

Chapter VI: Core Case Management Activities

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

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

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

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

A. Offender Orientation Procedures

1. Initial Orientation

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

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

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

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

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

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

2. Procedures

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

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

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

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

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

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

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

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

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

B. Motivational Interviewing

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

1. Introduction to Motivational Interviewing (MI)

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

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

2. Benefits of Motivational Interviewing

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

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

3. Stages of Change Model

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

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

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

The five general principles of Motivational Interviewing are as follows:

a. Express Empathy

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

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

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

b. Develop Discrepancy

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

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

c. Avoid Argumentation

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

d. Roll with Resistance

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

e. Support Self-Efficacy

Someone knows that s/he can accomplish a task because s/he has done so in the past is called self-efficacy. As self-efficacy is developed and reinforced, success rates for offender rehabilitation will improve.

The CSO can assist offenders by discovering and affirming past successes. Determining past transgressions and relapses can also help offenders avoid future situations that may lead to anti-social behavior.

INTERVENTION TECHNIQUES

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

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

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

5. Intervention Strategies

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

C. Offender Referrals

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

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

1. Type of Referrals

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

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

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

2. Offender Drug Testing Referrals

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

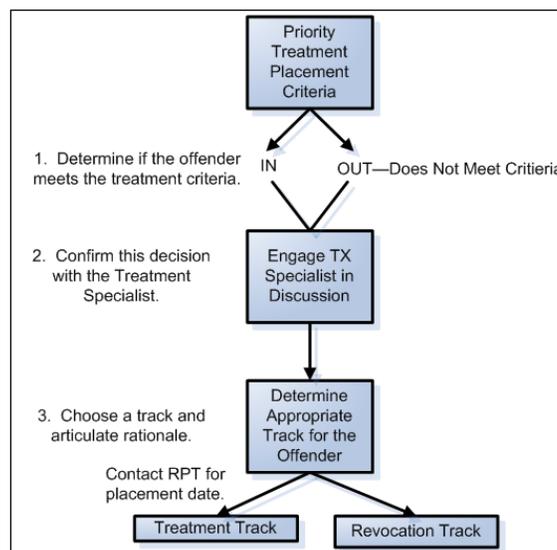
3. Priority Treatment Placement Criteria - Treatment Track Versus Revocation Track

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

Coverage:

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

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



a. Priority Treatment Placement Criteria

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

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

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

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

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

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

b. Revocation Track

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

c. CIT and CSO Role

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

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

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

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

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

4. Criteria for Prioritization of Substance Abuse treatment Referrals

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

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

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

a. Detained Referrals (DC Jail) for Placement

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

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

b. Detained Referrals (BOP) for Placement

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

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

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

c. Community-Based Referrals for Placement

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

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

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

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

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

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

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

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



FIGURE VI. 2

Behavioral Contract

OFFENDER: _____ **PDID:** _____

BEHAVIORAL CONTRACT

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

Short Term Goals

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

Offender

Date

CSO

Date

cc: Offender/Offender File

6. Offender Substance Abuse Treatments and Referral Process

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

a. Pre-Sentence Defendants

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

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

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

b. Newly-Sentenced Probationers

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

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

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

c. Pre-Release Parolees and Supervised Releases

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Eligible offenders are to be referred to the RSC as:

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

The goals of the RSC referral are:

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

The goals of the RSC intervention are to:

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

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

a. Required Eligibility Criteria

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

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

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

- An extensive and chronic history of mental health issues;

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

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

b. Exclusionary Criteria

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

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

c. Categories of Mental Health Offenders

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

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

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

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

Category IV:

(1) Offenders not assigned to a mental health provider, but who presents with suicidal or homicidal ideations, thereby significantly increasing the offender's risk to public safety and/or to self.

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

(3) Offenders who appear to have mental dysfunctions that grossly interferes with the offenders' ability to function independently (i.e., take care of basic needs) or who cannot function effectively in a program.

d. Referral Process

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

The referral package is to include the following information:

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

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

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

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

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

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

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

e. Offender Notification

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

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

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

f. Orientations and Staffings

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

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

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

By day 7:

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

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

By day 21:

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

g. Summary

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

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

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



Offender Behavioral Contract

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

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

OFFENDER'S FULL TERM DATE: _____

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

B. LIST CONDITIONS OF RELEASE:

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

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

RSC STAFF'S RECOMMENDATION FOR THE CSO:

- a.*
- b.*
- c.*

Offender Signature & Date

Community Supervision Officer Signature and Date

**Supervisory Community Supervision Officer
Signature & Date**

RSC Treatment Specialist Signature & Date

D. Maintaining Case Files

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

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

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

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

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

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

1. Securing Files

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

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

2. Supervision Case Folder Standards

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

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

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

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

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

E. Supervision Contact Standards

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

a. Categories of Cases

i. Community Supervised

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

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

ii. Confined

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

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

iii. Warrants

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

Examples include:

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

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

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

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

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

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

b. Categories of Contacts

i. Face-to-Face Positive Contact with Offenders

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

Types of face-to-face positive contacts with offenders include:

Residence verification;

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

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

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

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

ii. Treatment Contacts

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

iii. Telephone Positive Contacts

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

iv. Collateral Contact

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

v. Telephone Collateral Contacts

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

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

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

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

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

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

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

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

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

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

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

b. Supervision Contact Standards for Offenders Pending An Initial Assessment

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

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

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

3. Frequency of Field Contacts

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

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

a. Intensive Supervision

Intensive supervision is the most restrictive level of supervision. The appropriate number of face-to-face contacts will be driven by the offender's individualized case plan. Nevertheless, intensive supervision requires a minimum of eight (8) face-to-face contacts with the offender per month. **Four (4) of the eight (8) contacts must be conducted in the field.**⁸ Intensive supervision is reserved for those offenders who score *intensive* on the Screener instrument and those offenders whose supervision levels have been increased from maximum. In addition, intensive supervision requires a high degree of collateral contacts as outlined in the case plan.

b. Maximum Supervision

The appropriate number of face-to-face contacts will be driven by the offender's individualized case plan. Nevertheless, maximum supervision requires a minimum of four (4) face-to-face contacts with the offender per month. **Two (2) of the four (4) contacts must be conducted in the field.**⁹ Maximum supervision is reserved for those offenders who score *maximum* on the Screener instrument and those offenders whose supervision levels have been increased from medium or decreased from intensive. Maximum

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

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

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

c. Medium Supervision

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

d. Minimum Supervision

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

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

4. Fieldwork

a. Rationale for Fieldwork

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

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

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

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

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

Fieldwork is conducted for the following reasons:

