

## **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 (18<sup>th</sup>) 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 (12<sup>th</sup>) 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.

APPENDIX V



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

*Office of Community Supervision Services*

ACCOUNTABILITY CONTRACT

Offender Name: \_\_\_\_\_ PDID: \_\_\_\_\_

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.

**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.**

\_\_\_\_\_  
Signature of Offender Date

\_\_\_\_\_  
Signature of Community Supervision Officer (CSOSA) Date

## 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																														
<b>Intensive/Maximum</b>	Standard Risk Sanctions	<ul style="list-style-type: none"> <li>CSO written reprimand</li> <li>OR</li> <li>Increase Supervision Level if not Intensive</li> </ul>	<b>ONE OR MORE SANCTIONS:</b> <ul style="list-style-type: none"> <li>SCSO Written Reprimand</li> <li>Daily Sanctions Groups</li> <li>Community Service</li> <li>Increase Supervision Level</li> <li>5-Day Daily Check-In</li> </ul>	<b>ONE OR MORE SANCTIONS:</b> <ul style="list-style-type: none"> <li>GPS</li> <li>Curfew</li> <li>Halfway Back</li> <li>Residential Sanctions Facility</li> <li>AVR</li> <li>Increase Supervision Level, if appropriate</li> </ul>	<b>CHOOSE ONE SANCTION:</b> <ul style="list-style-type: none"> <li>GPS</li> <li>Curfew</li> <li>Halfway Back</li> <li>Residential Sanctions Facility</li> <li>AVR</li> </ul>																														
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*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 (See following section).**

### **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 – 1<sup>st</sup> week of the month;
  - b. South Capital Street – 2<sup>nd</sup> week of the month; and
  - c. Rhode Island Avenue – 3<sup>rd</sup> 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](mailto: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](mailto: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

- d. Parole Commissioner or the PDS Attorney. Present a case plan for the offender to follow to bring the offender back into compliance.
- e. 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:

<b>Expected Time in Monitored Status</b>	<b>Frequency of Warrant Checks</b>
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 procedure establishes and clarifies appropriate protocols for warrant service on offenders at Agency field offices and is intended to limit adverse incidents resulting from warrant service and to minimize harm to all persons at Agency sites at the time of the warrant service. This Operational Instruction also applies to D.C. Pretrial Services Agency (PSA) staff; however, PSA staff shall also be guided by PSA Management Instruction 2203, Warrant and Criminal History Checks.

### **1. Service of Open Warrants for CSOSA Offenders at CSOSA Controlled Sites**

a. This guidance covers Agency sites at 900/910 Rhode Island Avenue, N.E.; 1418 Good Hope Road, S.E.; 3850 South Capitol Street, S.E.; 25 K Street, N.E.; 1230 Taylor Street, N.W.; and any future CSOSA field sites with similar Protective Security Officer functions as the above.

b. When a CSS employee with authorized access to the National Crime Information Center Interstate Identification Index (NCIC/III) and the Washington Area Law Enforcement System (WALES), becomes aware of an open arrest warrant prior to an offender reporting to a CSS site, the CSS employee will verify the warrant through running an NCIC/

III/WALES check and immediately notify a supervisor and the onsite Protective Security Officer.

**c.** The Protective Security Officer will be given a copy of the verified warrant or system print out and a copy of the offender's SMART profile sheet. When a CSS employee is aware of an open warrant in advance of an offender's visit, the Protective Security Officer should also be notified in advance.

**d.** When an offender with an open arrest warrant reports to or enters a CSS site, the offender shall undergo normal security screening and be seated in the office lobby waiting area. The Protective Security Officer will discreetly call the CSO and inform them of the offender's arrival.

**e.** If the CSO has not already done so, s/he will discreetly contact the appropriate law enforcement authority and request warrant verification and service.

**(1)** The D.C. Metropolitan Police Department (MPD) should be called using "311," unless alternative arrangements have been worked out with local district stations.

**(2)** U.S. Marshals Service officers may be called on an individual basis at the discretion of the CSO or the CSS supervisor who is notified in item b. above. The offender shall then be routinely escorted from the lobby area to the CSO's workstation. The CSO will then conduct a review and update of the information in SMART.

