may independently close cases. The following special circumstances may require that an offender's case be closed by the releasing authority:

1. Cases Under Appeal

When CSS becomes aware that a case is under appeal and the offender is released, the case will be assigned to a CSO so that it can be monitored while the offender remains in release status.

The offender shall be supervised as ordered by the releasing authority unless there are conditions that limit our supervision. If the offender remains incarcerated while the case is being appealed, the case will remain in CSS. If the offender wins the appeal, the supervision case is closed according to normal case closure practice. If the offender loses the appeal, active supervision will continue. The assigned CSO will actively monitor the status of the appeal.

2. Reconsideration of Sentence

When a sentence is reconsidered and as a result of the reconsideration, the offender is released to the community, the case will be assigned to supervision staff office.

If the offender remains incarcerated, then the Federal Bureau of Prisons will calculate an adjustment to the sentence. If the sentence is reduced and the offender has satisfied the supervision commitment requirement, then the sentencing authority may order that the case be closed. The CSO will then follow normal case closure procedures (see page 64, Case Closures by Scheduled Expiration).

3. Revocations

When a case is scheduled for a revocation hearing and the sentencing authority has decided upon revocation of probation or parole, the offender will be incarcerated and the sentencing authority will order the case closed. For those cases in pending status, the CSO will monitor those matters until final disposition. The CSO will then follow normal case closure procedures.

4. Early Termination

a. Early Termination of Probation

When a case is considered for closure before its original sentence expiration date due to the offender's successful completion of all supervision requirements and conditions as set forth by the Court or releasing authority, early termination of supervision may be considered. Generally, early termination is not to be considered until the offender has satisfactorily served at least 50 percent of his/her term of community supervision.

In such circumstances, offender behavior will generally reflect a prior period of crime free activity in the community while under supervision, no violations or re-arrests and no drug positive urine tests.

The CSO may submit a request to the Court for early termination of probation supervision once these behaviors have been documented. Prior

to requesting early termination of probation supervision, the following criteria must be met:

- CSO must discuss the case with his/her SCSO prior to submitting any official documentation;
- A national and local criminal records check must be made to screen for any new violations;
- Complete a home visit and employment verification within 30 days of the submission of the early termination request;
- Advise Victim Services of the recommendation for early termination if there is an identified victim(s);
- The offender has made satisfactory adjustment under supervision;
- There are no pending charges;
- Verify that all fines, Court costs, restitution and/or fees have been paid or were waived;
- Determine that all general and special supervision conditions must have been fulfilled or abated;
- The case is not currently classified as an Intensive Supervision case;
- Verify and document that the offender has remained drug free for a minimum of six months prior to submission of the request for early termination;
- If drug testing has been ordered as a special condition, a urine specimen must be taken within thirty (30) days of the request for early termination of supervision. If the urinalysis is positive, the CSO may not proceed with the request for early termination. Instead, the offender will be referred for drug assessment, testing and/or treatment;
- After determining eligibility, the CSO will prepare a status report in the form of a memorandum recommending termination of probation supervision;
- Prior to Court submission the CSO will obtain a supervisory signature on the memorandum;
- If the CSO recommendation to the Court is not accepted, the case will be placed in Minimum Supervision status until the scheduled date of expiration or until approval to close the case is subsequently obtained from the Court.

In addition to the foregoing, in Domestic Violence cases, the following eligibility criteria will apply:

- Offender is a first time offender for a domestic offense

- Offender has no active stay-away orders
- Must successfully have completed DVIP, FVIP or Anger Management Program(s)
- Contact must be made with the victim and the US Attorney to advise of the recommendation for early termination
- Treatment CSO must be contacted to obtain feedback on recommendation (obtain a progress review via SMART if treatment was completed during the supervision period)
- Completed report to the judiciary must include feedback from victim and USAO.

b. Early Termination of Parole/Supervised Release

The USPC, in its discretion, may release a parolee or mandatory releasee from further supervision prior to the expiration of the maximum term or terms for which s/he was sentenced because of satisfactory adjustment.

The USPC “in its discretion, may terminate a term of supervised release and discharge the release from further supervision at any time after the expiration of one year of supervised release, if the USPC is satisfied that such action is warranted by the conduct of the release and the interests of justice.” (See website www.doj.gov Section D, USPC Rules and Procedures Manual, Part D).

A parolee originally classified in the very good risk category is eligible for early termination of supervision at any time after completing two (2) continuous years of incident-free parole supervision in the community, has satisfied all general and special conditions and has met the following criteria:

- CSO must discuss the case with his/her supervisor prior to the preparation and/or submission of any documentation to the USPC
- Was sentenced to less than life imprisonment
- Is not classified at the Intensive level of supervision.
- Is not deemed to be in need of supervision for society’s protection.
- Any disposition(s) of pending criminal matters or new violations of supervision would be considered crime free behavior.
- When urinalysis has been ordered as a special condition, a urine specimen shall be taken within thirty (30) days of the request for early termination of parole supervision.
If the urinalysis is positive, the CSO may not proceed

with the request for early termination. The offender is to be referred for a drug assessment, testing and/or treatment.

- Supervisory sign-off must be obtained on the report prior to submission of the early termination request to the USPC.

5. Case Closures by Scheduled Expiration

Case closure by scheduled expiration date will occur when the set probation term has expired, the terms and conditions of supervision have been met and there is no violation pending with the Court.

Prior to case closure by expiration, the CSO must conduct a WALES records check (to include NCIC and Interstate Identification Index (Triple I) thirty days prior to the maximum expiration date. If arrests and or violations are noted, the Supervision Officer will prepare the appropriate report for the Court/U.S. Parole Commission.

Ninety days prior to case closure, if a case has financial obligations ordered, the CSO will determine that all monies collected and disbursed are complete and accurate. A hard copy of the Fines and Restitution Balance Sheet is to be reviewed, approved by the SCSO and placed in the case file. If monies are outstanding, the CSO is to request a show cause hearing.

The case will be submitted to the SCSO prior to but within 10 business days of the scheduled case closure date. The appropriate data designation will be entered by the CSO so that the SMART database system accurately reflects the type of case closure.

The CSO will complete a final report entry in the offender's case file and enter the case closing data in the SMART database management system:

- Case closing information is to be reported on the Case Record Update.
- In the event of probation termination/expiration, the SCSO after reviewing the case and confirming the required closing entries in SMART will turn in the case folder to the OPU.
- The SCSO will close in SMART those cases in satisfactory or unsatisfactory status by order of the Court or at scheduled expiration.

When a significant period of time has passed following the initial report, the final report may simply refer to the earlier report and indicate the circumstances surrounding the closing of the case. In all other cases (including out-of-state matters), a written final report is to be submitted with the supplemental report. A second page is to be attached for the report narrative.

- For any case that has financial obligations ordered, the CSO must determine prior to closing that all monies collected and disbursed are accurately accounted for and obtain a copy of the CSS database management information system (SMART) case summary screen and attach it to the form that closes the case and enter it into the case file.
- If a probationer has more than one active probation case and one of the cases expires, the SCSO is responsible for updating SMART. Upon final expiration of probation, SMART is updated by the CSO and the case folder is to be sent to OPU.
- When OPU receives a closed case, the staff supervisor must make sure all data entry has been completed before placing the case in Closed Files.
- The OPU staff will maintain a log of all closed cases.

For Interstate Compact cases being supervised by CSS, the CSO is required to submit a final report briefly summarizing the offender's adjustment to community supervision and submit closing information on the Case Closure Report. The SMART information system also offers additional options for offender case closures.

6. Death of an Offender

In the event of an offender's death, the CSO must submit to the Vital Records Department in the city where the death occurred, a Death/Birth Certificate Request for official verification.

After obtaining this verification, the CSO must submit closing information within ten (10) business days of receipt. If reasonable efforts have been made without success, the case may be closed with a final report to the Court/USPC detailing the efforts made by CSOSA to secure the death certification with SCSO approval. The CSO must also notify the Court/USPC and submit a copy of the death certificate, if available. Case closing information shall be entered in SMART, and the death certificate, if available, is to be placed in the case file.

If a death certificate is not available, a newspaper article or funeral program will be sufficient. The supervising CSO must send a letter to the judge to notify the Court when ordered fines, fees, restitution and other debts are involved.

D. Release of Sensitive Offender Information and Data

1. Sensitive Offender File Information

CSOSA is committed to ensuring only the authorized disclosure of offender file information. It is CSOSA policy to ensure that sensitive information contained in an offender's supervision file remains undisclosed and such information may not be released to anyone without a release of information authorization by the offender. This policy does not preclude the release of offender file information to the United States Parole Commission or the sentencing judge. Other supervision case management circumstances may require the disclosure of non-sensitive information to authorities in instances wherein an offender is suspected of a new law violation (see Appendix L, Disclosure To Authorities of Suspected Violations of Law By Offenders – Policy Statement 4012).

Certain information contained in an offender's supervision file may be released after a Freedom of Information Act ("FOIA") review has been conducted by the CSOSA FOIA Officer. Once the FOIA review indicates that disclosure is permissible, the General Counsel may release information contained in supervision files or CSOSA databases under the circumstances and subject to the limitations set forth in greater detail herein.

CSOSA policy does not permit staff to reveal that an offender is participating in alcohol or drug abuse treatment to anyone without appropriate authority. CSOSA policy, however, permits staff within a treatment program to make certain disclosures to each other and to those individuals with direct administrative control over the program.

The restrictions on disclosure contained in this policy do not apply to communications of information between or among professional personnel having a need for the information in connection with duties related to the provision of diagnosis, treatment, quality assurance or referral for treatment of alcohol or drug abuse. The restrictions on disclosure do not apply if the communications are conducted: (1) within a program or (2) between or among program staff and an entity that has direct administrative control over that program.

CSOSA policy requires that information from the D.C. Pretrial Services Agency ("PSA") concerning an offender/defendant, whether in hard copy or electronic format, may only be disclosed to a CSOSA employee who is not employed by PSA with the expressed written consent of that offender/defendant. This approval must be demonstrated by the offender's/defendant's execution of the "Consent for Use of Confidential Information Form: Drug Testing and Drug Treatment Records." CSOSA policy restricts the release of information concerning the medical or mental health condition of persons under supervision to disclosures authorized by the FOIA, the Privacy Act and District of Columbia law governing the confidentiality of HIV/AIDS and mental health records.

CSOSA policy permits the release of information obtained through social and rehabilitative efforts with social services agencies interested in the defendant's/offender's rehabilitation only with the expressed written consent of the defendant/offender. Mental health and sex offender treatment information may only be disclosed if the offender has signed the "Consent for the Release of Sensitive Offender Information: Mental Health and Sex Offender Treatment Waiver." Substance abuse treatment information may only be disclosed if the offender has signed the "Consent for the Release of Sensitive Offender Information: Substance Abuse Treatment Waiver." Similarly, HIV/AIDS and tuberculosis treatment information may only be disclosed if the offender has signed the "Consent for the Release of Sensitive Offender Information: HIV/AIDS and Tuberculosis Treatment Waiver." These forms allow for the reciprocal exchange of vital treatment information between CSOSA and treatment providers or any other entity to which the offender has authorized release of the information. Disclosure of substance abuse treatment information across component entities within CSOSA for purposes other than diagnosis, treatment or referral for treatment also requires the offender's written consent.

CSOSA policy permits the release of information concerning a defendant/offender to that defendant/offender and his/her attorney in accordance with the FOIA/Privacy Act. CSOSA policy requires that all subpoenas and Court orders be served upon the CSOSA General Counsel Office. CSOSA will obtain the regulatory authority to make certain routine use disclosures of the information it collects. Such authority will permit CSOSA staff to share general offender information with the MPD.

Occasionally, law enforcement personnel may request documentation from an offender's supervision file in order to aid an ongoing criminal investigation. CSOSA policy permits responses to such inquiries to be made verbally but not in writing.

The CSO is not to release copies of official file documents to law enforcement personnel. Certain criminal justice agencies have limited access to the Automated Bail Agency Database (ABA DABA). They can review information concerning Name, Employment and Probation/Parole screens to the extent that it is otherwise available in the public record.

They can review the Address, Prior Case History, Arrest, Charge, Docket, Release, Appearance and Bench Warrant screens. Agencies with limited access to ABA DABA are: the United States Attorney's Office, the Metropolitan Police Department, the D.C. Department of Corrections, the United States Marshals Service, the United States Parole Commission, the Federal Bureau of Prisons and designated law enforcement and criminal justice agencies from other jurisdictions. Employees should refer requests for any additional information to the CSOSA General Counsel. The execution of a search warrant on premises where sensitive

records are stored also requires the issuance of an order by a Court of competent jurisdiction. All such matters are to be referred to the OGC.

2. Community Justice Partnerships (CJP) Data

The Community Justice Partnership (“CJP”) initiative seeks to enhance public safety and unite the resources of the Metropolitan Police Department (“MPD”), CSOSA, other law enforcement agencies and the community to increase the accountability of individuals on post-trial release (see Chapter VII, Community Justice Partnerships for more information on the CJP initiative.). In furtherance of these goals, it is essential that certain information contained in an offender’s file be shared among CSOSA and law enforcement agencies. This section guides the sharing of offender file information among CSOSA staff and law enforcement agencies within the context of the CJP.

Information that can be shared include the offender’s name(s), home address, date of birth, sex, race, social security number (if available), PDID/DCDC number, current charges, supervision commencement and expiration dates, conditions of release (special and general), and warrant status information. CSOSA staff may share information regarding an offender’s high-risk status including unspecified drug use history, incidents of violence and sex offender reporting requirements upon request from law enforcement entities.

This information is essential in identifying those individuals whose conduct indicates the possibility of relapse and allows for corrective action to be taken before the offender slides into deeper substance abuse, criminality and poses greater risk to the community.

This section does not authorize CSOSA staff to share specific drug test results or treatment information with law enforcement agents unless the release of information has been properly authorized and signed by the offender.

CSOSA staff is prohibited from disclosing any information that would identify an offender as a participant in a drug or alcohol treatment program, either directly or by implication, unless the offender has signed a waiver authorizing the release of such information.

Without specific written consent from an offender, CSOSA staff may only disclose to law enforcement agents that an offender has a history of unspecified illegal drug use, has certain conditions of supervision, and, where applicable, that an offender has relapsed. No additional information may be provided, even upon further questioning by law enforcement. The CSO is not to release copies of official file documents to law enforcement personnel.

This section precludes CSOSA staff from sharing sensitive offender file information with the public and other requesting sources.

3. Media Requests for Offender Interviews

Representatives of the media may at times request direct access to an offender for the purposes of conducting personal interviews, obtaining statements for the record, photographs, etc. CSOSA staff is prohibited from arranging such meetings or discussions between an offender and the media. All media requests are to be directed to the Office of Legislative, Intergovernmental and Public Affairs (“OLIPA”). OLIPA will review the nature of the media request and all relevant privacy and security issues before authorizing any interaction between offenders and the media. The final decision to grant or deny a media request for an interview will be made by the offender and/or his/her representative. If a media interview is approved and the offender elects to be interviewed, the offender will be required to provide expressed written consent by the execution of the CSOSA Media Consent form.

4. WALES/NCIC Access and Monitoring

CSOSA employees have access to a variety of automated criminal justice systems. All use of these systems is monitored. The SMART automated criminal justice database system is to be used for legitimate law enforcement purposes only.

Any misuse, inappropriate disclosure or dissemination of this information, including personal use, is strictly prohibited and may result in disciplinary action. In addition, WALES and NCIC regulations provide for a penalty (fine and/or imprisonment) for misuse or unlawful disclosure of the information contained therein. Federal law has established criminal and civil penalties for unauthorized disclosure of the aforementioned information.

5. Duty of CSOSA Employees

CSOSA staff are Federal employees who are privy to a wide range of sensitive information. By signing the “Non-Disclosure of Sensitive Information Agreement,” all CSOSA staff acknowledge that they:

- a.** Understand the Agency’s Sensitive Information Policy as stated above. Specifically, they understand the circumstances under which employees can release information, the persons to whom information can be released, the nature of the information that can be released and their responsibilities in maintaining and releasing privileged information;
- b.** Understand the penalties for improperly disclosing information;
- iii.** Agree not to disclose any information except where permissible under statute, CSOSA policy, or Court order; and

- iv. After leaving CSOSA, agree not to disclose any information obtained while employed by CSOSA, without the expressed written authorization of the OGC.

Any employee violation this policy is subject to disciplinary action.

6. Release of Offender Drug Test Information

At certain points in the adjudicative process, it is important that information about offender drug test results is released to key decision-makers and/or system actors. These releases may only happen if the appropriate releases/authorizations have been executed in full accord with FOIA requirements.

Community Supervision Officers (CSOs) are responsible for releasing:

- Drug test results, drug levels interpretations and Gas Chromatography/Mass Spectrometry (GCMS) confirmations to offenders/defendants and, with appropriate prior written authorization, to counsel for an offender/defendant; and
- Drug test information in accordance with routine use by CSOs as defined in the Privacy Act.

The Lab is responsible for releasing:

- Specimen history reports (including concentration levels) and chain of custody reports to counsel for an offender/defendant; and
- Drug test information to releasing authorities and prosecutors in accordance with routine use by the CSO or PSO as defined in the Privacy Act.

FOIA is responsible for releasing (or authorizing the release of):

- Drug test result information to offenders/defendants with or without counsel;
- Drug test information in accordance with a routine use r as otherwise authorized under the Privacy Act.

Authorities:

Statutory Authority: 5 U.S.C. § 552a; 42 U.S.C. § 290 dd-3 and ee-3 Regulatory Authority: 28 C.F.R. Part 802; 42 C.F.R. Part 2

Counsel for defendants do not need written consent to obtain drug test results concerning their clients from a Pretrial Services Officer, but counsel for offenders must obtain written consent to obtain their clients' drug test results from a CSO, as a result of a difference in the routine uses published respectively in CSOSA and PSA system notices.

a. Instructions for Processing Drug Test Information Requests from Offenders and Other Members of the Public

Community Supervision Officers and technicians shall inform offenders of the appropriate channels for making requests for drug test information. A pamphlet outlining the various channels shall be sufficient for this purpose. In addition, the Lab and Collection Units shall have a sign posted within the facility advising the public of the appropriate channels for making requests for drug test information.

b. Release of Drug Test Results and Drug Levels Interpretation The following procedures apply to the release of an offender's drug test results and drug levels interpretations from testing performed as a condition of CSOSA supervision:

- i.** The CSO shall be authorized to release to an offender his or her own drug test results and levels interpretations, provided that the offender submits a signed written request to the supervising CSO. The CSO shall provide the offender with the drug test results within one (1) business day of the date of receipt of the request. The CSO shall retain the original written request in the offender's file and provide a copy to the offender. The CSO shall also note in the offender's running record that the request was made and describe the information that was provided.
- ii.** The CSO shall be authorized to release an offender's drug test results and levels interpretations to the offender's attorney, provided that the attorney has obtained a signed written waiver/consent form from the offender.
- iii.** The CSO shall forward the drug test results within one (1) business day of receipt of the request
- iv.** The CSO shall be authorized to release an offender's drug test results and levels interpretations to the United States Parole Commission (USPC), the sentencing judge or the Assistant United States Attorney (USAO), provided the drug tests were ordered, by phone (pending

verification of the requestor) or in writing, in the case under review or prosecution by that entity. These releases are in accordance with routine uses under the Privacy Act. The CSO shall provide requested information to these entities no later than the next business day after the information is requested, if available.

- v. The CSO/Treatment Specialist shall be authorized to release an offender's drug test results and levels interpretations to a particular CSOSA treatment vendor, provided that a signed waiver/consent form from the offender for that release has been obtained.
- vi. Requests from any source not mentioned in these procedures or for any other purpose shall be submitted to the CSOSA Freedom of Information Act (FOIA) Office.

c. Release of Specimen History Reports and Chain of Custody Reports

The following procedures apply to the release of the offender's Specimen History Reports (including concentration levels) and Chain of Custody Reports from tests performed as a condition of the offender's CSOSA supervision:

- i. Requests from an offender's counsel for Specimen History Reports and Chain of Custody Reports must be submitted to the Lab. Only the Lab shall be authorized to release to an offender's attorney information regarding the offender's drug test levels, as defined in these procedures. The offender's attorney shall be required to present a written waiver/consent form, signed by the offender, to the Lab, specifying the information being requested, the name of the intended recipient and the purpose of the request. Within one business day, the Lab shall provide the attorney a copy of the requested information upon presentation of the offender's written waiver/consent form.
- ii. In instances where the offender is not represented by counsel, the offender should contact the FOIA Office in order to obtain Specimen History Reports and Chain of Custody Reports.
- iii. The Lab shall be authorized to release Specimen History Reports and Chain of Custody Reports to the USPC, the judge (or designee) presiding over the

offender's related case and the USAO prosecuting the related probation case, without the offender's written consent, provided that these reports do not contain any treatment information. If they contain treatment information, including a reference to referral for treatment, an appropriate consent form must be signed by the offender and placed in that person's file. A requested Specimen History Report and/or Chain of Custody Report may be picked-up at the Lab upon presentation of the required written consent form signed by the offender.

- iv. Requests for Specimen History Reports or Chain of Custody Reports from any source not mentioned in these procedures shall be submitted to the CSOSA FOIA Office.

d. Definitions

As indicated by the current procedure, the following definitions shall apply:

- i. **Drug Test Results:** The conclusion of a drug test, either positive or negative.
- ii. **Concentration Levels:** The numerical amount of a drug in a biological specimen, namely urine, as contained in a specimen history report.
- iii. **Drug Levels Interpretation:** A determination of new or residual drug use.
- iv. **Gas Chromatography/Mass Spectrometry (GCMS) confirmation:** The conclusion of a GCMS analysis; either confirmed or not confirmed.
- v. **New Use:** The concentration level of drug in the urine from new or additional use from a particular timeframe.
- vi. **Residual Use:** A determination that the concentration level of drug in the urine remains from previous use.
- vii. **Routine Use:** Disclosure of a record to specified entities for a purpose compatible with the purpose for which the record was collected, as established in CSOSA/PSA Privacy Act systems notices. See 5 U.S.C. § 552a (a) (7), 28 .F.R. Part 802, and 67 F.R. 11816.

- viii. **Written Waiver/Consent Forms:** The CSOSA release forms utilized to provide written authorization for disclosure of defendant/offender information, otherwise protected by the Privacy Act, to a third party. The forms must be completed, signed and dated by the offender and signed and dated by a witness in order to be valid. The forms are available on the CSOSA Internet Website.
- ix. **Specimen History Report:** A report of laboratory data including drug test concentration levels
- x. **Chain of Custody Report:** A report of the continuity of possession of a drug test specimen.

Each person who handled and/or tested the specimen is accounted for, and the date and time is indicated. Also included in the Report are the results and any available interpretation.

e. Procedure for Releasing Offender File Information

Only the CSOSA Office of General Counsel may authorize the release of sensitive information.

The OGC handles the actual release of information from an offender’s file. In order for information that is sensitive and otherwise non-disclosable to be released, the offender must sign an “Authorization for Release of Information Waiver.” This form states, among other things, the extent or nature of information to be disclosed and how long the authorization is valid.

All “Authorization for Release of Information Waivers” is to be placed in the appropriate offender’s file by the CSO. In the context of the CJP, CSOSA staff may verbally disclose limited sensitive offender information so long as the offender has signed an “Authorization for Release of Information Waiver.” In the absence of a signed waiver, CSOSA staff may only disclose offender information that is of a general nature.

Subpoenas should be only served upon the CSOSA Office of General Counsel. In the event that a Court order or subpoena is served upon CSOSA personnel, it should be forwarded to the OGC for review within one (1) business day of receipt by the receiving employee.

Statutory Authority: 42 U.S.C. § 290ee-3(f); 42 U.S.C. § 290dd- 3(f); 42 C.F.R. § 2.4; 5 U.S.C. § 552a (i); D.C. Code § 6-1204; D.C. Code §§ 6-2061-2062

E. Procedures for Expungements and Set-Aside and Conviction Orders

In certain defined cases, the expungement of criminal record information (old D.C. Code S.33-541 (e) renumbered as D.C. Code S.48-904.01 (e)) and the setting-aside of conviction(s) (old D.C. Code 806(b) renumbered as D.C. CodeS.24-903 (a)) may be appropriate.

1. Expungements

A recommendation for expungement of record is to be submitted to the Clerk's Office in the Special Proceedings Branch of the Criminal Division of D.C. Superior Court by the CSO only in cases where the offender has successfully completed a term of probation having been sentenced under DC Code S.48-904.01 (e) formerly known as 541(e) cases). Expungement of record is a one-time benefit for a first time conviction for Simple Possession of a Controlled Substance (not including PWID). The benefit allows all electronic and paper records of both the arrest and conviction to be removed from all law enforcement data files. If granted the benefit, the Court orders that the case files and all documented information referring to the offender's case be sent back to the Court. Court personnel are responsible for sealing the offender's probation and Court files. CSS is responsible for ensuring that all electronic records related to the offender's case (only the case in which the offender was afforded the expungement benefit) is removed from its database system or any other electronic device used in the normal course of Agency business).

In order to recommend expungement, the CSO must send a Notice of Service Completion Form to the Special Proceedings Branch Clerk's Office 30 days prior to the scheduled expiration of probation. Copies of the form are to be simultaneously forwarded by the CSO to the USAO, MPD, the offender and the defense attorney. This form is not to be forwarded directly to the sentencing judge, as it is the responsibility of Special Proceedings personnel to forward the document along with the Court jacket so the judge can get a clear picture of the offender's adjustment to probation.

If the offender does not successfully fulfill his/her probation requirements, this form does not need to be submitted, as the offender will not be afforded the benefit. When the case has expired, the CSO is responsible for forwarding the closed case file to the CSS Closed Files section.

Once the case is expunged, personnel in the CSS Probation Intake Unit are responsible for making the request to the CSOSA Office of Information Technology to remove the case from SMART. These staff must also ensure that the physical file is removed from closed files and forwarded to the Court.

2. Conviction Set-Asides

A recommendation for conviction set aside is to be submitted to the Special Proceedings Branch Clerk's Office by the CSO only in cases where the offender

has successfully completed a term of probation having been sentenced under D.C. Code, Title 24, Section 903(a) (formerly S. 24-803(a)) pursuant to the Youth Rehabilitation Act of 1985). Offenders sentenced under the YRA may receive the benefit of having the conviction itself physically removed from public access, but the record is not expunged. The record of the arrest and the subsequent conviction may still be used for legitimate law enforcement purpose.

In order to recommend Conviction Set-Aside, the CSO must send a **Recommendation of the Defendant's Completion of Probation Pursuant to the Youth Rehabilitation Act, D.C. Code 24-903(a) Form** along with a **Certificate Setting-Aside Conviction Form** within 30 calendar days prior to the expiration of the probation term. If the CSO recommendation is that the offender not be granted the benefit of conviction set aside due to unsuccessful completion of the terms of probation or other circumstances, these forms must still be completed and forwarded top the Clerk's Office in the prescribed time frame. Court personnel will then forward the reports to the sentencing judge. These forms are not to be directly forwarded to the judge from CSS.

Once the judge has signed the Certificate Setting-Aside the Conviction, it is returned to the Special Proceedings Clerk's Office. The signed Certificate is then forwarded by the Clerk's Office to the USAO and the CSO (it is important accordingly that the CSO provide his/her address on all forms).

Upon receiving the signed Certificate, the supervision team CSA will then complete and forward the Notification of Conviction Set Aside Form along with the signed Certificate to the appropriate contacts within the FBI and MPD. At case expiration, the CSA will then forward the case file to the CSS Closed Files section. (Note: offenders sentenced under the old D.C. Code 502 (b), pursuant to the Federal Youth Corrections Act (now repealed) must follow the same paper flow as the YRA cases).

All of the above referenced forms must be accurately filled out in their entirety and forwarded to the correct parties/locations in timely fashion. Furthermore, the correct form must be filled-out for the corresponding order (i.e., the CSO must not recommend conviction set aside for an expungement case and conversely, not recommend expungement for the same offender in a Youth Act case).

F. Reporting Non-U.S. Citizens to Immigration and Customs Enforcement (ICE)

Refer to CSOSA Intranet Website Homeland Security Act for in-depth policy presentation. The U.S. Immigration and Customs Enforcement (ICE) is an Agency of the Department of Justice, responsible for enforcing laws that regulate the admission of foreign-born persons (i.e., aliens) to the United States and for administering various immigration benefits, including the naturalization of resident aliens.

The Immigration and Customs Enforcement (ICE) will carry out any national immigration policy that will enforce the immigration laws and promote the public health and safety, economic welfare, national security and humanitarian interests of this country.

In addition to preventing unlawful entry, employment or the acquisition of benefits to which they are not entitled, ICE is responsible for the apprehension and removal of aliens who enter or remain in the United States or whose stay jeopardizes the public interest or safety.

1. Law Enforcement Activities of ICE

The ICE works in conjunction with other law enforcement agencies to enforce immigration laws. The ICE also conducts investigations to determine if aliens who have been involved in criminal activities are removable as a result of their crimes.

2. Identification of Alien Offenders and Procedure to Notify ICE

a. Pretrial Status

During the initial interview, the CSO should not make efforts to determine the defendant's citizenship and assumptions should not be made. Instead, in the course of completing the Pre-Sentencing Investigation (PSI), the defendant will be asked to state his/her nationality and citizenship.

The CSO is to complete the ICE Notification Letter (see Forms/Template Manual, Form No. GS-0018). The information is to be faxed to the Special Agent of the Detained Criminal Alien Unit (ACAP). A copy of the form and the fax confirmation will be maintained with the Diagnostic case materials.

ICE designates the following charges as crimes that may be used to initiate removal proceedings (this list should not be considered to be all-inclusive.):

- Robbery;
- Murder;
- Unlawful Wounding;
- Manslaughter;
- Malicious Wounding;
- Maiming;
- Grand Larceny;
- Concealment of Merchandise;
- Assault and Battery/Assault (minimum 1 year sentence);
- Use of a Firearm;
- Carry a Concealed Weapon (firearm);
- Reckless Discharge;

- Any Narcotics Distribution;
- Possession of Controlled Substances (more than 30 grams if MJ);
- 2 Possession Charges = Aggravated Felony;
- Burglary;
- Abduction;
- Rape;
- Sexual Assault;
- Sexual Battery;
- Aggravated Sexual Battery;
- Exposure of Genitalia (to Minors);
- Credit Card Theft, Fraud or Forgery;
- Embezzlement (felony and misdemeanor);
- Forgery;
- Bad Check;
- Fraud Charges in General;
- Uttering;
- Domestic Assault; and
- Failure to Appear (FTA) (for a felony).

3. ICE Investigation for Possible Removal

It should be noted the ICE (in most cases) would not detain defendants until after the criminal matter has been adjudicated. Once ICE has received disposition information from CSOSA, an investigation will be conducted. ICE will investigate whether the defendant shall be processed for “removal.” The term “removal” refers to aliens who are processed by ICE and considered for possible extradition or return to their native country or last resident country. The term removal has replaced the previously used term “deportation”. The following dispositions can result from an investigation:

- A felony case can be entitled to a waiver of removal
- An immigration bond can be given
- Under the court decision, ICE can not hold an alien with final orders but instead the alien must be released from ICE custody within a reasonable time period (six months or less)
- Countries without reparations agreements may refuse to accept the return of the alien (i.e., Cambodia, Laos, Vietnam and Cuba) Countries that are slow to receive aliens are (i.e., Ghana, Jamaica and Korea)
- The alien could be given an ICE release date and told to report monthly to the ICE
- The alien could be removed from U.S. territory
- An executive order could specify that an alien or aliens from certain countries will not be removed.

ICE may detain defendants/offenders who have committed serious crimes in ICE Detention Centers.

In the Recommendation Section of the PSI, the CSO shall document the notification to ICE and the defendant's ICE status. The CSO will recommend that an ICE investigation be completed and that the defendant be ordered as a special condition of release or a special order of custody, to cooperate with the ICE investigation.

4. Post-Release Status Reports

Ideally, citizenship shall be determined at Pre-Trial and/or Post-Release status, however, when a case is received, the CSO is to determine (during the initial interview) the citizenship status of the offender.

Cases already under supervision are also to be reviewed to determine the country of citizenship. If the offender is not a citizen of the United States, the ICE is to be notified.

The CSO is to complete the ICE Notification Letter (see Forms/Template Manual, Form No. GS-0018). The information is to be faxed to the Special Agent of the Detained Criminal Alien Unit (ACAP). A copy of the form and the fax confirmation is to be placed in the case file. The identification and referral of an alien offender to the ICE is to be noted in the SMART Running Record.

Once ICE is notified, the CSO must contact the ICE every thirty (30) days until a disposition is made and/or the offender is detained by ICE. Supervision of the offender is to continue until ICE has notified the CSO that s/he has been detained or deported.

Once ICE receives the ICE Notification Letter, it will conduct his or her own investigation to determine if the offender is eligible for removal or any other sanction.

a. Official ICE Identification Card

INS provides for immigrants the following official ICE identification cards:

- i. Permanent Resident Card (Green Card) I-551** – “INS I-551, was introduced in December 1997. Noticeable difference on the front of the card include: Change of card title from RESIDENT ALIEN CARD to PERMANENT RESIDENT CARD, a three line machine readable zone and a hologram. The Optical Memory Stripe contains encoded cardholder information as well as a personalized etching which depicts the bearer's photo, name, and signature, date

of birth, alien registration number, and card expiration date and card number.” “As of March 20, 1996, the

Form 151 is no longer acceptable as evidence of permanent residence. I-551 was introduced in January 1977 and phased in over a period of time. In addition to the photograph, the I-551 contains the bearer’s signature and fingerprint.”

- ii. **Employment Authorization Card I-688B** – “is issued to aliens who are not permanent residents but have been granted permission to be employed in the U.S. for a specific period of time. The card was produced originally with a Polaroid process similar to the I-666 and I-688A, but has the added feature of interlocking gold lines across the front.”
- iii. **Non-resident Alien Mexican Border Crossing Card I-190** – “Form, I-586, issued to Mexican nationals who reside in Mexico and frequently cross into the U.S. for visits, shopping, or to conduct commerce. The status granted to the bearer is B-1/B-2, a visitor for business or pleasure. The bearer of this card is not entitled to work in the U.S., is restricted to stays of no more than 72 hours, and may only travel within 25 miles of the border. This card is similar in design to the I-551 Resident Alien Card, except for the color.”
- iv. **Passport Stamp** issued until a permanent resident card is created.
- v. **Arrival/Departure Record I-94** – “When an alien has been granted admission into the U.S. by an Immigration Inspector at an authorized Port of Entry, he/she is issued an ARRIVAL/DEPARTURE RECORD, Form I-94 the bottom portion of which is stapled to a page in the Alien’s passport. This document explains how long the bearer may remain in the U.S. and the Terms of admission.”
- vi. **Non-Immigrant Visa Waiver Arrival-Departure Record I-94W**
- vii. **Canadian Border Boat Landing Permit I-68** – “The persons named herein have been granted the privilege, during the current season, of making entries on the U.S. side of the body of water named herein without reporting to

a U.S. Port-of-Entry when traveling by small pleasure craft of less than five net tons without merchandise to be landed.

Except for U.S. citizens and lawful permanent residents of the U.S., the permit is valid only if such persons intend to remain in the U.S. for the purpose of visits not to exceed 72 hours and only if they will remain in nearby shopping areas, nearby residential neighborhood; or other similar areas adjacent to the immediate shore area of the United States.”

- viii. Non-Resident Alien's Canadian Border Crossing Card I-175** – “Application for Nonresident Alien’s Canadian Border Crossing Card. Not permitted to work.”
- ix. Application for Travel Document I-131** – “This form is used to apply for an INS travel document, re-entry permit, refugee travel document, or advance parole document. Each applicant must file a separate application.”

5. Required Documentation

It is the CSOs ministerial duty to request identification of citizenship when there is reasonable doubt. To verify U.S. citizenship, ICE requires the following U.S. documents:

- Birth Certificate
- U.S. Passport

If it is suspected that an offender is presenting fraudulent identification, the ICE Fraud Unit should be contacted by telephone.

6. ICE Releases

An Immigration Judge makes the decision on release status. If the alien is released and ordered to report to ICE, the alien is instructed to report monthly.

The terms of this agreement include:

- Instructed not to leave the jurisdiction;
- Notified that an investigation may be conducted;
- Refrain from recidivism;
- Instructed to advise of change of address;
- Require a monthly reporting schedule

The CSO must maintain the active supervision case and ICE surveillance is seen as a complement to community supervision.

7. Immigration and Customs Enforcement (ICE) Detained Offenders

Some offenders under CSOSA supervision are aliens who may have been arrested and subsequently detained by Immigration and Customs Enforcement (ICE), pending a hearing before an ICE judge. Once arrested, these offenders' status is to be changed to Monitored-Confined. Like any monitored offender, these offenders' immigration status must be monitored monthly to determine if the offender has been granted release or ordered deported by an ICE judge. The monthly record check is to be documented in the SMART running record. To check the status of an ICE detained offender, the CSO must obtain the offender's alien registration, or "A" number. The "A" number is an 8 digit number preceded by the letter "A." The "A" number usually can be obtained by conducting a criminal background check. CSOs are to use WALES, NCIC, SENTRY, and the FBI databases. The "A" number must be searched for in the different databases as it is not routinely located in any one particular database or on any specific screen. For instance, the "A" number could be listed in the remarks section of an offender profile in NCIC or could be listed as an arrest number in the FBI database. The "A" number may or may not be hyphenated; however, the alien number will be preceded by this same designation (the letter "A").

Once the "A" number is located, the CSO is to call the following number on a monthly basis to track the status of the offender's ICE case: 1 (800) 898-7180. Once this number is dialed, the CSO will receive a recorded message and can press a "1" or "2" to hear options in English or Spanish. Upon selecting "1," the CSO will be directed to enter the offender's 8-digit "A" number, minus the letter "A." For instance, if the offender's "A" number is A12345-678 (which may or may not be hyphenated), staff is to enter "12345678." Upon entering the number, the CSO will hear the name and spelling of the offender's name and be asked to press "1" to confirm.

Upon confirming the offender's name, the CSO will be asked to select one of the following five options:

- Hearing Date;
- Case Processing;
- Decision on Information;
- Case Appeal; and
- Filing.

Staff are to select "3," "Decision on Information," to hear the offender's current status. The CSO will hear the offender's current ICE status as well as hear the address of the ICE office that is overseeing the offender's case. If the offender is "granted release," that means the offender has been released to the community. The CSO is to change the offender's status to "Active" and is to immediately begin Loss of Contact procedures.

If the offender has been "deported," the CSO is to maintain the offender's case in monitored status and is to conduct monthly record checks that are documented in

SMART under the running record. The CSO also may contact the offender's ICE office for additional information via letter or phone.

CSOs are to conduct monthly record checks for all ICE detained offenders in Monitored status until the offender's supervision obligation has expired, the offender is deceased, or the releasing authority has closed its interest in the case.

G. Freedom of Information Act (FOIA) – Release of Information

1. Guidelines for Disclosure Under the Federal Freedom of Information and Privacy Acts

The Agency provides for the disclosure of all official CSOSA information pursuant to applicable laws, e.g. the Freedom of Information Act (5 U.S.C. § 552), and the Privacy Act (5 U.S.C. § 552a). **The authority to release or deny access to records and information under the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. § 552) is limited to the General Counsel and his or her designee.** Agency staff will only release an agency record in response to a written request, unless a valid legal exemption to disclosure is asserted. Questions regarding the applicability of exemptions should be referred to the Office of the General Counsel, Attn. Privacy Act Requests. Defendant/offender records are exempt from disclosure under the Privacy Act; therefore, defendant/offender requests for records under the Privacy Act will be processed in accordance with the FOIA. Any request for a list of defendants/offenders under Agency supervision shall be forwarded upon receipt to the CSOSA Office of the General Counsel.

