

## **Chapter II: Types of Cases and Supervision Conditions**

This chapter presents information on the types of cases supervised by Community Supervision Services (CSS) and key case management functions involved in offender supervision activities.

### **A. Probation, Parole and Supervised Release Cases**

The supervision of offenders obligated to serve terms of probation, parole and supervised release in the District of Columbia requires the skillful use of individual Community Supervision Officers, in collaboration with other criminal justice system players and resources, to achieve the CSOSA mission, goals, and objectives. CSS uses an assessment-driven case management planning process that coordinates the resources of the Court, paroling authorities and community resources to assist offenders, while holding them accountable to return to the community and ensuring they strictly adhere to the conditions set forth by the appropriate releasing authority. The CSOSA supervision function requires staff to be accountable to designated authorities for case management activities. These activities as authorized by the previously identified enabling legislation (see Chapter I) empower CSOs to supervise probationers, parolees or supervised releases in the District of Columbia.

The length of probation, parole, or supervised release is determined by the Court at the time of sentencing or is established by the United States Parole Commission (parole and revoked supervised release matters). If offenders respond positively to the supervision obligations, the case may be terminated early (prior to expiration), successfully closed or placed on inactive status. If the offender fails to comply with the conditions of probation, parole or supervised release, the CSO will apply graduated sanctions, such as increased substance abuse testing, increased supervision reporting, or curfew, in an effort to bring the offender into compliance. If the offender continues to be in non-compliance with his or her conditions of release, the CSO is to promptly notify the sentencing/releasing authority of the offender's adjustment status and the efforts taken to bring the offender into compliance. The sentencing/releasing authority may choose to schedule a violation hearing or impose additional conditions of supervision.

#### **1. Probation**

A sentence of probation begins when the judge orders a disposition through which an adjudicated offender is placed under the control, supervision, and care of the Agency. The probationer must meet certain standards of conduct (see Suspended or Split Sentence pursuant to D.C. Code §48-904.01(e) and General and Special Conditions of Probation (D.C. Code §48-904.01(e)).

## **a. Types of Supervision in Court-Referred Matters**

There are six types of supervision terms in Court-referred matters:

### **i. Probation Supervision**

A term of supervision in which sentencing follows a pre-sentence investigative (PSI) period and the submission of a PSI report with sentencing recommendations to the Court. The Court also can order a term of probation without the benefit of a PSI report.

### **ii. Split Sentence**

A term of supervision in which the Court orders an offender remanded to a term of incarceration, followed by a period of community-based, supervised probation.

### **iii. Interstate Compact Supervision**

A probation sentence that has been imposed by a Court in another jurisdiction, with courtesy supervision being provided by CSOSA while the offender resides in the District of Columbia. Probation cases that originate in the District but are being supervised in other jurisdictions also must be monitored by CSOSA until case expiration.

### **iv. Unsupervised Probation**

A sentence imposed by the Court that allows individuals to reside in the community without the active supervision of a CSO. The Court may, at any time, exercise its authority and place an offender on unsupervised probation, or return an unsupervised case to active supervised probation status. As a rule, these cases are not opened and assigned to a CSO unless the Court so directs. If the Court so directs, these cases are placed in a monitored status, and the CSO is to conduct monthly criminal background checks and notify the Court of any findings.

### **v. Civil Protection Orders (CPOs)**

A CPO is a civil order imposed by the Court for twelve months to protect an individual from further harassment or abuse by another individual.

### **vi. Deferred Sentencing Agreements (DSAs)**

A DSA allows a defendant to enter a guilty plea in a domestic violence matter. In these cases, the Assistant United States Attorney (AUSA or government) and the defendant agree to continue sentencing for nine months with the Court's approval.

During the continuation period, the defendant typically agrees to certain conditions, such as: participation in the Domestic Violence Intervention Program (DVIP) for batterer's treatment, community service, stay-away order, restitution and/or payment of Victim of Violent Crime Compensation Act (VVCC) costs, continued child support and other conditions deemed appropriate by the Court.

In DSA cases, the defendant also is ordered to abide by all conditions subsequently imposed by CSOSA. If the defendant complies with the conditions ordered by the Court and those directed by CSOSA, at the time of sentencing, the government will not oppose the defendant's motion to withdraw the plea of guilt, and instead, will not further proceed with the case ("nolle prosequi").

#### **b. Conditions of Probation Order**

A sentencing judge alone may issue a Court Order that specifies the general conditions of probation. Drug testing and sanctions specified in the Court Order provide CSS staff with increased authority to manage offenders in the community (for example, the CSO may utilize the Halfway Back Program sanction without first referring the offender back to the sentencing judge). CSS receives two types of probation orders, original and revised, from the Superior Court judiciary.