**f.** At no time is an offender to be told of an open warrant. Care should be taken to avoid causing the offender to become alarmed or suspicious of pre-warrant verification activity.

**g.** After the SMART review, the CSO will take the wanted offender to a Supervisory Community Supervision Officer's (SCSO) office for an SCSO conference. This is done in the interest of security. The offender will wait in the office until the arrival of an arresting law enforcement authority.

**h.** When the law enforcement authority arrives, the Protective Security Officer shall telephone the SCSO and/or CSO and let them know of the law enforcement authority's arrival.

**i.** The Protective Security Officer will then escort the arresting law enforcement authority to the location of the wanted offender where the arrest will be made.

**j.** CSS staff are not to actively assist or engage in the physical apprehension of an offender or the service of a warrant.

**k.** If an offender leaves the SCSO's or CSO's office prior to law enforcement's arrival, the SCSO or CSO shall immediately contact the Protective Security Officer and give a description of the offender and the direction the offender was headed. The Protective Security Officer will detain the offender and escort him/her to a secure office or conference room for holding until the law enforcement authority arrives.

**l.** As circumstances warrant, one to two Protective Services Officer(s) will detain the offender in a conference room or other designated office. Prior to this taking place, the CSO will have called the SCSO (or their designee) for consultation. The decision to detain will be made after the SCSO (or designee) consults with the Protective Services Officer.

**m.** After the offender is arrested, the Protective Services Officer shall return all documents, i.e., verified warrant or system print out and a copy of the offender's profile sheet (also see item c, above), still in his or her possession to the CSO.

## **2. Service of Open Warrants for CSOSA Offenders at the Re-Entry and Sanctions Center**

**a.** This guidance covers the Re-Entry and Sanctions Center (RSC) 1900 Massachusetts Avenue, S.E.

**b.** When a RSC employee becomes aware of an open arrest warrant for an RSC offender/defendant ("resident") he/she should immediately bring this information to the attention of the RSC Program Manager (or his/her designee). The RSC Program Manager will then verify the warrant through liaison with the appropriate Agency entity (CSS or PSA). The RSC Program Manager will inform the Associate Director of CJP and the RSC Protective Security Supervisor of the open warrant information.

**c.** The RSC Program Manager will discreetly contact the appropriate law enforcement authority and request warrant verification and service.

**(1)** The D.C. Metropolitan Police Department (MPD) should be called using "311," unless alternative arrangements have been worked out with local district stations.

**(2)** U.S. Marshals Service officers may be called on an individual basis at the discretion of the Program Manager who is notified in item b. above.

**d.** At no time is the resident to be told of an open warrant. Care should be taken to avoid causing the resident to become alarmed or suspicious of pre-warrant verification activity.

**e.** When the law enforcement authority arrives, the Protective Security Officer shall telephone the RSC Program Manager and let them know of the law enforcement authority's arrival.

**f.** The resident will then be escorted from the residential area by RSC staff to a RSC office on the 1<sup>st</sup> floor for a conference and/or meeting. This is done in the interest of security. The RSC staff will have the offender wait in the office until the arrival of an arresting law enforcement authority.

**g.** The Protective Security Officer will then escort the arresting law enforcement authority to the location of the wanted resident where the arrest will be made.

**h.** RSC staff persons are not to actively assist or engage in the physical apprehension of an resident or the service of a warrant.

**i.** If a resident leaves the RSC prior to law enforcement's arrival, the Protective Security Officer will immediately be contacted and given a description of the resident and the direction the offender was headed. The Protective Security Officer will detain the resident and escort him/her to a secure office or conference room for holding until the law enforcement authority arrives

**j.** As circumstances warrant, one to two Protective Services Officer(s) will detain the resident in a conference room or other designated office. This will only be done at the request of and in coordination with the RSC Program Manager

### **3. Service of Open Warrants for CSOSA Offenders at GSA Controlled Sites**

**a.** This guidance covers Agency sites at 800 North Capitol Street, N.W. and future field sites where the Protective Security Officer functions are performed under contract to the Department of Homeland Security, Federal Protective Service and security screening is conducted at the point of entry versus Agency office space.