The FOIA and PA Acts interact with each other in the following ways:

- a.** When any person requests access to his/her personal records, both statutes become potentially applicable.
- b.** When any person requests access to another individual's record through FOIA, the Privacy Act may prohibit the disclosure of that record.
- c.** If a record is required to be released under the FOIA, the Privacy Act does not bar its disclosure. Unlike the FOIA, the Privacy Act applies only to US citizens and aliens admitted for permanent residence.

The correct management of sensitive Agency information requires that staff have a basic understanding of Federal information processing laws and regulations. Agency staff must also be aware that the Privacy Act establishes criminal penalties and civil liabilities for unauthorized disclosures.

2. Production of Records in Court

Agency records may be sought by subpoena, Court order, or other Court demand in connection with official proceedings. The U.S. Attorney General has directed that records may not be produced in Court without the approval of the U.S. Attorney General or his or her designee. The guidelines are set forth in 28 C.F.R. Part 16, Subpart B. Agency staff who receive a subpoena, Court order or other Court demand shall forward the documentation to the Office of the General Counsel for proper handling.

3. Disclosure of Records to Third Parties

It is imperative that Agency employees maintain and process all information concerning individuals, to ensure that information is accurate, relevant and timely, and to ensure that no inadvertent disclosure of information is made. Information that concerns an individual and that is contained in a system of records maintained by the Agency shall not be disclosed to any person, or to another agency, except under the provisions of the Privacy Act, 5 U.S.C. § 552a, or the Freedom of Information Act, 5 U.S.C. § 552. Staff may disclose information from an Agency system of records only if one or more of the following criteria apply:

- With the written consent of the individual to whom the record pertains
- To employees within the Agency who have a need for the record in the performance of their duties
- If disclosure is permitted under FOIA, e.g. "public information," when the public interest in disclosure of the information outweighs the privacy interest involved
- For a routine use described in the Agency system of records as published in the Federal Register

The published notices for these systems describe the records contained in each system and the routine uses for disclosing these records without first obtaining the consent of the person to whom the records pertain. Some examples of routine uses for CSOSA systems of records may include the following:

- To Federal, state, local and foreign law enforcement officials for law enforcement purposes such as investigations, possible criminal prosecutions, civil court actions or administrative and regulatory proceedings.
- To the Census Bureau for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, United States Code.

- To a recipient who has provided the Agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Administrator of the General Services Administration or his or her designee to determine whether the record has such value.
- To either House of the U.S. Congress, or, to the extent of a matter within its jurisdiction, any Congressional committee or subcommittee, any joint committee of Congress or subcommittee of any such joint committee is to be transferred in a form that is not individually identifiable.
- To the National Archives and Records Administration (NARA) as a record which has a sufficient historical or other value to warrant its continued preservation by the US Government, or for evaluation by the Administrator of the General Services Administration or his/her designee to determine whether the record has such value.
- To either House of the US Congress, or, to the extent of a matter within its jurisdiction, any Congressional committee or subcommittee, any joint committee of Congress or any subcommittee of any joint committee.
- Pursuant to an order of a court of competent jurisdiction.

4. Freedom of Information Act Requests

Requests for any Agency record (including policy) ordinarily will be processed pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Such a request must be made in writing and addressed to the FOIA Officer, Court Services and Offender Supervision Agency. The requester should clearly mark on the face of the letter and the envelope "FREEDOM OF INFORMATION REQUEST" and clearly describe the records sought.

5. Requests by Offender

An offender may request a copy of his or her records by writing to the FOIA Officer for the Court Services and Offender Supervision Agency. Such requests will be processed pursuant to the provisions of the Freedom of Information Act.

The request must be clearly marked on the face of the letter and on the envelope "FREEDOM OF INFORMATION ACT REQUEST," and must describe the record sought, including the approximate dates covered by the record. An offender making such a request must provide his or her full name, current address, and date of birth.

In addition, the requester must provide with the request an example of his or her signature, which must be either notarized or sworn under penalty of perjury pursuant to 28 U.S.C. § 1746, and dated within three (3) months of the date of the request. Offenders must provide their DCDC or PDID numbers to assist in properly identifying requested records.

The information that can be directly released to the offender includes:

- Drug Tests Results
- Accountability Contract or Performance Contract
- Parole/Supervised Release Certificate
- Notice of Action
- Judgment and Commitment Order
- Supervision Report Form (GS-009)
- Narcotics Anonymous/ Alcoholics Anonymous Attendance Log (Individual)
- Attendance Sheet(s) for Treatment or Group Sessions (Individual)
- Referral for Drug/Alcohol Testing/Treatment Form (CSOSA/CSS DS-001)
- Sanctions/Intervention Form
- Cognitive Sanction Intervention Performance Contract
- Modification of Release Conditions (after approval by the USPC)
- Parole Registration Form (PARS-S-009)

Please note: Individual refers to forms used only by the offender to document his/her attendance.

6. Requests on Behalf of an Offender

A request for records made by an authorized representative of an offender will only be released with the subject's written authorization. This authorization must be dated within three (3) months of the date of the request letter. Requesters must provide the DCDC or PDID numbers to assist in properly identifying requested records. All requests for records under the Freedom of Information Act received by the FOIA Officer will be reviewed.

If a document contains information exempt from disclosure, any reasonably segregable portion of the record will be provided to the requester after deletion of the exempt portions. If a request made pursuant to the Freedom of Information Act is denied in whole or in part, a denial letter must be issued and signed by the FOIA Officer and will state the basis for denial.

The requester who has been denied access will be advised of the right to appeal that decision to the General Counsel, Court Services and Offender Supervision Agency. Both the envelope and the letter of appeal itself should be clearly marked: "Freedom of Information Act Appeal."

The Office of the General Counsel staff processing requests for release of information under the FOIA are expected to be familiar with the provisions of 5 U.S.C. § 552, as follows:

- A requester must be notified of the decision on the request within 20 days after its receipt (excluding Saturdays, Sundays and legal public holidays).
- Generally, all FOIA requests will be processed in the approximate order of receipt unless the requester shows that exceptional circumstances exist to justify an expedited response. Examples that might justify an expedited response include:
 - (1) A threat to life or safety
 - (2) The loss of substantial due process rights or
 - (3) In cases of widespread and exceptional interest to the media, possible questions about the Government's integrity that affect public confidence.

Because a decision to take a FOIA request out of order delays other requests, simple fairness demands that such a decision be made by the FOIA Officer only upon careful scrutiny of truly exceptional circumstances.

7. Accounting of Disclosures to Third Parties

Accounting of disclosures to third parties must be made in accordance with Agency regulations. Except for disclosures of information to other Agency employees and except for disclosures required under the FOIA (e.g., public information, etc.), an accounting of disclosure to third parties of any information concerning an individual contained in an Agency system of records will be made in accordance with the following guidelines:

a. Oral Disclosure

Staff may orally release only public information. When public information is disclosed, no accounting is necessary. The following defines the term "public information" with respect to offenders:

i. Parole Offenders

The U.S. Parole Commission considers the following to be public information on a parolee:

- Name
- Register Number
- Offense of Conviction
- Past and Current Places of Incarceration (**an inmate's designated future place of incarceration is not public information**)
- Age
- Sentence data on the Federal Bureau of Prisons sentence computation record
- Date(s) of parole and parole revocation hearings; and
- The decision(s) rendered by the Commission following a parole or parole revocation proceeding, including the dates of continuances and parole dates.

ii. Probation Offenders

The U.S. Probation Office for the District of Columbia considers the following to be public information on a probationer:

- The information that a person could find out by going to the court jacket such as the charging document, disposition and docketed information in the case. The D.C. Superior Court considers the following to be public information on a probationer:
 - The information that a person could find out by going to the Court jacket such as the charging documents, pretrial reports, motions, discovery requests, Judgment and Commitment Orders and probation violation reports. However, if the information is sealed or expunged, nothing can be released.
- Although non-public information on a probationer can be obtained from the Court if a FOIA request is made to CSOSA, only public information, i.e., name, age, PDID or DCDC number, may be released without the subject's notarized authorization.

iii. Offenders-General

The Federal Bureau of Prisons considers the following to be public information on an inmate:

- Name
- Register number

- Place of incarceration. The release of inmate designation information is prohibited. An inmate's designated place of incarceration becomes public information only after the inmate has arrived at the designated institution.
- Age
- Race
- Conviction and sentencing data: this includes the offense(s) for which convicted, the court where convicted, the date of sentencing, the length of sentence(s), the amount of good time earned, the parole eligibility date and parole release (presumptive or effective) date, and the date of expiration of sentence, and includes previous Federal, state and local convictions;
- Past movement via transfers or writs;
- General institutional assignments.
- Information in the foregoing eight bullets may not be released if confidential for protection cases.
- **Only in an emergency will staff orally release non-public information to parties other than Agency employees.**
- Before an emergency oral disclosure is made, staff must contact the FOIA Officer. If this is not possible, staff must inform the FOIA Officer as soon as practicable after the disclosure.
- Upon oral disclosure of non-public information, a memorandum will be prepared and retained in the individual's file from which the record is disclosed, or an appropriate notation must be maintained in the file and attached to the record disclosed. The memorandum or notation must include the following information:
 - The date of the disclosure
 - The name and address of the person to whom the record was disclosed and the name of the agency that person represents, if any
 - The purpose of the request for disclosure and
 - Identification of the specific record disclosed.

b. Written Disclosures

Accounting for a written disclosure may be made by:

- Retaining a copy of the correspondence requesting the information and a copy of the response in the file from which the records are disclosed; or
- Following the procedure for an accounting of an oral disclosure, as described above.

c. Disclosure Records Maintenance

It is the responsibility of the staff member making a disclosure of non-public information to provide an accurate accounting of that disclosure. Accounting records of the disclosure of non-public information must be maintained in the individual's file for five years or until the record is destroyed, whichever is longer.

An exemption under 5 U.S.C. § 552a (j) does not relieve the Agency from the responsibility to account for all disclosures other than those within the Agency or under the FOIA.

i. Non-Agency Documents FBI/National Crime Information Center (NCIC) Information

The NCIC prohibits the Agency from disclosing NCIC identification records. Procedures to request a copy of an offender's FBI/NCIC identification record directly from the FBI are contained in 28 C.F.R. §§ 16.30 through 16.34.

□ Documents from Other Federal Agencies

When a request for records includes a document from another Federal agency, the document will be referred to the originating Federal agency for a determination of its releasability.

□ Documents from Non-Federal Agencies

When a request for records includes a document from a non-Federal agency, CSOSA staff must make a determination of its releasability.

□ Laboratory Reports

Laboratory reports that contain only scientific testing results are ordinarily disclosable.

ii. Fees

Within a reasonable time after a request, Office of the General Counsel staff will provide disclosable documents to a requester. Fees for these documents and services will be assessed in accordance with the schedule maintained by that office.

iii. Exemptions to Disclosure provided in the Freedom of Information Act

The Freedom of Information Act (5 U.S.C. § 552) provides in general for the disclosure of Agency records. Section 552(b) exempts from mandatory disclosure matters that are records or information that have been compiled for law

enforcement purposes but only to the extent that such documents:

- ❑ Could reasonably be expected to interfere with enforcement proceedings
- ❑ Would deprive a person of a right to a fair trial or an impartial adjudication
- ❑ Could reasonably be expected to constitute an unwarranted invasion of personal privacy
- ❑ Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source
- ❑ Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law or
- ❑ Could reasonably be expected to endanger the life or physical safety of any individual
- ❑ Were contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or geological and geophysical information and data including maps concerning wells.
- ❑ Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions that are exempt under this subsection. The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in the subsection under which the deletion is made.
If technically feasible, the amount of information shall be indicated at the place in the record where such deletion is made.

iv. Obtaining Informed Offender Consent for the Release of Sensitive Information

The release of sensitive offender information from numerous sources requires that written (signed) consent be obtained from the offender specifying certain exact information that includes: the identity of the subject, the nature, scope and purpose of the information to be obtained, the date of the authorization and the period or term during which the consent will remain valid.

The CSO may not have an offender sign a partially completed form since that person has no way of knowing for what purpose(s) consent is being given. Having the offender sign such a document fails to satisfy the legal requirement that the consent be informed.

Chapter IX: Community Justice Partnerships

The establishment of effective partnerships is a critical success factor that must be met in order for CSOSA to achieve its goal of reducing drug-related and violent crime. To address this critical success factor, the Agency has established guidelines for sustaining the partnership among CSOs, the police, and the neighborhoods within which supervision teams are assigned. CSOSA's policy focuses on the various roles of Community Supervision Services staff in establishing minimum standards for the frequency of interaction, information sharing, accountability tours, offender orientation sessions and community interaction among partnership participants. The standards set forth are designed to enable CSS teams to remain flexible and creative in the ways that they collaborate with law enforcement and the community to prevent offenders from reoffending.

A. Community Justice Partnerships

1. Minimum Standards for Community Justice Partnership Activities

The Community Justice Partnership ("CJP") teams are composed of CSOs and police officers. These teams are organized by Police Service Areas ("PSAs") within the District of Columbia. A Community Justice Partnership allows CSOs and police, at a minimum, to do the following within each PSA:

- a. Share information on intensive and maximum supervision level offenders in a given PSA (CJP teams may and often do share information on other offenders);
- b. Conduct Accountability Tours, which are joint home visits to an offender's home that are conducted by a CSO and police officer; and
- c. Establish and maintain partnerships with residents and community stakeholders to address public safety concerns and develop resources for offenders that address the root causes of crime, such as substance abuse and unemployment.

2. Assignment of CSOs to PSAs

It is the intention of CSOSA to make the neighborhood, not the office, the primary focus of supervision. The Agency requires that offenders be assigned to supervision staff on a geographic basis. This geographic-based assignment allows the CSO to conduct more supervision activities in the field, thereby getting to know the offender and his or her collateral contacts in the community. It also enables the CSO to work closely with police officers who work in the same geographic areas.

The Associate Director for Community Supervision Services assigns each Branch team a specific geographic area of responsibility. In each team's geographic area, the SCSO assigns individual CSOs to the PSAs within that team's area of responsibility.

The SCSO will assign at least one CSO as the sole or primary person responsible for a given PSA, based on the number of offenders residing within that PSA:

- a. If the number of offenders is less than the average number of offenders per CSO on the team, that CSO will have primary responsibility for more than one PSA; and
- b. If the number of offenders is greater than the average number of offenders per CSO (in that unit), the SCSO will assign one officer with primary responsibility for that PSA and an appropriate number of CSOs with secondary responsibility.

The SCSO for each team must maintain lists of primary and secondary CSO assignments to each PSA. The SCSO must assign offenders to the appropriate CSO, based upon the offender's residence within a given PSA. The SCSO will assign the offender to the primary officer for the PSA. However, if the primary officer's caseload exceeds the average number of offenders per CSO on his or her team, the SCSO may assign the case to the secondary CSO assigned to that PSA.

3. Frequency of Information Sharing, Accountability Tours, and Mass Orientations

The team SCSO must ensure that CSOs share information with the police on the basis of the following minimum standards:

- a. CSOs must utilize the CSOSA AUTO Screener to classify offenders based on the level of risk they present for committing additional offenses in the community; and
- b. At a minimum, CSOs must prepare and share case presentations on the intensive and maximum level offenders on their caseloads.

The Branch Chief will ensure that information sharing, Accountability Tours, and Mass Orientations occur within each PSA with the following frequency:

- a. Regularly scheduled CSOSA team contacts to share information and conduct Accountability Tours; and
- b. Quarterly Mass Orientation sessions for each PSA. Depending on the number of offenders scheduled to attend from each PSA, and the seating capacity of the meeting location, a Mass Orientation session may include offenders from multiple PSAs.

CSOSA staff may not disclose information related to an offender's substance abuse (*see* 42 C.F.R. Part 2), mental health (*see* D.C. Code §§ 6-2061 – 2062), or HIV/AIDS (*see* D.C. Code § 6-1204) status without a current release of information from the offender. CSOSA personnel who do so may be subject to criminal and/or civil penalties.

4. Community Outreach and the Community Justice Advisory Network (CJAN)

The SCSO must ensure that CSOs assigned primary responsibility for a particular PSA participate in community-based public safety forums that occur in or on behalf of that PSA. These meetings include PSA meetings, Community Justice Advisory Network functions, etc.

The CSOSA Community Relations Specialists shall organize at least one Community Justice Advisory Network (CJAN) per police District. The mission of each CJAN is to resolve key public safety issues and/or concerns in order to achieve an improved quality of life in communities throughout the District of Columbia. The primary goals of the CJAN are to identify and prioritize key public safety issues and to identify community assets in order to build community capacity and facilitate strategies for community education, prevention and intervention activities.

The objectives of CJANs are to:

- a. Work to enhance effective crime prevention groups;
- b. Coordinate support for the victims of crime;
- c. Resolve issues impacting youth; and
- d. Improve environmental conditions in communities.

The Network will develop strategies to support offenders in successfully reintegrating into the community, thereby, helping to reduce rates of recidivism and to improve public safety. CJANs meet on a monthly basis and participate in annual CSOSA sponsored training and development sessions.

The membership composition of CJANs includes representatives from CSOSA; the Metropolitan Police Department (MPD); residents of the District of Columbia; Advisory Neighborhood Commission representatives; citizen, civic and tenant associations; non-profit organizations; schools; the faith community; businesses and government agencies.

5. Mass Offender Orientation Sessions

The SCSO must ensure that CSOs conduct Mass Offender Orientation Sessions for offenders living in every PSA. Mass Orientation sessions may include offenders from a single or multiple PSAs, depending on the number of offenders in the PSA and/or the size of the meeting location.

The Branch Chief shall ensure that Mass Offender Orientation Sessions occur on a quarterly basis. CSOs must require offenders who live in the PSA to attend. The CSO also can invite offenders' families and/or significant others to attend.

The purpose of the Mass Offender Orientation Sessions is to remind offenders of the collaboration between CSOs, the police, and other allied agencies and to demonstrate the opportunities for the offender to remain in compliance with his or her conditions of release. Each Mass Offender Orientation Session shall include the following core elements:

- a. All CSOs, SCSOs, Community Relations Specialists (CRSs) and police officers present must introduce themselves;
- b. A CSO and a police officer must each make a statement about his or her respective role in the partnership, how it functions, and what the offender should expect during an Accountability Tour;
- c. The CSOs, police officers and CRSs present also must arrange for community-based resources, such as employers, treatment programs, faith-based groups, etc., to participate in the session and offer opportunities or services to offenders and their families; and
- d. The CRSs present must describe how the CJANs support the offender's reintegration within the community.

Statutory Authority: Section 11233(b) (2) (B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105- 33, 111 Stat.712, D.C. Code § 24-1233(b) (2) (B) (1996 Repl., 2000 Supp.) (Director's authority), AFR AM.

B. Accountability Tours

In 1998, CSOSA and the Metropolitan Police Department for the District of Columbia ("MPD") signed a Memorandum of Understanding (MOU) to launch the Community Justice Partnerships ("Partnerships") in a single Police Service Area (PSA) of the District of Columbia. In 2003, another MOU was executed that expanded the Partnerships to the entire District of Columbia.

In 2004 the Partnerships were extended through the execution of an MOU by and between CSOSA and the District of Columbia Housing Authority Police Department. CSOSA anticipates including additional participants in the Partnerships in the future.

The Partnerships are intended to increase offender accountability, enhance rehabilitative programming, provide assistance to offenders, and increase public awareness of CSOSA and public safety. To accomplish these objectives, law enforcement officers in the Partnerships collaborate on a number of specific activities.

One aspect of the Partnership involves accountability tours. These are face-to-face field contacts with offenders conducted jointly by a CSO and a law enforcement officer.

1. Policy

On days to be determined jointly by a team made up of at least one law enforcement officer and a CSO, an offender(s) in the community is identified for contact, either directly or via a collateral contact as defined below in section 3 below. The law enforcement officer is temporarily relieved from responding to calls for service in the PSA or other designated areas within the District of Columbia in which the accountability tour is being conducted. The law enforcement officer and CSO will determine the defined areas and routes necessary to accomplish the assigned tasks. On a weekly rotational basis, a CSO shall be assigned by his/her SCSO to accompany at least one law enforcement officer on an accountability tour (see Guidelines on Supervision Contact Standards, Collateral Contacts and Field Contacts).

Statutory Authority: Sections 11232 (b) and 11233 (b) (2) and (c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat. 712, D.C. Code §§ 24-1232 (b) and 24-1233 (b) (2).

2. Goals of Accountability Tours

- a. To increase offender accountability through reinforcing the message that law enforcement officers in the Partnerships and CSOs are working together and sharing information.
- b. To increase the visibility of the Partnerships within communities as a means to enhance public safety.

3. Accountability Tour Activities

During the course of accountability tours, the CSO shall engage with law enforcement officers in the following activities to share the knowledge about the offenders’ compliance with conditions of release and the law generally, as well as general public safety issues in the affected PSAs or other designated areas within the District of Columbia.

- a. Scheduled and unscheduled home contacts with offenders under CSOSA’s supervision. Such contacts may be planned weekly as part of the regular meeting and information sharing process that occurs among the law enforcement officers and the CSO involved in the Partnerships;
- b. Scheduled and unscheduled collateral contact with identified individuals in the community who are familiar with the offender’s adjustment to, and compliance with, community supervision.

Collateral contact is contact between a CSO or SCSO with an individual other than the offender who can provide relevant information on the offender's adjustment in the community or potentially provide services or resources that will contribute to the offender's reentry; and

- c. Scheduled and unscheduled interactions, contacts and/or meetings with residents known to offenders, businesses, and other interested parties in the PSA or other designated areas within the District of Columbia, in order to increase community awareness about the Partnerships.

4. Criteria for Identifying and Prioritizing Offenders for Joint Community Contacts

- a. The CSOs shall identify offenders who pose the greatest risk to community safety as determined by the Screener Instrument in SMART and the assessment process.
- b. The CSOs shall identify offenders whose conduct indicates failure to comply with release conditions.

5. Scheduling Accountability Tours

- a. CSOs shall schedule accountability tours for all intensive/maximum level cases received in the PSA or other designated areas within the District of Columbia.
- b. CSOs shall identify which offenders are scheduled for accountability tours after meeting with law enforcement prior to the following week's accountability tours.
- c. CSOs shall schedule future accountability tours with a law enforcement officer during the regularly scheduled Community Justice Partnerships meetings, even if the law enforcement officer is not participating in the next accountability tour.
- d. When unforeseen events arise that may impact public safety, or at the discretion of the SCSO, the CSO shall contact the appropriate law enforcement officer(s) and schedule an accountability tour.
- e. Prior to making a joint community contact, the CSO shall provide a copy of the Offender Profile Sheet in SMART to the law enforcement officer.

6. Conducting Accountability Tours

- a. Safety Precautions

CSOs shall follow the staff safety guidance in Chapter XIV-Staff Safety.

- b. Offender Not Present for a Scheduled Accountability Tour
 - i. The CSO shall follow-up with the law enforcement officer by conducting an unscheduled accountability tour with the offender who failed to be present for the accountability tour.
 - ii. The CSO shall sanction the offender consistent with the procedures outlined in the Offender Drug Testing Protocol.
- c. Offender or Collateral Contact Refuses Entry to CSO and/or Law Enforcement Officer During an Accountability Tour
 - i. If the offender or a collateral contact refuses to permit the CSO and the law enforcement officer to enter the residence/premises during an accountability tour, the officers shall leave the residence/premises.
 - ii. If the offender or a collateral contact refuses to permit the law enforcement officer to enter the premises during an accountability tour, but permits the CSO to enter, both the CSO and the law enforcement officer shall leave the residence/premises. (For additional guidance see Chapter XIV-Staff Safety; Chapter IX-Section C-Role of CSO in Search and Seizure)
 - iii. The CSO shall sanction the offender consistent with the procedures outlined in the Offender Drug Testing Protocol.

7. Sensitive Offender Information

- a. Law enforcement officers may not be given sensitive offender information, e.g., drug/alcohol treatment/diagnosis/assessment/status, HIV/AIDS status, mental health information, or other health information, including information concerning release conditions that relate sensitive information, without the prior written consent of the offender using the consent form designated for the type of information involved.
- b. Law enforcement officers may be provided with offender drug test results without obtaining offender consent, provided that the tests were done as a condition of supervision and not by a treatment program.

C. Role of the CSO in Search and Seizure

In accordance with Constitutional guarantees provided by the Fourth Amendment, searches of offenders under CSOSA supervision require the issuance of a search warrant, the consent of the offender, or the existence of a special search condition imposed by the releasing authority. The purpose of such searches is to confiscate contraband or prohibited items or to find evidence of a violation of the offender's condition(s) of release (see Appendix P, Search and Seizure Policy).

The CSOSA policy on the role of the CSO in search and seizure is grounded in four important considerations:

- a. As unarmed law enforcement personnel, CSOs are not properly suited to execute searches of potentially uncooperative or hostile offenders and their property;
- b. Contraband seized from offenders is best handled by using the chain-of-custody protocols and secure storage facilities of law enforcement agencies;
- c. CSOSA relies upon a range of techniques, including searches, to monitor an offender's compliance with conditions of supervision; and
- d. Searches involving prohibited items including computer equipment, online or network services, and certain photographic equipment (for example, cameras, cell phones with photo capability, video cameras) can be performed by CSOSA staff when accompanied by an SCSO, or in the event that staff perceive the potential for a confrontation, by law enforcement personnel.

The CSOSA Policy Statement on Contraband and Evidence Control also governs the search procedure of visitors and offenders who enter Agency facilities.

The primary role of the CSO in search and seizure is to recommend the imposition of a special search condition, or to suggest that appropriate law enforcement agencies (in most cases, MPD) obtain a search warrant when circumstances suggest that an offender may possess contraband or may be at risk of re-offending, or to document the offender's consent and to specify the scope of the consent search.

All searches, with the exceptions noted below, are to be conducted by law enforcement personnel (i.e., the MPD), based on either the consent of the offender, a search warrant, or a special search condition, in accordance with the attached procedures. CSOs are not authorized to conduct searches for (or to seize) contraband from the persons or premises of the offenders they supervise. Contraband may include dangerous weapons, controlled substances, or drug paraphernalia.

If the releasing authority orders the seizure of item(s) whose possession has been prohibited by order of the releasing authority (for example, pornographic magazines or videos), the CSO is responsible for conducting the search.

The CSO is authorized to seize the item(s) if:

- a. The item is explicitly enumerated in the release condition;
- b. The item is in plain view; and
- c. The CSO is reasonably confident that seizing the item will not compromise his or her own safety.

If the releasing authority authorizes a computer special search condition, the CSO is authorized to perform a search and/or seize computer equipment (in accordance with procedures set forth in the CSS Guidance Memorandum on computer surveillance) when accompanied by the SCSO, or in the event that staff perceives the potential for a confrontation, by law enforcement personnel.

Authorities: Pub. L. 105-33, § 11233, 111 Stat. 748; D.C. Official Code § 24-133(c) (2001 Edition).

1. Grounds for Search of an Offender's Person or Premises- Special Search Conditions

a. Requirement for Imposition of Search Condition

A CSO should not routinely recommend that the United States Parole Commission (USPC) or the sentencing court impose a special condition authorizing searches of persons under supervision.

A special search condition should only be imposed if the CSO requests the condition and the releasing authority imposes it, or if the releasing authority imposes the condition without a request from the CSO in a particular case. The CSO's request for a search condition should be based upon a determination that:

- i. The offender's criminal history, screener assessment, and/or adjustment while under supervision suggest that a condition is necessary to enforce the other conditions of release or to protect the public, and/or
- ii. Effective supervision of a particular offender otherwise warrants the imposition of the condition.

b. Types and Scope of Special Search Conditions

i. Model Special Search Condition.

A model special search condition shall permit searches by authorized law enforcement officials of the offender's person, residence, workplace, training site, or vehicle provided that such searches by

authorized law enforcement officials be conducted in a reasonable manner, at a reasonable time, and be based upon the CSO's reasonable suspicion of the existence of contraband or other evidence of a violation of conditions of release.

ii. Computer Equipment and Online/Network Services Special Search Condition

If the circumstances warrant, the CSO may recommend that the USPC or sentencing court impose a special condition restricting an offender's possession and use of certain computer equipment, or any device or equipment used to access information via electronic means. For example, if the CSO believes that a significant risk exists that an offender may use an online computer service to (a) engage in criminal activity or conduct prohibited by the offender's conditions of release, or (b) associate with individuals who are likely to encourage the offender to engage in criminal activity, or (c) violate the offender's conditions of release, the CSO may recommend that the USPC or sentencing court impose a condition restricting the offender from possession or use of certain computer equipment.

The particular form of the computer-related condition will depend upon individual circumstances. Given that computers are used for numerous legitimate purposes, the least restrictive condition appropriate (consistent with the public safety need for restriction and the need to monitor the offender's compare restriction) shall be recommended.

A request for the computer equipment and online/network services special search condition is not to be combined with a request for a model special search condition.

c. Consequences of Failure to Comply with a Search under Special Condition

A special search condition shall make the "failure to permit a lawful search" potential grounds for the revocation of an offender's community release.

d. Notice to Offender and Potentially Affected Third Parties of Search Condition

A search condition shall also require that the offender, and those adults with whom s/he resides, be notified of the existence of the condition and that failure by the offender to cooperate can result in a revocation recommendation to the releasing authority. It is the primary responsibility of the offender to notify the adults with whom s/he resides of the search condition. In the event the CSO determines by speaking with those persons that the offender has not made the

required disclosure, the CSO shall notify the adults who reside in the home with the offender of the search condition.

There are three reasons why it is useful to forewarn the offender and potentially affected third parties of the existence of the search condition:

- i. Forewarning the household residents reduces their expectation of privacy. The Supreme Court has held that the Fourth Amendment serves to protect an individual's "reasonable and justifiable expectation of privacy." (*Katz v. U.S.*, 389 U.S. 347 (1967)). In so ruling, the Court extended the protection of the Fourth Amendment to people rather than to places;
- ii. Informing an offender of the search condition may act as a deterrent to criminal activity, because the offender may believe illegal conduct will be more easily detected. For example, the offender may be less likely to have weapons in the home, thus also increasing an officer's safety while conducting home visits; and
- iii. Clearly delineating the existence of the condition and the potential consequences of non-compliance may serve to reduce debate and increase cooperation in the event that a search needs to be conducted by a law enforcement officer.

e. Consent Searches

A law enforcement officer may conduct a search in the absence of a special search condition if the offender gives prior written consent for the search. To ensure that consent is freely and voluntarily given, the CSO shall advise the offender, before the consent is given, that the consent may be refused without the adverse consequence of revocation of community supervision, but that the releasing authority may consider such refusal in determining whether a modification of release conditions is warranted. A search based upon consent may not exceed the scope of the consent. The CSO shall use the CSOSA Search Consent Form to document the offender's consent and to specify the scope of the search.

f. Search Warrants

In the event that a CSO believes that a search of the offender's premises has become necessary, there is no special search condition in place, and the offender will not consent to a search by the local law enforcement official (ordinarily, the MPD), the CSO will consult with his or her immediate supervisor to determine the appropriate course of action. In the event that it is determined that a search

warrant may be required to protect the public safety, the SCSO shall consult the appropriate law enforcement agency (ordinarily, the MPD).

2. General Rules for Searches

Except as noted in Section b. (iv) below, CSOs are prohibited from conducting searches of an offender's person, residence, workplace, training site or vehicle. Such searches are to be conducted by authorized law enforcement personnel (ordinarily, the MPD).

Warrant-less searches can be conducted incident to a lawful arrest, or when the offender is subject to a search condition and the CSO has reasonable suspicion to believe that the offender possesses contraband that violates the law and/or release conditions. The search may, in these instances, be conducted only by a law enforcement officer (ordinarily, the MPD). CSOs shall limit their participation to observing the search and shall not become active participants in the search.

In some instances, while conducting field visits, a CSO may observe items in plain view that the CSO believes to be contraband (that is, unlawful and illegal such as a controlled substance or weapon). The CSO should not make any attempt to take possession of the item(s). Instead, during a field visit, the CSO should make a mental note of everything observed and extricate himself/herself from the situation. Upon reaching a safe place, the CSO shall make a written record of his/her observations and report that record to the SCSO. Upon receipt of the report, the SCSO shall make contact with local law enforcement (ordinarily, the MPD) for further investigation if the situation presents an urgent threat to the public safety.

In the event of exigent circumstances (such as danger to persons, or the possible disposal or secreting of a dangerous weapon), the CSO shall consult immediately by phone with his or her own supervisor or other supervisory personnel to obtain guidance in how to proceed once the CSO is off-site and secure.

During an accountability tour, the law enforcement personnel present will handle any suspected contraband that is observed in plain view.

The CSO is responsible for conducting searches in cases with computer equipment and online/network services special search condition or where the releasing authority has ordered the seizure of item(s) whose possession has been prohibited (for example, pornographic magazines or videos).

Such searches are only to be made in the presence of the SCSO, or in the event that staff perceive the potential for a confrontation, by law enforcement personnel (ordinarily the MPD, in accordance with CSOSA's memorandum of understanding with MPD). See Section C for procedures pertaining to the seizure of property.

3. General Rules for Seizure

- a. Contraband seized by a law enforcement officer (ordinarily, the MPD) is to be handled by the law enforcement officer using the chain-of-custody protocols and secure storage facilities of that officer's agency.
- b. When there is a specific directive from the releasing authority authorizing the seizure by the CSO of prohibited items (but not contraband), the CSO shall seize the prohibited item(s) if:
 - i. The prohibited item is explicitly enumerated in the release condition;
 - ii. The prohibited item is in plain view;
 - iii. The CSO is reasonably confident that seizing the prohibited item will not compromise his/her own safety; and
 - iv. The CSO is accompanied by an SCSO or, if the CSO believes that seizing the prohibited item may compromise his or her safety, the CSO must be accompanied by a law enforcement officer.

If the CSO is alone and feels that by leaving the home the prohibited item may be hidden or destroyed, the CSO should call for assistance from MPD and the SCSO.

In the event the CSO believes that the possession of contraband by an offender constitutes an immediate threat to the CSO's safety, the CSO will follow the practices described in greater detail in the Chapter XII, Staff Safety.

- c. The CSO shall use the CSS Chain-of-Custody form to document the seizure, transport, storage and release of property seized by the CSO.
- d. Computer equipment ordinarily is not seized and removed. Prohibited material found on the computer will be handled pursuant to the signed Computer Use Agreement Contract and the CSS Guidance Memorandum regarding computer surveillance procedures.

4. Disposition of Seized Property

- a. Seized property is kept for evidence, and will be returned or disposed of in accordance with the decision of the releasing authority.

- b. Items determined by the releasing authority to be pornographic (for example, videotapes) are not to be returned. These items are to be destroyed following the final hearing disposition.
- c. If the offender is unable to accept the return of the property (for example, because the offender is returned to prison), the offender must designate a person to accept the return of the property for him/her. If the offender fails to identify someone to accept the property, the CSO is to contact the releasing authority for further instructions on disposition of the property. The CSO shall then dispose of the property in accordance with the directions of the releasing authority. Such disposition may include destruction of the property. Notice of these procedures is included on the property form that offenders sign at the time their property is seized.

5. Model Search Condition

The offender shall submit his/her person, his/her residence, workplace, training institution, or vehicle to a search, conducted by an officer of the Metropolitan Police Department (or other law enforcement agency, as appropriate) at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of (a) condition(s) of release. Failure to submit to a search may be grounds for a revocation hearing. The offender shall warn any other adult residents that the premises may be subject to searches pursuant to this condition.

6. Computer Equipment and Online Network Services Special Search Condition

Offenders with a special condition for computer equipment and/or internet services shall not possess or use a computer with access to any online computer service at any location (including employment) without the written consent of the D.C. Superior Court or the United States Parole Commission. This restriction includes any Internet service provider, bulletin board system, or any other public or private computer network. Any approval by the D.C. Superior Court or the United States Parole Commission shall be subject to the conditions outlined in the Computer Use Agreement Contract.

In addition, the offender shall not possess or use any data encryption technique or washing or scrubbing program.

Finally, the offender shall consent to:

- a. Having CSOSA Community Supervision Services staff or other law enforcement personnel conduct periodic unannounced examinations of their computer(s) equipment and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purposes of conducting a more thorough inspection; and

- b. Consent at the direction of their CSO to having installed on their computer(s), and at their expense, any hardware or software systems selected by CSOSA to permit CSOSA to monitor the offender's computer use.

Failure of the offender to submit to a search may be grounds for a revocation hearing. The offender shall warn any other residents that the approved computer equipment may be subject to searches pursuant to this condition.

7. Search Consent Form

Below is a sample Search Consent Form to be used to obtain the offender's consent to conduct a search.

I, _____ (Name of Offender), hereby consent to permit _____ (Name of Law Enforcement Officer), a law enforcement officer employed by _____ (Name of Law Enforcement Organization) to search my _____.

My consent is freely and voluntarily given. I understand that I am not required to consent to the search and that my refusal to consent shall not be the basis of a revocation of my parole or probation, though the United States Parole Commission or D.C. Superior Court may consider such refusal in connection with a modification of the conditions of release.

| | |
|-------------------------------------------|--|
| Signature of Offender Date Signed | |
| Signature of CSOSA Witness Date Signed | |

| | |
|--------------------------|--|
| Offender's Date of Birth | |
| Offender's DCDC Number | |
| Offender's PDID Number | |

D. Definitions

Contraband. An item that is prohibited from possession by the general population pursuant to law (for example, dangerous weapons, controlled substances, or drug paraphernalia).

Law Enforcement Officer. Sworn officer with arrest powers (for example, MPD, FBI, U.S. Marshals Service, D.C. Housing Authority Police).

Plain View. The plain view doctrine can be summarized as follows: prohibited items that fall within the plain view of a CSO who is justified in being in the place where the prohibited item is seen may properly be seized by the CSO. It must be immediately apparent that the item is

prohibited with respect to the offender. The plain view doctrine does not permit a CSO to seize contraband.

Prohibited Item. Any item prohibited by order of the releasing authority, and if possessed by the offender, constitutes a violation.

Reasonable Suspicion. Suspicion sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that criminal activity or a violation of release conditions is at hand.

E. Interagency Communication and Work Management:

This section delineates responsibilities for handling areas of mutual interest between the Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency (PSA). Guidance is provided in the following areas: information sharing and utilization at the pretrial and post-conviction diagnostic phases, substance abuse and mental health treatment services, supervision coordination, cross-training of PSA and CSOSA staff, and coordination, when possible, of case management systems.

1. Information Sharing in the Preparation of Pretrial Service Reports (PSR) and Pre-Sentence Investigations (PSI) Reports

- a. PSA and CSOSA staff will electronically share information in each Agency's respective information systems, the Pretrial Real Time Information System Manager (PRISM) and the Supervision and Management Automated Record Tracking (SMART). When possible, PSA and CSOSA staff also will share certain agency reports, information and forms electronically.
- b. For defendants under PSA's supervision, CSOSA's PSI writers will access PRISM to review and monitor information pertaining to the defendant's community ties, criminal history, drug test results, substance abuse and/or mental health histories, and supervision compliance with PSA staff. This information will be incorporated into the PSI report.
- c. For rearrested offenders, PSA's Diagnostic staff will use SMART to identify the offender's Community Supervision Officer (CSO). The Diagnostic PSO shall contact the CSO for compliance information for use in PSA's Pretrial Services Report (PSR) and subsequent release or detention recommendation. If the CSO is unavailable, PSA staff will contact, in order, the Unit Duty Officer and the Unit Supervisor.

For unassigned cases, PSA staff will contact CSOSA's Special Projects Unit Manager (202-585-7322). PSA staff may attempt to contact CSOSA personnel to obtain information for diagnostic purposes during and beyond normal business hours.

- d. CSOSA will provide to PSA a listing of Community Supervision Services staff cell phone and office numbers. PSA will distribute these listings to PSA Diagnostic Teams/Supervisors for purposes of communicating with CSOSA staff regarding an offender's adjustment.