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

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

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

b. Required Activities When Performing Field Visits

Required activities for the CSO when performing field visits include:

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

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

5. Employer Notification

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

a. Employer Notification of Offender Supervision Status

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

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

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

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

b. Offender Identification and Determination of Risk

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

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

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

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

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

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

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

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

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

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

c. Employer Notification and Other Actions

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

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

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

d. Requests for Information/Inquiries

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

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

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

e. Modification of Conditions of Probation Regarding Employment

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

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

6. Modification of Supervision Levels

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

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

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

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

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

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

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

a. Unsupervised Probation Cases

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

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

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

b. Monitored/Unsupervised Probation Cases

i. Monitored

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

ii. Monitored Unsupervised

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

c. Inactive Parole Supervision Cases

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

d. Diversion Matters (Probation Only)

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

e. Civil Protection Orders

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

f. Confined Cases

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

F. Supervision Conditions

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

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

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

1. General Supervision Conditions

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

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

a. Drug Testing and Treatment

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

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

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

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

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

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

b. Employment

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

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

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

VOTEE services can be arranged to fit the specific needs of the offender. CSOSA has advised the judiciary that staff may request a special condition for offenders to receive VOTEE academic services if there is unwillingness on the part of the offender to comply with the established supervision strategy in this regard.

2. Special Supervision Conditions

Special conditions also can be imposed on offenders. Special conditions include, but are not limited, to:

a. Special Conditions Related to Special Populations

Offenders convicted of certain crimes (see Appendix N, Offender DNA Sample Selection Procedures) or with special needs may have special conditions of release imposed on them by the releasing authority. Examples include domestic violence treatment; traffic/alcohol program; sex offender treatment, evaluation, therapy, and/or registration (see Chapter VIII, Sex Offender Supervision) and mental health evaluation and treatment.

b. Fines, Costs, and Restitution

The D.C. Superior Court Finance Division is responsible for the collection of all Court-ordered fines, costs and restitution to be paid by offenders. The CSO is responsible for placing the offender on a monthly payment plan and to ensure that Court debts and restitution are satisfied no later than 90 days

prior to expiration of the case. The Court and United States Parole Commission may order an offender to pay restitution, fines, and/or costs as special condition of supervision. The ordered fees include, but are not limited, to: restitution; fines and Court costs; attorney fees; and other costs and/or administrative fees.

i. Collection Support Systems

To assist the CSO in the collection function and accounting aspect of case supervision/monitoring, CSS utilizes the Court's information system, an integrated computerized system that stores information regarding each collection and accounting case. The Court's computer system provides information to the CSO that assists the CSO in monitoring the offender's compliance with collection requirements.

ii. CSO Reporting Responsibilities When Probationer/Parolee Violates Payment Special Condition(s)

The CSO must report to the Court and USPC the offender's failure to pay financial obligations as ordered. The CSO will use the Fines and Restitution Balance Sheet, along with the offender's proof of wages documents (pay stubs, etc.), to determine his or her ability to pay. The CSO can also verify the status of the offender's outstanding payment obligations (i.e., fines, restitution, other ordered requirements, etc.) through the Court's information system.

The analysis of this data will enable the CSO to determine whether or not a summons or warrant should be issued as a result of the violation of the special condition. If the offender refuses to comply with the special condition to pay financial obligations, the CSO is to complete and submit an Alleged Violation Report (AVR) to the releasing authority. Supporting documentation to be submitted with the AVR to the releasing authority includes:

- (1) Information on the offender's current employment status;
- (2) A copy of the offender's pay stub, if available;
- (3) The amount of the payment delinquency;
- (4) A copy of the order to pay restitution and/or fines; and
- (5) The date of the alleged violation and any other supportive documentation.

Prior to submitting the report, the CSO should assess the offender's ability to pay by considering his or her work circumstance, employment history, and the availability of other financial resources through family, commercial loans, etc.

The CSO must also assess any good faith efforts the offender has made to obtain the resources to comply with the payment order. At the point the violation report is submitted to the reviewing authority, a requested decision/action from the Court/USPC must be indicated.

If a warrant or summons is being requested, the justification for such a request must be indicated and supported in the report.

As previously stated, the CSO must verify that the financial conditions that were imposed by the Court have been satisfied before official case closure can occur. If the offender has not satisfied his or her Court-imposed payments obligations, the CSO must request a show cause hearing not less than thirty days prior to the scheduled expiration of the supervision case.

By statute, CSOSA has an obligation to provide a status report to the sentencing judge no later than thirty days prior to the scheduled expiration of a probation case. At the initial meeting with the offender, the CSO was to have reviewed all of the general and special conditions of supervision (including financial obligations).

In subsequent supervision contacts, the CSO was to have reminded the offender of his or her outstanding payment obligation(s). It is the preferred practice for the CSO to establish a payment plan that will permit the offender to satisfy all Court financial obligations well in advance of the scheduled case expiration date.

Agency staff are prohibited from taking or collecting cash, money orders, or checks from an offender as payment towards the offender's Court debt. The CSO is to instruct offenders to send all payments for Court debts to the following mailing address:

DC Superior Court
Attention: Criminal Finance Office
500 Indiana Avenue, NW
Fourth Floor, Room 4203
Washington, DC 20001

Although CSS staff are not permitted to collect payments toward the offender's Court debt, staff has ministerial responsibility to ensure that the offender has complied with all conditions of release prior to the scheduled case expiration date. Furthermore, CSS staff

is required to monitor the offender's progress toward compliance with the Court's directive for full payment of all fines, restitution, etc.

It is imperative that non-payment of the Court-imposed debt be brought to the attention of the judiciary in sufficient time, prior to the expiration of the case, so that the sentencing judge can render a decision with regard to the offender's non-compliance.

In an effort to provide sufficient services to the Court, staff should continue to provide periodic updates on the offender's continued non-compliance with respect to the Court-imposed debt.

Periodic updates should be at 25%, 50%, and 75% of the elapsed supervision period prior to the scheduled case expiration date.

For example, if the offender has one year of supervised release and is non-compliant with respect to the Court-imposed debt, the CSO should update the judge regarding the offender's payment non-compliance at months three, six, and nine of the supervision term.

In summary, no case under active supervision may be closed with an outstanding balance due on a Court-imposed financial obligation.

c. Community Service

Community service placements are formally structured, closely monitored work assignments in which offenders perform a service for a prescribed number of hours with governmental and non-profit entities.

Based on the concept of restitution (repayment) for the loss suffered by the community as a result of criminal behavior, the sentencing judge may order an offender to participate in community service as a special condition of supervision. Additionally, a CSO may require a parolee or a supervised releasee to perform community service as a graduated sanction. Furthermore, a CSO may recommend that the United States Parole Commission (USPC) include community service as a parole or supervised release condition.