**b.** When a CSS employee with authorized access to NCIC/III, WALES, becomes aware of an open arrest warrant prior to an offender reporting to a CSS site, the CSS employee will verify the warrant through running an

NCIC/III/WALES check and immediately notify a supervisor and the on site Protective Security Officer.

**c.** The Protective Security Officer will be given a copy of the verified warrant or system print out and a copy of the offender's SMART profile sheet. When a CSS employee is aware of an open warrant in advance of an offender's visit, the Protective Security Officer should also be notified in advance.

**d.** When an offender with an open arrest warrant reports to or enters a CSS site, the offender shall be seated in the office lobby waiting area. The Protective Security Officer will discreetly call the CSO and inform them of the offender's arrival.

**e.** If the CSO has not already done so, s/he will at this time contact the appropriate law enforcement authority (in this case the Federal Protective Services Mega Center at 202-708-1111) and request warrants service. The offender will then be routinely escorted to the CSO's office or workspace.

**f.** At no time is an offender to be told of an open warrant. Care should be taken to avoid causing the offender to become alarmed or suspicious of pre-warrant verification activity.

**g.** After the SMART review, the CSO will take the wanted offender to a Supervisory Community Supervision Officer's (SCSO) office for a SCSO conference. This is done in the interest of security. The offender will wait in the office until the arrival of an arresting law enforcement authority

**h.** When the law enforcement authority (Federal Protective Service) arrives, the Protective Security Officer shall telephone the SCSO and/or CSO and let them know of the law enforcement authority's arrival.

**i.** The Protective Security Officer will then escort the arresting law enforcement authority to the location of the wanted offender where the arrest will be made.

**j.** CSS staff are not to actively assist or engage in the physical apprehension of an offender or the service of a warrant.

**k.** If an offender leaves the SCSO's or CSO's office prior to law enforcement's arrival, the SCSO or CSO shall immediately contact the Protective Security Officer and give a description of the offender and the direction the offender was headed. The Protective Security Officer will detain the offender as appropriate and escort them to a secure office or conference room for holding until the law enforcement authority arrives.

**l.** The CSO will call the SCSO (or his or her designee) for consultation. The decision to detain will be made after the SCSO (or designee) consults with the Protective Services Officer. As circumstances dictate, one to two Protective Services Officer(s) will detain the offender in a conference room or other designated office.

**m.** After the offender is arrested, the Protective Services Officer shall return all documents, i.e., verified warrant or system print out and a copy of the offender's profile sheet still in his or her possession to the CSO.

#### **4. Service of Open Warrants for CSOSA Offenders at Other Sites (i.e., 300 Indiana Avenue)**

**a.** This guidance covers Agency sites at 300 Indiana, N.W. and future field sites where the Protective Security Officer functions are performed under contract to the Metropolitan Police Department and security screening is conducted at the point of entry versus Agency office space.

**b.** When a CSS employee with authorized access to NCIC/III/WALES, becomes aware of an open arrest warrant prior to an offender reporting to a CSS site, the CSS employee will verify the warrant through running an NCIC/III/WALES check and immediately notify a supervisor and the onsite police officer stationed in the lobby kiosk. When a CSS employee is aware of open warrant in advance of an offender's visit, the police officer stationed in the lobby kiosk should also be notified in advance.

**c.** When an offender with an open arrest warrant reports to or enters a CSS site, the offender shall be seated in the office lobby waiting area and the CSO notified of their arrival.

**d.** If the CSO has not already done so, s/he will at this time discreetly contact the appropriate law enforcement authority and request a warrant verification and service.

**(1)** MPD should be called using "311" unless alternative arrangements have been worked out with local district precincts.

**(2)** U.S. Marshals Service officers may be called on an individual basis at the discretion of the CSO or the CSS supervisor who is notified in item b. above.