2. Substance Abuse and Mental Health Treatment Services

- a. If a defendant is in substance abuse treatment while under PSA's supervision, and then is adjudicated to CSOSA's supervision, CSOSA will continue the offender's treatment in a process that is seamless to the judiciary and the offender.
- b. PSA COTRs will send electronic notification to the CJP staff of those offenders participating in contracted treatment for a transfer of fiduciary responsibilities for offenders in substance abuse treatment.
- c. Information concerning non-contracted substance abuse treatment, mental health treatment and compliance with all treatment vendors will be available in PRISM and SMART.
- d. Substance abuse and mental health treatment information are available in PRISM and SMART upon completion of the appropriate release forms. CSOSA and PSA staff may request and receive hard copies of treatment and mental health assessment documents, if the requested information is not available in their respective data systems.
- e. PSA and CSOSA treatment staff will coordinate treatment placements for dually supervised persons. Coordination will include: 1) determining which agency will fund and effect the treatment placement; 2) obtaining necessary court documentation and orders for treatment; and 3) updating other supervisory requirements as needed (for example, suspending reporting requirements for defendants in residential treatment).

3. Supervision Coordination

- a. CSOSA and PSA will share all applicable offender consent releases based upon whatever releases are needed.
- b. On a quarterly basis, CSOSA and PSA will provide to each other an organizational chart with staff names and phone listings.
- c. In dual supervision cases, CSOSA and PSA will coordinate supervision of conditions ordered as requirements of both pretrial and post-sentence release. These include, but are not limited to, drug testing, weekly reporting to case managers, substance abuse

and mental health treatment placements, curfew monitoring, and stay away requirements. PSA and CSOSA staff will monitor compliance by way of PRISM and SMART, as appropriate.

When necessary, staff from either agency will get personal confirmation of compliance from the assigned case manager, Unit/Team Duty Officer, or Unit Supervisor.

- d. In cases where drug testing is required by both CSOSA and PSA, the defendant/offender will only report to one agency for testing. The defendant/offender will follow the schedule of the agency with the greater testing requirement (*i.e.*, twice weekly rather than once weekly) or, if both agencies' requirements are the same, continue in the testing schedule imposed first. Following the guidance of the CSOSA General Counsel, PSA and CSOSA staff may use each agency's drug test results for supervision purposes. If CSOSA is the designated drug-testing agency, the Illegal Substance Collection Unit (ISCU) staff will confirm dually supervised persons of their pretrial court appearances.
- e. PSOs and CSOs will coordinate applications of administrative sanctions and incentives and requests for judicial actions to ensure that these responses do not interfere with any other supervisory requirements. This includes coordination and changes to supervision following rearrest, condition infractions, condition violations, and mental health and/or substance abuse treatment placements. (If offenders are rearrested, CSOs will increase supervision and/or sanction.)
- f. If a rearrested offender is released to the community, but later is placed into a loss of contact status, the CSO will contact the PSO by way of e-mail or telephonically to inform the PSO that the court will be notified of the offender's loss of contact status and that court intervention will be requested. In all cases, CSS staff will notify the PSO within 3 business days of the offender's alleged violations (submission of AVR) that will affect the offender's liberties within the community. Likewise, a PSO shall follow the above procedures in notifying the CSO if a defendant is placed into a loss of contact status while under PSA supervision.
- g. PSA and CSOSA staff may obtain and use any information in PRISM or SMART regarding compliance to requirements of both pretrial and post-sentence release, and report this information to the appropriate judicial officer or other criminal justice entity. When necessary, PSOs and CSOs shall contact one another to obtain updated information and shall also notify each other by way of e-mail or by telephone whenever the case manager forwards a violation or revocation report to Court.

- h. PSA will be responsible for complying with a judicial order to enroll and monitor defendants on electronic monitoring. PSA will notify the assigned CSO if the court is to be petitioned to revoke or otherwise change the defendant/offender's release condition due to electronic monitoring violations. CSOSA and PSA staff will seek to consolidate technological resources used for defendant/offender supervision. For example, if a defendant/offender is required to participate in house arrest or curfew as a condition of pretrial release and is on GPS under CSOSA, staff will use one technological system to monitor this condition, where possible. If a defendant is being monitored electronically for curfew by PSA and CSOSA staff requires information pertaining to curfew, PSA will provide hard copies of the information when requested.
- i. The assigned PSO and CSO will review SMART and PRISM periodically to review release orders and probation plans pertaining to "Stay Away" orders. In accordance with CSOSA policy, CSS may enroll the offender on GPS. The CSO will provide documentation to the PSO if the offender violates the restrictions imposed in the "Stay Away" order. Based on the information provided by the CSO, the PSO will advise the CSO if the pretrial judge will be petitioned to revoke or otherwise change the defendant/offender's pretrial status.
- j. Communication between drug testing units at CSOSA and PSA shall continue in order to assist in the identification and facilitation of defendant/offender testing, placements, schedules and closures of information in PRISM, resolving duplicate entry.

4. Training

CSOSA and PSA will provide cross-training to staff on operational topics mutually agreed upon. In addition, CSOSA and PSA agree that any changes, updates, and/or modifications to either SMART or PRISM will be conveyed in a regular and timely fashion.

Chapter X: Sex Offender Supervision

A. Introduction and Purpose

The Sex Offender Unit (SOU) specializes in the supervision of sex offenders released to the community on probation, parole, and supervised release. The unit is mandated by Community Supervision Services (CSS) to provide close and effective supervision of sex offenders under its legal jurisdiction.

SOU employs a proactive approach to offender supervision. This involves: a thorough risk assessment; strategic supervision planning that addresses the offender's criminogenic and non-criminogenic needs; close monitoring of offender activities; constant assessment of therapeutic progress and compliance; fostering and maintaining collateral contacts; and quickly responding to identified risk factors.

The SOU's mission is to enhance community safety. Community supervision officers (CSOs) assigned to SOU proactively manage the risk that sex offenders pose to community safety by implementing evidence based practices to effectuate change; and, responding to offender non-compliance through a series of graduated sanctions, treatment, intensive monitoring techniques and reincarceration, if necessary.

SOU's mantra is "No New Victims."

B. Program Goals

The four primary goals of the Sex Offender Unit are:

1. To assist the offender in successfully completing his/her term of supervision;
2. To protect the community by preventing the offender from further victimizing others;
3. To hold the offender accountable for past criminal behavior by requiring him/her to address the issues that brought him/her into the criminal justice system; and
4. To maintain thorough case records of convicted sex offenders for future use in assessment/evaluation, supervision planning and criminal investigations.

C. Sex Offender Registration

These responsibilities apply in those cases where a sex offender is required to register in accordance with the D.C. Sex Offender Registration Act (SORA) of 1999 [District of Columbia Sex Offender Registration.] (See D.C. Official Code §§4001 et seq. (2001Edition))

1. Supervisory Community Supervision Officer (SCSOs) and Community Supervision Officer (CSO) Responsibilities

Supervisors and line officers assigned to the sex offender supervision teams have specific responsibilities for ensuring the overall effectiveness of the sex offender registration process. Branch chiefs are also responsible for ensuring the inclusion of sex offender registration staff at the bi-annual branch meetings of all staff.

The following CSO responsibilities pertain to the sex offender registration process:

- a. The CSO is to notify the sex-offender registration staff of any offender for whom a parole or probation violation warrant has been issued by the releasing authority (within three business days of the date of issuance);
- b. The CSO is to notify the sex offender registration staff of the status of any sex offender case wherein a violation warrant has been executed (within three business days of the date of execution).
- c. The CSO is to notify the sex offender registration staff of the date and final disposition of the offender's parole or probation revocation hearing (within three business days of the final hearing).
- d. CSO is to direct the offender to immediately report to the sex offender registration staff any changes in his/her employment status and/or residential address (and document this action in the case running record).
- e. The CSO is to direct the offender to report to the sex offender registration staff when his/her official case has reached the date of legal expiration (and document this action in the case running record).

The offender's failure to comply with the above stated directions could lead to possible further prosecution (violation of the sex offender statute).

The required attendance of the sex offender registry staff at the bi-annual branch meetings is intended to keep CSS managers and staff updated on sex offender registration issues, resolve any operational questions between supervision and the sex offender registration staff and exchange or share information that would effect the overall efficiency of the sex offender registration process. The cooperation of all CSS staff in this effort is critical to the effectiveness of the sex offender registry mandate.

D. Criteria for Case Assignment

The SOU accepts cases based on past or current behavior that is considered sexually deviant in nature. The SOU understands that to better ensure community safety and offender rehabilitation that offenders must be supervised in a manner consistent with their criminal histories.

All cases where sexually deviant behavior is involved in any criminal conviction(s) in an offender's history should be referred to the SOU for supervision since sex offender's present unique risks and challenges and their deviant sexual interests do not dissipate over time. The following are criteria for case assignment to the SOU:

1. Cases in which the current offense is a sex crime. Cases in which the offender's criminal record contains a prior conviction for a sexual offense;
2. Cases in which the current conviction is for a non-sexual offense but elements of the crime suggest that sexually deviant or sexually violent behavior was a motivating factor;
3. Cases in which the current offense is a non-sexual offense but the sentencing court or paroling authority specify that the offender be to be supervised by the SOU;
4. Interstate cases in which the offender was convicted of a sexual offense, is serving a term of imposed supervision and has been granted permission to relocate to the District of Columbia under the Interstate Compact Agreement; and
5. Cases in which the sex offender, who currently resides in the District of Columbia, wishes to relocate to another jurisdiction and is awaiting permission to transfer under the Interstate Compact Agreement.

Cases of prostitution or sexual solicitation between consenting adults are not eligible for assignment to the SOU. Cases where the offender has a sex offense conviction as a juvenile will be assessed prior to assignment to the SOU on a case-by-case basis.

E. Sex Offender Program Components

1. Initial Ninety (90) Day Supervision Plan

- a. The CSO shall develop and review the "accountability contract" or "case plan" with the offender and have him/her sign in accordance with CSOSA Accountability Contract Policy
- b. The CSO shall have all offenders with special conditions restricting contact with minors to sign the No Contact with Minors Contract. (See section Y)

- c. The CSO shall refer the offender for urinalysis testing in accordance with CSOSA policy (see CSOSA Drug Testing Protocol and Administrative Sanctions in Chapter XVI);
- d. The CSO shall determine whether or not the offender is required to submit a DNA sample. If DNA is required and has not been submitted, the CSO shall refer the offender for DNA testing within five (5) business days of case assignment;
- e. The CSO shall ensure that the offender photographed within three (3) calendar days of case assignment and the most recent photo is entered into SMART;
- f. The CSO shall refer all unemployed, yet employable, sex offenders to the VOTEE Program within fifteen (15) business days of case assignment;
- g. The CSO shall identify and document the offenders' DMV licensure status and enter into SMART
- h. The CSO shall identify and document any vehicles owned/operated by the offender and enter this information into SMART;
- i. The CSO shall advise the offender of his/her obligation to register as a sex offender (when applicable) and verify that s/he has complied with the Sex Offender Registration Act;
- j. The CSO shall identify and verify all of the offender's collateral contacts and document their relationship to the offender (and include their addresses and phone numbers) and document in SMART;
- k. The CSO shall notify all persons with whom the offender resides about the offender's supervision status and conviction for any sexual offenses/for all registered sex offenders.
- l. The CSO shall establish contact with other members of the offender's residence within five (5) business days of the offender's initial supervision visit;
- m. The CSO shall have communication with all identified collateral contacts within 30 calendar days of the initial supervision visit and document the contacts in SMART;
- n. The CSO shall ensure that the offender has signed all necessary authorization forms for release of sensitive information to include:

- i. Consent for Release of Sensitive Information - Mental Health & Sex Offender (see Forms/Template Manual – all MH Forms),
 - ii. Consent for Release of Sensitive Offender Information HIV/AIDS and Tuberculosis Treatment (see Forms/Template Manual, Form No. GR-000),
 - iii. Authorization for Release of Information and Waiver General Third Party Disclosure (see Forms/Template Manual, Form No. GR-001),
 - iv. Authorization for Release of Information and Waiver – Community Justice Partnerships (see Forms/Template Manual, Form no. GR-003),
 - v. Consent for the Use of Confidential Information – Drug Testing & Drug Treatment Records (see Forms/Template Manual, Form No. DT-001),
 - vi. Room/Housemate Consent to Release (see Forms/Template Manual, Form No. GS-0037), and
 - vii. Consent for Release of Information - Employer (see Forms/Template Manual, Form No. GR-004);
- o. The CSO shall immediately request modifications to release orders that are deemed necessary to minimize the offender’s risk to the community and grant SOU the proper authority to supervise the offender given his/her criminal history, mental health history and offense cycle (i.e. restricting the offender’s access to children in cases involving child molestation where no such condition exists, restricting computer use, search, etc. (see attached listing of common conditions of release for sex offenders));
- p. The CSO shall submit a referral package (see Sex Offender Treatment Request Form, No. SO-001) for a sex offender treatment assessment to the SCSO within 15 business days of receipt of all newly assigned cases to the SOU. Sex offenders previously assigned to the SOU may have already had sex offender assessment and specialized treatment services. If this is the case, the CSO will refer the offender for continued treatment services if the offender had not completed previous treatment opportunities;
- q. The CSO shall conduct a home visit on all newly assigned active cases within five (5) business days of the offender’s release;
- r. The CSO shall obtain victim(s) contact information and document in SMART. CSO is to also ensure and document that the victim(s) has been contacted and notified of the offender’s release, if possible. Guardians should be contacted for any victim under the age of 18;

- s. In instances where sex offender treatment is ordered and the psychological assessment indicates that treatment is not appropriate, the CSO shall notify the releasing authority in writing within 15 business days from the assessment completion date;
- t. All special conditions of release requiring referrals for services (i.e. DVIP, anger management, community service, etc.) shall be addressed and documented in SMART within 90 calendar days of case assignment unless circumstances prohibit such;
- u. If the offender holds employment, the CSO shall conduct an employment visit within ten (10) business days from the offender's date of hire (see Chapter VII regarding Notification to Offender's Employer). The CSO shall consult with the SCSO if employer notification is deemed appropriate;
- v. The CSO shall complete the "Risk/Needs Questionnaire for Sex Offenders" within 90 calendar days of case assignment;
- w. The CSO shall also complete a sex offender risk/needs actuarial within 90 calendar days of case assignment, as determined by the SCSO;
- x. The CSO shall seek and obtain any available arrest/conviction documents for all sex offense arrests or convictions that describes the offense(s) in question.
- y. The SCSO shall conduct a case review on all newly assigned cases and provide written guidance to the CSO.
- z. The SCSO shall conduct a case review with the CSO on all newly assigned active cases on the 30th calendar day from case assignment; and
- aa. The SCSO shall conduct case audits on newly assigned active cases on the 90th calendar day from case assignment.

2. Ongoing SOU Case Management Components

The following are basic case management activities the CSO is expected to perform when supervising sex offenders:

- a. The CSO shall seek modifications to the conditions of release in cases where special conditions would serve to enhance community safety and/or rehabilitate the offender;

- b. The CSO shall perform unannounced home and employment visits;
- c. The CSO shall perform occasional evening and weekend visits (i.e. home, Community Justice Partnerships, or Accountability Tours);
- d. The CSO shall continually identify, document and assess the appropriateness of jobs, volunteer work, hobbies, school, religious and extracurricular activities of the offender based on the offender's modus operandi (method of operation), offense cycle, victim profile and any other identified risk factors;
- e. The CSO shall regularly communicate with all valid collateral contacts to assess the offender's compliance with the conditions of release, verify pertinent information, gather intelligence and assess risk to community safety in accordance with the assigned supervision level (i.e., family, therapists, employers, etc.);
- f. The CSO shall continually identify and document new relationships developed by the offender to include these names, ages, addresses and phone numbers;
- g. The CSO shall contact, verify, and document that the parent or guardian of any children with whom the offender has a relationship or develops a relationship is aware of the nature of the offender's sex offense history in a timely fashion;
- h. The CSO shall notify, verify and document in SMART that all persons with whom the offender resides are notified of the offender's sex offense for registered sex offenders;
- i. The CSO shall seek to modify release conditions, specifically to include conditions of search and seizure in appropriate instances where such a condition will enhance community safety (see CSOSA policy on the Role of CSO in Search and Seizure in Chapter VI);
- j. The CSO shall seek to modify an offender's release conditions to include the Computer Special Search Condition in appropriate instances where such a condition will enhance community safety (see CSOSA policy on the Role of CSO in Search and Seizure in Chapter VI);
- k. The CSO shall conduct at least monthly warrant and full criminal records checks on all sex offenders;

- l. The CSO shall attend scheduled staffing with St. Elizabeth’s Hospital Bureau of Legal Services, Department of Mental Health and sex offender treatment providers as directed by the SCSO; and
- m. The CSO shall complete the “Supervision Questionnaire for Sex Offenders” at least monthly and document significant responses in SMART.

3. Supervision Levels

The level of supervision assigned to offenders in the SOU is as follows:

a. Initial Supervision Level Assignment

The Sex Offender Unit is designed to provide intensive supervision of sex offenders. Therefore, CSO contact with sex offenders will be heightened/adjusted as follows:

- i. The SCSO shall automatically place sex offenders on the maximum level of supervision at the time of assignment for the first 90 calendar days of supervision,
- ii. The SCSO shall place sex offenders on the Intensive level of supervision at the time of assignment for the first 90 calendar days if his/her criminal history: shows multiple arrests for sexual offenses, has had parole/probation/supervised release revocations within the past five (5) years or the offender has been diagnosed with a ‘paraphilia’, major Axis I mental illness or if this level was recommended by the releasing authority or mental health professional, and
- iii. The CSO shall complete the CSOSA Autosceener within 25 calendar days of supervision and every six (6) months in accordance to Agency policy. The CSO shall use the supervision level criteria for override consideration.

b. Criteria for Increasing Supervision Level

- i. The supervision level shall automatically increase to the Intensive level when an offender is re-arrested for a sex offense (misdemeanor or felony) or other major felony,
- ii. The supervision level shall automatically increase to the maximum level when an offender is re-arrested for a misdemeanor offense or non-major felony pending the disposition in the new case but no less than 90 calendar days from the date the re-arrest was noted, and

- iii. The SCSO or CSO can increase the supervision level at any time for good cause (e.g., to sanction inappropriate behavior, rearrest, etc.).

c. Criteria for Reducing Supervision Level

A sex offender may have his/her supervision level reduced to the Maximum or Medium level if:

- i. No violation report has been submitted to the sentencing court or releasing authority in the last six (6) months,
- ii. No more than three (3) unexcused missed appointments within the last six (6) months have occurred,
- iii. Satisfactory participation in all treatment programs has been documented,
- iv. There has been no detection of illicit drug use in the last six (6) months, and
- v. A SCSO case audit indicates a satisfactory case supervision rating.
- vi. The offenders supervision may not be reduced more than one level based on re-assessment with the auto screener. All reductions in levels of supervision must be approved by the SCSO.

A sex offender may have his/her supervision level reduced to the Minimum level if:

- i. The offender has spent at least 18-months under community supervision,
- ii. No violations have occurred in the last 18-months,
- iii. All special conditions have been satisfactorily met, and
- iv. A SCSO case audit indicates a satisfactory case supervision rating.

A sex offender may not be considered for supervision level reduction to Minimum if:

- i. The total supervision term is 18-months or less,
- ii. The offender has had parole revoked in the past five (5) years,
- iii. The offender has had a term of probation revoked in the past five (5) years,
- iv. The offender had either been terminated from a term of probation unsuccessfully or completed a term of probation unsuccessfully in the past five (5) years,

- v. The offender has been diagnosed with a paraphilia or major Axis I mental illness,
- vi. The offender's criminal record contains multiple arrests for sexual offenses, and
- vii. All supervision level reductions must have the approval of the SCSO. Designees acting for the SCSO during periods that the SCSO is away from the office is not authorized to reduce the offender's level of supervision.

F. Sex Offender Treatment

1. Referral Process

- a. All offenders assigned to the SOU must undergo an assessment to determine the need for sex offender treatment and/or other mental health needs to include a clinical diagnosis;
- b. If there is no special condition for sex offender treatment and the offender does not agree to participate, the CSO shall request within fifteen (15) business days that the releasing authority (Court/USPC) modify the conditions of release ordering the offender to undergo sex a offender treatment evaluation and complete treatment if deemed necessary;
- c. When the sex offender treatment assessment recommends sex offender treatment, the CSO shall prepare a sex offender treatment referral package to include Sex Offender Treatment Referral Form (SO-001), Court/USPC order, PSI, signed release of information forms, all psychological evaluations and other pertinent information that may add insight into the offender's offense cycle;
- d. The CSO shall enter treatment referral information into SMART, submit the treatment package to the SCSO for approval, logging purposes and placement;
- e. The CSO shall ensure that a Mental Health Consent to Release Confidential Information Form (see Forms/Template Manual Form No. MH-000) is signed by the offender prior to the submission of the referral package; and
- f. The SCSO or designee shall forward the treatment referral package to the CIT designated program analyst.

2. After Placement

- a. The CSO shall ensure that the offender has signed a current Consent for Release of Sensitive Information - Mental Health and Sex Offender Information Form. The waiver is only valid for information that pre-dates the consent;
- b. The CSO and treatment provider shall develop a comprehensive treatment plan within 15 business days of completion of the psychosexual assessment;
- c. The CSO, SCSO, offender and therapist shall review the “treatment performance contract” and sign the form agreeing to the treatment components;
- d. The CSO shall give the offender and therapist copies of the signed treatment performance contract;
- e. The CSO shall ensure that therapists submit monthly progress reports and notify the SCSO if a report is overdue;
- f. The CSO shall attend all requested and scheduled staffing with therapists;
- g. The CSO shall provide therapists in a timely manner with pertinent information about the offender’s behavior in the community;
- h. The CSO shall respond to and document any concerns about an offenders’ progress/behavior expressed by therapists in a timely fashion and document the response in SMART;
- i. The CSO shall ensure that the offender complies with the “treatment performance contract”;
- j. The CSO shall appropriately sanction the offender for treatment non-compliance as dictated by the treatment performance contract and after consultation with the SCSO;
- k. The CSO shall assess and document in SMART no less than monthly whether the offender is progressing in treatment;

3. Treatment Exemptions

- a. Offenders may be exempt from sex offender assessment and treatment if they:
 - i. Have successfully completed sex offender treatment with a CSOSA vendor or other qualified therapist/treatment resource within five (5) years and upon SCSO approval. The CSO shall obtain treatment records to verify successful completion,
 - ii. Are incapacitated and upon SCSO approval, and
 - iii. Have previously been assessed by a CSOSA vendor or other qualified therapist as having a major mental illness that prevents them from benefiting from sex offender treatment and upon SCSO approval.

4. Treatment Services Terminations and Extensions

- a. CSO is to confer with the sex offender therapist thirty (30) calendar days prior to the scheduled contract expiration date to determine whether treatment services should be extended or terminated;
- b. The CSO shall submit form SO-001 with the appropriate box marked to indicate termination or continuation of services to the SCSO for approval, logging, and submission to the assigned program analyst; and
- c. For treatment services extension past one (1) year, the CSO must submit a justification memorandum, a written recommendation from the therapist and form SO-001 to the SCSO no later than sixty (60) days prior to the scheduled contract expiration.

At 90 calendar days prior to the scheduled expiration of the offender's probation term:

- a. The CSO shall obtain the therapist's assessment 90 calendar days prior to the supervision expiration date indicating whether the offender will likely complete treatment by the end of the supervision term;

- b. The CSO shall notify the releasing authority at least 60 calendar days before the scheduled expiration of supervision that the offender may not successfully complete treatment within the current term of supervision; and
- c. The CSO shall request an extension to the supervision term in probation cases where further treatment is recommended by the therapist and with the concurrence of the SCSO. The CSO shall also request an extension to the supervision term in probation cases where further treatment is recommended by the therapist.

Upon completion of sex offender treatment:

- a. The CSO shall coordinate a discharge staffing with the SCSO, assigned therapist and offender in all cases prior to discharge;
- b. During the staffing, the CSO, SCSO, therapist and offender will review and discuss the offender's "Relapse Prevention Plan" that is to be submitted in writing to the CSO;
- c. The CSO shall determine whether the offender has sufficiently grasped the relapse prevention concepts and consult with the SCSO if it is felt that sufficient progress has not been made;
- d. The CSO shall incorporate appropriate elements of the Relapse Prevention Plan into the offender's overall supervision/case plan for the remaining span of the offender's supervision term;
- e. The CSO shall recommend to the releasing authority modifications of the release conditions that are consistent with the Relapse Prevention Plan if applicable; and
- f. The CSO is to monitor and document the offender's adherence to the Relapse Prevention Plan on an ongoing basis for the duration of the term of supervision.

Aftercare:

- a. Once a sex offender has successfully completed sex offender treatment, they shall be placed into aftercare for an indefinite period of time;
- b. The CSO shall ensure the primary therapist submit an aftercare treatment plan and funding request;

- c. The aftercare period shall be indefinite and consist minimally of maintenance polygraph exams every 12 months; and
- d. The CSO shall consider any deviation from the offender relapse prevention plan or violation of supervision as a potential relapse situation and shall be discussed immediately with the primary therapist and SCSO for possible modifications to the aftercare plan or resumption of treatment.

G. Sex Offender Treatment Services

The treatment of sex offenders must be administered by therapists with specialized training, education and experience in the area of sexual deviance. The Sex Offender Unit must refer offenders in need of therapy to treatment providers who meet the ethical and philosophical criteria established by the Association for the Treatment of Sexual Abusers (ATSA). Providers must also meet the requirements established in the Criteria for Approved Treatment Providers as adopted from ATSA. The CSO is expected to ensure that offenders referred for sex offender treatment by the Unit are receiving services from qualified therapists. If the CSO believes that an offender under his/her direct supervision is not receiving treatment from a qualified therapist, the CSO shall discuss the concerns with the SCSO in a timely fashion so that appropriate action can occur.

1. Criteria for Approved Treatment Providers

- a. All therapists must be licensed mental health professionals or under the direct supervision of such a professional;
- b. No therapist shall have a record of conviction, deferred sentence or deferred prosecution for any felony committed in the last ten (10) years, or for any crime of violence or any sexual offense regardless of the time of offense;
- c. Given that the treatment of sex offenders is different from traditional psychotherapy, such treatment should include:
 - i. Cognitive behavioral group therapy. The groups should be no more than 15 participants and should focus on learning to control and manage deviant behavior(s),
 - ii. Utilization of relapse prevention techniques,
 - iii. Use of techniques for reducing deviant sexual arousal, such as covert sensitization, aversive conditioning and/or hormonal therapy,
 - iv. Homework assignments,
 - v. Work toward continual reduction of minimization and denial,

- vi. Confronting the offender's thinking errors and distortions,
 - vii. Limited confidentiality, and
 - viii. The use of physiological monitoring, the results of which will be integrated into treatment planning (i.e., plethysmographs and polygraphs, etc.).
- d. Providers should agree (within the constraints of the law) with the philosophy that in order to adequately protect the community, the CSO needs to know information concerning the offender's progress (or lack thereof) and details related to the offender's offense cycle, relapse prevention plan, degree of denial, treatment planning, etc;
 - e. Treatment providers should only accept an offender who has been unsuccessfully discharged from another program if the offender agrees to focus on the treatment issues s/he "failed" in the previous program and previous treatment records can be obtained;
 - f. Treatment programs should have specific graduation criteria instead of a fixed exit date;
 - g. Treatment providers must be willing to testify in court/releasing authority hearings;
 - h. Therapists must agree to notify the CSO immediately if an offender fails to comply with treatment or when concerns about the offender's progress arise within the constraints of the law;
 - i. Therapists must agree with the philosophy that community safety takes precedence over any conflicting interests involving the offender; and
 - j. Treatment providers must implement treatment contracts specifying program rules to be signed by the offender at the start of treatment.

H. Sex Offender Treatment Case Staffing Conferences

Sex offender treatment case staffing conferences are held with mental health professionals on sex offender related issues. The purpose of these meetings is to enhance the collaborative relationship between the CSO and the sex offender treatment providers, conduct case reviews, develop case management solutions and educate staff on pertinent topics and research findings from the field. Case staffing conferences will be held on an as needed basis with the sex offender treatment vendors and St. Elizabeth's Hospital Bureau of Legal Services staff as scheduled by the SCSO:

- 1. The CSO shall attend all scheduled case staffing for the unit unless arrangements have been made with the SCSO;

2. The CSO shall review staffing agenda items and make any preparations necessary;
3. The CSO shall present and discuss cases in which s/he is experiencing difficulty;
4. The CSO shall present and discuss case issues that may benefit the team;
5. The CSO shall notify the SCSO of any topics or cases she or he intends or desires to present and discuss in the staffing for placement on the agenda;
6. The CSO shall notify the SCSO, if he or she cannot attend the staffing; and
7. The CSO shall prepare any cases set for review so that the SCSO or co-worker can present the case if the CSO cannot attend the staffing; the SCSO or the designee shall maintain staffing minutes for future team reference purposes.

I. Sanctions

Offenders who are out of compliance with the conditions of his or her release are to be Sanctioned so that the negative behavior can be addressed. The CSO should view the offender's violations of the conditions of his or her release as a precursor to offensive behavior. The CSO is to sanction each act of offender non-compliance in accordance with the Administrative Sanctions Schedule. This serves to hold the offender accountable for his or her actions while correcting the negative behavior.

1. Graduated Sanctions

- a. Increased reporting to the CSO;
- b. Increased urine surveillance;
- c. Verbal reprimand;
- d. SCSO conference;
- e. Letter of Reprimand;
- f. Modification of the conditions of release;
- g. Placement in Sex Offender Sanctions Group, if applicable;
- h. Denial of travel requests;
- i. Five (5) calendar days in jail (probation cases);
- j. Electronic monitoring/GPS with curfew;
- k. Therapeutic tasks;
- l. USPC Reprimand Hearing;
- m. Transfer to detoxification for seven (7) to ten (10) calendar days;
- n. 28-day placement at RSC and/or aftercare; and/or
- o. Community service.

2. Sex Offender Sanctions Matrix

The Sex Offender Sanctions Matrix is presented on the following page. This matrix lists violations (non-drug related) and the corresponding intervention/sanction to be imposed. Note that drug use violations are to follow the existing Drug Testing Policy.

FIGURE X.1

Sex Offender Sanctions Matrix

| Violation | Intervention/Sanction to be Imposed |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. FTA for office visit with CSO (1st) 2. FTA for an individual or group therapy session (1st) | <ol style="list-style-type: none"> 1. Reprimand of offender by CSO 2. Increase in supervision level 3. Denial of supervision level reduction for 90 calendar days from missed appointment |
| <ol style="list-style-type: none"> 1. FTA for office visit with CSO (2nd) 2. FTA for an individual or group therapy session (2nd) 3. FTA for Drug Test (2nd) 4. Failure to comply with Sex Offender Registration Act (1st) 5. Failure to comply with accountability contract 6. Failure to comply with treatment performance contract 7. Failure to cooperate with CSO 8. Lying to CSO 9. FTR/Failed Polygraph (1st) | <ol style="list-style-type: none"> 1. Reprimand of offender by Supervisor 2. Placement in Sex Offender Orientation Group 3. Day reporting to CSO's office 4. Revise and amend accountability contract 5. Denial of supervision level reduction for 90 calendar days from missed appointment 6. GPS/curfew 7. Offender pay for treatment services 8. Denial of travel requests |
| <ol style="list-style-type: none"> 1. Unexcused FTA for office visit with CSO (3rd) 2. Unexcused FTA for an individual or group therapy session (3rd) 3. Non-compliance with a general or special condition 4. Non-compliance with a prior sanction 5. Lying to CSO (2nd) or SCSO 6. Failure to comply with Sex Offender Registration Act (2nd) 7. Falsifying documents requested by CSO 8. Failing to comply with sex offender therapy requirements 9. Failing to comply with mental health treatment 10. Absconding from Supervision 11. Re-arrest 12. Failed Polygraph (2nd or 3rd) | <ol style="list-style-type: none"> 1. Violation report requesting an arrest warrant 2. Violation report requesting a revocation hearing 3. Request to modify the conditions of release to include, but not limited to, the imposition of: <ul style="list-style-type: none"> • A fine, • Weekends in jail, • Community service, • Letter of Reprimand; 4. GPS/Home confinement 5. Offender pay for treatment services |

Note: Violations not listed should be consulted on with the team SCSO in order to determine the most appropriate sanction. Multiple sanctions can be imposed if deemed necessary in order to correct the behavior or protect the community. Community safety considerations override the sanctions matrix and should be referred to the team SCSO for a determination of the most appropriate course of action.

J. Substance Abuse

The SOU must closely monitor illicit drug and alcohol use by sex offenders. For sex offenders, the use of disinhibiting and mood altering substances is a contributor to the potential for sex offense behavior and is a major risk factor in predicting recidivism. The CSO is responsible for submitting treatment referrals for sex offenders and imposing sanctions when illegal drug and illicit alcohol use become case factors (see CSOSA policy Drug Testing Protocol and Administrative Sanctions in Appendix XXX).

K. Suspicion of a Sex Offense

If during the course of routine supervision duties there is a reasonable suspicion that an Offender has relapsed and possibly committed another sexual offense, the CSO must take immediate action. Below is the required protocol:

1. If the CSO has information from a reliable source who witnessed an offense by the offender or the offender admits to an offense, a memorandum is to be submitted to the sentencing court/USPC outlining the allegation or admission and recommending modifications to the release order be immediately implemented to address the behavior in question. At the same time, the CSO shall consult with their SCSO to determine whether to contact local law enforcement and request that an investigation be conducted;
2. In instances where a CSO suspects that a re-offense has occurred, the CSO must conduct a cursory investigation to determine if there is enough evidence to warrant informing local law enforcement and/or child protective services. If the CSO has "probable cause" to suspect that an offense has occurred, she or he is to notify their SCSO in order to determine whether to contact local law enforcement and submit a memorandum to the sentencing court/USPC outlining the latest developments and requesting a hearing or warrant; and
3. In instances where a CSO discovers that an offender, who has previously been convicted of a sex offense involving a child under the age of 15, resides or frequents a home where children also reside and the offender's conditions of release prohibit any contact with children, the CSO shall immediately contact their SCSO to determine whether to notify the Department of Child and Family Services of the discovery within one (1) business day. The CSO shall also document such in the case record. The CSO shall then submit a Violation Report (see Forms/Template Manual, Form No. PRO-S-002) and AVR (see Forms/Template Manual, Form No. PAR-S-010) to the appropriate releasing authority within two (2) business days recommending expedient attention.

L. Community Service

Community service in certain cases can be an appropriate way for a convicted sex offender to pay back society for committed crime(s). However, the Community Service Coordinator must be made aware of those offenders who are being supervised in SOU so that safeguards are in place to ensure the safety of the community. The following are guidelines to follow when referring a sex offender to a community service provider:

1. No Class A sex offender (the highest-risk level of offense) as designated under the Sex Offender Registration Act will be considered for community service placement; (TO BE DELETED)
2. Any community service provider being considered as a placement site for sex offenders, regardless of offenders past victims cannot provide services to minor children, women, the elderly, people with mental disabilities or other vulnerable people in any way;
3. All referrals forwarded to the Community Service Coordinator(s) are to clearly identify the offender's special conditions of supervision (i.e. no contact with minors, can not access a computer etc.) (NEW)
4. To determine the suitability of the community service site, the CSO must make a personal visit to the location; (TO BE DELETED)
5. The community service provider should be contacted to assess the offender's progress and compliance, at least, every 30 calendar days;
6. If the CSO suspects or has evidence of recidivism or relapse, notification (within 24 hours) must be given to CJP and the community service provider to remove the offender immediately; and
7. If the sex offender is ordered to complete community service and the CSO and SCSO concur that no suitable placement can be found given the offender's criminal history and risk to re-offend, the CSO shall notify the releasing authority and recommend an alternative to community service (i.e., fine or restitution, etc.).

M. Local Address Changes for Sex Offenders

The CSO must follow the procedures listed below when an offender wishes to move to another address within the District of Columbia.

1. The CSO shall advise the offender that s/he should not move to another residence within the District of Columbia until the CSO approves the new residence;

2. The CSO shall determine the reason(s) why the offender wants to move and document them in the SMART case record;
3. The CSO shall have the offender sign a Room/Housemate Consent to Release of Confidential Information Form (see Forms/Template Manual, Form No. GS-0037);
4. The CSO shall contact the other residents of the home to advise them of the nature of the offender's charge, advise them of the implications of having a registered sex offender in the residence and determine if they are willing to accept the offender;
5. The CSO shall obtain and document the:
 - i. Address of the proposed residence,
 - ii. Phone number of the proposed residence,
 - iii. Person whose name is on the lease or mortgage of the proposed residence,
 - iv. Names of all those residing in the home,
 - v. Ages of all those residing in the home,
 - vi. Gender of all those residing in the home, and
 - vii. Sleeping arrangements;
6. The CSO shall conduct a home visit prior to the offender moving if the proposed address is within the District of Columbia; and
7. The CSO shall assess whether the proposed residence is suitable for the offender given the conditions of release, nature of the sex offense(s), characteristics of the other occupants of the home (i.e., children, substance abusers, elderly, handicapped, etc.), the characteristics of the surrounding neighborhood (i.e., next to school, daycare, playground or park), sleeping arrangements, attitude of other occupants about the offender's sex offense, level of cooperation with CSO displayed by the other occupants, etc.

If the residence is NOT deemed to be suitable for the offender to live in, the CSO shall submit a memorandum to the sentencing court/releasing authority notifying them of the reasons why the offender's request to relocate should be denied and recommend that a modification to the release order include him/her finding a suitable residence.

N. Interstate Compact Procedures for Sex Offenders

1. Case Assignment

- a. Sex offenders who at the time of conviction are residents of a jurisdiction outside of the District of Columbia shall be assigned directly to the Interstate Compact Unit (ICU) for purposes of

supervision and transfer monitoring; and

- b. Sex offenders who are residents of the District of Columbia at the time of conviction or sentencing and desire to move to another jurisdiction while under probation/parole/supervised release shall be assigned to SOU until such time that the receiving state agrees to assume supervision responsibilities.

2. Denial of Interstate Transfer Requests

- a. The CSO shall deny an Interstate transfer request if the offender is in violation of his or her conditions of release for a period of at least 90 calendar days from the date of the last infraction;
- b. CSO shall deny an Interstate transfer request if the offender has an outstanding warrant, pending Show Cause and/or USPC hearing; and
- c. CSO shall deny an Interstate transfer request if the sentencing or releasing authority prohibits such a transfer.

3. CSO Responsibilities for Interstate Transfers

- a. If the offender is in compliance with the conditions of release, the CSO shall prepare the Interstate transfer package and submit it to the SCSO and the CSOSA Deputy Interstate Compact Administrator, or their designee(s), for approval by the proposed receiving state. (see Interstate Compact Unit policies and procedures);
- b. CSO shall maintain regular supervision standards and practices while the offender awaits Interstate transfer;
- c. The CSO shall notify the CSOSA Deputy Interstate Compact Administrator of any violations incurred by the offender during the period of time pending transfer and terminate the transfer process;
- d. Once a case is accepted for transfer, the CSO shall submit the case to the SCSO for transfer to ICU; and
- e. The CSO shall ensure that offender notifies the CSOSA Office of Special Criminal Justice Projects, Sex Offender Registry, of the relocation, if applicable.

