



**Court Services and Offender Supervision Agency
for the District of Columbia**

*Community Supervision Services
Office of the Associate Director*

MEMORANDUM

TO: CSS Staff

DATE: March 7, 2007

FROM: Thomas H. Williams, Associate Director (*signed*)

Re: SMART Note No. 49—Revision #5
SMART Supervision Status Case Definitions

This SMART Note replaces SMART Note No. 49 that was issued on February 27, 2004, SMART Note No. 49, Revision #1, dated May 14, 2004; SMART Note No. 49, Revision #2, dated July 28, 2005; SMART Note No. 49, Revision #3, dated December 30, 2005, and SMART Note No. 49, Revision #4, dated August 30, 2006.

This fifth revision to SMART Note No. 49, dated 3/7/07, redefines the status, Active-Loss of Contact, to include requests for a summons or Show Cause Hearing, in addition to a request for a warrant. The revised definition with the highlighted changes is listed below and found on page two, I.2, Active-Loss of Contact.

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.

If you have any questions regarding this definition, please contact Debra M. Kafami, Supervisory Management Analyst.

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SMART SUPERVISION STATUS DEFINITIONS

I. ACTIVE

- 1) **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 case, and is not pending a show cause hearing.
- 2) **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.
- 3) **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).
- 4) **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.

II. MONITORED

Offenders in Monitored supervision status are to be monitored in accordance with established Agency policy.

- 1) **Monitored—Confined.** The offender is detained, due to a re-arrest or the result of a Court Hearing, 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. Cases on offenders revoked to incarceration in a Bureau of Prisons facility are to be closed in SMART.

Examples:

- An offender under active supervision is re-arrested for a new criminal offense. The offender is held, and remains incarcerated 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 presiding Judge may hold a Show-Cause Hearing to address the re-arrest or may order the offender to be “Stepped Back” for a set period of time (such as 30 days), pending the disposition of the re-arrest.
 - 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.
- 2) **Monitored—Deported.** The offender has been deported to another country and is no longer available for supervision.
- 3) **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.
- 4) **Monitored—In Residential Treatment.** The offender is in a residential treatment program and is not at-large in the community.
- 5) **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.

- 6) **Monitored—Interstate Compact Out.** The offender is being supervised in another jurisdiction through the Interstate Compact Agreement.
- 7) **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).
- 8) **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.
- 9) **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).

III. WARRANT

- 1) **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.
- 2) **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. Cases classified as "warrant—executed" are pending a revocation hearing and remain in "warrant executed" until a final disposition is made at the offender's revocation hearing.
- 3) **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. These cases are to be reviewed monthly for any change in the offender's status.
- 4) **Warrant-Rescinded.** An offender who was in warrant-issued status had the warrant rescinded by the releasing authority.

IV. CLOSED

- 1) **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.
- 2) **Closed—Case Returned to Sending Jurisdiction.** Interstate Compact Cases which are returned to the sending jurisdiction.
- 3) **Closed—Death.** The offender has died while under supervision, and the death has been verified.
- 4) **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.
- 5) **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.
- 6) **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.
- 7) **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.
- 8) **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.
- 9) **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.

- 10) 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.

- 11) 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.