Offenders who have been Court-ordered or sanctioned to complete community service shall be identified by CSOs and referred to the Community Service Program (CSP) for placement at a community service site.

d. Global Positioning System (GPS) Tracking of Offenders and Curfews

CSOSA policy establishes procedures for Agency staff involved in use of a device or the electronic tracking of offenders via a Global Positioning System (GPS) during certain designated periods (see Appendix O, Global Positioning System Passive Tracking of Offenders – Policy Statement 4018). CSOSA staff with specific responsibilities under these procedures include Community Supervision Officers (CSOs), Electronic Monitoring Technicians (EMTs) Technicians and immediate supervisors (SCSOs).

Historically, CSOSA has utilized electronic monitoring of offenders under supervision as a special condition of release which may be ordered by the Superior Court of the District of Columbia (Court) or the United States Parole Commission (USPC) and, more recently, as a sanctioning condition recommended by CSOs. Electronic monitoring is used as a means to enforce curfews imposed upon offenders in an attempt to restrict movement during certain high risk time frames.

In recent years, CSOSA has identified the need for a heightened form of electronic monitoring for the most high-risk offenders, those with a history of violent crime and a propensity to re-offend. A CSOSA committee investigated the use of a global positioning system (GPS) for tracking as a viable option for intense monitoring of high-risk offenders and recommended a pilot period for the use of GPS.

As an outcome of the pilot GPS tracking program for high-risk offenders, CSOSA decided to implement a full-scale GPS tracking component for designated high-risk offenders under supervision in the Sex Offender and Domestic Violence units foremost, as well as those high-risk offenders under general and/or special supervision.

CSOs shall refer eligible, high-risk offenders to the EMT for GPS tracking. The CSO in conjunction with the EMT shall schedule with the offender an installation date. GPS tracking shall be used for thirty (30) to ninety (90) day intervals as a sanction or supervision tool, unless otherwise imposed by the Court or USPC as a condition of supervision. The offender shall be required to sign a contract which details the terms of the imposed period of GPS tracking.

This technology also can be used to monitor an offender's special condition for a curfew. It must also be noted that in the event that a GPS bracelet is cut, the CSO will receive immediate notification and, in cases where there is a victim, the Victim Services Coordinator will be notified, as well.

Authorities:

National Capital Revitalization and Self-Government Improvement Act of 1997, D.C. Official Code § 24-133 (c) (2001 Edition), D.C. Code 28 C.F.R. § 2.85(a) (15) (Conditions of release; D.C. Code parolees)

e. Weekends in Jail

Judges of the D.C. Superior Court may in certain instances impose a sentence that includes a special condition of probation in the form of “week-ends in jail”. The supervision of felony cases in which an offender has been ordered by the sentencing judge to serve a term of confinement or “week-ends in jail” must be processed differently than other cases. As stated in official CSOSA directives, sentenced felons who are granted a term of probation with a stipulation of week-ends in jail are no longer the responsibility of the D.C. Department of Corrections and thus, can not present themselves to the D.C. jail to serve their time. Pursuant to the D.C. Revitalization Act, the Federal Bureau of Prisons (BOP) is responsible for detaining these offenders in one of their designated correctional facilities. CSS staff who supervises felony offenders sentenced to serve weekends in jail is to fax a cover letter/memo (counter-signed by his/her supervisor) requesting weekend confinement as a condition of probation to the attention of:

Community Corrections Specialist
Federal Bureau of Prisons
Community Corrections Office
(Fax) 301-317-3138
(Voice) 301-317-3233

The communication should include: the offender’s name, date of birth, PDID/DCDC identifier, and address, Judgment and Commitment Order and PSI. If the offender’s PSI is not available, the CSO will need to include the offender’s social security number and place of birth.

The offender must be made aware that s/he will be responsible for his/her own transportation to and from the designated facility each weekend. The offender must also be aware that the BOP maintains a zero tolerance policy with respect to institutional policy, therefore that if s/he does not report as ordered for week-end, s/he will not be allowed to return the following week. In such instances, the Court shall be notified of the violation within two business days and a show cause hearing must be requested.

Any difficulties with this procedure are to be reported immediately to the Office of the Associate Director. The CSOSA goal in this regard is to maintain timely and effective communication with the decision-making officials and to ensure case compliance with Court-ordered conditions of supervision.

f. Halfway House Placements as a Condition of Probation

D.C. Superior Court judges may order an offender under probation for a Halfway House placement as a condition of probation. When an offender is sentenced to a term of probation, and the sentencing judge also orders a Halfway House stay as a special condition of probation, those placements are handled by the Offender Processing Unit (OPU) in conjunction with the Office of the Associate Director. The Probation Intake component must forward a copy of the Judgment and Commitment Order to the Associate Director and the OPU.

OPU will, in turn, prepare a package for the BOP requesting Federal halfway house placement. Once a facility has been designated, OPU staff will contact the supervising CSO via e-mail and provide information regarding the offender's halfway house placement date and location. During the period that the offender is remanded to the halfway house, the CSO must maintain supervision responsibility of the offender, just as if that person were being supervised in the community.

When an offender is ordered to serve a split-sentence, meaning the execution of the original sentence is suspended as to all but a certain amount of time to be served in a halfway house, the responsibility for facilitating the halfway house placement rests with the D.C. Department of Corrections. (DOC).

To ascertain that these placements are made and to verify the offender's release date from the designated facility, CSOs should contact the DOC Community Corrections Administrator's Office at (202) 727-2700 or the DOC Records Office Administrator's Office at (202) 673-8276. During the period of halfway house placement for offenders serving split-sentences, the CSO will not assume supervision responsibility until the offender has been officially released from the halfway house. As is reflected in current CSOSA policy, the CSO is required to monitor the offender and upon his/her release, initiate and continue to conduct supervision activities in accordance with CSOSA policy.

Copies of split sentence Judgment and Commitment Orders do not need to be forwarded to the Office of the Associate Director but only to the Offender Processing Unit contact person(s).

g. Treatment Placements

As a follow-up to special judicial agreements, SCSOs are to ensure that staff follows the procedures noted below for all sentenced offenders from the Superior Court for the District of Columbia:

- i. For all adjudicated offenders in which a Safety Net special condition is ordered, staff will contact the Director of the

Safety Net Program within two business days of receipt of the J&C Order to ensure that the offenders are scheduled for program entry;

- ii. Within five (5) business days upon contacting the Program Director, staff is to notify the judge, via fax, of any offenders not yet placed in the Safety Net Program;
- iii. For any offender who has a Safety Net order while in a pre-trial status and who has had a pre-sentence investigation ordered, Substance Abuse and Treatment Branch (SATB) staff are to notify the diagnostic writer who will confirm with the Safety Net Director the anticipated program completion date for the offender. His important information is to be included in the PSI document pending Court submission; and
- iv. For adjudicated offenders with an in-patient treatment order and who are remanded back to the jail, CSS staff will arrange for the placement of the offender at the treatment facility no later than ten (10) working days from the date of notification to SATB.