The SOU shall supervise all sex offenders relocating to the District of Columbia under the Interstate Compact. In such cases:

- i. The CSO shall ensure that the offender has registered as a sex offender with the CSOSA Sex Offender Registration

- Unit and maintains compliance with the Sex Offender Registration Act (SORA),
- ii. The CSO shall request modifications to the conditions of release through the SCSO and the ICU within 15 business days when deemed necessary,
 - iii. The CSO shall forward a yearly Progress and Conduct Report (see Forms/Template Manual, Form No. IC-0015) to the sending jurisdiction through the ICU,
 - iv. If the offender violates their conditions of release, the CSO shall forward a copy of a Violation Report to the Deputy Interstate Compact Administrator for CSOSA,
 - v. The CSO shall confirm that the Violation Report was received by ICU within (3) business days of sending the report,
 - vi. The CSO shall monitor at least every 30 calendar days the status of the Violation Report, and
 - vii. The CSO shall notify the SCSO if no response has been received from the sending state within 90 calendar days of the report submission.

4. Interstate Travel for Sex Offender

a. Travel Outside the District of Columbia

In instances where a sex offender requests to travel outside of the District of Columbia for more than 24-hours, the CSO is to determine the following:

- i. The CSO shall deny any and all travel requests within the first 90 calendar days of supervision (an override can only be approved by the SCSO),
- ii. The CSO shall deny travel requests if the offender is considered to be in violation of the conditions of release within 90 days prior to the date of the proposed travel,
- iii. The CSO shall deny travel requests if the offender has tested positive for illicit drugs within the past 90 calendar days,
- iv. The CSO shall deny travel requests if a special condition imposed prohibits Interstate travel,
- v. The CSO shall deny travel requests if the period of travel would exceed 30 calendar days, and
- vi. The CSO shall deny travel if the offender's request is not submitted to the CSO at least ten (10) business days prior to the proposed departure date.

b. Travel Approval

Once the CSO has approved the offender's travel plan, the CSO is to:

- i. Complete a Travel Permit Form (see Forms/Template Manual, Form No. GS-0035) which shall include all special instructions,
- ii. Schedule an office appointment date for the offender for the next business day of the date the permit expires,
- iii. Submit a Travel Permit Form with the case file to the SCSO for approval and signature, and

Once travel is approved by the SCSO:

- i. The CSO shall provide the offender with the address and phone number of the local law enforcement in the receiving jurisdiction;
- ii. The CSO shall instruct the offender that s/he is to report to the receiving jurisdiction's local law enforcement within 24-hours of his/her arrival;
- iii. The CSO shall provide the offender with a Travel Permit Form with an attached photo and instruct the offender to have the receiving jurisdiction's local authorities sign and date the form;
- iv. The CSO shall inform the offender to bring the signed Travel Permit Form upon his/her next office visit with the CSO;
- v. If the offender, who is required to register as a sex offender pursuant to SORA, intends to leave the District or Columbia for over 14 calendar days, not to exceed 30 calendar days, the CSO shall instruct the offender to report to the Sex Offender Registration Unit which will determine whether the offender must register as a sex offender in the jurisdiction to which s/he is traveling and the procedure the offender must follow; and
- vi. If the offender is required to register as a sex offender in the jurisdiction of travel, he or she is to provide verification of registration on his/her next office visit with the CSO.

c. Emergency Travel

In instances where Interstate travel is needed on an "emergency" basis, such as in the death or serious illness of an immediate family member, or medical treatment for a serious medical or psychiatric condition:

1. The CSO shall determine, verify and document the nature of the offender's emergency;
2. The CSO shall consult with the CSOSA Deputy Interstate Compact Administrator (or designee) to determine if the situation constitutes a valid emergency;
3. If the CSOSA Deputy Interstate Compact Administrator (or designee) is not available, the CSO shall consult with the SCSO to determine whether the situation constitutes an emergency;
4. The CSO shall obtain the SCSO and/or the CSOSA Deputy Interstate Compact Administrator (or designee) signature before authorizing the offender to travel; and
5. Once travel is approved, the CSO shall follow standard Interstate travel procedures (listed above) prior to the offender's departure.

d. Failure to Provide Travel Permit

1. If the offender fails to report on the next scheduled office visit date, the CSO shall attempt to locate the offender immediately;
2. If attempts to locate the offender are unsuccessful, the CSO shall notify the local law enforcement office to notify them that the offender may still be in their jurisdiction or to ascertain if the offender is still in the jurisdiction.

If the offender's whereabouts are still unknown, the CSO is to begin loss of contact procedures (see Chapter XXX for Failure to Report and Loss of Contact procedures);

3. If the offender is located, the CSO shall deny the offender's future travel requests for up to one (1) year;
4. The CSO also shall sanction the offender for failing to abide by instructions and document the sanctions in the SMART case record; and
5. The CSO shall verify and document that the offender indeed traveled to the proposed destination.

Following the completion of the offender's travel period, the CSO shall run a complete warrant and criminal record check on the offender within five (5) business days of the end of the travel permit and monthly thereafter

O. Fieldwork, Home Visits and Collateral Contacts with Sex Offenders

The CSO working with sex offenders is expected to use his or her training and experience in sex offender management when conducting fieldwork and making collateral contacts. When performing these duties, the CSO is expected to assess the amount of risk the offender poses to community safety, whether potential victims currently exist, and the offender's compliance with the conditions of release.

1. General Fieldwork and Requirements

The definition of General Fieldwork includes duties of the CSO that take him/her out of the office for official purposes (including visits to Court/USPC hearings and treatment programs). See Chapter XIV: Staff Safety

General fieldwork requirements include:

- a. The CSO shall bring the CSOSA assigned cellular phone whenever conducting fieldwork;
- b. The CSO shall submit the Field Contact Form (see Forms/Template Manual, Form No. GS-0025) to the SCSO for approval and logging purposes prior to conducting fieldwork, excluding trips to Court/USPC hearings;
- c. The CSO shall report all Court/USPC hearings to the CSA for placement on the team calendar and include:
 1. Name of the offender;
 2. Date and time;
 3. Location; and
 4. Judge.
- d. The CSO is encouraged to conduct all evening fieldwork or home visits with a team member or law enforcement partner; and
- e. The CSO shall maintain a detailed recording of fieldwork conversations and observations.

2. Home Visits

The definition of a home visit involves a visit to a residence where the offender

either resides, intends to reside or frequents.

- a. The CSO shall conduct announced and unannounced home visits;
 1. Prior to conducting home visits, the CSO shall review the offender's case history. This review will include, but is not limited to:
 - i. The offender's criminal record,
 - ii. Descriptions of current and prior sex offenses, treatment plan (if available),
 - iii. Conditions of release,
 - iv. Supervision performance contract, and
 - v. Psychological assessment (if available) and most recent progress report;
- b. The CSO shall notify all adult residents of the home of the offender's sex offense conviction(s) and sex offender registration implications if such persons have not already been notified with respect to sex offenders who are registered;
- c. The CSO shall document in the SMART Running Record at each home visit the following case management information:
 - i. Names of all residents at the home at the time of the visit,
 - ii. Names and birthdates of any children who reside in the home, at the home at the time of the visit, or those known to frequent the residence (i.e., any neighbor children, family, daycare, baby-sit, etc...)
 - iii. Description of the interior of the home, and
 - iv. Description or changes in the neighborhood;
- d. The CSO is encouraged to conduct daytime field visits with another CSO and/or police officer;
- e. The CSO shall ask to see the entire home including the offender's sleeping area;
- f. The CSO shall assess and document whether the residents believe the offender committed the sex offense(s) s/he was convicted of;
- g. The CSO shall assess and document whether residents are inclined to cooperate with monitoring the offender; and
- h. The CSO shall provide residents with his/her office phone number for

future communication.

3. Move Within the District of Columbia

If the offender desires to move to another residence within the District of Columbia or the offender has moved within the District of Columbia without CSO approval:

- a. The CSO shall advise offender that any change in residence must be approved first by his or her CSO;
- b. The CSO shall conduct a home visit prior to the offender moving;
- c. In cases where the offender has moved without prior approval, the CSO shall conduct a home visit within three (3) business days of notification; and
- d. If the home is deemed to be an unsuitable place for the offender to establish residence, the CSO shall consult with his or her SCSO and submit, within five (5) business days, a memorandum to the releasing authority that provides the rationale for why the offender should not stay at that particular location. The memorandum must be approved by the SCSO.

P. Office Contact Requirements

An official office visit is defined as a scheduled or unscheduled visit by the offender to the assigned CSO workplace or team area located in a CSOSA owned or leased facility.

1. Basic Unit Responsibilities and Procedures

- a. Offenders reporting to the SOU must be seen by either the assigned CSO, SCSO or other CSO on duty;
- b. The CSA shall only see the offender in situations where the assigned CSO, staff on duty or SCSO has reviewed the case record and given reporting instructions to the CSA to give to the offender;
- c. The CSA shall maintain an offender Sign-In Log (see Forms/Template Manual, Form No. GS-0038) for offenders;
- d. Upon reporting to the SOU, the offender should be instructed to:
 - i. Put his/her signature in the sign-in log, and
 - ii. Completely fill-out and sign the supervision reporting form;

- iii. Complete a Sex Offender Reporting Questionnaire, if appropriate.
- e. The CSO, SCSO or CSA shall ensure the offender is given a signed copy of the supervision reporting form and that the original is made part of the case file;
- f. The CSO, SCSO or CSA shall ensure the offender is given a new face-to-face contact date and time in accordance with the assigned supervision level;
- g. If an offender reports to the office unscheduled and the assigned CSO is not available, the offender shall be scheduled to return to the SOU within 3 business days regardless of the supervision level assigned, unless otherwise instructed by the assigned CSO or SCSO;
- h. Should the assigned CSO plan to be out of the office when an appointment is scheduled for an offender, the CSO shall notify via email the staff person on duty, SCSO, and CSA when the offender is scheduled to report and include any reporting instructions; and
- i. The CSO, CSA, or SCSO (the person with whom the offender made contact) must document all office visits made by the offender in SMART.

2. Office Interview

- a. The CSO shall determine whether there are any changes in the offender's residence, employment, school, vehicle or appearance and document such in SMART;
- b. The CSO shall instruct the offender to report any changes to the Sex Offender Registration Unit (SORU) within 3 business days and inform SORU via email that the offender had been instructed to do so (see Sex Offender Registration section in Chapter II);
- c. The CSO shall address all special conditions of release and document in the case record and document compliance status;
- d. The CSO shall assess the offender's compliance with the general conditions of release and document in SMART;
- e. The CSO shall determine if the offender has developed any new sexual relationships and, if so, document such in SMART, to include but are not limited to the:

- i. Full name and/or alias of the partner,
 - ii. Full home address and phone number of the partner,
 - iii. Work address and phone number of the partner,
 - iv. Number of children that reside with the partner,
 - v. Ages of all the children who reside with the partner,
 - vi. Names and ages of children that frequent the partner's residence,
 - vii. Where and how the offender and the partner met,
 - viii. Whether the partner is aware of the offender's sex offense conviction(s)/history, and
 - ix. How often the offender stays at the partner's residence;
- f. The CSO shall assess the offender's mental health and stability and document any issues or concerns in SMART;
 - g. The CSO shall determine whether the offender is under stress and document the source of the stress in SMART;
 - h. The CSO shall assess whether the offender poses a risk to community safety and to document reasons in SMART;
 - i. The CSO shall determine how the offender spends his/her time and document in SMART;
 - j. The CSO shall complete at least monthly the "Supervision Questionnaire for Sex Offenders" for all reporting offenders and document significant responses in SMART ;
 - k. The CSO shall document in SMART the stages of change and any identified barriers to successful outcomes using "What Works" principles;
 - l. The CSO shall document in SMART warning signs for sexual re-offense that the offender may display to include but are not limited to:
 - i. Continues to maintain minimizations and justifications about the offense,
 - ii. Sees self as no-risk,
 - iii. Generally chaotic, antisocial lifestyle,
 - iv. Access to potential victims,
 - v. Increased signs of sexual pre-occupation and deviance,
 - vi. Disengages from treatment,
 - vii. Attempts to deceive and manipulate CSO, misses scheduled appointments,
 - viii. Grooming behavior becomes evident or worsens,
 - ix. Increase in substance abuse to include alcohol,
 - x. Increase in psychological/psychiatric symptoms,

- xi. Increase in social isolation and interpersonal conflict, and
- xii. Increased anger.

Q. Split Sentences

In cases where a sex offender has been sentenced to serve a period of incarceration to be followed by a period of supervised probation:

1. The CSO shall locate the offender in the correctional system;
2. Within 30 calendar days of receiving the case, the CSO shall forward a Jail Appointment Letter instructing the offender to report to the SOU within 24-hours of his/her release;
3. The CSO shall request institutional records to include but are not limited to:
 - i. Medical records,
 - ii. Mental Health reports,
 - iii. Progress reports, and
 - iv. Disciplinary record;
4. The CSO shall verify the offender's correctional status at least every 30-calendar day and document this information in the case record;
5. The CSO shall determine the offender's proposed living situation prior to the release date;
6. To determine suitability; the CSO shall conduct a home visit to the offender's proposed residence at least 30 calendar days prior to the release date; and
7. The CSO shall forward a Jail Appointment Letter (see Forms/Template Manual, Form No. INV-008) to the offender at least 60 calendar days prior to the scheduled release.

R. Warrants

Sex offenders who have absconded from supervision and for whom warrants have been issued are a serious concern to community safety. In instances where warrants have been issued:

1. The CSO shall submit to the SCSO or designee and SORU within 24-hours, an Offender Profile or case presentation form, via email, when a warrant has been issued to include the:
 - i. Offender's name,
 - ii. Date of warrant,
 - iii. Type of warrant (Bench, Detainer, Parole),

- iv. Identification of the case as a misdemeanor or felony,
 - v. Reason for the warrant (technical violation, new offense, other) and, if the warrant is for a new offense, the CSO will indicate whether the new charge is a sex offense, violent offense or other,
 - vi. Collateral contact information,
 - vii. Places the offender frequents, and
 - viii. Safety issues
2. The SCSO or CSA shall forward warrant information to the US Marshals Service and/or MPD within 24-hours of notice from the CSO;
 3. The CSO shall monitor warrant status at least every 30-calendar days, produce a WALES/NCIC printout for the case file, and record this information in the SMART case record;
 4. The CSO shall report any new information to the SCSO who in turn is to notify the USMS or MPD expeditiously; and
 5. SMART shall be updated to reflect the status change.

Once the warrant has been executed:

1. The CSO shall notify the SCSO, SORU via email that a warrant was executed to include the offender name, PDID number and date of execution; and
2. SMART shall be updated to reflect any and all status changes of significance.

S. Victim Identification/Notification

The SOU also is responsible for responding to the needs and concerns of the victims of sexual offenders. It is, therefore, important for the CSO to establish contact with victims and to remain accessible to them throughout the offender's term of supervision.

When a warrant is issued for a sex offender, it also may be necessary for the CSO to Notify the victim.

1. Responsibilities of the CSO

- a. The CSO shall complete the "Victims" screen in SMART;
- b. The CSO shall coordinate communication with the victim or his/her family through the Victim Services Program Manager within 30-calendar days from the receipt of the case;

- c. The CSO shall maintain communication with the victim or his/her family through the Victim Services Program Manager at least every 120-calendar days;
- d. The CSO is to refer victims (see Forms/Template Manual, Victim Services Referral Form No. VSP-001) to the Victim Services Program Manager in instances where the victim is in need of counseling or other supportive services;
- e. The CSO is to ensure that the offender does not have unwanted contact or communication with the victim; and
- f. If the victim does not wish to be contacted or cannot be found such is to be documented in SMART.

2. Family Reunification

- a. In cases of incest, the CSO shall ensure that the offender does not have contact or communication with the victim unless and until such is deemed appropriate by the offender's therapist, the victim's therapist (if applicable) or the sentencing/releasing authority;
- b. The CSO, the offender's therapist and the Victim Services Program Manager shall evaluate the need for a family re-unification plan (if appropriate) and consult with the CFSA Social Worker;
- c. The CSO shall monitor and document the offender's progress in the family reunification process

T. Polygraph

The polygraph exam is a tool used to monitor the offender's compliance with the conditions of release and/or to elicit truthful responses in order to enhance the therapeutic process.

1. Types of Polygraph Exams

There are three types of polygraph exams:

- i. Offense specific,
- ii. Maintenance (to determine if the offender is complying with the treatment objectives), and
- iii. Sexual history.

2. Criteria for Use

- a. The CSO shall identify an offender for polygraph testing in cases

where:

- i. The offender's therapist recommends such testing as part of therapy, and
- ii. It is a special condition of offender release.

3. Referral process

- a. The CSO shall review the treatment performance and/or accountability contract with the offender, highlighting the section that explains the purpose and parameters of the polygraph instrument;
- b. The CSO shall review all recommendations from the therapist to include requests for a polygraph exam;
- c. If the therapist recommends funding for a polygraph exam, the CSO shall submit to the SCSO a sex offender treatment referral package with a signed Consent for Release of Confidential Information, a funding request submitted by the therapist and other relevant information. This will be forwarded to the SCSO for approval, logging purposes and placement;
- d. The CSO/SCSO and the offender's therapist shall collaborate and agree on the questions to be asked by the examiner;
- e. The SCSO, or designee, shall submit the polygraph referral.

4. Post Exam Procedure

- a. The CSO shall review examination results with the SCSO and therapist within five (5) business days of receiving the results;
- b. The CSO, SCSO and therapist shall revise the treatment and supervision contracts based on the examination results if such is deemed appropriate;
- c. The CSO, therapist and/or SCSO shall review and discuss the results of the exam with the offender; and
- d. The CSO shall ensure that re-testing is administered within 90 calendar days in cases where the test results indicate deception.

5. Deceptive Polygraph Examinations

If an offender is determined to be deceptive during the polygraph examination:

- a. The CSO shall coordinate a staffing with the therapist, the offender and the SCSO;
- b. The CSO shall, after consulting with the SCSO, request to the releasing authority a modification of release conditions to read: *“You shall undergo evaluation and complete sex offender therapy, to include submitting to polygraph exams, if deemed appropriate by CSOSA, and authorize the disclosure of sex offender therapy information between the treatment provider, CSOSA supervision staff and the sentencing court/United States Parole Commission during the period of probation/parole/supervised release;*
- c. At the staffing, the offender is to be notified that his failure to pass the polygraph exam could result in an unsuccessful discharge from treatment and therefore determine that s/he has not met the obligation to complete treatment under the conditions of release;
- d. The offender shall be given the option of re-taking the polygraph exam and resuming treatment or refusing to re-take the exam and being unsuccessfully discharged from treatment;
- e. Should the offender choose to re-take the exam, the CSO shall refer the offender for another polygraph within five (5) business days of the staffing date;
- f. Should the offender refuse to re-take the exam and the assigned therapist unsuccessfully discharges the offender from treatment, the CSO shall submit a violation report to the releasing authority within five (5) business days from receipt of the therapist’s discharge summary providing notice that the offender has failed to successfully complete treatment; and
- g. Should the offender re-take the exam and fail, and the therapist discharges the offender unsuccessfully, the CSO shall notify the releasing authority that the offender has been unsuccessfully discharged from treatment without significant progress being made.
- h. The CSO shall investigate the possible basis for deceptive responses in all maintenance polygraph examinations as directed by the SCSO.

NOTE: The results of a polygraph examination cannot be used as evidence supporting an alleged violation. It is only to be used as a means of determining if an offender is in compliance or non-compliance with the treatment plan and conditions of release. The results can justify modifying the existing treatment and

case plans and prompt an in-depth investigation into the offender's behavior as it relates to conduct while on supervision.

U. Reporting Suspects to Inter-Agency Law Enforcement Officials

The CSO is encouraged to monitor news and police reports regarding sexual assault suspects in the metropolitan Washington, D.C. area. In an effort to help law enforcement officials solve crimes, the CSO should report the name(s) of identified sex offenders who may fit a suspect description to law enforcement officials investigating these crimes. The CSO who wishes to report such information on to law enforcement officials investigating an open crime is required to adhere to the following procedures.

If a CSO suspects that an offender who is currently assigned to his/her active caseload (or who was previously assigned) may be of interest in a new crime, s/he may report such information to law enforcement officials investigating the open criminal case.

Prior to contacting law enforcement officials regarding an offender currently or previously assigned to them, the CSO will notify his or her SCSO. The CSO will provide the SCSO or designee with the case presentation form that includes:

- a. Offender's name;
- b. Photograph;
- c. PDID number (or Date of Birth);
- d. Date information was forwarded to law enforcement;
- e. Name of law enforcement agency contacted;
- f. Name of law enforcement officer(s) contacted;
- g. Phone number(s) of law enforcement officer or agency contacted;
- h. SX number or Report number that identifies the case being investigated; and
- i. CSO name.

The SCSO or designee shall keep a log or record of all offenders reported to law enforcement officials regarding their potential involvement in open criminal investigations.

V. Global Positioning System (GPS)

(See the Chapter VI section on Global Positioning System and related technologies).

W. Computer Monitoring

(See Appendix P, Search and Seizure Policy and Appendix Q, Sex Offender Computer Use Agreement Contract).

X. Immigration and Customs Enforcement (ICE)

The Sex Offender Unit cooperates with the ICE “*Operation Predator*” initiative. Operation Predator is a comprehensive initiative designed to protect young people from alien smugglers, human traffickers, child pornographers and other predatory criminals. Operation Predator draws on the full spectrum of ICE intelligence, investigative, cyber, detention and removal functions to target those who exploit children.

1. CSO Responsibilities

CSO responsibilities are as follows:

- a. The CSO shall determine in all newly assigned cases the country of birth;
- b. For those offenders born outside the United States or Puerto Rico, the CSO shall obtain and document in SMART the offender’s alien status and alien number;
- c. The CSO shall report to the SCSO all cases where the offender is foreign born and has been convicted of a sexual or violent offense at any time in his/her lifetime;
- d. The SCSO shall determine if the offender should be reported to ICE for investigation; and
- e. If the SCSO determines that the ICE should be notified, the CSO shall submit the following information to ICE via fax:
 - i. Case presentation form, to include photograph, and
 - ii. Copy of Court order for relevant sex offense or other violent felony convictions.

Y. Sex Offender Contact with Minors/Chaperon Agreements

Decisions allowing sex offenders to have contact with minors are determined by either the releasing authority or the supervision agency. In some instances the releasing authority may impose an unambiguous special condition that absolutely prohibits an offender from having contact with minors. In other instances, the releasing authority allows the supervising officer the discretion to allow the sex offender to have contact with minors. The guidance to CSOs is as follows:

1. Contact Permitted with Minors¹

Offenders may have contact with minors if there is no special condition that would otherwise restrict contact. (See Modifications to Release Orders (below) for changes to this status).

¹ Note: The term MINOR is defined by DC Superior Court as anyone below the age of majority, which is 18 years of age. The term MINOR as defined by the USPC is anyone under the age of consent in the jurisdiction where the offender resides, which in DC is 15 years of age. The definition to be used in the context of these procedures is dependent upon who is determined to be the releasing authority in the active case, unless specifically defined by the releasing authority.

2. Contact Permitted under Limited Circumstances (Supervised Contact)

If a special condition reads: “You shall have no contact with minors, unless approved by your supervision officer” OR “You shall not have unsupervised contact with minors” it is left to the supervision officer to determine the parameters of appropriate contact with minors.

If this type of special condition exists, the CSO’s position is that the offender may not have contact with minors unless and until such is approved. The offender is to be made aware that having contact with any child as long as an adult, any adult, is in the area or present is not considered to be satisfactory compliance. Under this type of special condition the offender may have supervised contact with specific minors as long as there is an **approved chaperon** identified. (See *Supervised Contact with Minors Contract, Chaperon Agreement Contract, and Chaperon Approval Policy* for a definition and conditions.)

- The CSO shall only consider granting supervised contact with a specific minor upon the request of the offender.
- The CSO shall deny requests for supervised contact with minors in the first 90 days of supervision. Supervised contact with minors can only be considered at a point following the offender’s first 90 days on supervision.
- The CSO shall only consider granting supervised contact with a specific minor if the offender is in full compliance with the conditions of supervision and sex offender treatment.
- If the offender requests to have contact with a specific minor, the CSO shall consult with the offender's sex offender treatment therapist. If the therapist recommends against the contact then the offender shall be told that his request was denied.
- If the therapist recommends in favor of the offender having contact with a specific minor, the CSO shall **NOT** grant the request until an approved chaperon is put in place and the request has been approved by the SCSO.

3. No Contact Permitted with Minors

Offenders may **NOT** have contact with minors if there is a special condition that prohibits contact. (See *No Contact with Minors Contract* for a definition and conditions.)

Chapter XI: Domestic Violence Supervision and Treatment

The Special Supervision Services Branch provides specialized supervision and treatment/referral services in domestic and family violence as well as anger management matters. In instances where the Court or United States Parole Commission (USPC) orders domestic violence treatment as a special condition of parole, supervised or mandatory release, probation, Civil Protection Order (CPO), or Deferred Sentencing Agreement (DSA), the offender is assigned to a domestic violence supervision team. Offenders requiring batterer counseling are referred to the Domestic Violence Intervention Program (DVIP), a psycho-educational/cognitive behavioral program that provides counseling and treatment services to batterers who are Court-ordered for treatment. Exceptions to this standard may also be admitted for treatment with the approval of the Associate Director. Those batterers with sufficient finances (or insurance coverage) are referred to Agency- and Court-approved treatment providers who conduct fee-based services on a sliding scale. Those offenders without sufficient financial resources receive treatment services from DVIP CSOs.

A. Domestic Violence Supervision

Offenders with domestic violence convictions are supervised in specialized teams that supervise offenders with domestic violence and family violence convictions and/or dispositions. The teams are staffed by CSOs who are specially trained in domestic violence case management and counseling. The Domestic Violence (DV) supervision team is responsible for monitoring offenders, encouraging offender compliance with conditions of release, and reporting violations in accordance with CSOSA policy. Offenders supervised by a DV supervision team may be referred to domestic violence treatment.

1. Eligibility

Offenders placed on supervision by a releasing authority (D.C. Superior Court or the United States Parole Commission) for a domestic violence offense are eligible for assignment to a DV supervision team. The DV supervision teams supervise offenders involved in probation matters, Civil Protection Orders (CPOs), and Deferred Sentencing Agreements (DSAs) cases, as well as parole and supervised/mandatory release cases.

2. Referral Process

The Domestic Violence offender is to be directed by the Court to report for intake at the Offender Processing Unit (OPU). OPU schedules offenders to meet with the DV supervision CSO within one (1) day. Domestic violence cases also may be transferred from probation general supervision teams if multiple dockets are involved, one of which must be a domestic violence matter.

The following criteria will be used for assigning Domestic and Family Violence Cases:

- Any case that has a Domestic Violence Docket.

- Cases on supervision status for Assault/Domestic (probation, parole and supervised release); Civil Protection Orders and Deferred Sentence Cases.
- Cases that have a special condition of Domestic Violence, Family Violence or Anger Management / Domestic Related Counseling.
- Cases that have an identified victim with an intimate or familial relationship to the offender (i.e., spouse, girlfriend, child, parent, sibling, other relative) for the supervision case (i.e., threats, destruction of property, stalking, etc.).
- Out-of-State Civil Protection Orders
- Out-of-State Deferred Sentence Cases with less than one year of supervision.
- Out-of-State Criminal Cases and Deferred Sentence Cases with more than twelve months of remaining supervision are assigned to the Interstate Compact Branch.
- Sex Offender and Mental Health cases will supercede Domestic Violence Case assignments.

3. Program Requirements

Consistent with CSOSA policies and procedures, the offender participates in appropriate orientation sessions for supervision and treatment.

4. General Case Management/Supervision

General case management/supervision activities for DV offenders include:

a. Screening

All DV offenders are screened at OPU to ensure the correct assignment of cases to DV supervision teams. Cases with no domestic violence issues are not accepted by DV supervision teams and are assigned to other CSS teams for supervision. These may be cases where an assault not involving a family member or intimate relationship has occurred. Sex Offender or Mental Health Cases with Domestic Violence conditions will be assigned for supervision to the appropriate specialized teams by OPU.

b. Assessment/Evaluation

The CSO initiates the CSOSA AUTO Screener (risk and needs assessment) during the initial interview (see Chapter V-The Auto Screener). This assessment determines the offender's level of supervision and needs. The CSO also reviews the Court-ordered conditions and assesses the offender's attitude, willingness to accept personal responsibility for his or her behavior, and remorse about the offense, as well as any other needs not addressed in the Court order and makes appropriate recommendations and referrals.

c. Special Conditions

The CSO will review and address any special conditions contained in the USPC Certificate of Release or Court order. The CSO also may petition the Court to add a special condition, if the CSO determines it to be beneficial to the offender.

d. Supervision/Treatment Plan

The USPC or Court-imposed supervision conditions provide the basis for the prescriptive supervision plan. These conditions may vary according to the judge, the nature of the offense committed, and/or the offender's physical, mental and emotional needs. Within 25 days of the initial supervision visit, the CSO establishes a prescriptive supervision plan. The prescriptive supervision plan is based on the results of the AUTO Screener and the conditions set forth in USPC or the Court's order/agreement.

e. Referrals

The CSO makes appropriate referrals for Domestic Violence parenting, anger management, community service, drug testing and treatment, alcohol treatment, employment/education (VOTEE), psychiatric/psychological evaluations and/or treatment and any other referrals deemed necessary. Most offenders assigned to a DV supervision team also are referred to the Domestic Violence Intervention Program (DVIP) for treatment.

f. Victim Contact

The CSO is required to make contact with the victim to give them CSOSA contact information, obtain information about the incident, verify that the offender is in compliance with a stay away order if applicable, advise if the offender is terminated from treatment services, and provide the victim with information on the CSOSA Victim Services Coordinator and other victim service resources in the community.

i. Victim Contact Standards

The following contact standards apply to supervision, treatment and vendor personnel:

1. Initial Contact must be made within 7 business days of receiving the case.
 - Telephone Call
 - Letter
2. Follow-up Contact - every 90 days.
 - Telephone Call
 - Letter
3. Stay Away Orders - every 30 days
4. Cases that require Crisis Intervention - every 30 days.
 - Re-arrest
 - Victims Services Intervention
5. Sources for Victim Contact Information:
 - Court papers
 - Pre-Sentence Reports
 - Victim Services
 - Offender

In those cases where the victim is a minor, the child is not to be contacted. The petitioner who filed on behalf of the minor child will be contacted instead.

NOTE: If the victim states that he/she wants no calls from CSOSA, the worker will document this information in the running record and only send correspondence in accordance with the established Agency contact standards.

g. Case Conference/Staffing

The SCSO may schedule a case conference with a CSO as a result of a case audit (consistent with CSOSA policy). An SCSO case conference also is held with the CSO and offender to impose sanctions for non-compliant behavior. The CSO also may request a case staffing to discuss problematic matters. Supervision and DVIP staff will also conduct case staffing to discuss the offender's treatment progress. The SCSO, CSO, other agreed upon individuals, and possibly the offender himself or herself may be required to attend the supervision case conference.

h. Program Completion/Discharge/Transition/Termination

CPO cases generally have term durations of one year, while DSA cases generally have supervision terms for nine months. Term durations in general supervision matters in probation, parole and supervised release matters are determined by the orders of the releasing authorities. The Court and USPC determine the duration of the offender's community supervision and any special conditions that may be required.

The CSO also may request early termination (prior to scheduled expiration) for offenders who comply fully with supervision condition requirements (consistent with CSOSA policy). Early probation termination may be granted at the discretion of the Court. (See CSS guidance, which should be included as the victim is to be notified prior to any early termination request submitted to the Judiciary).

i. Sanctions/Incentives

In DSA cases, the offender has an incentive to complete the DSA so that his or her case will be dismissed ("nolle prosequi"). In such instances, the offender will not have a conviction for his or her offense, if the offender successfully completes the supervision requirements.

All other sanctions and incentives are to be implemented in accordance with CSOSA sanctions and incentives policies and procedures.

Statutory Authority: Section 11232 (b) (2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 712, D.C. Code §§ 24-1231 *et seq.* (1996 Repl., 1999 Supp.) (Trustee's Authority); D.C. Code § 24-101 *et seq.* (1996 Repl.) (Probation authority); D.C. Code § 24-201, 2 (a) (3) and 28 D.C.M.R. § 213(1987) (Parole's authority).

B. Domestic Violence Treatment

The Domestic Violence Intervention Program (DVIP) provides counseling services to domestic and family violence offenders referred by a DV supervision team. The purpose of DVIP is to reduce battering behavior in intimate family relationships through the use of a psycho/educational cognitive behavioral treatment model, and by providing group counseling services to persons who either admit to, or are found guilty of, any offense related to domestic conflict. The DV supervision teams supervise the batterer and encourage compliance with all conditions of release, whereas the DVIP treatment team serves as the batterer's treatment component. The program engages the offender in a program orientation session followed by 22 weeks of group counseling sessions facilitated by specially trained CSOs or private service providers. The DVIP also facilitates a twelve-week Anger Management Program that is

specifically designed to serve offenders ordered into anger management classes by releasing authorities instead of domestic violence treatment. DVIP staff also conduct training programs and workshops for community groups as well as provide presenters for various professional associations in the criminal justice field.

The DVIP is a fee-based program that offers services based on the financial circumstances of the referred offender. Offenders with sufficient financial resources pay private vendors for services, based upon a sliding scale fee of \$10.00 to \$20.00 per session. Offenders must pay a one-time initial fee (\$20 or \$40) when they begin treatment with a vendor. Offenders assessed as eligible for a sliding scale fee pay \$20.00 and those who meet the income requirement for full fee pay \$40.00. For those offenders without the financial resources to pay a private vendor for services, CSOSA offers non-fee groups. During the 22-week group counseling sessions, the offender continues to report to his or her supervising CSO as required.

DVIP also is committed to raising the awareness of the community with respect to domestic violence issues through education and training. DVIP collaborates with members of the government, as well as the private and community sectors, as an educational and consultative service in an effort to raise awareness of and reduce domestic violence.

1. Eligibility

The DVIP accepts domestic violence offenders who are mandated by the Court and USPC to receive counseling as a condition of one of the following Court orders:

- a. Civil Protection Orders;
- b. Deferred Sentencing Agreements;
- c. Judgment and Commitment Order (Probation Order);
- d. Out-of-State Supervision (as approved through the Interstate Compact Office);
or
- e. Parole, Supervised or Mandatory Release Certificates.
- f. Pre-Trial Matters

Offenders suffering from untreated psychiatric, psychological or emotional disorders, including untreated drug and/or alcohol problems, are ineligible to participate in DVIP services. This restriction is in recognition that the offender needs to address the primary issues of substance abuse, mental health and other treatment needs first, before any potential benefit can be derived from participation in a psycho-educational/cognitive behavioral program, such as DVIP. Offenders with a probation term of less than six months also are ineligible for DVIP services. Referrals for Domestic Violence treatment also come from Sex Offender and Mental Health teams.

2. Types of Cases

The DVIP serves juveniles who are charged as adults in CPO matters. The types of matters that are referred to DVIP for batterers counseling are as follows:

- a. Pre-trial/Pre-disposition—Criminal adult cases can be referred to DVIP and are placed in treatment prior to trial or disposition;
- b. Probation (Adult)—Cases having as a release condition participation in batterer’s counseling or DVIP are referred to the program;
- c. CPOs—Cases involved in the Court’s Family Branch, with treatment mandated as a condition of a CPO, or as a condition for assessment in visitation, custody and/or reunification (child abuse) matters may be referred to DVIP; and
- d. Volunteers—Non-Court involved cases where individuals have committed on a voluntary basis to participate in counseling when they have already been Court-ordered into community supervision. Such cases are limited in placement in DVIP, but are considered due to the paucity of domestic violence counseling services available in the District of Columbia;
- e. Deferred Sentencing Agreements (DSAs); and
- f. Parole, supervised and/or mandatory released cases.

3. Referral Process

Offenders will be directed from the Courtroom to the OPU located at 300 Indiana Avenue, N.W. OPU will immediately assign the offender to an appropriate DV supervision team, based on PSA assignment.

The offender will report to the assigned CSO. If treatment has been ordered, the CSO will complete the DVIP automated referral in SMART and will schedule the offender for an orientation session with the DVIP.

a. Domestic Violence Treatment Information in SMART 3

The Domestic Violence Intervention Program staff utilize the SMART treatment module to orient, monitor, and track offenders referred for domestic violence treatment.

All offenders who are referred for domestic violence treatment are to be referred in SMART, using the CSO Referral process that is exactly the same method used to refer offenders for substance abuse and other supportive services, except that the type of referral to be selected is Domestic Violence Treatment Evaluation. If

staff encounter any difficulty in referring an offender electronically in SMART for domestic violence treatment, they are to contact the IT Help Desk directly for assistance.

In addition to using the SMART CSO referral process to refer offenders for domestic violence treatment evaluations, all domestic violence treatment notes for offenders referred to domestic violence treatment through the SMART CSO referral process will be maintained in the offender's domestic violence treatment tracking module in SMART, just like substance abuse treatment referrals, instead of in the offender's SMART running record. (refer to SMART Note 65 to review how to access SMART treatment notes).

4. Program Intake Requirements

The DVIP intake procedures are as follows:

- a. All referrals to Domestic Violence treatment orientation are to be made in SMART. The supervision CSO will electronically complete the DVIP Treatment Orientation Referral Form (found under the CSO Referral Screen in SMART as a drop-down). Upon completion of the referral, the SMART system will automatically generate a date and time for the offender to report for orientation with the DVIP staff. In addition, upon completion of the electronic referral, SMART will automatically generate a "DV Orientation Letter" that outlines specific reporting instructions and is to be handed to the offender.
- b. The DVIP Community Supervision Assistant (CSA) and/or the DVIP Treatment Vendor Coordinator will be notified of those individuals scheduled for orientation by accessing the SMART Treatment Evaluation and Referral Screen (under the evaluation header).
- c. Group assignments are to be made based upon the following criteria: type of DVIP treatment noted on the referral (i.e., family violence, male/female batterers, anger management and employment statuses).
- d. Once a group type has been determined, then the offender is to be assigned (based upon his/her employment status) to either a non-fee group (conducted by trained CSOs) or a fee-based group (conducted by contracted vendors). Sliding scale fees for applicable offenders are assigned based upon that person's income/ability to pay.
- e. The Community Supervision Assistant (CSA) prepares a sign-in sheet for the orientation session and a case file for each offender. A working folder is prepared for cases assigned to private vendors. The CSA then forwards the

case file to either the CSO who coordinates fee-based vendor services, or the CSO who coordinates non-fee services.

- f. Specially trained CSOs conduct a two-hour orientation session. During the orientation session, the designated CSO:
 - i. Introduces the DVIP program staff, describing their training and experience;
 - ii. Distributes the DVIP participant manual;
 - iii. Reviews the treatment program philosophy, goals and objectives;
 - iv. Discusses local and national domestic violence laws;
 - v. Explains what program concepts and skills will be covered during the 22-week batterer's or family violence treatment sessions. The program's concepts are also explained to the twelve week anger management group participants. Discusses the definition of domestic violence and introduces the Duluth Power and Control Wheel (instructional model);
 - vi. Reads, explains and requires each offender to sign the DVIP participant program contract that sets forth program rules, guidelines and regulations governing participation in treatment (fee-based and non-fee based) sessions; and
 - vii. Allows offenders to introduce themselves and discuss their current domestic violence charges, and explains why the offenders are in the batterers' treatment program (this is to determine whether participants are willing, at this stage, to take responsibility for their violent and abusive behavior.)

- g. The DVIP SCSO or his/her designee will assign offenders to private sector service providers or to DVIP CSOs for treatment. In addition, special consideration and placement accommodations are extended to Spanish-speaking and other non-English speaking individuals. Interpreter services are available to offenders who do not speak English or Spanish and the hearing impaired.