During the probation period, the offender is obligated to comply with certain defined conditions and is subject to the supervision directives of a CSO. The objectives of these conditions and supervision is to help the offender avoid further criminal acts, to complete probation successfully without being revoked for technical violations and/or convicted of a new offense, and to assist the offender in addressing treatment, employment, education and life skills enhancement.

#### **i. General Conditions of Probation**

The General Conditions of Probation are:

- (1) Obey all laws, ordinances and regulations.
- (2) Keep all appointments with your Community Supervision Officer (CSO).
- (3) Permit your CSO to visit your place of residence.
- (4) Abstain from the use of hallucinatory or other drugs, and submit to drug testing, as directed by your CSO.
- (5) In the event of illicit drug use or other violation of conditions of probation, you will participate as directed by your CSO, in a program of graduated sanctions that may include brief periods of residential treatment.

- (6) Notify your CSO within 24 hours if you change your residence.
- (7) Obtain the permission of your CSO before you relocate from the District of Columbia.
- (8) Participate and complete CSOSA's employment and/or academic program, if directed by your CSO.
- (9) Participate and complete other CSOSA Programs as identified through CSOSA Program Screener Assessment.

**ii. Special Conditions of Probation**

The following special conditions also are listed on the Court Order:

- (1) Cooperate in seeking and accepting medical, psychological or psychiatric treatment in accordance with written notice from your Probation Officer.
- (2) Treatment for alcohol problems, drug dependency or abuse as follows, and/or psychiatric treatment as follows (and indicated on the order).
- (3) Restitution (with the amount and installments indicated with a beginning date indicating the monies to be distributed to a designated individual/organization).
- (4) Other conditions (as indicated).

**c. CSO Probation Order Responsibilities**

Probation conditions are special obligations prescribed by the Court to minimize criminal activity. These conditions may vary according to the judge, the nature of the crime committed and/or the probationer's physical, mental, or emotional abilities to carry them out. The CSO's responsibilities are as follows:

- i.** The CSO will review all supervision conditions with the offender.
- ii.** The CSO will foster the offender's compliance with the Probation Order through counseling, appropriate referrals and other means.
- iii.** The CSO will address all unmet general and special conditions of probation at each office visit, thereby remaining as well informed as possible of the offender's overall compliance.

- iv. The CSO will verify regularly the status and compliance with all imposed conditions and records this information in SMART on the appropriate screens.
- v. The CSO will submit an Alleged Violation Report (AVR) to the Court when the offender does not comply with the terms of supervision, when graduated sanctions have been implemented, and in the event of re-arrest(s) or technical violation(s) of one or more of the conditions of release.

The determination of how the imposed conditions are to be implemented is generally left to the discretion of the CSO, except in cases where the Court sets specific guidelines as to the manner and time frame(s) in which conditions are to be met (i.e., restitution, fines, drug/alcohol treatment, therapy, etc.).

When there are multiple special conditions to address, the CSO may prioritize the special conditions to ensure that the offender will complete all conditions of release by thirty days prior to the scheduled expiration of the probationer's term of supervision.

#### **d. D.C. Sentencing Reform Act**

The DC Sentencing Reform Act contains a provision that empowers the Court to place a defendant in a halfway house for a specified period of time as a condition of probation release (D.C. Code §16-710). These types of orders should not be confused with other judicial directives that assign an offender to a residential treatment program following a stay in the jail-based Safety Net Program or those matters that are split sentences.

The CSO will provide the following documents for review by the Federal Bureau of Prisons (BOP) so that subsequent halfway house placement decisions can be made:

- i. Copy of the Pre-or Post-Sentence Investigation Report;
- ii. Copy of the Judgment and Commitment Order (J&C); and
- iii. Letter from the CSS Associate Director requesting the halfway house stay.

Once a BOP halfway house placement decision has been received (approximately ten business days from the initial referral), the SCSO and the CSO will be provided the date the offender is to report to the facility. The offender's failure to report must be reported by the CSO to the sentencing judge within three business days of occurrence.

The offender will be required to work or obtain employment and pay 25% of his/her salary for the halfway house residency period. The offender will not be eligible for the BOP Home Confinement Program.

BOP will contact the CSS Associate Director's Office to report any offender behavioral violations, and this information will, in turn, be conveyed to both the CSO and the SCSO. In the event of a violation, the CSO is to report the violation, in accordance with Agency policy, to the judiciary.

## **2. Parole**

Parole is a term of community-based supervision that occurs during a sentence of incarceration. Parole is a form of early release from prison based on an offender's positive adjustment to rehabilitative goals established during the incarceration portion of a sentence.

As a parolee, the convicted offender is placed under the control, supervision and care of an Agency CSO in lieu of serving the remainder of his/her term of imprisonment, as long as his/her conduct complies with the conditions of release prescribed by the United States Parole Commission and CSOSA.