This condition may require that the offender leave Safety Net prior to completion. In such instances, staff are to notify the sentencing judge no later than the 10th business day if the in-patient placement for a detained offender has not be processed (as noted above) and, in the subsequent written communication with the judge, staff will provide the expected placement date.

3. Implementing Conditions Imposed by the Releasing Authority

General and special conditions are obligations imposed on the offender by the releasing authority to minimize criminal activity. Conditions imposed vary according to the discretion of the releasing authority, the nature of the crime committed, and/or the offender's physical, mental, or emotional condition(s). The CSO will:

- a. Review all general and special conditions with the offender;
- b. Foster the offender's compliance with the J&C order conditions by monitoring, counseling, referring, sanctioning the offender;
- c. Address all unmet conditions of release at each office visit thereby closely monitoring the offender's compliance;
- d. Verify the offender's completion of all conditions and record the same in the SMART case management system;
- e. Impose appropriate graduated sanctions as required; and
- f. Submit an Alleged Violation Report (AVR) to the releasing

authority when the probationer does not comply with his or her conditions of release or is rearrested.

The determination of how the imposed conditions are to be implemented is generally left to the discretion of the Agency, except in cases where the releasing authority sets specific guidelines as to the manner and timeframe in which conditions are to be met, such as restitution, fines, drug/alcohol treatment, and therapy.

4. Offenders and Alcohol Use While Under Supervision

The Agency has provided guidance to staff with respect to the issue of offenders and their use of alcohol during the offenders' tenure under supervision. Unless specifically delineated in the order of release for the offender, no blanket prohibition exists mandating that offenders are to refrain from the use of alcoholic beverages during their tenure under community supervision services. However, conditions do exist where it is prudent, warranted and in the best interest of public safety to reduce the potential risk of the offender from future criminal justice involvement by imposing a restriction on an offender's alcohol use.

a. Coverage

A prohibition on an offender's alcohol use may be imposed in the following circumstances:

- The pre-sentence investigation (PSI) stage, where the PSI writer determines a clear nexus between the offender's past criminal activity and use of alcohol;
- The Transitional Intervention for Parole Supervision (TIPS) process, where the TIPS officer, as a result of reviewing pertinent historical information about the offender, determines that the offender's past criminal justice involvement has a primary basis with alcohol;
- The initial 25 working day assessment process, where the Community Supervision Officer (CSO), in consultation with his or her Supervisory Community Supervision Officer (SCSO), determines that the offender's abuse of alcohol has been a contributing factor in the offender's most recent and past criminal behaviors; or
- The Central Intervention Treatment (CIT) assessment process, where the treatment specialist, in view of the offender's past criminal history and alcohol abuse, consults and in concurrence with the treatment supervisor, recommends that the offender is to refrain from alcohol and/or alcohol abuse in the best interest of safety

b. Procedures

Although the Agency has the authority to place an offender into a program (treatment or helping services)¹¹ based on our assessment and determination of an offender's needs, if the joint decision between the General/Special Supervision CSO and the SCSO is made that the offender is to refrain from alcohol during the course of supervision, the preferred practice in probation cases is to notify, in writing, the sentencing judge and request that a special condition to prohibit alcohol use be added to the offender's release conditions. This request is to include the Agency's rationale for requesting the special condition. The SCSO or Branch Chief is to counter sign all correspondence to the Court. The Superior Court Judge will most likely schedule a show cause hearing for the CSO to explain in person why the special condition is warranted. The CSO, with coaching by the SCSO, must be prepared to present the Agency's position on why it is critical for the alcohol restriction special condition to be placed on the offender. This special condition can only be placed on the offender upon the approval by the judiciary.

During the PSI stage, the PSI writer is to continue the current practice of recommending to the Court an alcohol use restriction, consistent with the offender's criminal history in which the use and abuse of alcohol was a factor in the offender's arrest.

Parole, supervised release, and mandatory release cases contain General Condition #10 that states, "You must not drink alcohol to excess." General Condition #10 permits offenders under the authority of the USPC to drink alcohol and may not be sufficient to modify an offender's behavior. The CSO, in consultation with his or her supervisor, may prohibit an offender's alcohol use if the following conditions are met:

- Substance abuse treatment professionals recommend that the offender is to refrain from alcohol beverage consumption, and;
- Alcohol abuse intoxication has been a consistent problem for the offender based on his or her past criminal behaviors. There must be evidence that the most recent and past criminal behaviors were committed under the influence of alcohol.

Although alcohol is a legal drug, its abuse by certain individuals can be a contributing factor in maladaptive behavior patterns leading to criminal involvement. During the initial offender assessment period, as well as during the course of supervision, the CSO needs to investigate the offender's past substance abuse history, be cognizant, and seek guidance

¹¹ The new probation order (revised April 2004) mandates an offender's participation and completion in the Court Services and Offender Supervision Agency's (CSOSA) program screener assessment.

from his or her supervisor pertaining to the offender's substance abuse history and the offender's past criminal episodes.

The current method for the detection and confirmation of an offender's alcohol use is via urinalysis. Staff members are to be guided by the Drug Testing Protocol with respect to the frequency of testing and/or spot testing to detect the presence of alcohol for offenders who are restricted from alcohol use.

G. SMART Data Updates

Supervision, Management, and Automated Record Tracking (SMART) system is the Agency's information database that is used to document all case management activities related to the offender's investigation and supervision, including:

- a. Assignments;
- b. Special Conditions;
- c. Referrals;
- d. Case/Docket Information;
- e. Violations;
- f. Warrants;
- g. Alleged Violation Reports;
- h. Case Statuses; and
- i. Offender Level of Supervisions

All case management activities related to the investigation or supervision of the offender are to be documented in SMART within two business days of the event.