**e.** At no time is an offender to be told of an open warrant. Care should be taken to avoid causing the offender to become alarmed or suspicious of pre-warrant verification activity.

f. The offender is then routinely escorted from the lobby area to the CSO's workspace. The CSO will then conduct a review and update of the information in SMART.

g. After the SMART review, the CSO will take the wanted offender to a Supervisory Community Supervision Officer's (SCSO) office for a SCSO conference. This is done in the interest of security. The offender will wait in the office until the arrival of an arresting law enforcement authority

h. When the law enforcement authority arrives, Agency staff shall telephone the SCSO and/or CSO and let them know if the law enforcement authority's arrival.

i. Agency staff will then escort the arresting law enforcement authority to the location of the wanted offender where the arrest will be made.

j. CSS staff are not to actively assist or engage in the physical apprehension of an offender or the service of a warrant.

k. The CSS employee who initiated the request for apprehension will notify the Office of Security via email, within one business day, of the warrant being served and will include the particulars (i.e., offender's name, reason for warrant, date and place of arrest, etc).

**5. Service of Open Warrants for CSOSA Offenders at 633 Indiana Avenue, N.W., and 601 Indiana Ave., N.W. (to include PSA and CSOSA spaces)**

a. This guidance covers Agency sites at 633 Indiana Avenue, N.W., 601 Indiana Avenue, N.W., and future field sites with similar Protective Security Officer functions as the above sites. References to PSA staff actions are in accordance with PSA's Management Instruction 2203 and are repeated here for the sake of clarity.

b. If a CSS or PSA employee with authorized access to NCIC/III, WALES becomes aware of an open arrest warrant prior to an offender/defendant reporting to either the 601 or 633 site, the employee will verify the warrant and immediately notify a supervisor.

c. The employee or supervisor will then call the Protective Security Officers at the Security Control Center (SCC) at 633 Indiana Avenue, N.W. and immediately fax or hand deliver the warrant verification, i.e., NCIC or WALES printout, to the SCC.

**d.** If the employee or supervisor is located at 601 Indiana Avenue, N.W., the employee and supervisor will also immediately inform the on-site 601 Protective Security Officer.

**e.** The Protective Security Officer will at this time contact the appropriate law enforcement authority (i.e. Metropolitan Police Department or U.S. Marshals Service) and request warrants service.

- (1)** MPD should be called using “311” unless alternative arrangements have been worked out with local district precincts.
- (2)** U.S. Marshals Service officers may be called on an individual basis at the discretion of the CSS or PSA supervisor who is notified in item b. above.

**f.** If the detention is at 633 Indiana, N.W., the following will occur:

- (1)** Security calls employee/supervisor to report two security officers are en route.
- (2)** The offender/defendant is apprehended and taken to the 633-security control center until MPD/USMS arrives.

**g.** If the detention is at 601 Indiana, N.W., the following will occur:

- (1)** Security officer notifies the 601 employee/supervisor that a 633-security officer is en-route.
- (2)** 601-employee/supervisor escorts the offender/defendant to a conference room to conduct the originally intended purpose of the visit.
- (3)** Upon arrival of the 633-security officer, both the 601 and 633 security officers make the apprehension.
- (4)** The offender/defendant is held in the conference room until MPD/USMS arrives, and officer calls back to the 633-security desk, reporting that the offender/defendant has been successfully detained.

**h.** In the event that only one officer is available to respond and the offender/defendant cannot be stalled, the officer will respond to make the apprehension without a partner.

**i.** When the law enforcement authority arrives, the Protective Security Officer shall telephone the SCSO and/or CSO and let them know of the law enforcement authority’s arrival.

j. The Protective Security Officer will then escort the arresting law enforcement authority to the location of the wanted offender/defendant where the arrest will be made.

k. Staff are not to actively assist or engage in the physical apprehension of an offender/defendant or the service of a warrant.

If an offender/defendant leaves the office prior to the Protective Security Officer's arrival, the Protective Security Officer will immediately be contacted and given a description of the offender/defendant and the direction the offender was headed. The Protective Security Officer will detain the offender/defendant when found.

#### **6. Service of Warrants for Offenders/Defendants with Children**

Should an offender/defendant with an open warrant have minor children accompanying him or her, the staff shall alert the arresting law enforcement authority to this fact when law enforcement is initially called. The care and appropriate referrals for disposition of the minor children will be the responsibility of the arresting law enforcement authority.

#### **7. Staff Custody of Property**

Property of offenders/defendants should be taken into the custody of the arresting authority. CSS staff and Protective Security Officers should advise any arresting personnel who attempts to leave offender/defendant property with Agency staff that Agency policy does not permit Agency staff to retain it.