5. Case Management and Treatment Activities

General case management and supervision activities include:

a. Assessment/Evaluation

The DVIP CSO completes progress notes after each session with the offender. In addition, a treatment assessment progress report is prepared and submitted to the supervision CSO every 30 days. The assessment gauges the offender's progress in the program and his or her willingness to accept responsibility for past or

current use of violent and controlling behavior. The results of the assessment may indicate the need for additional sessions.

b. Treatment Modality

The DVIP utilizes the eight theme Duluth Educational Model curriculum that include the following formal concepts:

- i. Non-Violence;
- ii. Non -Threatening Behavior;
- iii. Respect;
- iv. Trust and Support;
- v. Honesty and Accountability;
- vi. Sexual Respect;
- vii. Partnership; and
- viii. Negotiation and Fairness.

The group sessions are conducted by Duluth Model Certified CSOs and Court approved community-based service providers. The eight themes are discussed progressively over the 22-week treatment process. The curriculum is augmented with other psychosocial culturally competent materials related to domestic violence intervention.

Offenders attend a 90-minute group session once per week, and are required to actively participate in the group session by discussing their violent/abusive behavior with other group members. Offenders also are required to complete homework assignments and bring their DVIP/FVIP or anger management manuals to class. During the course of the program, offenders continue to report to their supervising CSO in accordance with their designated supervision level.

c. Referrals

All referrals (substance abuse, employment, mental health, medical, etc.) are channeled to the supervising CSO. If the DVIP CSO determines that the offender needs to be referred to treatment, the DVIP CSO will contact the supervising CSO to recommend that a referral be made.

d. Victim Contact

The CSO is required to make contact with the victim to give them CSOSA contact information, obtain information about the incident, verify that the offender is in compliance with a stay away order if applicable, advise if the offender is terminated from treatment services, and provide the victim with information on victim services.

i. Victim Contact Standards

The following contact standards apply to supervision, treatment and vendor personnel:

1. Initial Contact must be made within 7 business days of receiving the case.
 - Telephone Call
 - Letter
2. Follow-up Contact - every 90 days.
 - Telephone Call
 - Letter
3. Stay Away Orders - every 30 days
4. Cases that require Crisis Intervention - every 30 days.
 - Re-arrest
 - Victims Services Intervention
6. Sources for Victim Contact Information:
 - Court papers
 - Pre-Sentence Reports
 - Victim Services
 - Offender

In those cases where the victim is a minor, the child is not to be contacted. The petitioner who filed on behalf of the minor child will be contacted instead.

NOTE: If the victim states that he/she wants no calls from CSOSA, the worker will document this information in the running record and only send correspondence in accordance with the established Agency contact standards.

e. Case Conference/Staffing

Staffing conferences are conducted monthly between the DVIP SCSO and DVIP CSO. The CSO facilitates a group discussion on one of his or her cases. The CSO discusses the offender's general performance, as well as any pertinent issues. The case staffing conferences are conducted in a peer group format to allow the individuals present to provide feedback to the facilitating CSO. Vendor cases (fee-based) are staffed on an as needed basis.

f. Program Completion/Discharge/Transition/Termination

Offenders are discharged from DVIP either through successful completion of or termination from the DVIP. To successfully complete the program, offenders must attend all 22 group sessions, openly discuss their violent and abusive behavior, bring all materials to the session, and complete homework assignments to include two safety plans and two control logs. All offenders will complete the program successfully unless they are terminated before the end of their term. When the offender is discharged from the program, either through successful completion or termination, the CSO completes the termination or completion report and forwards it to the DVIP SCSO. The report contains an assessment of the offender's overall performance as it relates to personally understanding and applying the concepts set forth in the DVIP curriculum, conduct in the group sessions, and progress in adjusting his/her behavior to dealing with violence and abuse.

Offenders who complete the program successfully sign a contract with the DVIP CSO agreeing to remain violence free. A copy of the contract is filed in the supervision case file. The DVIP SCSO reviews and approves the report (termination or completion) and forwards it to the supervising CSO and SCSO. The DVIP CSO provides offenders who complete the program successfully with a Preliminary Completion Report and Certificate that is a brief appraisal of the offender's performance and serves as verification of his or her program completion.

g. Sanctions/Incentives

If an offender is absent from any treatment session, the offender will have to attend an additional session and will be sanctioned by the supervision CSO.

Disruptive behavior, being under the influence of drugs and/or alcohol during a group session, failure to complete homework assignments, and/or failure to bring program materials to the session will result in the offender being sanctioned by the supervision CSO for group non-compliance and possibly expelled from the program (if recommended following a case staffing).

The offender must attend a make up session at the end of the program for any missed sessions. An offender may be terminated from the program due to repeated incidents of the behavior noted above or re-abuse (a new verifiable incident of abusive and controlling behavior). The DVIP staff may be ordered to testify at revocation or review hearings regarding violations of program rules and/or re-occurrence of abuse or violence.

Statutory Authority: Section 11232 (b) (2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat. 712, D.C Code §§ 24-1231 *et seq.* (1996 Repl., 1999 Supp.) (Trustee’s authority); D.C. Code § 24-201 *et seq.* (1996 Repl.) (Probation’s authority); D.C. Code § 24-201.2(a) (3) and 28 D.C.M.R. § 213 (1987) (Parole’s authority).

Chapter XII: Substance Abuse and Mental Health Supervision

The Substance Abuse and Treatment Branch (SATB) provides comprehensive supervision services for high risk, substance-abusing offenders and/or offenders with mental health diagnoses. The SATB consists of several specialized teams, STAR/HIDTA, SAINT/HIDT, and the Mental Health teams.

Offenders meeting program criteria are evaluated through individualized assessments and are subsequently placed in a variety of rehabilitative settings, including residential and intensive outpatient treatment programs, as needed. In addition, offenders are closely monitored for drug use and are routinely evaluated to determine treatment progress and referral needs. Services are delivered within the context of a sanctions-based case management process that is based upon individualized offender prescriptive supervision plans that are continually reviewed and updated throughout the supervision term.

A. The Substance Abuse Teams

CSOSA has specialized substance abuse teams:

1. Sanctions Team for Addiction and Recovery/High Intensity Drug Trafficking Area (STAR/HIDTA) for offenders under probation supervision; and
2. Substance Abuse Intervention Team/High Intensity Drug Trafficking Area (SAINT/HIDTA) for offenders under parole and supervised release supervision.

To be considered for either specialized program, an offender must be a high-risk hard-core HIDTA offender who falls into one of the following levels:

Level 1:

First time offender with a non-violent offense;
No obvious mental dysfunction;
Verifiable employment in the last 30 days and a marketable skill;
High school diploma or equivalency; and
Confirmed drug-free living environment with family or friends who can be accountable for offender whereabouts.

Level 2:

Two or less drug related offenses with no history of violence;
Possible history of mental dysfunction and/or presenting no major psychiatric problems;
Marketable skills (not employed in past 90 days)
Grade level 8.0 as established through testing (Brigantes test scores); and
Verifiable strong family support, but high-risk community environment.

Level 3:

Two or more drug related arrests;
Other criminal offenses;
Substance dependency and detoxification are required;
Inconsistent work patterns;
Grade level 8.0 as established through testing (Brigantes test scores); and
Verifiable strong family support, but high-risk community environment.

Level 4:

Two or more drug related arrests of any nature and additional documented history of violence;
Possible history of mental dysfunction and/or presenting psychiatric problems;
and
No marketable skills.

The goal of these specialized substance-abuse teams is to address the needs of hard-core substance-abusing offenders, utilizing a sanctions-based intensive supervision model, to improve offender outcomes and reduce recidivism while improving public safety.

1. STAR/HIDTA (Sanctions Team for Addiction and Recovery/High Intensity Drug Trafficking Area) Probation

The STAR/HIDTA team seeks to enhance the productivity of probationers through a combination of graduated sanctions and collaboration with various treatment and service providers. The team utilizes a sanctions-based case management strategy designed to provide intensive supervision, narcotics surveillance and treatment interventions in partnership with D.C. Superior Court Drug Court and the Pre-Trial Services Agency.

a. Eligibility Criteria

Offenders with serious substance abuse problems who are residents of the District of Columbia and have no pending criminal matters or outstanding warrants are eligible for placement with the STAR/HIDTA Team. The primary focus of STAR/HIDTA is to supervise offenders whose criminality has a direct correlation with an established history of chemical dependency.

b. Referral and Intake Process

Once eligibility has been determined at the sentencing/show cause hearing, the judge, through Court order, places the offender on probation for no less than 12-18 months to be supervised by the STAR/HIDTA team. The offender signs a STAR/HIDTA contract.

Immediately following the sentencing/show cause hearing, the offender is instructed to report to Offender Processing Unit (OPU) at 300 Indiana Avenue for processing. Then the offender goes to the assigned STAR/HIDTA team with the Court order and a copy of the signed STAR contract for orientation.

All STAR/HIDTA cases are assigned by PSA in conformity with CSOSA community supervision standards. All eligible offenders must report to the STAR/HIDTA team following sentencing/revocation. The SCSO assigns the offender to a CSO who develops a treatment plan based on various diagnostic and risk (AUTO Screener) assessment information to determine the specific needs and risks of the offender. The CSO processes the offender utilizing the STAR/HIDTA Orientation Checklist (see Forms/Template Manual, Form DT-0010) and reviews the program contract with the offender. During orientation, expectations of the offender and program staff are explained, the Court order and contract are reviewed, and consent forms are signed. Incarcerated offenders who are not housed in a local facility, such as those with a split-sentence, are notified by mail to report to the assigned STAR/HIDTA CSO for orientation within 24 hours of release.

c. Supervision Standards

Offenders report to their assigned CSO in accordance with the STAR/HIDTA contract twice per week and test twice per week. Offenders being assigned from Drug Court via the Pretrial Superior Court Intervention Program (SCDIP) report once per week and test once per week until a violation occurs.

d. Treatment Referrals

Offenders in the STAR/HIDTA program are admitted into residential, transitional, intensive outpatient and aftercare drug treatment facilities as determined by CIT or the Residential and Sanctions Center. In addition, the CSO may refer offenders for treatment evaluation for severe medical conditions.

e. Case Conferences and Staffing

Case staffing conferences are held on a scheduled basis with members of the CIT staff, treatment facility and supervision CSO staff to discuss necessary treatment modifications, offender compliance with program requirements and aftercare planning.

f. Sanctions and Incentives

The STAR/HIDTA team uses graduated sanctions to respond to non-compliant behavior with fairness and certainty. Sanctions are utilized to address non-compliant behavior while discouraging future occurrences of negative behavior. Probationers are sanctioned for positive drug test results (use of illicit drugs and alcohol, failure to report, insufficient urine samples, submission of bogus samples, tardiness to drug tests and/or counseling sessions and unsuccessful termination from treatment.

The following sanctions scheme is followed:

- i. First Violation: STAR/HIDTA In-House Sanction/Staff.
- ii. Second Violation: Three nights in jail.
- iii. Third and subsequent violations: 7 nights in jail, judicial notification of submission of a bogus sample, 10 nights in jail plus judicial notification.
- iv. Missed appointment with CSO: Attend one in-house sanction group.
- v. Failure to attend group: Attend two in-house sanction groups.
- vi. Test positive for alcohol: Attend three in-house sanctions groups
- vii. Discharge from any treatment program or absconding from treatment: 15 night jail sanction.

Incentives are also available for STAR/HIDTA participants. By signature of the “Sanction Team for Addiction and Recovery /High Intensity Drug Trafficking Area (STAR/HIDTA) Drug Court Probation Contract,” the participant agrees to the following program incentives: For each month that I test negative and maintain compliance with all probation conditions, my probation term may be reduced by one month. However, failure to comply with any STAR/HIDTA conditions will result in the loss of any reductions in sentence that would otherwise have been considered for any earlier period of compliance. The aforementioned sanctions scheme will apply, and the incentive process will begin again with subsequent compliance.

g. Program Completion, Discharge or Termination

Offenders complete STAR/HIDTA supervision when they have successfully met all Court-ordered conditions and performance objectives. Once sanctions have been imposed and deemed ineffective, revocation hearings are requested for offenders determined to be in non-compliance.

Prior to program completions, discharge, case transfer or expiration, the CSO, offender and SCSO meet to review the offender's STAR/HIDTA performance and evaluate the offender's overall adjustment to the STAR/HIDTA experience.

2. SAINT/HIDTA

a. Eligibility Criteria

The SAINT/HIDTA Unit provides sanctions-based supervision for hard-core, high-risk addicted parole and supervised release offenders and promotes substance abuse rehabilitation, life-skills and vocational enrichment, while protecting public safety. The team also is responsible for identifying and developing community-based resources and coordinating services for the targeted population. SAINT/HIDTA is required to administer swift consequences for negative behavior and incentives for positive behavior.

The CSO works with treatment specialists to evaluate addictive behavior and substance abuse among the offenders. The officers are advocates who provide group, individual and family counseling to the parole supervision population with recommendations in a treatment continuum.

SAINT/HIDTA offenders:

- i. Are D.C. residents who have been adjudicated as adults;
- ii. Have demonstrated marked impairment in social, educational, occupational, cognitive, emotional and/or physical functioning;
- iii. Have a drug-related offense or previous drug treatment, surveillance or educational experience;
- iv. Have the primary diagnosis of substance dependency, excluding alcohol dependency;
- v. Do not have any physical, medical or psychiatric condition which would prevent participation in the assigned treatment program; and
- vi. Have a Diagnostic Statistical Manual - Edition IV (DSM-IV) substance abuse diagnosis.

Screening (AUTO Screener) and ongoing assessment is vital to developing a continuum of care and treatment for offender and for assigning the offender to an appropriate level of supervision. After assessment, offenders must be referred for services and monitored while under supervision. Treatment, in conjunction with strict supervision, is the program mandate.

When possible, vendor provided treatment services are brought on-site to increase collateral contacts and interventions and to reduce the risks associated with substance abusing offenders. CSOs quickly notify the offender's releasing authority of breaches of the offender's conditions of release and the program behavioral contract. The CSO tracks treatment progress and attendance, imposes sanctions for non-compliant behavior, and develops treatment plans with the offender.

b. Core Services

SAINT/HIDTA provides the following core services:

- i. Screening: Use of the HIDTA criteria, AUTO Screener, and various criminality and substance abuse assessment tools.
- ii. Schedule Urine Testing: Employing chain of custody procedures.
- iii. Treatment Plans: Course of treatment action that emphasizes criminal and behavioral modification. Dual Diagnosis with primary substance abuse.
- iv. Referral: Treatment, behavioral and vocational development.
- v. Liaison with Treatment Provider: Monitor offender's progress while in substance abuse treatment with vendor.
- vi. Individual Counseling: Psychotherapy and criminal thinking.
- vii. Group Counseling: Using offender-centered and confrontation modules to reverse the correlation of criminal thinking and illegal substance use.
- viii. Collateral Contacts: Building close relationships with significant others in the home and employment settings.
- ix. 90-day, 36 sessions Sanction/Relapse Prevention Groups.
- x. After Care Treatment.
- xi. Research Tracking: Correlating treatment services, sanctions/interventions, release violation responses and completion.
- xii. Training/Consultation: Provide on going substance abuse and behavior modification training to CSOs. Assist in the formulation of policies and procedures.

c. Treatment Referrals

CSOSA places offenders in appropriate treatment modalities within a continuum of care to meet the needs for substance abuse, sex offender and mental health treatment. All treatment modalities are supplemented with graduated sanctions designed to assist individuals in maintaining sobriety, reinforcing accountability and reducing criminal activity.

CSOSA conducts drug surveillance and criminality risk, abuse severity assessments to make appropriate treatment referrals.

Treatment is provided both in-house and through contractual services. The following steps are used to place an offender in contractual substance abuse outpatient and residential treatment, substance abuse transitional housing treatment, sex offender outpatient treatment and mental health outpatient and residential treatment.

The CSO or SCSO submits a complete referral package to the Contracting Officer's Technical Representative (COTR) a minimum of five (5) business days prior to the desired placement date. The package must be submitted with a completed treatment referral package cover sheet and must contain the following offender information:

- i. Criminal history;
- ii. Pre-Sentence Investigation (PSI) Report;
- iii. Drug test results;
- iv. Medical clearances (for residential referrals only);
- v. Any prior treatment summaries (if a release is obtained from the offender);
- vi. Most recent substance abuse screening and/or assessment; and
- vii. Psychological evaluation summary (for sex offenders and residential referrals with a history of mental health issues).
- viii. A statement that the NCIC records check has been completed and no outstanding warrants were noted.

d. Treatment Referral Procedure

The process for referring offenders to the Central Intervention Team (CIT) for treatment evaluation is as follows:

- i. The COTR or Treatment Management Team (TMT) supervisor sends the completed referral package to the Program Director of the treatment program within five (5) business days of receiving complete referral information.
- ii. The Program Director reviews the referral package to determine whether the offender is suitable for admission/intake.
- iii. If the Program Director determines that an offender is not suitable for admission, the Program Director contacts the COTR/TMT supervisor and provides the basis for rejection. The COTR/TMT supervisor immediately contacts the CSO or case manager with the reason(s) for rejection. The CSO or case manager may contact the Program Director to discuss the decision. If the Program Director maintains the rejection, the referral process ends and the CSO or Case Manager must make alternative plans for the offender.

- iv. The Program Director contacts the COTR to provide the admission/intake date and for residential programs, to arrange for the offender to be transported to the facility.
- v. The COTR submits a request for treatment services to the Contracting Officer and sends a confirmation sheet to the CSO or Case Manager within one (1) business day of receiving the information from the vendor. The confirmation sheet must contain the following information:
 - a. Offender name and PDID number;
 - b. Name of the treatment program;
 - c. Offender treatment starting date; and
 - d. Relevant information on offender retrieval (for residential treatment admissions).

When offenders are transitioning from jail, Detox or other residential program to a residential treatment facility, the treatment provider will make arrangements to pick-up the offender and deliver him/her to the treatment facility. This is done to decrease the likelihood of drug/alcohol use between discharge from one program and admission to the other.

- a. The COTR executes the delivery order and faxes it to the vendor within five (5) business days.
- b. The vendor sends the COTR a treatment/program plan for the offender within 14 calendar days of the starting date. The COTR will submit the treatment/program plan to the CSO or Case Manager for review on the same day the plan is received.
- c. The SCSO or his/her designee or Case Manager reviews the plan within five (5) business days of receiving the plan and provides comments to the vendor's Case Manager.
- d. Upon completion of review by the SCSO or his/her designee or Case Manager, the COTR authorizes the continued use of services consistent with what has been agreed to by the vendor and the CSO or Case Manager.

e. Supervision Standards

i. Intensive Supervision

Office, collateral, face to face or treatment contacts at least two times a week. Scheduled urinalysis surveillance two times a week, executed Accountability Contract.

Offenders are sanctioned by the CSO for first level violations, sanctioned by the CSO and SCSO for second level violations and will be referred for a multi-disciplinary team sanctions staffing for third level violations. The multi-disciplinary team sanctions staffing will include the supervising CSO who will present the case to the team. The offender will present mitigating or explanatory information on his own behalf. At least three members of the multi-disciplinary team must subsequently concur in order for sanctions to be levied. The offender signs the sanctions documentation and the CSO follows-up by monitoring their implementation.

Offenders with special conditions of drug counseling and treatment shall be screened and referred for treatment services.

If the offender is in violation of a release condition, an Alleged Violation Report (AVR) shall be prepared by the CSO and submitted to the releasing/sentencing authority summarizing the offender's substance problem, treatment contract and community supervision status.

Offenders with special release conditions of in-patient drug or intensive supervision with the emphasis on drug treatment shall be screened assessed and have a plan developed for release to an approved residential treatment or assessment facility.

Offenders who fail to respond to treatment sanctions/interventions and continue to test positive for illegal substances or continue to exhibit criminal behavior will necessitate an AVR warrant request citing special conditions, substance abuse or failure to cooperate violation(s).

ii. Treatment

The treatment process is designed to empower the offender to develop his/her own unique self-worth, manageability of the social environment, lifestyle change, understand criminal thinking and become a drug abstinent law abiding citizen.

Relapse-prone offenders who have extensive drug and criminal histories should be referred to on-site treatment providers and Agency-provided services. The normal treatment process is a 180-day treatment continuum phase, followed by 180-day supervision, monitoring, and urine detection tracking phase.

iii. Residential Treatment

Comprehensive, in-patient services are provided for chronic substance abusers. These services include daily living support group, family counseling, continuing care and other essential services. The length of stay for short-term treatment is 90 days and long term is more than 90 days. Within the first five days of an offender's arrival, the assigned CSO or member of the treatment team shall conduct an initial staffing with the offender and clinical treatment team. At this meeting, the offender shall be made aware of his or her release obligation and sign an Accountability Contract. A treatment staffing shall occur every two weeks to ensure program and supervision compliance. The CSO shall verify the offender's potential residency and employment prospects upon successful discharge. In cases where the offender has no viable residential alternative or other supportive environment for discharge, then the offender shall be referred to transitional living. Upon discharge, the offender shall be placed on a urine-testing schedule of twice a week.

Upon the successful discharge, each offender must have a release treatment plan prepared by the Treatment Case Manager to include further treatment in the continuum of services, i.e., intensive outpatient, aftercare, transitional living and outpatient supervision. Offenders must sign a treatment contract that specifies the next course of treatment and the CSO must ensure that the offender is fully aware of the treatment process, length of treatment and related expectations.

iv. Intensive Outpatient

If available, all treatment referrals in this modality shall be made to on-site treatment providers or Agency staff. This is especially important for offenders who have extensive criminal histories and have multiple past supervision violations.

The offender shall be placed on intensive supervision and scheduled for urinalysis screening two (2) times a week. The expected progression of treatment shall proceed as follows:

- a. 24 treatment sessions: attendance 3 times a week @ 3 hour treatment sessions = 9 hours a week;
- b. 24 treatment sessions: attendance 2 times a week @ 3 hour treatment sessions = 6 hours a week, also, offender must attend 2 community based self-help groups with legitimate documentation; and
- c. 24 treatment sessions: attendance 1 time a week @ 3 hour treatment session = 3 hours a week, with 3 community based self-help groups with legitimate

documentation.

If the referral is made to a HIDTA-funded vendor, then the treatment process will follow in accordance with the stipulated contracting agreement. The standard treatment consists of 54 sessions.

Offenders will progress through the phases of treatment when program parameters are followed and no supervision violations are noted. The assigned supervision officer, treatment team and provider will staff the offender and notify him or her of the progression or stagnation at specific stages.

When an offender progresses through the treatment phase, the scheduled urine testing frequency shall decrease (for example: from 1 time a week to every other week).

Upon successful completion of the formal Intensive Outpatient Treatment (IOT) phase, the supervision officer, treatment team and provider will develop an aftercare plan to address unresolved issues that were identified in the previous treatment.

v. Transitional Living

Offenders with less than stable community surroundings, are homeless, or are in need of continued residential based treatment shall be referred to transitional living settings. This modality will continue for an additional 90-day transition period.

During this phase, the offender and CSO shall meet in the office setting once a week for individual counseling and therapy. The offender shall submit to scheduled urinalysis screening in accordance with CSOSA policy. The supervising officer shall work in conjunction with the treatment provider in securing a stable home and employment for the offender upon discharge. If the offender is discharged unsuccessfully from this modality before adequate resources have been finalized, then an AVR report shall be submitted to the United State Parole Commission (USPC) citing the violation of parole condition 10 and any other verifiable circumstances.

The offender shall be placed immediately on intensive supervision and placed on “Day Reporting” until USPC action is finalized on a case by case basis as deemed appropriate.

f. Graduated Sanctions

An effective continuum of care requires consequences for non-compliant behavior. The responses, sanctions, must be swift and motivational; therapeutic or punitive. Sanctions are designed to allow the offender to participate in the appropriate treatment modality and receive the benefits inherent in program participation. Intermediate sanctions will be levied at the team level by the treatment team. Sanction staffing will occur each week with at least three treatment team members present.

When an offender in the community tests positive for drugs, fails to report for drug testing or misses a treatment session, the CSO shall notify the offender (within 48 hours) by telephone or a community visit of his or her mandatory attendance at the next sanction staffing. Offenders who fail to report for sanctions shall be cited for additional supervision violation number 10.

g. Sanctions Staffing

Multi-disciplinary treatment team meetings are held regularly. Staff members present information about the offender's adjustment to program goals and objectives. This process keeps the team responsive to the immediate needs of the offender and the officers benefit from the input and support of other staff members. During the sanctions staffing the following occurs:

- i. Supervising officer shall present the case to the treatment team outlining the violation(s) and circumstances surrounding intervention.
- ii. Offender shall present mitigating evidence to treatment team.
- iii. Treatment team shall engage offender and supervision CSO in counseling dialogue.
- iv. Treatment contract shall be developed with offender agreeing to terms.
- v. At least 3 treatment team members must concur with recommendations.
- vi. All parties must sign final treatment contract with supervisory approval.
- vii. Supervising CSO must follow-up with documentation and recording.
- viii. A copy of all documents shall be placed in the offender's case file.
- ix. A follow-up of the specified intervention should be immediately documented in the SMART system database.

h. Program Completion

i. Case Management

After an offender has successfully completed his or her treatment, the offender will enter the case management phase. This phase is designed to support his/her transition into less intensive supervision. The CSO will refer the offender to the Vocational Opportunities, Training, Employment and Education (VOTEE) Unit for assistance with job, vocational, and life skills elements. The CSO will also conduct collateral contacts to determine if offenders have remained drug free and have made the necessary behavioral changes needed to remain a law-abiding citizen. This period shall occur for six months after successful discharge from treatment.

ii. Successful Completion

Offenders will have successfully completed the treatment process if, after one year of treatment and tracking, there are no violations of supervision, no evidence of illegal substance abuse and home and employment status is stable.

A progress report will be submitted to the appropriate releasing/sentencing authority recommending the offender's transfer to a general supervision field unit, aftercare treatment and/or monitored supervision to follow after a specified period of continued monitoring.

3. Traffic Alcohol Program (TAP)

The Traffic Alcohol Program supervises most Court ordered supervised probation cases resulting from traffic alcohol related offenses. The primary goal of the Traffic Alcohol Program is to assess offender risk and needs, ensure treatment of offenders, provide close supervision and support referrals to treatment programs.

a. Background

In 1975, the D.C. Metropolitan Police Department initiated the Alcohol Measures Program in order to concentrate manpower on arresting and processing persons arrested for driving under the influence of intoxicating beverages.

The U.S. Attorney's Office initiated the Diversion Program for any first time offender whose calibrated breath tests were below .20 Blood Alcohol Count (BAC), after being tested twice, and only in cases where no bodily injury occurred as a result of an accident.

In October 1980, the Social Services Division and D.C. Superior Court implemented the Traffic Alcohol Program (TAP) in order to provide probation services to a group of offenders whose common problem, alcoholism or alcohol abuse, brought them under the Court's purview.

By 1993, the number of traffic alcohol cases had increased to a level requiring either a significant increase in TAP staff or a much more efficient operation in order to accomplish program goals. To address this increase, the TAP Unit was restructured utilizing creative and innovative strategies to handle an intake rate that had grown to more than twice that of other probation supervision units.

In March 1994, the restructuring was completed to provide more effective management of information, provision of services, monitoring of treatment and accurate reporting of treatment information. The TAP Supervision Unit designed a series of group reporting and treatment models and a new case flow system.

b. Program Philosophy

The specific focus of community supervision for traffic alcohol cases is to guide, educate, and counsel the offender in the recovery process. The goal of recovery is best accomplished through enrollment and active participation in an approved structured treatment program and support group. The TAP Supervision unit strives to make each offender aware of the need to honestly assess his or her alcohol or drug use behaviors as well as their consequences and alternatives. TAP seeks to ensure that each probationer identified as having an alcohol/substance abuse problem is actively involved in a treatment program and support group. These efforts include sessions that provide information on recovery related topics such as problem solving, relapse prevention, health and nutrition, etc. By emphasizing such topics, the TAP Supervision Unit reinforces treatment and assists in the recovery process.

The probationer is confronted at each face-to-face contact with his/her history of alcohol/abuse and his/her personal accomplishments or lack of progress. A twelve-step group is suggested when appropriate. Each probationer's treatment program attendance is closely monitored. The offender must submit written verification of attendance at meetings and/or treatment sessions, if treatment is required. Each probationer is given an Attendance Verification Form (see Forms/Template Manual Form # GS-0042) that includes the name of the offender's treatment program and the times and dates attended for verification purposes.

c. Case Flow Procedures

A probationer assigned to the TAP Team is supervised under the authority of Title 16, Section 710 of the D.C. Code and in accordance with CSOSA/CSS policies. Procedures in program selection, classification standards and termination of probation are as follows:

- i. At the initial interview, the CSO will initiate the CSOSA Screener process.
- ii. The CSO shall refer the offender to drug testing, a mass orientation session and record the information in the SMART Running Record and on the Unit master schedule.
- iii. The selection of an appropriate intervention/treatment modality is determined by the CIT. Referral is initiated from the Intake and Diagnostic Team after an extensive investigation of the probationer's (alcohol or drug usage) behavior.

Direct reports (offenders) are automatically referred by the supervision CSO. Included in these procedures are questions regarding:

- Prior traffic arrests/convictions that were alcohol and/or drug related.
- Frequency of drinking or drug abuses.
- Quantity/Tolerance/BAC.
- Medical condition.
- Efforts to control drinking or drug use.
- Alcohol blackouts.
- Prior treatment for alcoholism or drug abuse.
- Impact of drinking or drug use on family life, work performance, social life, finances, etc.
- Drug test results.
- Financial ability to pay for treatment services, including health insurance coverage.
- Geographical proximity of the probationer's residence to the treatment program.
- CIT determines the choice of a treatment agency and discusses with the supervising CSO. Offenders may opt to utilize private programs by using private insurance or other available resources.

- The supervision folder is reviewed by the SCSO within 90 days of case assignment for adjustment of the treatment plan (if needed) and of the SMART classification level and Running Record.

d. Sanctions

Offenders who are non-compliant with the terms of their release (i.e., are re-arrested, are non-compliant with general/special conditions, are non-compliance with treatment groups, or are non-complaint with other general or special conditions) are subject to a number of sanctions, including:

- i. Increased supervision levels;
- ii. Re-administration of the Assessment Instrument and Re-assessments, if indicated;
- iii. Referral to CIT, if indicated;
- iv. Counseling by CSO;
- v. Reprimand by CSO/SCSO; SCSO conference;
- vi. Referral to a Sanctions Group;
- vii. Increased drug testing;
- viii. Submission of appropriate violation memoranda/reports;
- ix. Recommendation to a Half-way Residential Program;
- x. Increased support meeting attendance; and/or
- xi. Referral to electronic monitoring, Global Positioning System (GPS).

e. Traffic Alcohol Reports

The Traffic Alcohol Program (TAP) is responsible for supervising Driving While Intoxicated (DWI)/Driving Under the Influence (/DUI) offenders and other traffic docket offenses who have been Court ordered and placed on probation by the judiciary with special conditions for treatment and/or education. An offender assigned to the TAP team is supervised under the authority of Title 16, Section 710 of the D.C. Code and in accordance with CSOSA and CSS policies.

Upon the offender's first office visit, the assigned CSO will complete the following forms:

- i. Referral to Drug Testing;
- ii. Employment Verification;
- iii. Consent and Authorization for Release of Information;
- iv. The offender must sign the reporting record form and Referral to TAP Orientation Group, if needed.

The assigned CSO shall:

- i. Inquire regarding pending and/or prior DWI/DUI offenses, including prior probation before judgment decisions.
- ii. Thoroughly review all general and special conditions specified in the Court Order with the offender. The offender is to be warned that disruptive behavior at any support group and/or clinic or class will be reported as a violation of probation.
- iii. If the offender is ordered to attend an approved treatment program, the CSO will initiate the referral/placement if indicated or provide the offender with a time period of no less than 10 days to enroll in a program to fulfill the probation requirement. The offender must enroll within ten (10) days.
- iv. Each new offender will be required to sign the Attendance Logs that are used for verification of offender attendance at support groups and clinics or classes.
- v. If ordered to attend support group meetings, the CSO will provide the offender with an appointment letter specifying the locations, dates and times of the group meetings.
- vi. The CSO should provide MVA with a copy of the offender's referral to the TAP Unit.
- vii. The CSO should give the offender a copy of the Probation Guidelines for the TAP Unit. An example of the guidelines follows.

f. TAP Probation Guidelines

TAP probation supervision is a conditional release for the term (years and/or months) indicated by the Court.

After that time expires, the offender is released from supervision, provided the offender has obeyed all conditions, directives, and mandates that were established in the Probation Order.

Under the supervisory period, the offender is required to:

- a. Remain totally abstinent from alcohol and illicit substances (drugs). This means total abstinence—No whiskey, beer, wine, alcoholic beverages or mixtures, and no Non-Alcoholic beers.
- b. Attend as many support group meetings as directed on a weekly basis.
- c. Attend support groups and/or treatment programs.
- d. Report to the supervising CSO as directed with attendance verifications signed at support group meetings and/or

- treatment/education classes attended. Attendance will be verified by the CSO for each week.
- e. Provide accurate information and not forge or alter any attendance verifications; if the offender does, the Court may be notified and the offender referred to sanctions groups to address criminality traits.
 - f. Attend all sessions and not arrive late at the education/treatment sessions, support group meetings or CSO office.
 - g. Attend support group meetings as recommended.
 - h. Notify the supervisory CSO if s/he has changed residence, employment or telephone number.
 - i. Request authorization for out-of-town visits from supervising CSO at least six (6) weeks prior to requested departure date and give specific dates the offender will be away, when feasible.
 - j. Attend meetings; however, the defendant will be excused from support group meetings or treatment sessions due to verified personal/family emergencies or other special circumstances such as death in the immediate family (i.e., father, mother, spouse, child or sibling). A copy of the Death Certificate must eventually be provided to the CSO.
 - k. Bring in verifiable information from his/her employer (copy of time card or letter) to be excused, if required to work overtime.
 - l. Notify his/her supervising CSO of all re-arrests, for any reason.

g. Self-Paid Traffic Alcohol Program (TAP) Services

CSOSA is responsible for the supervision of all offenders convicted under traffic “T” dockets and sentenced to probation by the Superior Court for the District of Columbia. These offenders are ordered by the Court to complete a traffic alcohol program (TAP) while under CSOSA supervision. CSOSA provides an Agency-funded TAP for offenders who are unable to pay for these services. Offenders who choose to pay for TAP services have the option of selecting and completing a privately operated program to satisfy this supervision requirement.

Offenders who opt to participate in and complete a privately operated program must complete a program that has been approved by the District of Columbia Department of Motor Vehicles (DC DMV) Medical Review Unit. The TAP SCSSO will be responsible for contacting the DC DMV on a semi-annual basis (January and July) to ascertain if any new, privately operated programs have been approved by DC DMV, or if any programs that had been previously approved by DC DMV have subsequently lost

their status. The TAP SCSO will be responsible for maintaining a current, up-to-date listing of DC DMV approved privately operated programs.

This listing is to be provided to any offender who opts to receive services from approved private sector providers. The SCSO and CSO are not to recommend to the offender any DC DMV privately operated program since this decision is solely the responsibility of the offender himself/herself.

Consistent with Agency policy, the CSO will obtain from the offender a signed release of information form, regardless of whether the offender is participating in an Agency-funded or a privately operated DC DMV approved Traffic Alcohol Program.

It is the responsibility of the offender to contact the privately operated program to:

- i. Schedule an intake interview and enroll in the program;
- ii. Attend all required sessions;
- iii. Coordinate all matters pertaining financial responsibility;
- iv. Provide proof of program attendance to the CSO; and
- v. Discuss any issues the offender may have while under supervision.

Offenders who complete privately operated Traffic Alcohol Programs must still comply with all timeframes associated with supervision. Upon completion of a privately operated program, either the offender or the program is to provide verification of satisfactory program completion to the TAP CSO or TAP SCSO.

B. Mental Health Supervision

The Mental Health teams provide effective supervision to mentally ill offenders released to the community. Mentally ill offenders are individuals who have been diagnosed with a mental illness such as Schizophrenia, a depressive disorder such as a Bi-polar Disorder and/or an anxiety disorder such as Post-Traumatic Stress Disorder. These offenders have been diagnosed with a major mental health condition and often carry a dual diagnosis that is an additional illness, such as substance abuse. The majority of these offenders need a support system to enable them to successfully re-enter society.

To deal effectively with this population, a monitoring system has been developed that provides a highly structured program, consisting of heightened monitoring and coordination with treatment resources. The program takes into account the offender's therapeutic needs, while ensuring the safety of the community by addressing the risks that each offender presents on an individual basis. Additional safeguards are put into place by

providing the mentally ill offender with the appropriate intervention, timely referrals to service providers, and sanctions, as needed.

1. Program Philosophy

It is the philosophy of the Mental Health teams to provide effective supervision to mentally ill offenders released to the community. The objective is to identify problems before they escalate and to provide adequate services. The supervision CSO provides case management services in conjunction with clinical assistance provided by the Agency's Mental Health Contractual (MHC) services and Public Mental Health providers of the District of Columbia.

2. Criteria for Assignment

The criteria for assignment of the mentally ill offenders vary, based on the current status of the case.

a. New Cases

The Offender Processing Unit (OPU) will assign all mental health cases to the appropriate mental health team.

Cases that qualify for assignment to a mental health team will have a special condition of one or more of the following:

- i. Seek and accept psychiatric or psychological treatment as directed by the CSO;
- ii. Refer for a psychological evaluation;
- iii. Continue with psychiatric medication;
- iv. Continue with Mental Health Treatment; and/or
- v. Enrollment in Mental Health Aftercare Program.

All cases with orders requiring conditions for mental health assessment and/or treatment must be assigned to a mental health team.

b. Transfer Cases

All cases currently assigned to general supervision, special supervision or Interstate teams, in which the offender is exhibiting mental health issues, should be referred immediately to the Mental Health Administration for a psychological screening/assessment. **Cases must be in compliance with Agency case management standards to be accepted in transfer.**

Following are the steps to be implemented:

- i. The referring CSO will notify the offender of the appointment in writing, and will send a referral packet to

- the Mental Health Coordinator five (5) business days before the offender's scheduled appointment date.
- ii. The offender will be screened/ assessed by a CSS contract psychologist/psychiatrist or designated community health provider, if warranted.
 - iii. The psychologist/psychiatrist will submit the completed assessment to the referring CSO and make a recommendation for supervision within the mental health unit, if a mental health disorder is determined and warrants supervision on the mental health team.
 - iv. If the offender has any current or pending charges, the referring CSO will make himself or herself available for Court or USPC hearings as needed to support the Mental Health CSO presentation.
 - v. If it is determined from the assessment that the offender does not need placement with a mental health supervision team, a recommendation and treatment plan will be provided by the psychologist and forwarded to the referring CSO.

3. Supervision Requirements

a. Initial Supervision Plan

For the offender's initial prescriptive supervision plan:

- i. All offenders will be supervised based on the outcome of the Agency screener (AUTO Screener).
- ii. The supervision officer will refer the offender for urinalysis testing upon his/her initial supervision office visit and in accordance with Agency policy and practices.
- iii. The CSO will discuss the conditions of release with the offender.
- iv. The CSO will complete a CSOSA Assessment/Orientation Checklist (see Forms/Template Form No.GS-0043) in accordance with CSS case management standards.
- v. The CSO will refer the offender immediately for a mental health screening/ evaluation with a CSOSA Mental Health Specialist and/or District of Columbia mental health provider if the offender is not already connected to a mental health provider.
- vi. The CSO will maintain authorization for the release of information in accordance with CSS policy and Federal and District of Columbia law.
- vii. In instances where mental health treatment is ordered but is not deemed necessary by the mental health clinician, the

Court will be notified in writing by the CSO (supporting documentation will accompany the memorandum requesting a modification of the Order).