Upon receiving a case, the team CSA will make an entry in SMART indicating the date of the assignment. This will be done for all cases, regardless of whether or not a case had been received directly from Intake. All running record entries are to be automated through SMART. Delete and manual file information is to be legible so as to be easily legible by another CSO or supervisor. SMART records should contain sufficient information so that a new supervising CSO could write a comprehensive report or adequately testify at a violation/revocation hearing using only the information contained in the field notes. Running record entries and status changes (closures, warrants, etc.) should be made immediately upon the conclusion of the contact but no later than forty eight (48) hours after the contact was made. Field note entries should be made for all correspondence received from or about any offender under supervision.

1. The Running Record

The SMART Running Record is an official CSOSA document. It is created at the time a case is assigned for a diagnostic pre-sentence investigation and/or community supervision by the CSO. The running record, which is admissible in hearings before sentencing and/or paroling authorities, must be maintained by the

responsible CSO until the offender's supervision status is terminated, expires or revoked.

Upon assignment of the case to supervision, the CSO is to use the running record entry to document every important event occurring during the period of investigation and supervision, including all contacts with or on behalf of the offender. References should be made to other appropriate SMART screen/tabs that are to be updates accordingly. The running record entries should be brief, factual and to the point.

They also must include all contacts and other pertinent information relevant to the supervision of the case. Running record entries will be audited for completeness and accuracy by management.

a. Running Record Entries

The following information is to be documented in the Running Record entry:

- i. Significant telephone contacts with the offender and important collateral contacts;
- ii. Loss of contact—dates of missed appointments and follow-up efforts;
- iii. Office visits;
- iv. Impressions of any significant differences in the offender's attitude or unusual behavior during a particular contact;
- v. Case presentations;
- vi. Mass Orientations;
- vii. SCSO Conferences;
- viii. Accountability tours and scheduling of meetings;
- ix. Case transfer summaries; and
- x. Closing supervision summaries.

Running record entries should never include qualitative statements or disparaging remarks about the condition of the case or of the former CSOs or SCSOs who managed the case. It also is not appropriate to enter in the running record identifying information about the victim, including the victim's name, address, or telephone number. Running record entries also should not include confidential information that is protected under federal law or state statute, such as HIV status, informant information and mental health or substance abuse information (i.e., disorders, treatment, etc.).

2. Supervision Reporting Requirement

For each face-to-face contact with an offender, the CSO must include the following information in the Supervision Report:

- i. All referrals made;

- ii. All instructions given to the offender;
- iii. School/Employment data;
- iv. Programs involved in;
- v. Re-arrest information;
- vi. Next scheduled reporting date(s);
- vii. Docket and PDID numbers;
- viii. Offender and CSO signatures;
- ix. All referrals made; and
- x. All instructions given to the offender.

3. SMART Supervision Status Definitions

It is important to note that the offender’s status must be updated regularly, as it changes, and within two (2) business days of any significant new event. It is important to correctly and immediately change statuses as they become known based on the definitions that follow.

Staff is required to be familiar with these revised status definitions and update cases appropriately in SMART. It should also be noted that the status “Monitored—Confined” should not be used for parole or supervised release offenders who have a future release date that is greater than 30 days. For example, if an offender was on probation, was revoked and then received a supervised release sentence with a future release date, the case should not be assigned to supervision until the offender is close to a release date. The case should be Closed—Administrative. Parole and Supervised Release cases will go through TIPS. After the TIPS investigation, or directly upon release if the case was a mandatory release case, the cases will be assigned to supervision. Staff are not to hold open cases that should be closed.

a. Active

- i. **Active** The offender has at least one open supervision period, is assigned to a supervision team, and is in the community. The offender is not in a loss of contact status, is not an interstate **out** case, and is not pending a show cause hearing.
- ii. **Active—Loss of Contact.** The offender is placed into Active—Loss of Contact status after the CSO has completed implementing Loss of Contact Procedures (see PS 4010 issued October 19, 2003) and has submitted an AVR requesting a summons, a warrant, or a Show Cause Hearing, depending on the releasing authority. Once a warrant is issued, the offender’s status is to be changed to Warrant—Issued.
- iii. **Active—Non-Transferable.** The offender is placed into Active—Non-Transferable status by Interstate Branch V

staff to designate that the offender is in Active status and cannot be transferred under the rules of the Interstate Commission for Adult Offender Supervision (ICAOS).

- iv. **Active—Pending Show Cause Hearing.** The offender is a probationer who is in the community or being detained and pending a show cause hearing. This code is to be used only when the offender’s full-term date has been reached and the offender has a show cause hearing scheduled.

b. Monitored

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

- i. **Monitored—Confined.** The offender is detained due to a re-arrest, the result of a Court Hearing, **or an executed warrant**, and a final disposition has not been made regarding the offender’s status. Monitored—Confined is a temporary status that normally is adjusted within 30 days and is not to be used for offenders who are revoked to incarceration. **Offenders who have been revoked to incarceration in a Bureau of Prisons facility are to be closed in SMART as Closed—Revoked to incarceration (i.e., probation offender rearrested and convicted of a new offense). If a parole, mandatory release, or supervised release offender is in a Monitored-Confined status and has been convicted of a new crime, is incarcerated, and is pending a USPC institutional hearing, then the case is to be closed as Closed—Pending USPC Institutional Hearing.**

The status Monitored—Confined should not be used for parole, mandatory release, or supervised release offenders who have a future release date that is greater than 30 days. For example, if an offender was on probation, was revoked and then received a supervised release sentence with a future release date, the case should not be assigned to supervision until the offender is close to a release date. The case should be Closed—Administrative. Parole and Supervised Release cases will go through TIPS. After the TIPS investigation, or directly upon release if the case was a mandatory release case, the cases will be assigned to supervision. Staff are not to hold open cases that should be closed.

Examples:

- An offender under active supervision is re-arrested for a new criminal offense. The offender is held, and remains **in**

detention until the next Court Hearing, usually within 30 days. Upon notification of the re-arrest, the CSO adjusts the offender's supervision level to Monitored—Confined. The CSO then submits a violation report in accordance with established policy to notify the releasing authority of the re-arrest. If the offender is released on his/her own recognizance or makes bond before the releasing authority takes action, the offender's supervision status is adjusted back to Active. Otherwise, the offender's status remains Monitored—Confined until the releasing authority makes a final determination (i.e., issue Arrest Warrant or Detainer Warrant).

- An offender under active probation supervision is re-arrested for a new criminal offense. **The offender is not released, but is detained pending the trial date.**
 - An offender under active probation supervision is in violation of his or her conditions of release. As a consequence to the technical violations, the Judge orders the offender to be “stepped back” during the Show-Cause hearing. Although the offender remains on probation, he or she is temporarily confined while awaiting placement into a drug treatment program, or if the Court deems the offender's release a potential threat to public safety, the offender may be held to a later date, to be determined by the Court.
- ii. **Monitored—Deported.** The offender has been deported to another country, is no longer available for supervision, and is a parolee or supervised releasee who has not been approved for case closure by the United States Parole Commission.
- iii. **Monitored—Detainer.** The offender is paroled to a detainer in another jurisdiction to serve the remainder of his or her sentence. In these cases, the offender is incarcerated in another jurisdiction serving a sentence, while serving his or her parole sentence.

