



OPERATIONAL INSTRUCTION

Operational Instruction CSS-2007-04

Policy Area: Supervision

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PRIORITY TREATMENT PLACEMENT CRITERIA TREATMENT TRACK VERSUS REVOCATION TRACK

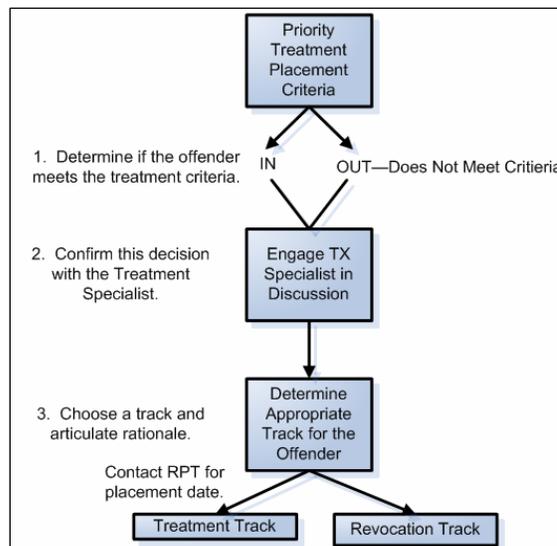
I. PURPOSE

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

II. COVERAGE

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

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



III. PROCEDURES

A. Priority Treatment Placement Criteria

1. Determine if the offender meets the priority treatment placement criteria:
 - a. The CSO is to determine if the offender meets the priority treatment placement criteria. Once this decision is made, if needed, the CSO should discuss the case with the Treatment Specialist to confirm that the offender (based on the priority treatment criterion) will not be eligible for agency funded treatment placement.
 - b. If the offender does not meet the priority treatment placement criteria, then the CSO should clearly articulate why in the AVR, such as the offender is not amenable, motivated, or otherwise does not meet the priority treatment placement criteria. These cases are to be placed on the revocation track with the AVR submitted to the releasing authority.
2. Confirm this decision and engage Treatment Specialist in discussion:
 - a. For those offenders who meet the priority treatment placement criteria, upon referral to treatment for an assessment, the CSO is to communicate with the treatment staff to obtain a possible placement treatment date. The CSO is to use motivational techniques to engage and encourage the offender to remain compliant with the pre-treatment group protocol until the treatment placement date.
3. Determine appropriate track for the offender and choose a track and articulate rationale:
 - a. Treatment or revocation track.

B. Revocation Track

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

C. CIT and CSO Role

1. As the Central Intervention Team (CIT) is currently applying the treatment priority criteria to both detained offenders (awaiting treatment assessment for placement) and

offenders who are not detained, a major issue will arise if the detained probation offenders are kept in jail for an extended period of time past the decision that the offender does not meet the treatment priority placement criteria. With regards to the detained cases, all of whom have a pending treatment status hearing date¹ before the sentencing judge, the CSO is to proceed as follows:

- a. CIT will e-mail the SCSO/CSO to advise that the offender will not be placed in treatment because the offender did not meet the treatment priority criteria.
 - b. CIT will recommend an alternative treatment modality via the DC Public Health Substance Abuse Treatment System.
 - c. Upon receipt of the e-mail from treatment, the CSO is to e-mail the sentencing judge to request an expedited treatment placement status hearing.
 - d. The CSO is to include the following language in the e-mail to the sentencing judge: “It has been determined via a treatment assessment that the offender does not meet the priority placement criteria for treatment placement by the Agency. It is recommended that the offender be released from detention so that treatment placement efforts can be made via the city’s Substance Abuse Treatment System. CSOSA will work with APRA to facilitate the offender’s placement; however, CSOSA cannot guarantee that APRA will place the offender in treatment.”
 - e. If the CSO does not receive a response from the judiciary within two business days, the CSO is to resend the e-mail to the sentencing judge.
2. In the absence of the assigned CSO, the SCSO is to give direction to another CSO to forward the aforementioned information to the sentencing judge. The SCSO is to be copied on all such correspondence to the Judiciary. The SCSO is also to apprise his/her Branch Chief of any detained offender who will not be placed in treatment due to the offender not being eligible for priority treatment placement (i.e., the offender did not meet the priority treatment placement criteria). There are two types of detained probation cases for which we need to be cognizant:
- a. Newly sentenced to probation offenders stepped back to the jail pending a treatment placement by the Agency; and
 - b. Offenders stepped back to the jail as a result of a show cause hearing, and the judge orders a treatment assessment and subsequent placement.

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

3. To expedite the priority treatment placement criteria process, the SCSO/CSO can expect an e-mail or phone call from the **Treatment Specialist** to aid in the offender's "**amenability**"² to treatment determination process." In light of the offender's detained status, the CSO or SCSO is to respond as quickly as possible to the treatment specialist's inquiry.
4. In light of our treatment priority placement criteria, we need to make sure that the sentencing judge is advised as soon as possible regarding the Agency's decision that an offender does not meet the criteria for treatment placement. Given the information provided, the sentencing judge will then be in a position to decide the next cause of action for the offender.

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