- viii. The CSO will conduct a home contact on all newly assigned cases within fifteen (15) working days of receipt of the case.
- ix. The CSO will conduct routine home contacts in accordance with CSS policy.
- x. The CSO will conduct an employment contact within thirty (30) working days of receipt of the case.
- xi. The CSO will conduct routine employment visits in accordance with CSS policy.

b. Case Management Components

In order to assess the offender's adjustment to the community, the CSO will:

- i. Adhere to a supervision plan that is consistent with CSS policies and procedures;
- ii. Visit the offender at the halfway house approximately fifteen (15) calendar days before being released to probation/parole supervision;
- iii. Verify the residence in accordance with CSOSA policy;
- iv. Recommend to the Court/US Parole Commission any modifications in the conditions of release in cases where additional requirements would serve to restrict offenders from engaging in risky behavior(s) or constitute a threat to themselves or others;
- v. Identify cases for presentation at case staffing conferences with the D.C. Department of Mental Health;
- vi. Consult with Mental Health Specialists to review the offender's compliance and progress with the treatment performance contract and/or behavior contract;
- vii. Refer appropriate offenders to Interim Preparatory Group and medication compliance;
- viii. Develop and maintain positive relations with the D.C. Public Mental Health provider and;
- ix. Collect and provide other information relevant for case management and information on issues impacting the offender's successful re-integration into the community.

c. Contacts

See CSOSA Supervision Contact Standards, Collateral Contacts and Field Contacts in Chapter VI.

d. Supervision Procedures for Mental Health Cases

The standard supervision procedures are enhanced with additional requirements for the mental health teams. The CSO coordinates the services needed to assist the offender develop and maintain emotional stability. The offender's progress and response to treatment will be monitored for a minimum of six months. Following the six month period, if the offender is stable with his or her mental health requirements and is in basic compliance with all other supervision standards, the case will be re-evaluated by clinical consultants to determine the appropriateness for transfer to a general supervision team (according to PSA).

The case transfer will occur following a staffing and the development of a treatment plan as guidance for the CSO.

e. Drug and Alcohol Monitoring

The monitoring of mentally ill offenders for illicit drug and alcohol use is one of the most important methodologies the CSO employs to discourage further criminal activity.

In many cases, the offenders were under the influence of illegal substances when the original offense was committed. The use of such substances often precipitates aggressive behavior and is considered a major risk factor. Any mental health offender who engages in substance abuse substantially increases the chances of recidivism and therefore poses a threat to community safety.

Sanctions will be implemented when violations occur. The CSO must use CSS policy and sound professional judgment, as well as consultation with the SCSO and other treatment experts, to determine what measures to take. Factors that must be considered are the offender's substance abuse history, offense cycle, community supervision compliance, violence tendencies, mental instability, "Risk Level", the impact of psychotropic medication on mental stability and the context in which they are abusing drugs.

Following are some general guidelines for monitoring and addressing substance abuse:

- i. Offenders will be tested for drugs according to CSS standards and policies.
- ii. The CSO will seek out and follow-up on any leads that may indicate drug or alcohol use and determine their validity.
- iii. If during an office visit the CSO suspects the offender has engaged in drug or alcohol use within the last twenty-four (24) hours, the offender will be escorted to the drug-testing unit that day for a spot check.

- iv. If drug/alcohol treatment is not a special condition of release but such use is detected, an Alleged Violation Report (AVR) or memorandum should be submitted to the Court/U.S. Parole Commission requesting a modification to include drug treatment and/or urine surveillance.
- v. If the offender is participating in a substance abuse program and continues to test positive for drug use, a violation report (AVR) should be submitted and the offender sanctioned according to CSS policies and procedures (halfway house, detoxification, urine surveillance, revocation, etc.).

f. Sanctions and Revocation

Sanctions will be implemented whenever the offender violates imposed supervision conditions of the Court or the U.S. Parole Commission. If there exists an imminent risk to the safety of the community, revocation will be recommended.

When offenders assigned to this unit violate the conditions of their release, this is often a precursor to offending behavior. It is important for the CSO to act cautiously when dealing with seemingly minor infractions.

Frequently, only a reminder to the offender of the obligations to the releasing authority results in compliance. To ensure the long-term safety of the community, it is important that the Court/USPC, with recommendations from the CSO, address every violation in timely fashion.

The CSO will utilize all of the appropriate pre-revocation measures available in cases where incarceration would neither benefit the community nor the offender. Increasing the length or level of supervision will support community safety. Administrative sanctions will be imposed in accordance with Agency guidelines.

Below are some common pre-revocation sanctions:

- i. Supervisory Conference;
- ii. Behavior Contract;
- iii. Increased reporting to the CSO;
- iv. Adjust the level of supervision;
- v. Urine surveillance;
- vi. Curfew;
- vii. Split-sentence;
- viii. Modifications to the Conditions of Release;
- ix. Electronic Monitoring;

- x. Weekends in Jail; and
- xi. Education /Self-Help Groups
- xii. GPS Monitoring
- xiii. U.S. Parole Commission Reprimand/Sanctions Hearing

g. Mental Health Multidisciplinary Supervision Team Case Staffing/Conference

The institution of a multidisciplinary supervision team case staffing protocol is an effort to improve supervision case management and accountability for supervision offenders identified with mental illness and/or co-occurring disorders.

The multidisciplinary team case staffing/conference promotes coordination between agencies; provides a check and balance mechanism that ensures continuity of care and services and identifies service gaps and breakdowns in coordination of communication between agencies and individuals.

The multidisciplinary supervision team may comprise any combination of the following members: Mental Health Community Supervision Officer (SCSO), Mental Health Community Supervision Officer (CSO), Community Mental Health Provider, and Mental Health Contractual Consultant.

Multidisciplinary supervision team case staffing/conference will occur weekly with each team having an assigned day. Cases will consist of the following: judicial reviews; new cases transferred and /or Court ordered for Mental Health supervision (Mental Health screenings will have been conducted on these cases prior to case staffing); emergency cases and cases requiring sanctioning.

Referring cases for Multidisciplinary supervision team case staffing/conference:

- i. Each team will have a designated day to conduct case staffings;
- ii. CSO's will notify the Mental Health coordinator via the current Mental Health referral process to schedule staffing (with the exception of emergency case staffing and/or emergency judicial reviews);
- iii. CSO will input referral data into SMART once scheduled date for case staffing has been determined.

Case documentation for case staffing/conference:

- i. CSO Mental Health Referral Document
- ii. Mental Health Screening Document
- iii. Case Notes
- iv. Mental Health Case Plan Document

h. Criteria for Classification Level Modifications

The criteria for modifying an offender's level of supervision are:

- i. More than three (3) unexcused missed appointments within the last twelve (12) months
- ii. Satisfactory participation in all treatment programs;
- iii. No detection of illicit drug use in the last six (6) months; and
- iv. Approval of the SCSO.

4. Procedure for Transferring Cases from Mental Health Unit to General Supervision

The procedure for transferring cases from a MHU team to a general supervision team is as follows:

- a. The Mental Health CSO alerts SCSO of:
 - i. Offender compliance with release conditions;
 - ii. Observed mental/psychological stability; and
 - iii. Consideration for transfer to General Supervision.
- b. The SCSO reviews the offender's case file and SMART system entries for case management compliance (within five business days of receipt of the transfer request).
- c. The CSO and SCSO (together) staff the case for review of all Compliance issues.
- d. The case is prepared for presentation to the mental health consultant to determine the offender's level of stability with respect to:
 - i. Diagnosed mental health issues (Note: Offenders with a severe and persistent mental health illness such as schizophrenia, bi-polar, psychotic and mood disorders are not eligible for transfer to general supervision.)
 - ii. Treatment progress and

- iii. Compliance with the administration of psychotropic medication(s).

- e. The Mental Health consultant evaluates the offender's case. If the offender's screening demonstrates an acceptable level of stability, a staffing is scheduled between the offender, current CSO and mental health consultant to discuss supervision transfer.

- f. The CSO will send status reports to the releasing authority noting the offender's potential return to General Supervision as a result of the his/her mental health stability as determined by administration of the mental health screener and other relevant case documentation.

- g. A treatment plan specifying treatment circumstances, supervision interventions and directions for managing the offender under PSA supervision is developed for the receiving party.

- h. The case is transferred to the receiving SCSO in accordance with CSS case transfer standards.

- i. The offender is given a scheduled reporting date to the receiving general supervision team and CSO.

- j. SMART is updated to reflect all relevant case transfer information by the sending SCSO.

Chapter XIII: Interstate Compact Supervision

A. Introduction

The Interstate Compact Unit (ICU) Branch provides administrative and case management services for offenders under the auspices of the Interstate Commission for Adult Offender Supervision (ICAOS). Staff assigned to the ICU Branch conduct screening and intake functions, as well as investigative and monitoring services, for probation and parole matters originating in the District of Columbia, but with the offender ultimately being supervised in another jurisdiction. Designated Interstate Compact staff also provides a full range of case management services to adult offenders being supervised in the District of Columbia whose originating offenses and sentencing occurred in other jurisdictions. Case management services for the out-of-town supervision caseload are provided in neighborhood field units situated throughout the District of Columbia. A full range of case management services is also provided for offenders who are ineligible for Compact transfer and reside within the reporting radiuses of CSOSA field unit sites.

B. Historical Perspective

The Interstate Compact for the supervision of parolees and probationers arose following the enactment by Congress of the Crime Control Act of 1934. This compact permitted two or more states to enter into agreements or compacts for cooperative efforts and mutual assistance in the prevention of crime. Since 1937, the Interstate Compact for the Supervision of Parolees and Probationers has provided the sole statutory authority for regulating the transfer of adult parole and probation supervision across state boundaries. Prior to the enactment of the Compact, offenders could not leave the state of conviction, or could leave only under “gentlemen’s agreements” or “sundown” parole or probation circumstances (i.e., release conditioned upon leaving the jurisdiction, never to return and without thought given to supervision). None of these arrangements were satisfactory and defeated the real purposes of parole and probation supervision. The primary purpose behind the creation of the Interstate Compact was to end and/or discourage these practices. All 50 states were members of this interstate agreement, as are the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

In 1998, the National Institute of Corrections (NIC) Advisory Board, following several public hearings, directed its staff to begin pursuing a revision of the compact. Through the development of an Advisory Group, NIC facilitated a discussion among state officials and corrections policy experts, arriving at a list of recommendations for improvement and overhaul to the existing interstate compact. Through a partnership with The Council of State Governments (CSG), NIC and CSG developed and facilitated a Drafting Team of state officials to design a revised interstate compact – one that would include a modern administrative structure, that provided for rule-making and rule-changing over time, that required the development of a modern data collection and information sharing system among the states, and one that was adequately funded to carry out its tasks.

Beginning in January 2000, the new Interstate Commission for Adult Offender Supervision saw acceptance in the states and by June 2002, had reached its threshold of 35 states, thereby becoming active in just 30 months. The District of Columbia signed the revised compact into law on November 26, 2002. To date, all states have signed the revised Compact into law.

The first meeting of the new Interstate Commission took place November 18-20, 2002 in Scottsdale, Arizona. More than 45 states attended the inaugural meeting at which the newly formed commission conducted preliminary business.

The Interstate Commission provides the day-to-day oversight of the Compact between the states. It promulgates rules to achieve the goals of the compact, ensures an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines. The ICAOS will establish a system of uniform data collection, provide access to information on active cases by authorized criminal justice officials, and coordinate regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators. The Commission will also monitor compliance with the rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance and will coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.¹

C. Eligibility for Supervision

Any sending state that is a party to the Interstate Compact may permit eligible probationers or parolees to reside in another (receiving) state that is party to the Compact if:

1. Such person is in substantial compliance with the terms of supervision in the sending state.
2. Is a resident of or has resident family members residing within the receiving state who have indicated a willingness and ability to assist as specified in the supervision plan.
3. Can obtain employment in the receiving state or has a visible means of support.
4. Though not a resident of the receiving state and not having family residing there, the receiving state consents to such a person being sent.
5. The defendant himself/herself is in the military or has family member(s) in the military transferred to the receiving state.

¹ Interstate Commission for Adult Offender Supervision (ICAOS) website

6. Offender is supported by or lives with family members in the military who have been transferred.
7. Relocation of employment of the family member providing the offender with support.
8. Before granting such permission, the receiving state shall have the opportunity to investigate the residence and the prospective employment of such persons.

The definition of a resident of the receiving state is:

One who has been an actual inhabitant of such state continuously for more than one (1) year prior to coming to the sending state and has not resided within the sending state more than six (6) continuous months immediately preceding the commission of the offense for which the conviction occurred.

D. Types of Supervision

Supervision under the Interstate Compact is provided to three categories of offenders: felons, misdemeanants, and non-convicted offenders (see Appendix S, Interstate Compact Transfer Process Flowchart).

1. Felons

A felony offender who has three months or more, or an indefinite period of supervision remaining, shall be eligible for transfer of supervision to a receiving state under the compact.

2. Misdemeanants

A misdemeanor offender whose sentence includes one year or more of supervision shall be eligible, providing all other criteria for transfer have been satisfied and the instant offense includes one or more of the following:

- a. An offense in which a person had incurred direct or threatened physical or psychological harm;
- b. An offense that involves the use of a firearm;
- c. A second or subsequent driving while impaired by drugs or alcohol;
- d. A sexual offense that requires the offender to register as a sex offender in the sending state.

3. Non-Convicted Offenders

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirements, terms and conditions to all other offenders under the Compact. Persons subject to supervision pursuant to a pre-trial intervention program, bail or similar programs are not eligible for Compact transfer.

E. Conditions of Supervision and Special Conditions

Offenders will comply with the conditions of supervision imposed by both the sending and receiving states. The receiving state may impose its own special conditions and shall notify the sending state of such conditions as soon as possible. If the receiving state chooses not to, or is unable to enforce a condition of supervision imposed by the sending state, the receiving state shall notify the sending state immediately.

1. Standards and Procedures

Interstate Compact standards provide for the Governor of each state to appoint an Interstate Commissioner, as well as a Compact and a Deputy Compact Administrator who are responsible for the administration of the Compact. The District of Columbia is not a state and, therefore, does not have a Governor, the Director of CSOSA serves as the Interstate Commissioner and the Compact Administrator.

All communications involving Compact matters shall be mandated and channeled through the Compact Administrator's Office or the office of a designated Deputy Compact Administrator. These regulations reflect the necessity of the existence of a central authority responsible for the administration of the Interstate Compact. Interstate offices must ensure the accuracy of record keeping and be accountable for following uniform Compact policies and procedures.

2. Opportunity to Investigate

In requests for transfer through the Compact, the responsibilities listed below are to be followed:

- a. The receiving state shall have the opportunity to investigate the prospective plan of the offender prior to movement to the receiving state.
- b. Cases with less than ninety days of supervision shall not be transferred.
- c. In pre-parole cases, the receiving state shall not commence investigation of employment and residence more than one hundred and twenty days in advance of the proposed placement.

- d. If the offender has not proceeded to the receiving state within five calendar days following the intended date of departure from the sending state, the receiving state may withdraw its acceptance and close interest with notification to the sending state. The sending state may ask for a re-investigation of the proposed plan but shall await another acceptance before sending the offender to the receiving state.
- e. Upon receipt of the transfer request, the receiving state has forty-five calendar days to complete the investigation.
- f. If the receiving state rejects supervision, it is the responsibility of the sending state to arrange for the removal of the offender from the receiving state.

3. CSS Interstate Transfer Procedures and Packages

When the supervision CSO has identified an offender who desires to transfer under the Interstate Compact, a transfer package is forwarded to the Deputy Compact Administrator or designee for review. Complete packages are assigned to an Interstate CSO for processing and tracking. The offender remains under supervision with the referring CSO pending acceptance of the supervision transfer to the receiving state. Incomplete packages are returned to the supervision SCSO for correction prior to assignment to the Interstate Branch. Once the case is accepted for transfer, the case is to be transferred to the interstate SCSO so the case can be monitored by an Interstate Compact Assistant (ICA).

- a. Transfer Package for Probationers. The transfer package for probationers should include:
 - i. Signed Interstate Compact transfer request form;
 - ii. A supervision transfer summary which should address the offender's status/compliance with all special conditions and overall adjustment to supervision, state reason(s) the offender wants to re-locate, and with whom the offender will reside;
 - iii. Judgment and Commitment Order;
 - iv. PD 163, or other official statement of original offense, which can be included in the PSI if one was ordered by the sentencing Judge;
 - v. Pre-Sentence Investigation Report/Social History; and
 - vi. Interstate Compact Confidentiality Releases and Authorizations for drug testing.
- b. Transfer Package for Parolees are transferred to the U. S. Probation Officers under the USPC. The transfer package for parolees should include:

- i. Current Parole Certificate;
- ii. A supervision transfer summary which should address the offender's status/compliance with all special conditions and overall adjustment to supervision, state reason(s) why the offender wants to re-locate, and with whom the offender will reside;
- iii. Institutional adjustment reports or Pre-Sentence Investigation (PSI) Report;
- iv. Judgment and Commitment Order; and
- v. CSOSA Confidentiality Releases.

Under compact law, the receiving state has the right to investigate all supervision requests prior to an individual proceeding to the new state. All individuals requesting transfer of supervision, therefore, must remain in the District of Columbia pending acceptance. Offenders may be given a travel permit to a specific location in another state for visitation purposes only (not to exceed a thirty day period). Individuals who resided outside the District of Columbia at the time of arrest and subsequent adjudication/sentencing are directed by OPU/Intake to the Interstate Branch for supervision pending their return to the jurisdiction of residency. If the CSO determines that an offender is residing in another state without the approval of the receiving state, the offender is to be ordered immediately to return to D.C. The CSO is not authorized to give permission to an offender to reside in another state without the expressed written permission of the receiving state.

4. Offender Travel Outside the District of Columbia

Under Compact law, the receiving jurisdiction has the right to investigate all transfer of supervision requests prior to an offender proceeding to that state. All offenders requesting transfer of supervision must remain in the District of Columbia until the Interstate office for CSS receives a final acceptance from the receiving state.

Offenders may be given a travel permit to a specific location in another state for visitation not to exceed a thirty-day period. Additionally, offenders with residency outside of the District of Columbia at the time of sentencing may be granted a travel permit for a period not to exceed seven days pending receipt of reporting instructions from the receiving state.

Individuals who reside outside the District of Columbia at the time of arrest and subsequent adjudication/sentencing are directed by OPU/Probation Intake staff to the Interstate Compact Branch for supervision pending their return to the jurisdiction of residency.

If an individual who is a resident of another jurisdiction commits an offense in the District of Columbia and is subsequently convicted, the offender is referred to the Interstate Branch so that the intake process can be initiated prior to the offender returning to his or her state of residence.

Offenders from another jurisdiction who commit a crime in the District of Columbia upon release to the community must remain in the District of Columbia until the receiving state provides reporting instructions for their return. This requirement applies to those offenders whose period of residency is broken due to a term of incarceration.

Offenders released on parole by the USPC, or sentenced to periods of supervised release by the D.C. Superior Court, and who desire to reside in another state are not required to be transferred through the Interstate Compact. The U.S. Probation Office in the state that the offender will reside investigates these transfer requests and provides supervision upon acceptance.

5. Supervision Issues

Once accepted by the receiving state, the following supervision guidelines are to be observed:

- a. Each receiving state shall assume the duties of visitation and supervision over offenders transferred under the Compact, by the same standards that prevail for its own offenders;
- b. The sending state determines the duration of supervision and the receiving state determines the degree of supervision;
- c. The receiving state shall provide the sending state with annual progress reports unless discontinued by mutual consent. The receiving state shall provide arrival reports to the sending state immediately upon the offender's arrival;
- d. No sending state shall impose a supervision fee on an offender who is currently being supervised by another state. All Court imposed monies, or monies ordered by the offender's paroling authority, that the sending state desires to collect from transferred offenders is to be sent directly to the sending state by the offender;
- e. The receiving state has the discretionary authority to issue an offender a temporary travel permit to make visits out of the receiving state for a period not to exceed thirty days; and

- f. The receiving state shall close its records and cease supervision of an offender on the date of discharge from supervision as noted in the transfer request or upon notification to close interest from the sending state. Closure can also occur when an offender absconds, is institutionalized or imprisoned for more than 180 days, upon the receipt of a warrant from the sending state or upon death.

6. Violations

In situations where there appears to be good and sufficient reason(s) to believe that a violation has occurred, the receiving state may ask the sending state to re-take the offender:

- a. The receiving state shall promptly, upon violation, notify the sending state of such violation. The receiving state shall send information to the sending state in instances of re-arrest and/or conviction(s) detailing the nature of the crime and the length of the new sentence, as well as any technical violations. The sending state shall reply to any violation report with either a decision or status report within thirty days of its receipt.
- b. The sending or receiving state can place a warrant, detainer or Compact warrant against an offender.
- c. There is no bail allowed on an offender arrested in the receiving state while the sending state is in the process of returning the offender.
- d. The receiving state shall conduct a preliminary hearing on a violation when requested to do so by the sending state. No preliminary hearing is necessary when an offender has waived the hearing and admitted the violation.
- e. The sending state recognizes the duty to re-take a violator if the receiving state insists. Nevertheless, the receiving state should give due consideration to residence and family ties prior to requesting the return of supervision. The receiving state should be willing to explore sanctioning alternatives requested by the sending state.

7. Re-taking Cases from Another Jurisdiction

- a. Arrests, Warrants and Bail

Interpreters of the Compact have concluded that an offender under Compact supervision may be:

- i. Arrested upon issuance of a warrant from the sending state and held until the sending states is able to assume custody; and

- ii. Denied bail while the sending state is in the process of returning an offender to its jurisdiction, particularly if an offender of the receiving state may be denied bail under similar circumstances. The receiving state is bound by the sending state's warrant.

The sending state is responsible for posting wanted notices and warrant broadcast or coordinating with appropriate officials to ensure appropriate law enforcement notification.

F. Return Under the Compact

The Compact provides that duly accredited officers of a sending state may, at all times, enter a receiving state, apprehend and re-take an offender. For that purpose, no extradition formalities are required other than establishing the authority of the officer and the identity of the offender. All legal requirements to obtain extradition of fugitives from justice are waived. The decision of the sending state to re-take an offender is conclusive and not reviewable within the receiving state. When a state seeks to re-take an offender, there should be no pending charges against the offender and the offender should not be a suspect in any criminal investigation. The offender shall not be re-taken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

The right of states to re-take Compact cases without extradition has been challenged in court many times, but no court of last resort has handed down a decision unfavorable to the Compact. An offender who has been released to supervision under the Compact in another state, and absconds to a third state, also may be returned without the formality of extradition proceedings.

There are several court decisions upholding the return of an alleged violator under a pre-signed waiver. The courts have ruled:

1. Prior waiver of extradition as a condition of supervision is not an unreasonable or coerced condition;
2. Prior waiver is enforceable if the offender had "general knowledge and understanding" of the waiver;
3. Extradition is not an exclusive remedy; and
4. There is need only to establish the identity of the offender and the authority of the re-taking officer.

G. Supervision of Offenders Ineligible for Interstate Transfer

This section provides procedural guidance for supervision and case management activities of offenders who are ineligible for transfer under the Interstate Compact for Adult Offender Supervision (ICAOS). Cases are assigned to the Interstate Branch for offenders with addresses outside the District of Columbia.

Upon receipt, the cases will be reviewed by Interstate staff to determine their eligibility for supervision transfer to the state of residency.

Offenders who are not eligible for transfer will be supervised in the Interstate Branch or assigned to the designated special supervision teams (i.e., DVIP, TAP unit or Sex Offender team).

1. This procedural guidance is specific to all D.C. Code Offenders who:

- a. Reside beyond the boundaries of the District of Columbia
- b. Have been convicted of minor misdemeanor offenses and/or, who are ineligible for interstate transfer of supervision. (Note: this latter category would include offenders who are not mandatory acceptances, but have relocated prior to sentencing and do not meet the residency timelines as noted in the compact rules. They may live in the receiving state at the time of sentencing but have not been there long enough to qualify as residents and are discretionary transfers).

The rules of the Interstate Compact for Adult Offender Supervision (ICAOS) prohibit the supervision transfer of offenders convicted of minor misdemeanor offenses except for those matters involving:

- An offense wherein a person has been the direct, or threatened, victim of physical or psychological harm;
- An offense that involves the use or possession of a firearm;
- A second or subsequent offense of driving while impaired by drugs or alcohol.

Note: All **interstate non-transferable cases** are to be assigned for supervision to the Interstate Compact Unit (ICU) Branch including those persons identified as mental health offenders with a classification status of “interstate non-transferable”.

As a result, a category of offenders (non-transferable) who were previously eligible for transfer and supervision in other jurisdictions will be required to maintain reporting responsibilities to CSOSA. The jurisdictional boundaries of the Washington Metropolitan Area allow for reasonable access to CSOSA field offices via public transportation for offenders who reside within a forty (40) mile radius.

D.C. Code offenders residing within a 40 mile radius of the District of Columbia, who are ineligible for interstate transfer, will be required to report for community supervision under modified offender contact standards determined by the offender’s assessed level of risk for recidivism.

These standards have been established to satisfy supervision requirements and encourage offender compliance.

Contact standards will be established for low, medium and high-risk offenders. Risk levels for these offenders will be determined by the results of the CSOSA auto screener.

2. Modified Offender Contact Standards

Offenders who reside beyond the forty-mile radius and are ineligible for interstate transfer will be placed in monitored minimum category of supervision. These offenders will not be administered the auto-screener by staff. These offenders will be placed on a mail-in supervision requirement. The offender will be required to report by mail monthly and the CSO is responsible for monthly verification of the offender's compliance with the releasing authority imposed special conditions.

These offenders will not be drug tested, however, if as a result of an OPU referral for drug testing and the offender's drug test is positive, the offender is to be referred to treatment services in his/her jurisdiction of residency.

Also, the CSO is required to verify compliance by the offender with respect to the offender's payment of his/her court debt; (See Chapter VI: Community Supervision Services Case Management Activities (Supervision Conditions) re: fines, cost, and restitution payments.) As appropriate, the CSO will be required to verify that all identified offenders submit as required to DNA collection.

During the initial interview, the CSO will be required to perform a criminal record check on offenders residing within the forty miles radius of the District of Columbia. If the offender has a felony conviction history within the past ten years, the CSO will be required to conduct the auto screener. The assessed cases will be supervised based on the supervision level as determined by the auto screener.

Offenders who have no history of felony convictions or no felony convictions within the past ten years will not be assessed via the auto screener. These offenders will be placed in the monitored minimum status of supervision and will be required to submit monthly mail in reports to the CSO.

a. Low Risk – Minimum Supervision Level:

The following offenders will be assigned to the low risk –minimum supervision level:

- Offenders who are identified with a felony conviction within the past ten years and have been classified at the minimum level of supervision as determined by the auto screener.

- Offenders who have no history of a felony conviction not requiring an assessment.

Offenders will be required to mail in monthly reports to the CSO. Ordinarily, these offenders will not be drug tested. However if, as a result of an OPU referral for drug testing, the offender tests positive for illegal drugs, then the CSO will schedule an unannounced second spot test within thirty days of the OPU referred drug test.

If the second drug test is positive, then the offender is to be sanctioned based on the agency's standard protocol. The offender is to be placed on weekly Saturday drug testing until the offender has demonstrated six consecutive negative drug tests. If the offender continues to test positive for illegal drugs, the CSO will adhere to the agency's sanction protocol.

The assigned CSO will complete the following case management activities within the first forty-five days of case assignment:

- Verify residency
- Verify employment
- Complete initial referrals for court order special conditions to the appropriate social service agency within the jurisdiction of residency
- Establish collateral contact information
- Provide offender with supervision reporting forms, and supervision contact information for mail-in supervision tracking

b. Medium Risk – Medium Supervision Level

All offenders who are assessed via the auto screener and assigned to medium level of supervision will be required to check in via phone or Kiosk² once per month to verify compliance with the conditions of the releasing authority.

The assigned CSO will complete the following case management activities within the first forty-five days of case assignment:

- Refer for initial spot test if the offender has not been referred for testing by OPU (if negative spot test every 90 days)

² The Agency is investigating Kiosk as well as automated telephone technology as a supervision aide to the staff. In the interim, the offender will be required to telephone the CSO monthly

- If positive, refer for treatment assessment and placement in the jurisdiction of residency and drug test monthly pending six-month re-assessment
- Verify residency
- Verify employment
- Complete initial referrals for court order special conditions to the social service agency within the jurisdiction of residency
- Re-assessment every six-months
- Establish collateral contact information
- Provide offender with kiosk/phone tracking supervision contact information

c. High Risk – Maximum/Intensive Supervision Level

All offenders who are assessed via the auto screener and assigned to maximum or intensive category of supervision will be required to telephone monthly, and report monthly in person to the CSO³.

The assigned CSO will complete the following case management activities within the first forty-five days of case assignment:

- Verify residency
- Refer for initial spot test (provided the offender has not been referred for testing by OPU)
- Refer for a treatment assessment or placement in the jurisdiction of residency if the offender tests positive
- Verify employment
- Complete initial referrals for court order special conditions to the social service agency within the jurisdiction of residency
- Establish collateral contact information
- Monthly urinalysis testing

³ The reporting requirement could be modified based on the Agency’s efforts to procure automated reporting technology to assist the CSO staff in the offender supervision effort.

- Reassessment at six-month intervals
- Provide offender with kiosk/phone tracking supervision contact information

Offenders in all supervision levels who remain compliant with the conditions of the releasing authority and remain arrest free will be managed under the above noted supervision protocols until expiration or termination of the supervision period. Those who incur new law violations or fail to satisfy the conditions of the releasing authority will be referred to the judiciary for Court intervention. The CSO staff will complete a criminal record check for new law violations per CSS policy and make follow up contacts with service providers to determine offender's compliance status. Restitution and fine payments will be tracked in accordance to CSS procedural guidance.

CSO staff will follow agency Loss of Contact procedures with the exception of completing a home contact to the outside jurisdiction. In some instances, local law enforcement or community supervision staff in the jurisdiction of residency for the offender will be contacted for assistance in completing home contacts.

3. Interstate Transfer Guidance – Transfer of Eligible Offenders

Offenders eligible for Interstate Compact Supervision will be processed for supervision transfer per compact eligibility guidelines (see rules Interstate Commission for Adult Offender Supervision). For all offenders who fail to report to the assigned supervision team per OPU instructions, the CSO will initiate supervision contact with the offender within one business day of the offender's case assignment to schedule an initial supervision contact.

Note: Loss of Contact procedures will be initiated if the offender cannot be located or fails to report after scheduling an appointment.

During the initial office visit, reporting instructions from the receiving state will be requested for transfer eligible offenders. Upon receipt of reporting instructions and a notice of arrival, the offenders will be placed in monitored minimum status of supervision pending official transfer acceptance to the jurisdiction of residency. The completed transfer package shall be submitted to the SCSO for review and approval within ten (10) days of the offender's initial office visit.

4. Transfer-Out Process for Eligible Offenders

For offenders reporting to the Interstate Branch directly from OPU or Court, the CSO will ensure that the following requirements will be completed by the conclusion of the initial office visit:

- Complete offender orientation to include a review of the court order and special conditions
- Discuss Interstate Commission guidelines for supervision transfer
- Review the Interstate Commission Application with the offender and obtain his/her signature on the document
- Obtain signatures from the offender for release of information forms and authorization for search and seizure forms
- Verify residence by phone or by photocopying offender's driver's license, utility bills, or lease document
- Verify collateral contacts
- Request reporting instructions from receiving state
- Refer the offender, if required, for DNA Collection, Sex Offender Registry (if referrals were not completed by OPU staff)
- Confirm that the offender completed the requirements of DNA Collections and Sex Offender Registry prior to authorizing the offender to proceed from the District of Columbia
- Update all SMART screens (i.e. basic information/physical housing/employment, etc.)
- Upload offender's photo in SMART
- Complete CSS Social History Form if PSI is not available
- Complete Notice of Departure & travel Permit and fax same to the receiving jurisdiction. Upon receipt of reporting instructions and the Notice of Arrival Form from the receiving state, place the offender in monitored minimum status of supervision. These notifications must be in writing and can be received via fax or as emails.
- If transfer acceptance confirmation is not received from the receiving state within a forty-five day period after permission was granted for the offender to return to his/her home state; or, after the submission of a discretionary transfer request, the CSO shall contact the receiving state's compact office within

three business days following the forty-five calendar day period to obtain an updated status report on the transfer request).

- Upon receipt of a reply to the transfer request accepting supervision, the CSO must update the residency and employment information in SMART and submit the case to the SCSO for review and transfer assignment to the Interstate Assistant
- The offender's case is to be forwarded to the team SCSO to review for completeness prior to transfer to the Interstate Assistant.
- Offenders with split-sentences assigned directly from OPU to the Interstate Branch will be processed for transfer as follows:

The Interstate CSO will:

- Identify the institution where offender is detained
- Verify the offender's release date
- Contact the institutional case manager and verify the offenders release plan
- Forward {Fax, email or U.S. Postal Service mail} Interstate documents to the assigned case manager for offender signatures. Also, the case manager should be given information noting the offender's reporting requirements upon release from the institution. The completed transfer package should be submitted to the SCSO for approval one hundred twenty calendar days prior to the offender's release and forwarded to the receiving state for review and acceptance.
- Upon receipt of written notification from the receiving state, the CSO will maintain the acceptance documents until the offender's release date
- Upon the offender's release, the CSO will request reporting instructions from the receiving state and provide a travel permit to the offender along with the contact instructions. A Notice of Departure will be faxed by the CSO along with a copy of the offender's travel permit to the receiving state upon the offender's departure to the receiving state.

5. Transfer Request DC Code Offenders with a DC Address

DC Code offenders who reside in the District of Columbia can make application for transfer under the provision of the Interstate Commission for Adult Offender Supervision. The supervising CSO must forward a transfer package with SCSO approval to the Interstate Branch Chief/Deputy Compact Administrator or designee for review and approval prior to the case being forwarded to the receiving state for an investigation of the offender's proposed home and employment.

Under no circumstances are offenders to relocate to another jurisdiction without the approval of the receiving state. Any offender in a jurisdiction without the proper approval is to be ordered to immediately return to DC (within one business day). Failure to comply with the CSO's directive is to result in the notification to the releasing authority within two business days of the offender's refusal to return.

The transfer package is to include the following:

- Signed Interstate Commission Applications for Interstate Compact transfer
- Supervision transfer summary – (should address status/compliance to all special conditions and overall adjustment to supervision and indicate why the offender wants to relocate and with whom the offender will reside)
- Judgment and Commitment order
- PD 163 or official statement of original offense, (This can be included in the PSI if one was ordered by the sentencing Judge).
- Pre-sentence report / CSS Social History
- Interstate Commission Authorization for release of Medical and Psychological Information
- Consent for random drug and alcohol testing and to searches based on reasonable suspicion

Incomplete packages will be returned to the supervising CSO and SCSO for corrections and returned to the Interstate staff. The supervising CSO will retain supervision responsibility of the offender until the case has been accepted by the receiving state. Upon acceptance of the case by the receiving state, the supervising CSO will process the case file for transfer to the Interstate Branch for assignment to the Interstate Assistant for compliance monitoring pending expiration of the supervision period.

a. Parole Transfer Requests

The CSO will forward to the Deputy Compact Administrator for review and approval a transfer package for any parole offender who desires to relocate to another jurisdiction.

Parole offenders applying for supervision transfer must remain in the District of Columbia, unless emergency situations exist that would render the offender homeless within the District of Columbia. With approval from the Deputy Compact Administrator, offenders may relocate to the receiving jurisdiction pending acceptance in emergency situations.

The supervising CSO will retain supervision of the offender pending his/her acceptance by U.S. Probation. If the offender's supervision is rejected for transfer to U.S. Probation, the CSO will continue to supervise the offender. The transfer request to U.S. Probation can be re-submitted if the offender provides new information with respect to whom and where the offender will be living with in the receiving jurisdiction. Under no circumstances are offenders to relocate to another jurisdiction without the approval of the U.S. Probation Officer investigating the proposed home and employment plan for the offender.

The transfer package is to include the following:

- Judgment and Commitment Order
- Parole/Supervised Release Certificate
- PSI, Institutional adjustments reports or documentation of the offender's criminal and social history
- Agency Supervision Transfer Summary
- CSOSA authorization for Release of Information
- Documentation of compliance with DNA and Sex Offender registration as applicable
- CSS transfer summary

Prior to forwarding the package to the Interstate Branch for review, the CSO must notify USPC of all positive urine test results and request the imposition of an appropriate sanction. All sanctions that have been imposed by the USPC and the CSO must be outlined in the CSS transfer report.

Incomplete packages will be returned to the supervising CSO's SCSO for corrections before resubmission to the Interstate staff. The supervising CSO will retain supervision responsibility of the offender until the case has been accepted by the receiving state. Upon acceptance of the case by U.S. Probation Office in the receiving state, the supervision CSO will process the case file for transfer to the Interstate Branch who will then process the case for closing. The Interstate CSO who processed the transfer request will forward an acknowledgement letter with the supervision history from SMART to the accepting U.S. Probation Officer, and submit the case to the SCSO for review and closure noting the transfer to U.S. Probation in the SMART system.

Chapter XIV: Staff Safety

Staff safety is the highest organizational priority for CSOSA. There are inherent dangers in working with a criminal offender population released to the community. The CSOSA organizational goal of close supervision of offenders requires frequent office and field contacts. This requirement, itself, characterizes the hazardous duty nature of the community corrections profession as practiced in the District of Columbia.

Staff safety procedures are developed to help ensure the well being of Community Supervision Officers (CSOs) and other CSOSA staff, to minimize risk to every extent possible, and to provide clear guidance in managing difficult and challenging situations that may arise during the conduct of everyday professional responsibilities. The element of risk can be reduced to a large extent by controlling the physical office setting, establishing procedures for dealing with emergencies or serious disruptions, and training staff to work more effectively with offenders, the general public and each other.

In community corrections, risk cannot be eliminated, but it can be minimized. The minimization of risk for all CSOSA employees is the goal of Agency safety policies. It is, furthermore, an essential tenet of CSOSA management that all Community Supervision Officers and other involved staff are continually trained and fully comprehend current guidelines and various standard practices governing professional safety practices in the workplace.

A. Fieldwork and Fieldwork Safety

Fieldwork is work related to travel outside CSOSA offices to make contact with an offender, the offender's family, an employer, a correctional facility, a treatment facility, a potential community resource, or a law enforcement entity, social services agency, community member, or organization. An important tool of the CSO is his/her planned use of community resources in all phases of his/her work. It is the responsibility of each CSO to know the resources in the community and to maximize their use in supervising offenders.

1. Reasons for Fieldwork

Fieldwork is conducted for the following reasons:

- a. To make face-to-face contacts with an offender, as prescribed above;
- b. To locate a person whose whereabouts are unknown when efforts to do so by phone and mail have failed (see Failure to Report/Loss of Contact Policy Statement);
- c. To investigate complaints or allegations regarding an offender's behavior, or to verify suspicious situations or reports related to the offender's home, employment, or program adjustment;
- d. To verify an offender's address, employment, and/or participation in treatment or support groups;

- e. To meet with an offender's family members or significant others in an attempt to gain their cooperation and understanding regarding the offender's obligations while under supervision;
- f. To gather information available only in the field;
- g. To initiate contact in split sentence cases when, in the CSO's judgment, a letter or telephone interview is considered less effective;
- h. To support, enhance, or promote compliance with probation/parole conditions, and to enhance communication with teachers, counselors, employers, mentors, etc., who are involved with the offender;
- i. To ensure that in domestic violence cases in which the couple resides together, the victim and any children residing in the home are safe (victims may withhold information about continued domestic violence); and
- j. To provide surveillance of high-risk offenders (e.g., sex offenders).

2. Fieldwork Safety General Procedures

Fieldwork is an integral part of the CSO's responsibilities. All CSOs are expected to regularly perform fieldwork (in accordance with the supervision levels of the CSO's caseload) and to follow Agency procedures with respect to safety and security. Fieldwork is to be properly documented according to Agency procedures.