Example:

- The CSO receives a parole file on an offender who was recently paroled from a DC sentence. However, a Maryland detainer prevented the offender's release to the community. Instead, the offender was transported to Maryland to begin serving a 40-year Robbery sentence. While the offender is serving his Maryland sentence, the

offender's DC parole remains active. The CSO is to mail a letter to the offender, which instructs the offender to report to CSOSA to fulfill his or her parole obligations if the offender is released prior to reaching his or her parole full term date.

- iv. **Monitored—In Residential Treatment.** The offender is in a community residential treatment program and is not at-large in the community or in the ReEntry Sanctions Center.
- v. **Monitored—Inactive Parole.** The offender is on parole and has been granted inactive supervision by the United States Parole Commission or the former Board of Parole.
- vi. **Monitored—Interstate Compact Out.** The offender is being supervised in another jurisdiction through the Interstate Compact Agreement.
- vii. **Monitored—Non-Transferable.** The offender is placed into Monitored—Non-Transferable status by Interstate Branch V staff to designate that the offender is in Monitored status and cannot be transferred under the rules of the Interstate Commission for Adult Offender Supervision (ICAOS).
- viii. **Monitored—Pending Release.** The offender has been assigned to supervision, is a high risk case, and the offender has not yet been released by the releasing authority. These cases are assigned to supervision staff in anticipation of *imminent* release within 30-60 days, such as sex offenders, mental health offenders, and offenders designated for SAINT HIDTA. Generally, these offenders have gone through the Transition for Parole Intervention Supervision (TIPS) process and had a TIPS investigation completed. This status is not to be used for split sentence cases.
- ix. **Monitored—RSC.** The offender has been placed in the ReEntry Sanctions Center (RSC) for assessment and has been removed from the community.
- x. **Monitored—Split Sentence.** The offender is on probation and is serving the first part of his sentence confined, to be followed by a period of supervised probation.
- xi. **Monitored—Unsupervised.** The offender is on probation, and the judge has granted the offender unsupervised probation. Usually, these cases are not opened by the

Agency, unless the sentencing judge requires monitoring of a specific condition (i.e., payment of restitution). Also, a judge may order a term of active supervision to be followed by a term of unsupervised probation (i.e., the judge imposes a two year probation term with the first year supervised, and the second year unsupervised).

c. Warrant

- i. **Warrant—Issued.** An offender for whom the releasing authority has issued an arrest warrant (i.e., Parole Warrant/Bench Warrant). In instances where another jurisdiction has issued a warrant, the status should remain active, but the CSO shall immediately notify the releasing authority, and submit a violation report accordingly, if the offender's new criminal action was subsequent to probation.
- ii. **Warrant—Executed.** An offender whose previous status in SMART was Warrant Issued or Warrant Detainer, and the warrant on the offender has been executed. Upon execution of the warrant, the CSO is to notify the releasing authority to request a revocation hearing. **The CSO also is to update SMART with the status of Warrant—Executed. Changing the status to Warrant—Executed will result in SMART automatically then changing the status to Monitored-Confined.**
- iii. **Warrant—Detainer.** An offender on parole for whom the United States Parole Commission has issued a Detainer Warrant, and the offender is being detained on another charge. Once the Detainer is executed, the supervision status should be changed to Warrant—Executed. **Upon updating the case to Warrant—Executed, the case status should then be changed to Monitored—Detainer. (Note: Staff must manually change the status to Monitored—Detainer until this feature is implemented in SMART).** These cases are to be reviewed monthly for any change in the offender's status.
- iv. **Warrant—Rescinded.** An offender who was in warrant-issued status had the warrant rescinded by the releasing authority. **Once Warrant—Rescinded is selected as the supervision status, SMART will automatically change the offender's supervision level to the last supervision**

status prior to the case going into a Warrant—Issued status.

d. Closed

- i. Closed—Administrative.** This case closure type is to be used if an offender was assigned to supervision in error, or is a data cleanup case.
- ii. Closed—Case Returned to Sending Jurisdiction.** Interstate Compact Cases which are returned to the sending jurisdiction.
- iii. Closed—Death.** The offender has died while under supervision, and the death has been verified.
- iv. Closed—Deported.** This status is to be used for probation cases, once the CSO determines that the offender has been deported. The judge is to be notified of the offender's status and that the case has been closed.
- v. Closed—Expired--Satisfactory.** The offender's community supervision expires on the scheduled Full Term or Maximum Supervision date, and the offender has completed all general and special supervision conditions.
- vi. Closed—Expired--Unsatisfactory.** The offender's community supervision expires on scheduled Full Term or Maximum Supervision date, but the offender has not completed all general and special conditions. A Violation Report was submitted to the releasing authority, but no response was received prior to the offender's expiration of the supervision period.
- vii. Closed—Revoked to Incarceration.** The offender's community supervision has been revoked by the releasing authority and a custodial sentence has been imposed. A custodial sentence is defined as sentence of confinement that is at least 24 hours or one (1) day in duration.
- viii. Closed—Revoked--Unsatisfactory.** The offender's community supervision is revoked, but a custodial sentence is not imposed. This disposition is most prevalent in 33-541, YRA, and deferred adjudication cases where the offender's community supervision has been revoked and a graduated sanction is imposed.

Examples:

- 33-541 probation revoked, YRA probation imposed;
- YRA probation revoked, adult probation imposed;
- DVIP deferred adjudication revoked, offender adjudicated guilty with probation imposed.

- (1) **Closed—Terminated--Satisfactory.** The offender's community supervision ends before scheduled Full Term or Maximum Supervision Date due to the offender's completion of all supervision conditions, or an early termination requested and granted by the releasing authority. A Court or US Parole Commission Order must be obtained for termination of any nature to be effective.
- (2) **Closed—Terminated--Unsatisfactory.** Community Supervision ends before scheduled Full Term or Maximum Supervision Date; violation report submitted to the releasing authority with the end result being termination of supervision. A Court or US Parole Commission Order must be obtained for termination of any nature to be effective.
- (3) **Closed—Transfer to U.S. Probation.** Parole cases, in which the offender lives in a jurisdiction other than the District of Columbia, are to be closed out in SMART as Transfer to U.S. Probation.
- (4) **Closed—Pending USPC Institutional Hearing.** Paroled and supervised release offenders, who have been convicted of a **new crime**, are incarcerated, and are pending a USPC revocation hearing, are to be closed out in SMART as Pending USPC Institutional Hearing.

