



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

OPERATIONAL INSTRUCTION

Operational Instruction CSS-2006-02

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Approved: Thomas H. Williams /s/

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USPC REPRIMAND SANCTION HEARING

I. 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.

II. MISSION AND GOALS

A. Mission

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.

B. Goals

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.

III. SANCTION PROTOCOL

A. Target Population

The offender population 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.

B. 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.

C. Docket Scheduling

1. The Branch Secretaries will be responsible for scheduling the docket hearings for the USPC Reprimand Sanction Hearings for their assigned location and date:
 - a. Taylor Street – 1st week of the month;
 - b. South Capital Street – 2nd week of the month; and
 - c. Rhode Island Avenue – 3rd week of the month.
2. Upon confirmation from the CSO that the USPC has approved that the summons

be issued for the offender to attend the USPC Reprimand Sanctions Hearing, the BC Secretary or alternate (in absence of the Branch Secretary) will finalize the docket and e-mail a copy of the docket to:

- a. Deputy Associate Director;
- b. Branch Chief;
- c. SCSO;
- d. The designated case analyst supervisor at the USPC and a designated alternate at USPC; and, the
- e. Public Defender's Service (PDS)—Parole Division;
PDSParoleDocs@pdsdc.org

3. Summons Service

- a. Ten work days prior to the scheduled hearing, the offender is to be served with the summons by the CSO or a staff person (CSO) designated by the BC or SCSO. The offender's written signature and date on the summons is required. The offender is to be advised that the hearing will proceed regardless of whether or not the offender contacted the PDS for representation.
- b. Up to one week prior to the scheduled hearing the CSO will continue the Agency's preferred practice to remind the offender of the scheduled hearing. Face-to-face contact is the preferred method of notification. The CSO is to record in SMART the date and time the offender was reminded of the scheduled hearing.

4. Docket Modifications

- a. Once the USPC Reprimand Sanctions Hearing date is set, the CSO is to notify the Branch Secretary immediately if the offender will not be present at the reprimand hearing due to arrest, hospitalization, or death.
- b. If sufficient time permits, the Branch Secretary may modify the docket by rearranging the time slot on the docket or adding another offender to the docket.

D. Sanction Reprimand Hearing Responsibilities

1. Branch Secretary Responsibilities. The Branch Secretary, or designated alternate, has primary responsibility for ensuring that the Hearing room is prepared for the hearing, for developing a Hearing Summary Document, and sending the Hearing Summary Document to the USPC. In this capacity, the Branch Secretary:
 - a. Ensures that room is adequately set up for the hearing (temperature, lighting, and physical layout of the room).
 - b. Notifies security that the USPC Reprimand Sanction Hearing will be held on the specified date and times.
 - c. Take notes and prepares a Hearing Summary Document, which will serve

- as an official record of the hearing (see attached form).
- d. E-mails the Hearing Summary Document to the USPC electronic mailbox uspc.rsh@usdoj.gov within three working days of the USPC Reprimand Sanctions Hearing date.
2. CSO Responsibilities. During the USPC Reprimand Sanction Hearing, the CSO will:
- a. Escort the offender to and from the hearing room.
 - b. Present the alleged violation(s) before the US Parole Commissioner.
 - c. Respond to any questions posed by the US Parole Commissioner or the PDS Attorney.
 - d. Present a case plan for the offender to follow 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.

E. 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.

IV. 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:

1. Number of offenders referred;
2. Type of case (parole/supervised release);
3. Offender offenses;
4. Offender demographic information;
5. Offender's previous revocation history;
6. Offender compliance/non-compliance (technical) quarterly after the hearing;
7. Average number of sanctions prior to the hearing;
8. Average number of sanctions following the hearing;
9. 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;

10. Offender rearrest (misdemeanor/felony) following a USPC Reprimand Sanction Hearing;
11. Data sorted by Branch/Team/CSO;
12. Program services referred and completed by the offenders;
13. Cost/benefit analysis;
14. Date of release to reprimand hearing date;
15. Process timeline; and
16. Hearing timeliness to warrant issuance.