Home visits and field contacts may be scheduled or unannounced. The CSO must, however, inform offenders as early as possible during supervision and preferably during the initial supervision appointment, that home visits and field contacts will occur during the course of supervision.

CSOs may conduct field visits alone (with the concurrence of the supervisor), with another CSO, or with a law enforcement officer.

All staff must complete a travel itinerary and, if appropriate, leave all relevant information (i.e., the staff person's mobile phone, the address and phone number of the destination, the name and direct phone number of the person being visited, and any other relevant information) with the supervisor or supervisor's designee by filling out a field contact sheet before the visit and signing out of the office on the field sheet.

The CSO is responsible for intelligence gathering in preparation for field visits:

- a. The CSO should be familiar with the case history of the offender being visited. Such familiarity should be gained through a thorough review of the case file, including criminal record and past investigations, and personal communication with other CSOs or staff familiar with the case;

- b. In particular, the CSO should be aware of long histories of mental disorders and evidence of assault or abusive behavior, particularly against “authority;”
- c. The CSO should question other staff familiar with the case regarding recent signs of deteriorating behavior or mounting pressure on the offender that could cause a “blow-up;”
- d. The CSO should consult with his or her supervisor if the CSO feels that signs of imminent danger are present. The CSO and SCSO shall jointly discuss the issue and agree on whether the visit can proceed or should be rescheduled to allow another CSO or MPD officer to participate in the visit; and
- e. The CSO should maintain close contact with law enforcement, mental health, and other treatment agencies to obtain current information on the offender’s behavior and possible problems.

3. General Fieldwork Safety Tips

Following are general fieldwork safety tips that should be adhered to when in the community:

- a. Walk briskly, with an air of self-confidence and purpose. Stand up to your full measure, keeping your center of gravity low and your head level.
- b. Look as if you know where you are heading even if you are a bit lost. If you must venture into an unfamiliar neighborhood, get detailed directions beforehand. This is particularly important in a neighborhood notice, but you should look like you mean business. If you are lost and need directions, seek help from a police officer or someone familiar with the area.
- c. When necessary, travel with another CSO or police officer. Surveys indicate that the chances of being attacked can be reduced by nearly 70 percent if one is with another person and by 90 percent if you are with two others.
- d. At night, walk in open places that are well lighted. If you are making field visits at night, do so with another CSO and/or a law enforcement officer.
- e. Carry a good flashlight in your car. This will be helpful if you are ever stranded on a darkened street at night.
- f. Avoid shortcuts through parks, tunnels, parking lots, and alleys. In fact, it’s best to stick to main thoroughfares whenever possible. It might take a bit longer to get to your destination, but it is worth the effort.
- g. Always carry your CSOSA-issued mobile phone and be sure the batteries are charged.

- h. Avoid carrying a purse, shoulder bag, or briefcase. If you must carry a bag or package, hold the object closely to your body.
- i. Be extra alert in boundary zones. For our purposes, a boundary zone is the area one must traverse between any two places between, for example, between one's house and car, the elevator of one's office building and the street, or one's neighborhood and the one next to it. Many crimes occur in these zones, so be especially alert when you are in them. Always have your keys in your hand when you approach your house or car and be alert for strangers. At the same time, do not be in such a hurry that you fail to check whether it is safe to enter. Make sure that the door has not already been forced and that no one is hiding under or in your car.
- j. Consider carrying a shriek alarm or a police whistle. If somebody bothers you on the street, the noise you make will attract attention and frighten your attacker. A shriek alarm is preferable to a whistle, because it creates a piercing sound and does not require you to take deep breaths. Attach either of these objects to your key ring and have it at hand when needed. It is important to understand the shock value of a loud sound at close range. A sudden burst of official-sounding shrieks will turn just about anybody around in their tracks.
- k. Keep in mind that your voice is a tool of self-protection. If attacked, let out the most piercing, glass-shattering scream you can muster, aiming it right between your attacker's eyes. Don't stop until the attacker(s) has/have fled or help has arrived. If your assailant(s) flee(s), change your scream from sheer sound to specific words:

“Help! Police! Murder!” or “Stop, thief!” This alerts people to the specific nature of the crime and may prompt reports to the police. Even if you think your cries may not be heard, scream anyway – and speak loudly to your assailant. The volume communicates personal strength and the seriousness of your intention.

Avoid questions such as “What do you think you're doing?” or “Who do you think you are?” They are weaker than direct orders: “Stop!” “Get out of here!” or “Leave me alone!” In this way you reinforce your authority.

4. Selecting Your Parking Spot

When selecting a parking spot, you should:

- a. Keep the car moving until you have selected a spot.
- b. Survey the entire area if you are unfamiliar, even if you have to go around the block.
- c. If still in doubt about a particular area, consult with police about the area.

- d. Get as close to your destination as possible.
- e. If dark or near dark, try to park under a light if possible.
- f. Leave enough room to easily pull out of the parking spot and to avoid getting blocked in.
- g. Do not park illegally. Do not linger in the car after parking.
- h. Lock your car. Be sure to hide or remove any loose items, valuable or invaluable, from plain view. Note that agency mobile phones are provided for your personal protection, among other things, and should not be left in the vehicle.

5. Approaching the Residence

When approaching a residence in the community:

- a. Familiarize yourself with the neighborhood. If you are unfamiliar with the neighborhood, pass through the neighborhood once before parking to survey the situation.
- b. Get the “big picture” of the area. If you see danger, make arrangements to return for a home visit at a later time with another officer or schedule an accountability tour with a law enforcement officer.
- c. If your knock is not answered, return to your car and use your mobile phone to call the offender inside the residence. Identify yourself and indicate that you will be knocking on the door in a matter of minutes.

6. At the Doorway

When approaching the doorway of the residence:

- a. Use the “off-the-side” approach (do not stand directly in front of the door as you knock/ring the bell).
- b. Stop, look, and listen.
- c. Stop outside.
- d. Look inside. (Are lights on? Can you see anyone? How many people? Can you see their locations? Do you recall the general layout of the dwelling from your past visits? Do you spot any unusual activities?)
- e. Listen. (Any conversations? What tone? Any factors such as dogs, music, etc.?)
- f. Be wary of any indications of alcohol or drug abuse; these can lead to problems.
- g. Develop a mental picture of what is going on inside.
- h. Knock in a normal fashion. Remember the “off-the-side” approach.
- i. When your knock is answered:
 - i. Identify yourself by name, title, and organization.

- ii. Do not enter if any invitation is called out. Wait for the door to be opened to you.
- j. As the door is opened, look through the opening for the number of occupants, their location, and any signs of danger.
- k. Be courteous and thank the person for letting you into their home.

7. Once You Have Made Entry

Once you have made entry into the residence:

- a. Continue to stay off to the side of the door.
- b. Upon entering the residence, allow about 20 seconds for your eyes to adjust to possible changes in light; extreme changes can be blinding.
- c. Quickly survey the entire area for other residents, any signs of trouble, dogs or other loose pets, and potential weapons.
- d. Be aware of alternate escape routes.
- e. Be wary of hidden weapons (e.g., in sofa or bed), particularly if a crisis is developing. Additionally, be on the lookout for hidden hypodermics in sofas and the like, as they might be contaminated.
- f. Position yourself so that exits are readily accessible. Do not stand in open doorways.
- g. If there are any animals loose in the home, ask the resident to have them restrained.
- h. If a physical confrontation between residents is in progress, leave the residence and use your mobile phone immediately to contact police.

8. Hostage Situations

CSOSA staff shall follow the procedures in the Hostage Response Policy Statement.

B. Office Safety

The Agency's Office of Facilities and Office of Security are responsible for designing the appropriate security systems, entrance and reception areas, and lighting systems for Agency facilities. The Agency's Office of Security is responsible for visually monitoring the exterior of field sites and for ensuring that all entry and exit doors are secured and functioning properly.

All CSS staff shall wear their proximity cards at all times in Agency controlled spaces. When displaying the card, it should be worn between the neck and waist, on the front of the wearer. The card should not be left unsecured in any working area. Lost or stolen proximity cards should be reported immediately to the Office of Security for their immediate deactivation. Any found proximity card should be turned into the Office of Security. Any lost or stolen keys shall be reported immediately to a supervisor and the

Branch Chief's office. The Branch Chief's office shall coordinate with the Office of Security regarding any lost or stolen keys.

Offenders and visitors shall use designated entrances and exits. All offenders and visitors shall undergo security screening and sign in as required at CSOSA field sites and offices. Reception areas for offenders and visitors shall be separate from CSA work areas. CSOs shall escort all offenders and/or visitors to and from the reception areas and when in protected areas of CSOSA office space.

All CSS staff shall be trained in office emergency procedures and crisis intervention to learn techniques for defusing aggressive behavior. These skills may prevent personal victimization and may also reduce the possibility of injury to others. In addition, all CSS staff shall be trained to be observant of potentially aggressive behavior or other safety problems. All CSS staff shall immediately advise building security staff of anyone they believe to be a threat to the public or their personal safety. When necessary, most CSS staff shall have access to either telephone duress or duress buttons to summon security officer assistance. At sites where security officers or duress systems are not present, staff shall dial 911. CSS will have an office plan in place for handling aggressive or violent clients. All CSS staff should be familiar with this plan.

Abusive or obscene telephone calls received by CSS staff shall not be tolerated. Staff shall advise the caller that verbal abuse is not acceptable, and, if the verbal abuse does not cease immediately, staff shall hang up and report the telephone call to the Office of Security immediately for investigation. Bomb threat calls shall be handled in accordance with the Memorandum and attached CSOSA Bomb Threat Checklist issued by the Office of Security on March 1, 2002.

1. Office Safety Procedures

Conditions of probation, parole and supervised release require that offenders be seen in the workplace of the supervising officer. While offenders undergo the routine security check required for entry into CSOSA offices and buildings, the following procedures provide guidance and direction for special or emergency situations that may result from unorthodox offender behavior.

a. Office Entry and Exit

Before entering the office, workers should be observant and make visual checks of the building exterior and internal workplace areas to ensure that everything appears as normal as possible. Doors providing access to staff work areas should be locked and access controlled. All entry and exit doors should always be locked unless under visual control.

b. Offenders and Visitors

Offenders and visitors shall use one designated entrance and exit. All offenders and visitors without government identification are to pass

through metal detectors and/or handheld metal detectors. Doors providing access to staff work areas should be locked and access controlled. All entry and exit doors should always be locked unless under visual control. CSOs shall escort all offenders to and from the office reception area. The offender shall always precede the officer during transit and should never be left unattended. This procedure is intended to minimize safety risks and enable CSOSA to meet security requirements necessary to protect the NCIC computer information system, which prohibits unauthorized and unescorted persons from entering space where NCIC access is available.

c. CSOSA Staff

CSS staff shall be trained in crisis intervention to learn techniques for defusing aggressive offender behavior. These skills may prevent personal victimization and may also reduce the possibility of injury to others. CSOs shall advise SCSOs, CSAs and building security staff of anyone they believe to be a potential problem. In addition, CSOs shall be trained to be observant of potentially aggressive behavior or other problems.

CSS staff shall not tolerate abusive or obscene telephone calls. Staff shall advise the caller that verbal abuse is not acceptable and if the verbal abuse does not immediately cease, the CSS staffer will end the call. Telephone harassment calls shall then be reported to and investigated by the CSOSA Office of Security.

CSS staff are instructed to keep valuables out of public view and shall store any personal packages, purses, bags or other belongings in a locked drawer, file cabinet or other secure place.

d. Physical Arrangement of Office

Furniture shall be arranged to allow access to the door for easy exit if needed. Desks shall be arranged in a manner to ensure that they are not barriers to escape in the event of a hostile situation. Chairs shall be placed so that the officer's chair is the one closest to the door. File cabinets, desks, and chairs shall be placed so as not to impede an escape route from the officer's chair to the door. Wherever possible, some type of obstacle should be situated between the visitor's chair and the door.

CSS staff should be aware of potential weapons available to offenders and/or visitors in the office. Letter openers, pens, picture frames, and note spindles should be at a distance and inaccessible to offenders and/or visitors while seated. CSS staff shall have easy access to an alarm system or "panic button" on their telephone to summon assistance. CSS staff should know emergency code words and procedures. CSS staff should

post emergency telephone numbers and not rely on memory in emergency situations.

e. Personal Offices

CSS staff should be aware of all items in their personal work area and should be selective in choosing items to keep in the office (particularly those items normally located on a desk). Family photographs should not be displayed. Keys, ID/building access cards, portable electronic devices (mobile phones, pagers, etc.) and other personal or Agency items shall not be accessible to the offender. Offices, files, desks and supplies shall be secured when not in use. Staff should never leave an offender in the office alone when Agency files or other property are in plain view or easy access to the offender.

Office doors should be kept open whenever an offender is in the office, unless the door or interior office wall contains a window allowing a direct line of sight to the CSO and offender or visitor at anytime. CSOs and other staff with interior windows must not place paper, curtains or any other non-transparent material in such a manner as to obstruct the line of sight into and out of the office.

f. Working Alone in the Office

CSS staff should advise building security personnel of their presence on weekends or during extended work hours. CSS staff that are going to be working late in the office (or arriving alone on weekends) should move their cars to a parking place nearest the building.

When working alone, the CSS staffer should inform someone (supervisor, spouse, friend, etc.) of his or her location and estimated time of arrival and departure. A system of regular telephone checks should be established. No offenders shall be allowed in the building outside regular or specially arranged business hours.

Answering devices (voice mail, caller ID, etc.) should be used to every possible extent. Workers should accept calls from known numbers only, or call back immediately upon screening messages.

The outer or entry door should be opened only to known persons. All entrances and windows should remain locked. Employees should use their proximity cards. There should be no need to open a secure door after hours.

C. Use of Force Continuum

The use of force continuum applies to all CSS staff including CSAs, Drug Testing Surveillance Monitors, AOC staff, CSOs, SCSOs, Branch Chiefs, Deputy Associate Directors, and the Associate Director.

All CSS shall undergo CSOSA use of force training to include, but not be limited to presence, verbal, physical, and the use of force continuum. Update/re-certification shall be provided when applicable. All CSS staff shall be trained in and shall be responsible for understanding current guidelines governing the use of force. CSOSA policy mandates that any use of force by CSS staff be carried out for the express purpose of self-defense or defense of a third party.

1. Sequence of Options:

- a. **Continuum of Force** means an escalating series of defensive counter measures (levels of force) that may be employed against an individual to stop an attack on CSS staff or a third party.
The level of such force is dictated solely by the individual's actions toward the CSS staff or a third party.
- b. **Deadly Force** shall be considered as that amount of force that a person knows or should have known would create a substantial risk of death or serious bodily harm.
- c. **Non-Deadly Force** shall be considered as that amount of force that is reasonably calculated to incapacitate a person, while at the same time minimizing the risk of death or permanent injury to any person.
- d. **Reasonably Necessary** is the action that appears to be required after a CSS staffer's rational consideration of the circumstances confronting him/her in a given situation.
- e. **Serious Physical Injury** is one that creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
- f. **Weapon** is an inherently dangerous instrument used in a manner capable of producing death or serious physical injury.

2. Procedures

This procedure applies to Community Supervision Services staff including: CSOs, SCSOs, clerical/support personnel, Drug Testing Surveillance Monitors, Branch Chiefs, Deputy Associate Director and Associate Director. CSS staff are required to undergo periodic safety/use of force training to include presence, verbal, physical threats and the use of force continuum.

a. Non-Deadly Force

Subject to the foregoing provisions, a CSO may use non-deadly force upon another person or member of the community only when that force is, or reasonably appears to be, necessary to defend the CSS staffer or a third person from the imminent threat of physical violence.

The CSS staffer must be attempting to accomplish lawful objectives in the performance of his or her duties when such force is used. The continuum of non-deadly force authorized for CSOs is set forth below in order of precedent:

- i. Disengagement or retreat;
- ii. Verbal diffusing skills (continuous);
- iii. Verbal warning prior to the use of force if time allows; and
- iv. Use of self-defense/defensive tactics.

The offender's actions shall dictate the amount and level of force to be used by staff in any given situation.

b. Actions Required After the Use of Force

After the use of force by a CSS staffer, if any person upon whom force was used by the CSS staffer requires medical attention, the CSS staffer shall make every effort to assist the individual, if that person does not appear to pose a threat, and contact emergency medical services, appropriate law enforcement, building security officers and the assigned supervisor. If the injured person poses a threat to the CSS staffer's safety, he or she should contact any available security guard or dial 911. Under no circumstance shall the CSO delay or hinder medical care to the injured person.

The CSS staffer should, if feasible, secure any type of crime scene by taking possession of any and all evidence until such time as it can be turned over to responding police officers arriving at the scene (See Contraband and Evidence Control Policy Statement).

Whenever use of force occurs in the performance of official duties (whether or not there is injury to the employee, offender or third party), the CSS staffer involved shall immediately notify the supervisor or designee and submit a Critical Incident Report (CIR) to the Office of Security. In accordance with the procedures in the Workplace Violence Policy Statement, the completed form shall be forwarded by the CSS staffer through the appropriate chain-of-command within forty-eight (48) hours, or twenty-four (24) hours if the use of deadly force was involved.

Any injured employee must seek medical attention irrespective of the employee's assessment of the injury. Additionally, the injured employee must follow the procedures outlined in the HRD 810.01 – Worker's Compensation Program.

CSS staff is not authorized to carry a weapon **or have a weapon in their possession while on duty (e.g., in a CSS staffer's vehicle while on duty conducting fieldwork)**. If any CSS staffer secures a weapon in a struggle with an offender, secures a loose weapon lost by a police officer during a struggle with an offender, threatens the use of force, draws a weapon, discharges a weapon, or uses force on a subject or animal, he or she shall notify his or her immediate supervisor immediately. If the CSS staffer's immediate supervisor is unavailable, the CSS staffer shall notify the Branch Chief, or designee, in his/her chain-of-command. The CSS staffer's supervisor shall ensure that the chain-of-command is followed, all appropriate notifications are made, and a critical incident report is prepared within the specified time lines.

The supervisor shall also ensure that the matter is referred to the appropriate agency for further investigation, if required.

With the consent of the injured person(s), the supervisor shall have photographs taken of all visible injuries in accordance with any local law enforcement regulations. CSS staffers with visible injuries should also be photographed.

Following any use of deadly force, the CSS staffer involved shall undergo urine testing for drugs/alcohol in accordance with the Agency's Drug-Free Workplace Program Policy Statement.

The CSOSA Crisis Intervention Response Team (CIRT) shall be made available to any employee involved in a use of force situation. In all cases where any person has been threatened, injured, or killed as a result of the use of deadly force by a CSS staffer, the CSS staffer's supervisor shall contact the Crisis Intervention Officer (CIO) as soon as possible but no later than twenty-four (24) hours after the incident. The CIO shall make assessments, call the CIRT members together, and arrange for any referrals regarding the action necessary for the CSS staffer.

Any CSS staffer involved in a deadly force incident will be placed on administrative leave or assigned to administrative duties at the discretion of the Associate Director for CSS.

Any staff member involved in a use of force incident involving deadly force may be required by the Associate Director for CSS to undergo an initial and follow-up interview with a psychologist. The Employee Assistance Program is also available to staff.

D. Critical Incident Report

In the course of working with offenders, CSOSA personnel may be involved in critical incidents (i.e., any situation that forces a person to face vulnerability and mortality) that potentially may overwhelm his or her ability to cope or push a person beyond the normal ability to handle stress.

These incidents tend to be sudden and unexpected and can jeopardize a person's sense of self-control or disrupt personal values and assumptions about how the world works.

These incidents may also include an element of physical and/or emotional loss.

Critical incidents come in many forms and may result from a wide range of sources, such as natural disasters or human behavior. Reactions to critical incidents may be varied and can involve responses that begin with the incident itself and move through stages of disorientation, struggle, healing, coping and resolution.

Agency policy in response to critical incidents is intended to provide the following support mechanisms:

- a. Protection from the media;
- b. Compassionate notification of an employee's next of kin regarding the event and the employee's condition;
- c. Access to Employee Assistance Programs and Critical Incident Resource Team; and
- d. Competent, well-structured investigation including public support if such actions are justified.

1. Procedures

Once involved in a critical incident, the supervisor shall instruct the concerned employee to complete the form entitled, "Critical Incident Report" (CIR).

a. Garrity Rule

The constitutional right to remain silent does not apply to departmental investigations (*Garrity v. New Jersey*, 385 S. Ct. 493 (1967)).

b. The following statement should be written above any report a CSO or other employee is ordered to write by the Agency:

It is my understanding that this report is made for administrative CSOSA purposes only and will not be used as part of an official investigation. This report is made by me after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report that I can be disciplined for insubordination and that the punishment for insubordination can be up to and include termination of employment.

This report is made only pursuant to such orders and the potential punishment or discipline that can result for failure to obey that order.

This statement ensures that the report can only be used for official Agency purposes in internal investigations and not used later should criminal charges of any type follow.

- c. The “Critical Incident Report” can be found in the CSS Forms Manual.

E. Hostage Response

CSOSA staff shall refer to the Hostage Response Policy Statement. Upon resolution of a hostage situation, the appropriate supervisor shall debrief staff and prepare a CIR in accordance with the procedures of the Workplace Violence Policy Statement.

F. Bomb Threats

- a. Telephone threats, when received, will be reported promptly and directly to local law enforcement officials. Employees are to advise their SCSOs once the notification has been completed.
- b. The bomb threat will be documented and reported by the message recipient who will use the Bomb Threat Checklist Form that is to be kept proximate to each office telephone station. Note the caller’s telephone number, time, date and the receiving station telephone number. Employees should also carefully listen for the exact wording of the threat, note the caller’s voice, language used and background sounds. This will assist law enforcement personnel in accurately evaluating the threat circumstance.
- c. Bomb threat drills shall be conducted annually at each CSOSA facility.
- d. The following steps are to be performed upon receipt of a bomb threat:
 - i. Notify local law enforcement immediately.
 - ii. Alert all staff and visitors present in the facility immediately and evacuate the building.
 - iii. Designate an external location where all staff and visitors can gather and be accounted for.
 - iv. Designate a staff person to assist law enforcement personnel in searching and clearing the building.
 - v. Notify all staff not present if possible.
 - vi. Following resolution of the incident, the on-site supervisor will ensure that a staff debriefing occurs and that a Critical Incident Report is prepared and forwarded to appropriate CSOSA officials.
 - vii. In the absence of the supervisor, the senior staff person present will assume responsibility for carrying out the bomb threat response plan.

G. Fire and Natural Disaster Guidelines

- a. The Branch Chief is responsible for the development of a Natural Disaster and Fire Response Plan for each CSOSA office location under his/her span of control. Each unit SCSO will be responsible for conducting a Natural Disaster and Fire Response Drill at least annually and documenting the results through a chain-of-command notification to the Office of the CSS Associate Director.

H. Fire Response

- a. The first staff member discovering a fire will immediately contact emergency response personnel via 911 and then advise the ranking supervisor present.
- b. All staff and visitors will be advised and instructed to evacuate to a predetermined location.
- c. The supervisor or designee will conduct a head count at the evacuation site and advise the CSS Associate Director of the status of all employees.
- d. The supervisor or designee in conjunction with the Fire Chief will assess the damage to the structure.
- e. When the situation is resolved and emergency response personnel have given the all clear notice, the supervisor or designee will ensure that all staff are accounted for, conduct a briefing and allow staff either to re-enter the premises, if safe, or leave the area.
- f. As soon as possible, the Branch Chief (or his/her designee) will make a follow-up notification to the CSS Associate Director and submit a Critical Incident Report.
- g. A fire bill (obtained from the local Fire Marshall) shall be posted in accordance with the local fire code.

I. Imminent Peril

- a. The first person in the unit to learn of natural disaster warnings, (i.e. flash floods, tornadoes, hurricane watches, etc.) shall immediately notify the branch chief or the SCSO present.
- b. Information concerning the natural disaster shall be monitored for relevant updates by the supervisor or designee and disseminated to staff as soon as possible.
- c. Dependant upon the type of threat to the area, the supervisor or designee will either evacuate the building or direct staff and visitors to safe areas within the building.
- d. The supervisor or designee will contact appropriate emergency response team personnel for assistance as required.
- e. The supervisor or designee will also institute the recall procedure to account for all staff in the field and advise them of the threat.
- f. In the event of an evacuation from the building, the supervisor or designee will have all staff report to a predetermined location where a head count will be conducted to account for all personnel.

- g. The supervisor or designee should, if possible, secure the building if an evacuation was, in fact, required.
- h. When the situation is resolved and emergency response personnel give an all clear notice, the supervisor or designee will again ensure that all staff are accounted for, conduct a debriefing and allow staff to either re-enter the building, if safe, or leave the area.
- i. The supervisor or designee should as soon as possible thereafter notify the CSS Associate Director and submit a Critical Incident Report.

J. Non-Imminent Peril

- a. In circumstances of non-imminent peril (i.e., snow storms, ice storms. etc.), all CSOSA employees will follow the procedures established by the Office of Human Resources and approved by the CSOSA Director.

Statutory Authority: Section 11233(b)(2)(B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat.712, D.C. Code § 24-1233(b)(2)(B) (1996 Repl., 1999 Supp.) (Director’s authority); D.C.Code § 24-103 (1996 Repl.) (Probation’s authority).

III. Procedural References/Supercedures

References:

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Virginia Department of Corrections. Division of Operations. Community Corrections. (1999). Strategies, Training, Equipment and Policy for Staff Safety. Richmond, VA: Virginia Department of Corrections.

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K. Soft Body Armor

The Agency issues Soft Body Armor to CSOs who are required to conduct their official field activities, duties, and responsibilities in the community. Soft Body Armor is issued to staff as a protective measure to reduce injuries that may arise from assaults or unanticipated conflicts in the community. Soft Body Armor is designed to reduce the probability of a fatal wound and decrease the extent of injury. The wearing of Soft Body Armor is not a guarantee against death or injury.

The distribution and usage of Soft Body Armor will be accompanied by training and professional development relevant to the proper use of Soft Body Armor.

1. Procedure

a. Issuance

All designated staff will be fitted for Soft Body Armor. Once issued the Soft Body Armor, the employee is responsible for the care and maintenance of the Soft Body Armor in accordance with the specifications for care by the manufacturer.

The Office of Financial Management will manage the issuance of Soft Body Armor and maintain a log of the issuance. The Associate Director, Deputy Associate Director and the Branch Chiefs will be provided copies of a master list of Soft Body Armor carriers.

b. Use of Soft Body Armor

Wearing of Soft Body Armor is mandatory for personnel while conducting accountability tours with Metropolitan Police Officers and during field visits. Any CSO electing not to wear their Soft Body Armor during field visits or accountability tours must have a signed waiver on file with the Associate Director for Community Supervision Services.

CSOs who refuse to wear their Soft Body and do not have a waiver on file will be subject to disciplinary action.

c. Incident Report

Any CSS employee struck by any object or gunfire in the area of the Soft Body Armor must be taken to the nearest hospital as soon as possible, regardless of the staff person's assessment of the injury. An incident report is to be filed immediately through the chain of authority. A report of injury form is to be filed in accordance with established CSOSA policy. The Soft Body Armor worn at the time of the assault is to be forwarded to the manufacturer after inspection by the employee's supervisor. If a replacement Soft Body Armor is required, it is to be requisitioned by the designated unit level supervisor.

d. Care of Soft Body Armor

The Soft Body Armor is not to be left unattended in plain view in any vehicle. The Soft Body Armor can be locked in the car trunk or stored within the agency office. The Soft Body Armor is not to be exposed to direct sunlight in any vehicle for an extended period of time. The staff person must immediately notify his/her immediate supervisor if the Soft Body Armor is lost, stolen, or damaged. Upon review by the Associate Director of Community Supervision, the staff person may be responsible for replacement costs of the Soft Body Armor if the loss is due to employee negligence.

e. Threats Against Other Employees

If an employee feels threatened due to their job, the employee may request, in writing, that the agency issue them Soft Body Armor. The employee must detail and identify the specific danger or threat to his/her well-being. The Associate Director of Community Supervision will evaluate the specific threat and/or danger in consultation with the employee's immediate and intermediate supervisor.

The Associate Director for Community Supervision Services will make the decision whether to requisition the Soft Body Armor for the employee based on the available information regarding the specific danger or threat to the employee. If issued, the Soft Body Armor will be worn at all times when on duty and until otherwise directed by the Associate Director of Community Supervision.

f. Exemption

An employee may be exempted by the Associate Director for Community Supervision Services from wearing Soft Body Armor for medical reasons. A medical certification is required from the employee's physician. The medical certification is to be on file with the Associate Director for Community Supervision Services. Exemption requests will be forwarded through the chain of authority to the Associate Director for Community Supervision Services.

Chapter XV: The Illegal Substance Collection Unit (ISCU)

A. Introduction and Purpose

The Illegal Substance Collection Unit (ISCU) is a major component of the Agency's continuing efforts aimed at early detection of offenders who are using illegal substances. The quality performance of ISCU is essential to CSOSA actualizing its goal of increased public safety through a reduction in recidivism.

The Illegal Substance Collection Unit is mandated to:

1. Ensure that Drug Testing Technicians operate consistently with established drug testing protocols.
2. Maintain strict adherence to the Agency's Chain of Custody Policy in the collection of samples.
3. Maintain strict adherence to the Agency's Confidentiality Policy in the distribution of collection results.
4. Transmit offender data efficiently for effective community supervision case management pursuits.
5. Maintain monthly collection, inquiry and drug test results for subsequent data analysis and evaluation purposes.
6. Testify (as required) at violation hearings on the Agency's quality control procedures.

The mission of the Illegal Substance Collection Unit is to assist in the improvement of public safety by ensuring integrity in the initial and on-going phases of the drug testing process and by supporting case management efforts throughout the offender's supervision term. ISCU accomplishes this task by conducting all spot-tests and placement tests in accordance with CSS Drug Testing Policy. For example, after collecting the initial probation, parole or pre-sentence investigation drug test, ISCU places the offender into Schedule I or twice weekly testing for 16 consecutive negative tests, or into Schedule II (or 12 consecutive weekly tests) or Schedule III (monthly testing throughout the duration of the supervision term or as specified in accordance with the specific case management plan designed by the Community Supervision Officer.

1. CSOSA Critical Success Factors:

The Illegal Substance Collection Unit delivers services that support the achievement of the Agency's critical success factor targets in the following ways:

- CSF # 1: Improved Risk/Needs Assessment Techniques**
The ISCU initial urinalysis test establishes a placement schedule and helps determine: 1) offender classification (risk and needs) requirements and 2) the appropriate level of case management services.
- CSF # 2: Close Supervision**
The ISCU initial parole or probation test (taken at the intake point) is utilized by the Community Supervision Officer (CSO) as a method of gauging the offender's involvement in the use of illegal substances;
- CSF # 3: Support Services and Treatment**
The ISCU ongoing surveillance testing provides information to support the types of services and treatment needed by the offender and ensure his/her compliance with the CSS drug testing policy.
- CSF # 4: Timely and Accurate Information**
The ISCU accurate sample collection and timely data management assists in guiding the Agency's decisions involving partner relationships that affect public safety, recidivism, relapse and the cycle of addiction from initiation to full recovery through treatment.

B. Monitoring and Data Collection Systems

1. Pretrial Real Time Information System Manager (PRISM)

PRISM is the CSOSA automated database that contains records of all persons who are tested for the use of illegal substances, including alcohol. PRISM is designed to assist in monitoring the use of prescription drugs and the offender's addictive behaviors and serves as a collection and testing documentation system that also supports: monitoring, sanctioning, accountability, deterrence and public safety. In addition, PRISM contains records of all persons who test or have tested positively for the use of illegal substances, including alcohol, at the point of arrest/lock-up, treatment placement or participation in scheduled drug testing. PRISM also contains: drug testing results, placements, spot-tests and scheduled lock-up test results, comment logs for case supervision, resumed drug testing, placement into various testing levels, cross-reactivity results with prescription medication information and transfer of drug testing information to other sites. Further, PRISM also documents oral fluid sample results, treatment referral data and performance information, as well as compliance data on Drug Court participants.

Authorized Agency employees referred to as Drug Testing Clerks (DTC's) and Drug Testing Technicians (DTT) use individual four digit bar codes to establish the chain of custody records when checking offenders into the computer system,

collecting urine samples, placing or removing the samples from temporary storage and submitting the samples to the laboratory for testing.

CSOSA staff has direct and timely access to PRISM for drug test results and compliance information for supervised offenders who are listed in the PRISM interface with and uploaded to the SMART database system for case management purposes.

2. Chain of Custody

The chain of custody is the complete recordation of collection and drug testing procedures for offenders' urine samples and oral fluid samples. The chain of custody indicates the name/initials of the initial point of contact, and the collector, the date and time the sample was collected, the time the sample was placed and removed from temporary storage, and by whom, the time the sample was delivered to the laboratory, the time and person who received the sample, the time the sample was added to the lab machine, first and second test results if positive, and the time the sample was released by lab personnel for entry into the PRISM database.

CSOSA conducts drug testing on all offenders to identify substance abusers and provide treatment interventions. Drug testing may be scheduled, random or based upon reasonable suspicion of illicit drug use. Drug testing is necessary to monitor offender compliance with the conditions of parole, probation, and supervised release and to ensure the successful rehabilitation of offenders. A competent and rigorous chain-of-custody procedure furthers this objective by ensuring the accuracy of drug test results while protecting the credibility and integrity of the Agency.

a. Authority and Conditions for Drug Testing

The following individuals are authorized to require urine collection under departmental control:

- i. Judges/Commissioners;
- ii. Program Administrators;
- iii. Unit managers or designees;
- iv. Laboratory Director or designees;
- v. Community Supervision Officers; and
- vi. U.S. Parole Commission.

Individuals authorized to order a drug test on reasonable suspicion might do so under the following conditions:

- i. Absenteeism from work or scheduled appointments with supervisory officials;
- ii. Missed appointments with drug/alcohol counselors;

- iii. Combativeness;
- iv. Evasiveness;
- v. Behavior that is unusual, bizarre or out of character;
- vi. Alcoholic odor;
- vii. Physical symptoms of drug abuse (e.g., hypodermic injection marks, signs of withdrawal, etc.);
- viii. Possession of suspected illicit drugs or drug paraphernalia;
- ix. Difficulty staying awake or sleeping;
- x. Difficulty comprehending instructions;
- xi. Poor hand-eye coordination; and
- xii. Any other indicators that may lead to reasonable suspicion.

Staff are to use caution in interpreting these indicators. Other factors, such as physical ailments, medical conditions, stress, fatigue or legitimate use of prescription drugs may be involved and can therefore be misinterpreted. Such factors must be documented, maintained and visible to authorized personnel.

b. Drug Testing Operations Manager (DTOM)

The CSOSA Drug Testing Coordinator directs and monitors all necessary duties related to collection, labeling, control, and documentation and transportation procedures for offender drug testing. This individual shall be thoroughly trained in the labeling, collection, storage and control of urine samples. In addition, the DTOM shall act as a liaison to the Agency's inspection team. The inspection team will be composed of the Pretrial Services Drug Laboratory Director and Deputy Director along with one rotating supervisor from the field collection sites. The inspection team's mandate is to ensure the maintenance of professional standards within the central laboratory and field collection sites.

Specific responsibilities of the Drug Testing Coordinator include:

- i. Directing and monitoring the collection of urine and oral fluid samples of offenders;
- ii. Coordinating the transfer of collected samples to a centralized toxicology laboratory;
- iii. Adhering to documented filing guidelines and information storage timelines;
- iv. Training staff in collection techniques and the monitoring of samples (including all clerks and technicians);

- v. Maintaining appropriate documentation of completed drug testing;
- vi. Ensuring that sufficient supplies are available for the safe and uniform collection of samples; and
- vii. Acting as liaison to the Agency inspection team to ensure that quality assurance standards are met.

For greater detail regarding testing methodology and specimen collection and handling, see the Forensic Toxicology Drug Testing Laboratory (TDTL) Laboratory Manual.

c. Urine Screening

Urine testing is conducted at the Pretrial Services Agency Forensic Toxicology Drug Testing Laboratory, located in 300 Indiana Avenue, NW, Suite 6150. In-house testing (Pretrial Laboratory) is conducted on the Olympus clinical analyzers using EMIT II technology. Creatinine testing is conducted using Dade-Behring re-agents. All procedures are contained in the Laboratory Manual and must be adhered to at all times. All testing is controlled through the automated PRISM system. Testing performed at the reference laboratory is conducted by using Roche Online re-agents. Both laboratories are required to follow vendor protocols. Any modification in protocol must undergo strict validation and verification protocols as established by the Clinical Laboratory Improvement Act (CLIA). The Laboratory Director must approve any modifications. A trained scientist performs all laboratory tests. Training includes vendor training as well as in-house training and certification. Training certification is documented by use of the Employee Certification and Training Summary Report.

d. Number of Drugs Screened

Offender specimens will be routinely tested and analyzed for various substances including: Cocaine metabolites, Methadone, Opiates, PCP, Cannabinoids and alcohol. Additional assays for LSD, Benzodiazepines, Propoxyphene, and Barbiturates are available upon request. The latter must be arranged with the Laboratory Director.

The cutoff levels for the aforementioned drugs of abuse are based on values established by the National Institute for Drug Abuse (NIDA) and Department of Defense (DOD) guidelines. The cutoff values are as follows:

- i. Amphetamines 1000 ng/ml;
- ii. Barbiturates 200 ng/ml;
- iii. Benzodiazepines 200 ng/ml;

- iv. Cannabinoids 50 ng/ml;
- v. Cocaine metabolite 150 ng/ml;
- vi. Methadone 300 ng/ml;
- vii. Opiates 300 ng/ml;
- viii. PCP 25 ng/ml;
- ix. Propoxyphene 300 ng/ml;
- x. Alcohol .02 or 20 mg/ml; and
- xi. LSD 0.5 ng/ml.

e. Confirmation of Positive Test Results

Confirmation of positive drug results is performed at American Medical Laboratories in Chantilly, Virginia or at the GC/MS laboratory of the Pretrial Services Agency. Confirmation is only performed if challenged by the offender. A request for GC/MS must be made through the offender's attorney. In addition, judges may also authorize confirmation testing. Department heads, section chiefs, caseworkers and treatment counselors may request GC/MS confirmation after consultation with the Laboratory Director. All GC/MS results must be reviewed and certified by the Laboratory Director or the Director's designee. An interpretative report is entered into the offender's record. The Director or Laboratory Scientist must explain any special issues or discrepancies in the report. The GC/MS cost is currently assigned as part of the routine operational budget.

f. Sample Rejection

Samples rejected for any reason must be properly recorded in PRISM. This ensures complete sample integrity and record keeping which is essential for the protection of the offender and the Agency. The collection staff or the laboratory staff may reject a sample if observed or suspected adulteration has occurred. However, all rejected samples must have annotations made to the record explaining the events that led to their rejection. If the offender is actually observed adulterating a sample, this is grounds for immediate rejection as a bogus sample. Written incident reports are to be submitted to the Community Supervision Officer, the SCSO, the DTOM and Branch Chief stating the alleged violation. Incident reports are to be shared throughout ISCU for purpose of training and to inform the lab and the administration of the Agency's consistent efforts to report violators attempting to circumvent the collection process.

A sample that is very cold to the touch can also be grounds for rejection. Staff measures the temperature with a digital thermometer. When using the digital thermometer, the normal range for urine is 32.2°C to 37.8°C (90.0°F to 100.0°F). Be aware that the temperature of a cup (room temperature) can decrease the urine temperature. This must be taken into

consideration when a small volume of urine is submitted (less than 30 mls). If in doubt, check with the laboratory supervisor.

The laboratory staff may, as backup, measure the pH specific gravity on samples rejected as bogus. The pH should be between 5 and 8 and the specific gravity between 1.000 to 1.030. If creatinine is measured, the values must be greater than 20 mg/dl.