4. Criminal Records Checks

When offenders are originally placed on community supervision status, an initial criminal records check is made. It is important to note that every month, thereafter, another record check will be made as long as the offender is supervised by CSS. On direct probation cases, the criminal record check is secured by the supervision team via CIS/JUSTIS, SMART, WALES and NCIC.

Furthermore, subsequent record checks must be completed prior to modification of supervision levels, if a probation, or parole or supervised release violation

occurs or if the offender is rearrested. Thirty days prior to case closure, a final criminal record check must be done on offenders in all supervision statuses.

a. WALES/NCIC

CSOSA employees have access to a variety of automated criminal justice information systems. All usage of these systems is monitored for compliance with professional standards for managing confidential and secure information. The automated criminal justice database system is to be used for legitimate law enforcement purposes only.

Any inappropriate access, use, disclosure or dissemination of such information (including personal use) is strictly prohibited and may result in disciplinary action.

In addition, WALES and NCIC regulations provide for a penalty (fine and/or imprisonment) for misuse or unlawful disclosure of the information contained therein.

5. Home Visits and Housing Verifications in SMART

The SMART information system requires CSS staff to document the reasons for going to an offender's residence. This reason data field, called **Purpose for Home Verification**, is under the Housing Verification Details screen (see the screenshot on the subsequent page).

a. Look-Up Values

The new look up values for the **Purpose for Home Verification** field is as follows:

- Case Transfer
- Consultation with Collateral Contact
- Consultation with Significant Other
- Home Visit-Scheduled
- Home Visit-Unexpected
- MPD Accountability Tour-Scheduled
- MPD Accountability Tour-Unexpected
- PSI Home Investigation
- TIPS Home Investigation
- Request for CSO to Visit
- Weekend Accountability Tour
- Verify Residence

b. Definitions

The use of the choices, above, are intuitive, with the exception of the home visits, MPD accountability tours, Weekend Accountability tours, and the Verify Residence look up values. The definitions for these **Purpose For Home Verification** look up values are as follows:

Home Visit – Scheduled – documents that the CSO went to the offender’s home for a home visit which was scheduled with the offender in advance of the visit.

Home Visit – Unscheduled – documents that the CSO went to the offender’s home for a home visit which was not scheduled with the offender in advance (i.e., was unscheduled, a surprise visit, drop-in visit).

MPD Accountability Tour – Scheduled – documents that the CSO conducted an MPD accountability tour to the offender’s home which was scheduled in advance with the offender.

MPD Accountability Tour – Unscheduled – documents that the CSO conducted an MPD accountability tour to the offender’s home which was not scheduled in advance with the offender and was not conducted as a weekend accountability tour initiative.

Weekend Accountability Tour – documents that the CSO conducted an MPD accountability tour to the offender’s home as part of a weekend accountability tour initiative. These weekend accountability tours are not scheduled in advance with the offender.

Verify Residence – documents that the CSO verified with the resident owner that the offender lives at the address. The residence is to be verified with the owner in person. Documentation should be a statement or written documentation from the resident owner verifying that the offender resides at the home.

c. Documenting Housing Verifications in SMART

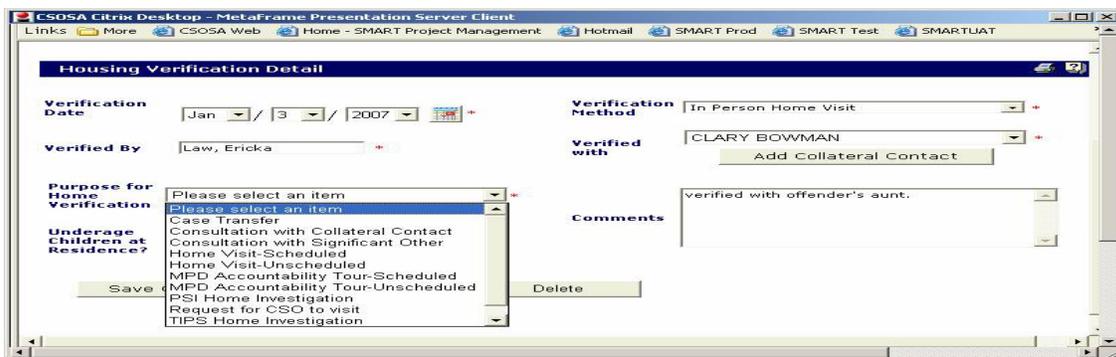
All housing verifications and home visits are to be documented in the housing verification detail screens, even those home visits where the CSO went to the home and no one was present. Staff must document in the comments section of the housing verification screen the dialogue that occurred if contact was completed, or efforts made if contact was not completed (i.e., put in the comments section that a note was left on the door, etc.). It is very important that staff not only document that a contact was made, but also document what transpired during the visit. The quality of the contact, such as the issues that were discussed and/or addressed with the offender, is critically important.

In the running record, staff can continue to document that they scheduled an accountability tour with MPD or had one cancelled by choosing the running record purpose values of: Accountability Tour – Scheduled and Accountability Tour – Cancelled. *Note that in the running record, the Accountability Tour – Scheduled purpose value (noting that an accountability tour has been set up) has a different meaning than*

Accountability Tour – Scheduled under the Housing Verification Details screen (see definitions, above).

If the CSO selects a **Purpose for Home Verification** value of Home Visit –Scheduled, and neither the offender nor a collateral contact was present for the schedule home visit, then the home verification was attempted but not completed, due to no one being available as scheduled to meet with the CSO. In this example, the CSO would document the **Purpose for Home Verification** as Home Visit – Scheduled with the **Verified With** value of **No Contact**.

Verified With values include any collateral contacts, the name of the offender, or the value **No Contact**.



Using the combination of the **Purpose for Home Verification** and **Verified With** values, we can determine the number of attempted home visits that were scheduled or unscheduled, the number that were made with the offender or another collateral contact, and the number that were attempted but no contact was made.

These two fields now eliminate the need for duplicate data entry under the housing verification screen and the running record.

d. Difference Between and Frequency of Home Visits and Home Verifications

Home visits, also commonly referred to as home contacts, are to be conducted and entered into SMART monthly for all offenders who have an overall status of Active and have a supervision level of intensive, maximum, or medium. Home visits are to be conducted and entered into SMART every 60 days for Active cases with a minimum level of supervision. Home visits are done with the offender to assess the offender's living quarters, interact with other residents, and determine how the offender is adjusting to his or her living situation, and to assess any potential problems/barriers that the offender may be experiencing in the

home or community that may affect the offender's success under supervision.

Home verifications are to be entered into SMART at least quarterly for all offenders who have an overall status of Active in SMART. Home verifications are to be conducted with the owner of the residence in which the offender resides. Home verifications are to be documented in SMART using the **Purpose for Home Verification** lookup value of Verify Residence.

6. Residential Contacts / Sleeping Arrangement Information

The Court Services and Offender Supervision Agency (CSOSA) and Metropolitan Police Department (MPD) are committed to advancing their partnership and promoting safety for law enforcement officials with respect to offender supervision contacts in the community and possible apprehensions at offender residences. A specific area of concern is that, on occasion, offenders do not experience a positive supervision experience and need to be remanded to custody, based upon Alleged Violation Reports submitted by Community Supervision Officers to the releasing authorities.

In order to facilitate the arrest of these offenders, CSS staff will provide MPD with a profile of the offender from the SMART information system which includes basic information that may assist MPD in taking the offender into custody. Early notification to MPD of a new arrest or other recalcitrant behaviors of a supervised offender is critical to public safety and the CSOSA mission.

Conducting home contacts is a strategy instituted to accomplish the goals of determining the suitability of the residence to benefit the pro-social change of the offender, prevent crime and support offender compliance with the terms and conditions of release. The home contact facilitates the gathering of information that can be crucial in establishing or modifying a supervision plan and may well prove beneficial to the offender's community adjustment. This activity also provides CSOSA and MPD with the general characteristics of the area in which the offender spends most of his or her time. For example, knowledge of the home and its layout is crucial to assist our law enforcement partners in the apprehension of offenders who have outstanding warrants for their arrest.

The characteristics of the sleeping quarters should be noted during the initial home contact and recorded in SMART by the CSO. The following CSO supervision functions and activities can provide this information while CSS staff conduct home verifications specific to their areas of responsibility:

a• Diagnostics When conducting the initial visit to the residence of the pre-sentence offender, the CSO should ask, when appropriate, the landlord, legal owner or adult tenant/occupant who is offering the residence to the offender to view the area where the offender would sleep or spend most of his/her time.

b• Transitional Intervention for Parole Supervision (TIPS) When conducting the initial contact to the residence during the offender’s period of supervision by the Bureau of Prisons, the CSO should ask, when appropriate, the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender would sleep or spend most of his/her time.

c• General Supervision Branch When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the he/she will sleep or spend most of his/her time.

d• Domestic Violence (Supervision) When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender will sleep or spend most of his/her time.

e• Substance Abuse and Treatment Branch When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender will sleep or spend most of his/her time.

f• Interstate Branch As appropriate and required, when conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area where the offender will sleep or spend most of his/her time.

g• Special Supervision When conducting the initial home contact, or when an offender has moved and reported a new address, the CSO will conduct an initial visit and ask the landlord, legal owner, or adult tenant/occupant who is offering the residence to the offender to view the area that the offender will sleep or spend most of his/her time.

In collaboration with its partners, the Agency has played a major public safety role and is responsible to the residents and stakeholders of the District of Columbia to ensure that supervised offenders are held accountable for their actions while in the community.

CSS staff must approach their duties with professionalism, be courteous and not be overbearing or insensitive when interacting with the public. In collaboration with its law enforcement partners and stakeholders, CSS staff continues to promote public safety and offender rehabilitation through the application of various skill sets and the conduct of proven intervention practices.

H. Request For An Offender To Be An Informant

All requests for an offender under supervision to be considered as an informant must be sent to the Associate Director for CSS' Office. If the Community Supervision Officer (CSO) receives a request directly from a law enforcement agency, such as the Assistant United States Attorney's Office (AUSA), the Federal Bureau of Investigations (FBI), or the Metropolitan Police Department (MPD), the CSO needs to have the law enforcement agency contact the Associate Director for CSS' office.

1. Requirements

For an offender to be considered for informant status, the following information from the requesting law enforcement agency must be provided:

- a. A letter from the law enforcement agency requesting the offender to be an informant that provides an overview of the proposed utilization of the offender, specifically stating the significance of intended target(s) in the case. The letter must be signed by the Director of the Agency or a ranking official of the Agency who has oversight responsibilities for the Agency's informant program.
- b. The letter should contain:
 - The agent (by name and telephone number) who will be working directly with the offender;
 - The agency's operating instructions to the offender and the administrative controls to be utilized;
 - An evaluation of the offender's risk factor and the agency's plan to combat this risk;
 - A statement indicating why the potential benefit to the government outweighs the risk of the offender's re-involvement with criminal associates;
 - A statement concerning monies to be paid to the offender for his services and/or expenses;
 - A statement concerning any travel that the informant might be required to make outside the supervising district; and
 - A summary of any intended utilization of electronic equipment, surveillance equipment or wiring of the offender.

2. Approval Process

- a. **Parole, Mandatory Release, and Supervised Release Cases.** For offenders under parole, mandatory release, or supervised release, the Associate Director for CSS will review the request once it is received, prepare a letter to the United States Parole Commission (USPC) with the Associate Director's recommendation, and forward the initial request from the law enforcement agency to the

USPC for the USPC's review and decision. Once a response is received from the USPC, the requesting law enforcement agency will be notified of the decision and whether or not the offender can participate as an informant, as well as the CSO and Supervisory Community Supervision Officer (SCSO).

- b. **Probation Cases**. For offenders under probation, the Associate Director for CSS will review the request, make a decision regarding the offender's appropriateness to serve as an informant, and inform the requesting law enforcement agency, as well as the CSO and SCSO.

3. Confidentiality

- a. The CSO should take care not to discuss the offender's cooperative relationship with any staff person other than the SCSO or the Branch Chief (BC).
- b. If there is a change in BC or SCSO to the Branch/Team, the CSO is to brief the newly assigned BC/SCSO regarding the offender's informant relationship.
- c. If the offender is reassigned to another CSO for some reason (i.e., the assigned CSO is no longer with the Agency), the SCSO is to brief the new CSO regarding the offender's informant relationship.
- d. Home contacts and community contacts are to be planned in advance with the offender.
- e. No information in the running record or subsequent reports to the releasing authority, such as Alleged Violation Reports (AVRs) is to include information regarding the offender's informant relationship with law enforcement.

4. Conditions of Release

Offenders working in a cooperative relationship with law enforcement are required to comply with all conditions of release. Rule violations are not to be excused because the offender is a law enforcement informant.