An explanation of why a sample was rejected must be entered into the Final Sample Disposition Program in PRISM. This program contains codes that can be used to characterize the event. If these codes are not adequate, there is a provision for typing a more detailed message explanation of the sample rejection.

Staff will review the chain-of-custody to make sure the correct chain of events is listed. Staff will also check the offender's record to ensure that a detailed description has been entered into that file. The sample can be saved if needed for further testing or scrutiny. Some examples of why sample rejections may occur are:

- i. Samples in which the chain-of-custody has been broken;
- ii. Samples in which the security seal is absent or broken;
and
- iii. Samples that were collected using incorrect identification information.

g. Prescription Medication/Other Causes for Positive Results

Offenders are required to provide information regarding the use of legitimate medications to their Community Supervision Officers and to ISCU. This information is entered into the PRISM Comment Section Log by the drug testing personnel. Supporting data must include medical records, a valid doctor's prescription, medicine containers with verifiable information and valid dating (expiration date) or documentation of medical procedures involving specific drug agents. Agency personnel must send medications to the Forensic Toxicology Drug Testing Laboratory to determine possible cross reactivity. The FTDL response will be posted in PRISM. A comment indicating the name of the drug and what assay it cross-reacts with must be entered into the offender's case history.

If a drug or group of drugs prescribed for an offender is known to cross-react, then the following examples may be used as guidance to explain any positive results:

- i. The offender provided proof of a valid prescription for the medication Floxin that will produce a false positive result for opiates.
- ii. The offender provided proof of a valid prescription for the medication Tylenol #3 which will cause a positive for opiates.

Information returned from the PDTL will enable staff to ascertain the difference between a false positive caused by legitimate medication from a true positive.

For more information regarding testing methodology and specimen collection procedures see the FTDL and ISCU Procedure Manuals.

h. Urine Collection

Specimen collection will be handled consistent with the specimen collection, chain-of-custody, storage and testing procedures as outlined in the ISCU Laboratory Manual. The following procedures are to be adhered to in the collection of urine specimens:

- i. A person of the same gender as the offender shall do urine specimen collection.
- ii. The collection area is to remain secure at all times. No offender will be allowed to enter the collection area unless escorted by drug testing personnel.
- iii. Prior to submitting a specimen, the offender shall have his/her hands inspected and/or washed and dried in the presence of drug testing personnel. This ensures that the offender's hands are void of any adulterants.
- iv. All samples are collected in the designated lavatories that provide a secure and private area for purposes of this process. The PRISM records all pertinent chain-of-custody information relating to the sample. This includes offender check-in time, collection time, transfer to storage and transfer to laboratory.
- v. The time and the person conducting the event must also be documented with each entry.
- vi. The collection staff is to ensure that lavatories are clean and functioning properly at all times. Any non-functioning equipment or unsanitary conditions must be reported to the unit supervisor immediately.
- vii. Staff is to ensure that no possible adulterants or contaminants are present in the collection area. These items include bleach and ammonia products, soap and disinfectants. In addition, the water in all toilets and urinals

should contain blue dye as a means of deterring/detecting sample adulteration.

i. Regular Surveillance Samples

Samples to be submitted to the laboratory are first scanned with the barcode wand at the drug unit computer immediately after the sample has been collected from the offender.

Next, the offender must secure the sample by placing a lid onto the cup and the bar code label, which displays his/her name on the sample. The offender must then secure a specimen security strip over the top of the sample. Scanning the employee barcode and event code accomplishes this purpose. The sample cup will then be scanned using scanners in order to receive the collection event. The specimen number and name of the offender should appear on the collection screen.

If the scanner cannot read the number, it will be typed in manually. Staff will make sure the entry is correct and has been accepted. Staff then will transport the sample to the laboratory and log in the sample by scanning the cup with the laboratory's light pen after scanning (the staff person's) name and event code. All samples submitted in the field at three other locations are picked-up and scanned from the ISCU Collection site by a trained contracted employee.

A laboratory staff member must then inspect the sample and, if acceptable, log it into the chain-of-custody program. **Staff must not leave the specimen unattended and wait for a lab staff member to accept the specimen.** Once in the laboratory, the sample is to be given to the tester for that shift. The tester shall enter the specimen onto the load list for analysis. This process will also continue the chain-of-custody.

j. Inability or Refusal to Produce a Specimen

Offenders will be allowed more than one attempt to provide a urine sample. Submission can occur at any time during the normal operation hours of the collection facility. Each attempt is logged in the chain-of-custody chronology. Failure to submit is also documented in the chain-of-custody. The failure to submit will be considered a violation and the appropriate parties will be informed. Attempts to adulterate samples are considered a violation and will be reported to the unit supervisor. Staff will enter chain-of-custody statements to identify the event as well as an explanation in the final disposition log.

If an individual is able to submit urine but cannot provide the minimum required volume of 30 mls, then the last attempted submission can be accepted. An offender must not be allowed to drink more than 16 ounces

of liquid within a two hour period prior to testing. Colorless samples will be checked for creatinine. Values less than 20 mg/dl indicate water loading.

A comment regarding that fact shall be entered into the offender's record. Some offenders may have legitimate medical reasons for colorless urine or the inability to urinate. Valid medical documentation as related to these reasons must be provided and entered as part of the offender's test record.

k. Urine Storage and Transfer

All samples sent to the referenced GC/MS laboratory are to be split whenever possible. One portion is to be kept in the Pretrial Laboratory and the other sent to the reference laboratory. The split sample will be maintained in a -20°F freezer for prolonged storage. Samples obtained at remote collection sites are placed in a secured refrigerator maintained at 2°C to 8°C until they can be transported to the analytical laboratory.

All oral fluid samples are collected and picked up by courier and sent to the testing laboratory. All oral fluid drug test results are submitted electronically to the FTDTL and posted into PRISM by the Director of Research.

The chain-of-custody must reflect the date, time and person(s) placing the sample in storage, removing it from storage, placing it in the transport box and delivering it to the laboratory. Multiple samples may be placed in the transport box with a form indicating the number of samples present and the securing tab identification number. Once delivered to the testing laboratory, a laboratory technician will take possession of the samples after verifying that the security tab is intact and the sample count is validated.

Each laboratory technician will have a designated area to place his/her tested samples. When testing, staff will mark the top of all positive sample cups with an "X." After completing the shift, staff will place the tray of specimen in the designated area for storage. Negative samples may be discarded no sooner than two days after testing. Staff will make sure that all tests assigned to that specimen have been performed. Positive samples should be held for approximately 10 days before being discarded.

Each laboratory technician is responsible for discarding samples from his/her shift; standardized procedures for disposal of bio-hazardous material must be followed at all times. Prior to discarding the samples, laboratory technicians will review the drug test status report to ensure completeness of the analysis.

The laboratory supervisor may then give authority to properly discard the samples. Laboratory technicians will scan each sample's barcode and enter the code "waste disposal." This step will update the chain-of-custody record. Positive samples are to be kept in a -20°C freezer for at least 30 days. They may be kept longer if space and safety permit. The reference laboratory keeps samples that undergo GC/MS confirmation for 13 months. Samples confirmed in-house are to be kept for six months.

Staff will obtain authority to discard these samples from the laboratory supervisor. Drug Court positive samples may be discarded the week after the hearing has taken place, providing no request for re-analysis or independent testing has been made. Attempts to hold samples for at least one week will be made whenever possible.

Drug Court staff must inform the laboratory immediately of any request for re-analysis or GC/MS testing. GC/MS analysis is performed at the American Medical Laboratory in Virginia. When sending out samples for additional testing, staff will make sure the chain-of-custody forms are properly completed.

Statutory Authority: Sections 11232(b) (1) & (2), of the National Capital Revitalization and Self-Government Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 712, D.C. Code §§ 24-1232 (b), 1233 (2) (1996 Repl., 1999 Supp.) (Trustee's authority); D.C. Code §§ 16-710, 24-104 (authority over probationers); D.C. Code §§ 24-201.2 (a) (3) (Parole Board's authority over parolees); Section 11231 (a) of the Revitalization Act, D.C. Code §§ 24-1231 (a) (U.S. Parole Commission's authority over parolees); Section 11231 (a) (3) of the Revitalization Act (Superior Court's authority over misdemeanants).

Procedural References: D.C. Pretrial Services Agency Laboratory Manual; CSOSA Drug Testing Protocol Procedures; National Institute for Drug Abuse (NIDA) and Department of Defense (DOD) list of cutoff values for drug abuse.

i. PRISM Sample Collection Codes

The following collection events may be scanned or posted manually through specific codes into PRISM:

- a. CU- Sample collected;
- b. UU- Unable to submit;
- c. XT-Attempt to submit a bogus sample;
- d. XQ-Quantity Insufficient for Testing;

- e. Sample Rejected due to contamination; or
- f. Rejected for other reasons.

ii. PRISM User Code and Password

Drug testing staff and CSO's are assigned private PRISM accounts that contain user names and passwords.

Drug testing staff have full access and functionality to post and log business records in PRISM for each spot-test, placement, resumed or suspended from drug testing or scheduled drug testing. CSOs have a read only version of PRISM, limited functionality to the ability to print sanction callbacks and drug status reports for the judiciary, USPS, CSOs, prosecutors and other approved purposes.

Employee personal codes are not transferable and may not be shared. Drug testing staff are fully responsible for all entries made using his/her personal identification number. Misuse or inappropriate use of one's personal identification number may compromise the integrity of the collection process. It is a violation of Agency policy to use another staff member's personal identification number.

C. Operational Procedures

1. Offender Photo Imagery

Key aspects of effective community corrections supervision include the verification of offender identification and ensuring the compliance of all mandates throughout the required supervision term. An essential component of such efforts in the District of Columbia is photo imagery.

2. Offender Identification

- a. Offenders, upon release by the sentencing/releasing authorities, are ordered to report to the Community Supervision Services Offender Processing Unit. Upon completion of the intake process, the offender is referred to the ISCU station.
- b. The offender will sign in at the ISCU station.
- c. The offender will be identified through a current client photo on file in PRISM or SMART, personal photo identification such as a driver's license or a non-driver's identification card, employee work identification, passport, by the Community Supervision Officer or by a battery of questions.
- d. The offender's answers to a battery of questions will be matched for

identification establishment in WALES/NCIC, JACCS, SMART and/or CIS information. If the offender does not have picture identification or, if a picture cannot be located via PRISM, an initial photo will be taken. The offender photo is also used to identify the person being escorted to the bathroom by the drug testing staff.

- e. There are two levels of identification used in order to take a photograph.

- i. **LEVEL ONE VERIFICATION:**

If the offender shows a current driver's license, non-driver, employee, Federal, state or local identification, passport or is identified in person by the CSO, attorney or prosecutor, then it is logged on the supervision log of PRISM as a "Level One" verification. It is captured in the client photo database as "Level One" verification as well.

If an offender photo is not currently available in the system, after cross-referencing the demographic information from the drug referral sheets (name, date of birth, alias, social security number, PDID number) and the SMART "C" number to the photo identification demographic information (name, date of birth, social security number, expiration date), the offender photo is taken. From PRISM, the offender photos may be copied into the Supervision and Management Automated Record Tracking (SMART) system or taken directly in SMART.

- ii. **LEVEL TWO VERIFICATION:** If the offender does not have proper identification, a battery of questions and verification of the information from WALES/NCIC, may be established to confirm the identity. The CSO may be called by telephone or requested to report in person to identify the offender for placement or a spot-test. Upon satisfaction that the offender has answered the questions that match the information in the computer system, the offender is logged into PRISM and the offender photo is entered as a Level Two verification. All Level Two verifications must be upgraded to Level One verifications. The DTT may ask the offender for his/her current address, name of person(s) living with, telephone number, date of birth, social

security number, etc. The offender identification must be brought-up to Level One verification.

The DTT must establish a photo image history by verifying the offender's true identity and entering the appropriate data into the Client Photo Verification module that is located on the Navigation Menu in PRISM. Once the biographical information is entered, PRISM will print a label and appointment slip for the offender. The DTT must proceed to the Photo Imagery Camera before collecting the sample in order to take the offender's photograph, capturing an image of the offender's upper torso. Once the photo is taken, PRISM maintains a history file of the offender's photograph and identifying information for future offender verification prior to sample collection.

When an offender's picture cannot be taken or viewed through SMART or JACCS because of a system failure and the offender does not have photo identification, or the information from the battery of questions does not match, no sample will be taken. The offender is instructed to contact the CSO and the information is maintained on a manual log sheet. When the system becomes available, the information is then posted in PRISM. The CSO may also accompany the offender back to the ISCU and identify the offender in person as Level One Verification and then the sample may be taken.

3. Placement/Scheduling

Once the offender's photograph has been taken, the offender is then processed in accordance with the information on the referral sheet from the CSO. The offender is placed in twice weekly testing, bi-weekly, weekly, monthly, resumed and random tests are taken as appropriate. The offender is checked into the PRISM computer system and a standardized placement wording is indicated in the supervision log. The offender is credited for checking-in. The DTT logs the Court case, the release order, the program and the activities of scheduled drug testing into PRISM.

4. Appointment Slip

All offenders placed and scheduled into drug testing receive a signed appointment slip to return on the next designated test date. The offender signs the appointment slip and the technician initials the slip as a witness that the offender knows his/her return date. The signed appointment slip may be used as proof that the offender knew but willfully failed to appear for drug testing. The offender receives a new appointment slip each time s/he reports for testing. All appointment slips are maintained as business records for up to three months or more.

5. Court Dates

Offenders will be asked to verify the next scheduled Court date by the technician. Once acknowledged, the response is posted in PRISM.

6. Bench Warrants

Staff is also required to acknowledge any outstanding bench warrants in PRISM. Offenders are directed to contact their CSO or Pre-Trial for resolution.

7. Team Assignments

CSS teams are assigned to specific collection units based on the team's geographical location and proximity to a site. All Intake and Diagnostic Teams refer offenders to 300 Indiana Avenue, N.W. ISCU for their initial probation, parole and initial pre-sentence spot tests. Offenders must report on their specific test dates from the Offender Processing Unit for diagnostic services. Before a request is made for a Diagnostic screen test, the CSO must verify that the offender has not submitted a sample within five business days. If the offender has not submitted a sample in five business days, the offender is instructed to report to 300 Indiana Avenue, N.W. for an "Initial Pre-Sentence spot test".

The diagnostic staff will include the test result information in the recommendation section of the Pre-Sentence report. Each ISCU location may have six or seven teams assigned to that location. Offenders cannot switch sample collection sites unless approved by the Branch Chief of ISCU.

D. Sample Collection

1. Standard PRISM Collections

Upon arriving at the specific ISCU site for drug testing, the offender is identified and checked into the PRISM system. A bar coded label with the name of the offender, the PDID number and the date is printed from PRISM and placed into a sample cup for pickup by the person escorting the offender to the bathroom.

The drug testing personnel re-identifies the offender through the offender photo system and calls out the full name on the label before escorting him/her to the bathroom. A minimum of 30 ccs of urine is collected from each offender.

a. Direct Observation

Drug testing personnel must accompany the offender inside the bathroom and observe the specimen being submitted. All females must "start and stop" the flow of urine in order to obtain a clean catch. Blue toilet bowl dye should be placed in the toilet to prevent scooping of water. DTTs observe for attempts to submit bogus samples, and if so, they must

complete incident reports. Incident reports are also completed for all offenders voiding samples through non-ordinary means such as via use of a colostomy bag.

Drug testing personnel are trained to observe for adulterants, use of prosthetic devices, Visine vials, tubes and the use of other illegal methods of submission. The offender must identify his/her label and name before placing it on the side of the cup with the specimen. This check and balance serves to substantiate that the offender confirms s/he is providing the sample for the purpose of integrity and that s/he is putting his/her label on the cup of the correct sample.

The drug testing personnel must take the sample from the offender, scan it as collected and place the sample in temporary storage in the refrigerator.

After collecting sixty samples, drug testing personnel uses his/her employee code to scan out the samples and deliver them immediately to the Forensic Toxicology Laboratory located on the 6th floor at 300 Indiana Avenue, N.W. Samples are delivered and transported from three other sites at least four times a day to the Forensic Laboratory for testing by a trained and/or private contractor.

b. Offenders Who Cannot Void A Sample

Drinking more than 16 oz of water two hours or less before submitting a sample may be an attempt to dilute the sample by water-loading the content. The offender is given until the close of business to submit a valid sample. After the initial attempt, the offender will have the remainder of the day to void a sample.

i. “Did Not Submit”

If the offender checks in, she or he is processed and has a label printed but does not attempt to submit a sample by the close of business, the final disposition in PRISM is a “DID NOT SUBMIT.” PRISM automatically assigns the final disposition, as “Did Not Submit,” since no available chain of custody record is available showing the offender attempted to submit a sample but was unable. If the offender returns, the drug testing staff uses the initial label.

A manual record of all unused labels by the close of business is maintained on a daily log sheet.

ii. Quantity Insufficient for Testing (QIT)

All drug testing staff are required to obtain 30 ccs (one ounce) of urine from the offender. This specific amount is used to decrease attempts to submit bogus samples and to provide a sufficient amount for the laboratory to re-test all positive samples. Drug testing staff scan the collection event as “REJECTED – QIT” or manually post the code “XQ”. Either event appears in the PRISM drug testing record as “QUANTITY INSUFFICIENT FOR TESTING (QIT)”. Drug testing staff assigned to check-in offenders must process another label, creating a new chain of custody record for the next event.

iii. Special Services

All samples submitted from a urostomy bag must be documented in an incident report to indicate that drug testing technician is unable to confirm or observe the validity of the sample. The Forensic Laboratory Technician, the CSO and SCSO may also be informed that the sample is cold to touch or less than 32 degrees Celsius. Drug testing staff are trained to observe an offender voiding a sample from a wheel chair while using a catheter. All bathrooms are designed to code and the standards of the Americans with Disabilities Act (ADA).

2. Tampered or Bogus Samples

a. Bogus Sample

A bogus sample occurs when an offender attempts to switch or pass someone else’s sample as their own.

It may be someone else’s urine or a yellow- colored substance that appears to be urine. Drug testing staff will complete an Incident Report standard ISCU letterhead in a memorandum format for all serious offenses such as bribes, attempts to bribe or if serious threats are made to employees. The drug testing staff must submit the completed memorandum to the Branch Chief or to the Drug Testing Operations Manager (DTOM). The drug testing technician completes the violation report Form for all attempts to submit bogus samples or conduct violations. The drug testing staff must investigate SMART for the name of the current CSO and SCSO.

The Branch Chief or the DTOM will review, edit and send the incident report as a Violation Report to the SCSO and CSO within twenty-four hours. A synopsis of the incident is logged into the “Comment” section of PRISM. The drug testing technician scans the bar code collection event sheet as a “REJECTED – BOGUS” or manually posts “XT” for “*attempt*”

to submit a bogus sample". The CSO may count the attempt to submit a bogus sample as a behavioral positive.

b. Tampering or Adulteration of Samples

The offender may provide a sample during the collection process; however, the offender may attempt to put a foreign agent or adulterant of some kind into the sample. This is most often done by attempting to flick chemicals or particles from beneath the fingernails into the sample cup. Another method may include urinating over the fingers in attempt to wash bleach into the sample cup. All of the activities are scanned into PRISM by the DTT as "REJECTED-BOGUS".

The DTT must complete an Incident Report and post it into PRISM as soon as possible. The current CSO and SCSO information is identified from SMART and logged into PRISM. The DTOM reviews the Incident Report and sends a Violation Report or memorandum to the ISCU Branch Chief, SCSO or CSO within twenty-four hours.

c. QIT Samples

All samples collected must contain 30 ccs of urine, as measured by the collection bottles. Samples containing less than 30 ccs of urine are marked Quantity Insufficient for Testing (QIT) and are also scanned into PRISM. The DTT must print out another label from DTMS and collect another sample.

E. AOC Collection Unit at Karrick Hall Location

The Re-Entry Sanction Center (RSC) has been established in Karrick Hall on the grounds of what was formerly known as the D.C. General Hospital.

Offenders are drug tested upon their initial intake into the facility and upon their return from scheduled community visits. Designated contracted staff are responsible for transporting the samples from the RSC facility to the Forensic Toxicology site located on the 6th floor at 300 Indiana Avenue, N.W.

All staff collecting samples at Karrick Hall will be trained how to collect samples in accordance with the standards and procedures developed by ISCU. In addition, RSC staff will be trained how to operate PRISM and manage the chain of custody information, which includes: who collected the sample, the date and time the sample was collected and the name of the DTT that picked-up the sample and transported it to the laboratory.

The Branch Chief will assure that training and proper use of equipment is maintained at RSC. The integrity of collection procedures must be strictly adhered to in order to achieve Agency Critical Success Factors and accomplish the mission of ISCU.

Collection staff at RSC will call the designated DTOM to arrange for a pick-up of samples. The following procedures will be adhered to while contracted staff is responsible for picking-up samples from RSC:

1. The contract courier who makes the pick-up will sign for the samples, listing the number of samples received, the offender names and the time of pick-up on the RSC/Delivery Log Form (see Form DS-008, CSS Forms/Template Manual);
2. The private courier will deliver the samples to the Laboratory and the Laboratory staff will initiate a PRISM download. The chain of custody information is also downloaded into PRISM
3. The courier will properly scan the samples to the Laboratory;
4. The DTOM will be responsible for ordering and maintaining all lab supplies and inventory such as cups and labels.

F. Court or Parole Commission's Referrals for Drug Collection and Testing

Referrals for urinalysis collection and testing in child custody cases are to be referred to the Pretrial Services' Juvenile Collections Unit located in the main Superior Court building (202-585-7050). All judicial or Commission requests shall be treated with expediency and documented in the ISCU Inquiry Log.

G. Transporting Samples to the Forensic Laboratory

1. Lab Runs at ISCU Site at 300 Indiana Avenue, N.W.

When ISCU staff at the 300 Indiana Avenue, N.W. site collects thirty samples (or more), the designated drug testing staff assigned to make lab runs will scan his/her initials into the PRISM system. The drug testing staff removes the samples from temporary storage, delivers the samples to the Forensic Laboratory and then scans the samples into the lab database (see exceptions to this procedure by RSC).

All "bogus samples" and "QITS" do not need to be re-scanned but are to be delivered to the laboratory as well. An "X" is recorded on the sample to inform the laboratory that it does not need to be tested. PRISM will reflect the final disposition of these samples and the attempts to submit bogus, quantity insufficient for testing, contaminated samples, etc. The drug testing staff will complete the daily sample collection sheet (located in the collection room) for each run. At the close of business, the drug testing staff making the final lab run will total the specimens collected for the day and forward the information to the drug testing staff assigned to complete the monthly statistics for Daily Runs.

Staff will carry samples to the laboratory using state of the art equipment (crates) designed to hold thirty samples per crate. No unnecessary stops are to be made when delivering the samples to the laboratory. Staff cannot operate the public elevator buttons while wearing their latex gloves due to public health concerns.

2. Transporting Samples From Other Field Sites

There are three ISCU collection sites located throughout the District of Columbia and a private courier may pick-up samples from the followings three offices:

- a. Team 35-B- 3850 South Capitol Street, S.W., Suite 201;
- b. Team 35-C- 1230 Taylor Street, N.W., Suite 112; and
- c. Team 35-D- 25 K Street, N.E., Suite 147.

The private courier transports samples from the field sites make approximately four scheduled runs per day. They complete the Delivery Sheet Form DS-005 (See Forms/Template Manual) that indicates the number of samples being transported and placed into the transport delivery box.

The private courier properly signs and completes the mileage sheet to indicate the appropriate check out time using the government vehicle. Bogus and QIT samples are to be delivered to the laboratory for disposal. Samples are transported from the field in a sealed transport box and delivered in a government vehicle to the Forensic Toxicology Drug Testing Laboratory located at 300 Indiana Avenue, N.W. in Suite 6150.

H. Forensic Toxicology Drug Testing Laboratories

The CSOSA Forensic Toxicology Drug Testing Laboratory is operated by PSA and is composed of two units. The main drug-testing laboratory is located on the 6th floor of the Metropolitan Police Department building and performs analysis of probation and parole drug testing specimens and some PSA drug testing. The second facility is located in the H. Carl Moultrie III Court House building and tests samples collected from the Adult Drug Unit for all adult arrestees, scheduled drug testing, Drug Court offenders and juvenile drug testing.

1. Laboratory Check-In Procedures

Once the private courier delivers the samples to the laboratory at 300 Indiana, N.W. ISCU headquarters, the seal on the transport box is broken in the presence of the Lab Technician and the drug testing staff scans the samples into the DTMS. For delivery of a larger volume of samples, the drug testing staff may transport the samples to the laboratory in a cardboard crate provided by the Pretrial Services Agency (PSA). The crate is equipped for every thirty samples. The drug testing staff or private contractor scans and enters each sample into the chain of custody records as “Removed from Storage and Transported to the Laboratory”.

The drug testing staff or private contractor then indicates each sample was submitted to the laboratory's receiving staff.

The Laboratory Technician scans his/her private employee code indicating s/he received each sample from the drug testing staff or private contractor. The external chain of custody reflects all participants that processed the offender into PRISM:

- a. Staff that collected the sample;
- b. Staff that placed the sample into temporary storage;
- c. Staff that removed the sample from temporary storage;
- d. Staff that scanned the samples over to the Laboratory.

The internal chain of custody reflects all participants, dates and times a particular sample was delivered and tested by the Laboratory:

- a. Staff that scanned the sample over to the Laboratory;
- b. Technician that scanned to receive the samples once they arrived in the Laboratory;
- c. Technician that performed the EMIT drug test, re-test and then entered the information into PRISM.

Each ISCU site maintains back-up sheets that indicate the total number of samples submitted on each Lab Run. Monthly statistics are generated by the DTOM and forwarded to the Branch Chief.

I. Additional Collection and Testing Procedures

1. Oral Fluid Testing Procedures

There are extenuating circumstances due to health and certain physiological conditions that the offender may be unable to void a urine sample through ordinary means due to renal kidney failure or special dialysis.

The CSO must confirm and provide the medical documentation to the SCSO. Once the SCSO is satisfied with the medical documentation provided by the CSO, a request is made by telephone or email to the Branch Chief (BC) to perform the oral fluid drug test.

The Office of the Branch Chief orders monthly supplies and distributes to each DTOM oral fluid kits, the small plastic bags that must contain the specimen, the larger plastic bags, the mailing bags for pick-up, the chain of custody sheets, the policy and instructions on how to perform the saliva collection and mailing procedures to the testing laboratory . The DTOM properly maintains a computer distribution log for each team and forwards monthly statistics to the Branch Chief and Deputy Associate Director.

- a. The drug testing staff are responsible for collecting, storing and forwarding the oral fluid swab samples to the Lab-One Vendor;
- b. The Director of Research in the Forensic Toxicology Laboratory is responsible for receiving the drug test results from Lab-One and posting the information into PRISM in a timely manner;
- c. The Branch Chief receives all of the quality control reports from the Lab, investigates quality control issues, contacts the CSO or SCSO and monitors the computer drug test results posted by the Director. The test results are to be used for in-house purposes only and not for supervision revocation hearings, unless specially noted. No GCMS confirmation will be performed for oral fluids testing.
- d. The offender receives the oral fluid swab from the drug testing staff who instructs him/her on the protocols of collecting the oral swab in accordance with instructions and the procedure sheet provided by the Branch Chief;
- e. The drug testing staff instructs the offender to place the strip on his or her gums; and
- f. The drug testing staff observes the test in order to assure that the offender has not consumed liquids within ten minutes and that there are no foreign objects or tampering done with the instrument.

Processing the Oral Fluid Testing Offender through PRISM is as follows:

- a. The drug testing staff follows standard PRISM check-in procedures by reviewing the offender's photo and appointment slip;
- b. In the PRISM Drug Testing Module, the drug testing staff selects "oral" from the drop down box instead of "urine". Two labels and an appointment slip are automatically generated by the drug testing staff; and
- c. The offender's photo is reviewed and he/she is escorted to an assigned area where the oral swab test is performed. Drug testing staff is assigned on a monthly basis to perform the test.

2. Oral Fluid Testing Procedures

a. Complete Oral Fluid Chain-of-Custody Form

In addition to the above noted instructions, the CSO must receive approval from the ISCU Branch Chief and then complete the drug referral forms requesting oral fluid testing. ISCU staff will complete the oral fluid chain-of-custody forms by completing the following:

- other ID-PDID (if not known then the number)

DONOR/OFFENDER AFFIDAVIT BOX

- fill in offender name on the donor line, have the offender sign on the signature line and add the date test on the date line

COLLECTOR – REASON FOR TEST

- reason for testing – check random
- donor I.D. verified – photo I.D.
- split specimen collected – no

CHAIN OF CUSTODY

- signature line is for the DTT
- add the date tested
- time tested (very important)

SPECIMEN VIAL SEALS “A”

- date tested
- offender/donor initials

b. ISCU Specific Collection Procedures

Following are procedures to be followed by drug testing staff when collecting oral fluid samples:

- i. Wear latex gloves.
- ii. Open the Oral Fluid Testing Kits by pulling back the seal.
- iii. Give the vial to the offender. Make sure the offender does not switch vials with another offender.
- iv. Each vial should be properly coded - this identifies the sample.
- v. Pull back the seal allowing space for the offender to remove the dipstick.
- vi. Watch and instruct the offender as s/he firmly places the sponge end of the stick between the teeth and gum.
- vii. Make sure the offender does not place the dipstick between his/her teeth.
- viii. Assure that they do not clamp down their teeth on the sponge.
- ix. Instruct the offender not to suck the sponge or stick.

- x. Advise the offender that they will taste a salty solution that introduces salivation. The stick/sponge must remain between the gum and the teeth for at least 2 minutes. The sponge should look wet. Drug testing staff should be mindful that oral discharges might appear on the sponge and stick.
- xi. The drug testing staff will twist and pull the cap from the vial.
- xii. The drug testing staff is to instruct the offender to place the stick in the vial with the sponge facing downwards in the solution.
- xiii. The drug testing staff will then instruct the offender to break the stick at the perforated mark by leaning it against the wall of the bottle and snapping the stick.
- xiv. The offender shall be instructed to discard the remainder of the stick in the trash.
- xv. The drug testing staff will wear plastic gloves, securely place the lid on the vial, and then place the specimen vial Seal "A" over the top of the bottle.
- xvi. Remove the specimen vial seal from the form along the perforated lines and discard.
- xvii. Separate page one of the form and fold with the bar code facing the clear side of the bag.
- xviii. Place the folded copy of the first page of the form in the large pouch's small shipping bag. The drug testing staff should be able to see the bar code through the bag.
- xix. Place the sealed vial in the smaller pouch.
- xx. Once both items are in the bag, pull the adhesive seal and seal the bag.
- xxi. Scan the oral fluid sample into PRISM as a collected sample and place temporary storage in the refrigerator.

c. Drug Testing Staff Quality Control Check Before Mailing

Before mailing the oral fluid collection sample, the drug testing staff will:

- i. Make sure the offender's name is listed on the form in the Donor Affidavit area on the Donor Name line.
- ii. Make sure the CSO and the Director of Research from the FTDTL are mailed copies of the oral fluid chain of custody sheets.
- iii. Create a weekly log sheet in the oral Fluid Collection manual and record the date, offender's name, PDID or C numbers on the log sheet.

d. ISCU Mailing Procedures for the Oral Fluid Test

On Friday, the DTT assigned at each ISCU site contacts the carrier and requests all samples collected for the week are picked-up. The DTT is to:

- i. Maintain the oral fluid specimen, chain of custody sheets, stored in the appropriate plastic bag in the refrigerator.
- ii. Samples should be kept at refrigerated temperatures between 4-10 degrees.

e. Posting of Results into PRISM

Testing is conducted at testing laboratory. The results will be sent electronically to FTDTL at 300 Indiana Avenue, N.W. The results will be submitted electronically to PRISM by the Forensic Toxicology Drug Testing Laboratory staff.

J. Digital Thermometers

When a collector suspects tampering based on discoloration, a cold sample, or a suspicious observation, the drug testing staff must perform the digital thermometer check. This process identifies whether the sample meets standard or normal body temperature guidelines for a voided urine sample.

The validity of the temperature strips is checked each month by comparison to the Unit's laboratory certified thermometer. On a monthly basis, the DTOM will replace the temperature sheet listed for refrigerator temperature check.

The Director of Research from the Laboratory will conduct spot-check tests and visits to the ISCU site to monitor proper controls of the refrigeration equipment and to determine the validity of the equipment.

K. ISCU Quality Control and Management Reports

1. Case Management of Spot-Test Report

On a case by case basis, each CSO may refer an offender for a surprise unexpected drug test or a spot-test based on a previous missed drug test, a missed monthly drug test, an offender's appearance of being inebriated or under the influence of an illegal substance. The CSO may take into consideration where the offender is in accordance with the CSS Drug Testing Protocol and Administrative Sanctions Policy.

The surprise spot-test may be initiated due to a number of creatinine or water loading test results. The CSO may order the surprise spot-test due to new use or because the offender's levels were declining and are now positive for substance

abuse. The surprise test may be ordered as a precautionary treatment measure because the offender completed detoxification, incarceration or a short stay at a halfway house.

2. Monthly Statistical Reports

a. PRISM System Reports

The following are ISCU procedures for the required quantitative and qualitative reports:

Test result Summary Reports

- i. Individual Test Result Summary Report;
- ii. Daily Management Report;
- iii. Sanction Call Back Report for STAR and SAINT HIDTA.

Management will measure performance and the ISCU response to the Agency's Critical Success Factors relating to this report. The report is a Monthly Statistical Report with complementing inserts from the Forensic Toxicology Drug Testing Laboratory, Substance Abuse Trend Studies and Research.

- i. On a daily basis, each collection site generates a report in PRISM that produces a list of offenders who did not appear for testing. The report also provides a listing of incomplete specimens. If an offender does not show-up for testing two consecutive times, the testing schedule is automatically terminated and suspended in PRISM.

L. Test Schedules

As stated in the Drug Test Protocol and Administrative Sanctions sections of this Manual, all offenders are placed in a schedule for drug testing. See appendix for drug testing schedules.

In order for a CSO to increase or decrease an offender's testing schedule, a Referral for Drug/Alcohol Testing/Treatment Form DS-0001 (see Forms/Template Manual) must be received by ISCU indicating the desired change.

M. ISCU Unit Procedures

The Illegal Substance Collection Unit has daily operational procedures that are maintained by the Supervisory Drug Testing Technician. They consist of the following practices:

1. ISCU Must Be Operational from 7:30 a.m. until 7:00 p.m. (with daily closure from 1:00-2:00 for lunch and administrative purposes). Two shifts are designed for the previously noted period. In addition, due to the anticipated increase in testing volume, the ISCU may coordinate testing times with the various supervision teams.
2. Work Schedules/Assignments are rotated to ensure proper coverage. Work assignments include the following:
 - a. Entering offender information into the PRISM computer for collection;
 - b. Collecting samples;
 - c. Researching and distributing daily test results;
 - d. Providing Violation Notices to the CSO;
 - e. Transporting samples to the laboratory;
 - f. Responding to the CSO, Court and Commission official inquiries;
 - g. Compiling monthly statistical data (CSA and DTT assignments);
 - h. Researching "A" numbers for consolidation with PDID numbers;
 - i. Providing written records of all incidents that occur within the unit;
 - j. Providing historical data to the CSO for inclusion in official reports to the releasing authorities; and
 - k. RSC pick-up and delivery services.
3. When PRISM is down, staff is to notify the ISCU Branch Chief and email the PSA Help Desk.
 - a. The supervisor will verify that PRISM is not functioning by checking the PRISM system;
 - b. The DTOM or designee will call the PSA Help Desk and, if necessary, CSOSA's Help Desk;
 - c. If the DTOM or designee is unable to reach someone by telephone, the DTOM or designee is to send an e-mail message to the appropriate Help Desk for resolution;
 - d. The respective Help Desk will create an IT Help Desk ticket and notify the appropriate IT staff for resolution of the problem;
 - e. The ISCU Branch Chief will then notify CSS staff through an email notice listing the estimated down time;
 - f. The IBC or DTOM will remind the DTT to encourage offenders to wait at least 30 minutes before the staff will initiate a sign-in roster and release offenders;
 - g. The IBC will send a second email notice to CSS staff when PRISM is again functional;
 - h. The IBC will ensure that copies of all sign-in logs are sent to the Branch Chiefs on the same or next work/business day; and
 - i. The IBC will include in the Monthly Statistical Report a summary of all PRISM system failures, the date collections were affected and the number of offenders released from collections.
4. Incident Report: Emergencies and Risk Management

When there is an office disturbance or disorderly conduct demonstrated by offenders or a potential threat to public/staff safety, employees must adhere to the following procedures:

- a. Drug testing staff must alert the Security Guard by pressing the panic button, calling security by telephone or by sending another staff person to notify security of the problem;
- b. Drug testing staff must notify the DTOM or the next person in the chain of command by telephone or by email;
- c. Drug testing staff must notify the Branch Chief or the designated building manager.
- d. Drug testing staff must cooperate by following the instructions of the Security Guard and the DTOM;
- e. Drug testing staff must submit an Incident Report within 24 hours of the incident to the CSO, SCSO, DTOM and IBC;
- f. The drug testing staff will notify his/her Branch Chief of the office incident;
- g. Drug testing staff must cooperate by providing any additional information needed by upper management;
- h. The DTOM must investigate the matter, obtain a copy of the Security Guard's Incident Report and submit a report to the Branch Chief within an hour of the notification. The report must include actions to be taken and recommendations.
If ISCU staff could have avoided the incident or in any way contributed to the problem, appropriate personnel actions must be initiated; and
- i. The Branch Chief must notify the Deputy Associate Director (within 24-hours of notice) of any incidents that jeopardize the safety of staff or the credibility of the collection process. The report must include actions taken and recommendations made.

The Monthly Statistical Report will also include a summary Incident Report for the purpose of measuring the need for additional safety precautions.

Note: See Chapter XIV-Staff Safety

5. Health & Safety Issues

Staff will notify the DTOM or the chain of command when there is a health concern that threatens the working environment (i.e., temperature, waste removal, etc.) within 30 minutes of notification. The DTOM must resolve the issue with the Branch Chief or building manager and provide a progress report to the staff and the chain of command.

6. CSOSA Safety Standard Operating Procedure (OSHA Requirements)

All drug treatment staff are required to read and certify having received the Agency policy pertaining to OSHA Workplace Safety Standards.

7. Private Vehicles

Staff members who have obtained permission from their supervisor and proven that they have met the criteria of the CSOSA-Privately Owned Vehicle Policy (see CSOSA Intranet Website) must adhere to the following procedure as it relates to the ISCU:

- a. Drug testing staff must agree not to transport persons other than CSS staff in their vehicles while transporting samples;
- b. Drug testing staff must agree to not make any personal stops while delivering samples; and
- c. Drug testing staff must agree to report any damages, tampering or incidents that jeopardize the quality of the ISCU collection process to the SDTT on the date of an incident or the immediate next business day.

8. Conflicts of Interest or Compromises

Staff must report immediately knowledge of any conflicts of interest or compromise that might affect the integrity of the collection process to the DTOM or the chain of command. Examples of conflicts or compromise include instances where the drug testing staff is personally familiar with an offender or if s/he is offered a bribe or favor to alter the collection process or samples.

The drug testing staff is required to notify the DTOM immediately or the chain of command and ensure that a co-worker conducts the actual collection. Secondly, a Disclosure Form must be completed. In the case of being the only opposite gender staff person for an offender, the DTT must have the offender sign in and note in PRISM the reason for not collecting. An Incident Report must subsequently be completed.

9. WALES/NCIC

The WALES/NCIC information systems are to be used (only) for the purpose of researching PDID numbers and performing Level One and Level Two Verifications. Drug testing staff are reminded that the unauthorized access and dissemination of information from any Agency computer system is subject to disciplinary actions.

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