There are three types of release that may be granted to convicted offenders in the District of Columbia. These include: parole with or without special supervision conditions, supervised release and mandatory parole (see Appendix D, USPC Notice of Action Acronyms).

The USPC issues certificates granting parole with or without special supervision conditions. Effective August 5, 2000, offenders convicted of D.C. Code felony offenses may be sentenced by the D. C. Superior Court judiciary to supervised release. Under such a sentence, once the offender has served the required term of imprisonment, the Supervised Release certificate is subsequently issued by the USPC. The USPC may eventually revoke Supervised Release for offenders who violate one or more of the conditions of release.

The USPC prefers that an offender have a job (or job training opportunity) as well as a stable residence when released to community supervision. In some cases where a commitment for employment cannot be secured prior to release, a verifiable source of legitimate financial support may suffice for the purpose of authorizing release to parole. In cases where the sentencing Court has ordered an offender to serve a sentence imposed in a work release program, or where the offender is in a halfway house program as part of the releasing process, legitimate employment will generally be a prerequisite for release to parole because employment is an essential requirement of the work release program.

The USPC may make a discretionary decision on a case-by-case basis to allow an inmate granted parole to be released without employment. The CSO must, however, develop a parole plan to address residence and other special conditions. All parole plan approvals using the parole supervision folder must be first reviewed in SMART in addition to WALES in order to verify all current and/or previous supervision statuses.

#### **a. USPC Oversight**

The USPC is responsible for oversight of four types of release:

**i. Supervised Release Certificate** – This certificate is issued by the USPC and pertains to an offender who has served the full sentence imposed by the Court and is being released to the community following a probation revocation hearing, or a defendant not granted probation by the Court but who has served the Court-imposed sentence. Supervised Release is based on adherence to certain general conditions that are designed to protect the public welfare and ensure adequate supervision.

**ii. Mandatory Release Certificate** – This certificate is issued by the BOP and pertains to an offender who has reached the short term or statutory release date while in the institution. The offender must adhere to a set of general conditions of release that are designed to protect the public welfare and ensure adequate supervision. If the offender is suspected of violating a condition of release, he or she will receive a parole revocation hearing to determine if supervision should be revoked and whether the violator should be returned to prison.

**iii. Parole Certificate** – This certificate is issued by the USPC when the offender is being released by the BOP to the community for supervision.

**iv. Detainer Certificate** – This certificate is issued by the USPC when the offender is obligated to another jurisdiction to serve incarceration time. The offender is paroled or released to the other state(s). If there are multiple detainers, the state that has the shortest full term date will receive the offender first. The inmate's CSOSA supervision case will be placed in monitored status while the detainers are being served.

#### **b. Conditions of Parole Order**

The USPC generates the Parole Certificate that stipulates the terms of release for all parolees returning to community supervision. A copy of the

certificate is given to the inmate, a copy is sent to Community Supervision Services and (where appropriate) a copy to the jurisdiction where the offender will be serving parole under community supervision.

The executed original is returned to the USPC. The general and special conditions of release are part of the Parole Certificate and become effective on the date of release. If the parolee fails to comply with any of the general or special conditions, he or she may be summoned to a hearing, or be subject to retake on a warrant and be imprisoned, pending a hearing to determine if the release terms should be revoked.

#### **i. General Conditions of Parole**

The Parole Certificate provides the offender with clear-cut directions concerning the behavioral guidelines that he or she is expected to follow during supervision. As stated on the Parole Certificate:

You shall go directly to the district named in the certificate (unless released to the custody of other authorities). Within three days after your release, you shall report to the supervision office named on the certificate. If in any emergency you are unable to get in touch with the supervision office, you shall communicate with the United States Parole Commission, Chevy Chase, MD 20815-7286.

If you are released to the custody of other authorities, and after release from the physical custody of such authorities, you are unable to report to the supervision office within three days, you shall instead report to the nearest U.S. Probation Officer.

You shall not leave the geographic limits fixed by the certificate of release without written permission from your Supervision Officer.

You shall make a complete and truthful written report (on a form provided for that purpose) to your Supervision Officer between the first and third day of each month, and on the final day of parole. You shall also report to your Supervision Officer at other times as your Supervision Officer directs, providing complete and truthful information.

You shall not violate any law. You shall not associate with persons engaged in criminal activity. You shall get in touch within two (2) days with your Supervision Officer if you are arrested or questioned by a law-enforcement officer.

You shall not associate with persons who have a criminal record without the permission of your Supervision Officer.

You shall not enter into any agreement to act as an informer or special agent for any law-enforcement agency without permission from your Supervision Officer.

You shall work regularly unless excused by your Supervision Officer and support your legal dependents, if any, to the best of your ability. You shall report within 2 days to your Supervision Officer any changes in employment. You shall notify your Supervision Officer within 2 days any change in your place of residence.

You shall not drink alcoholic beverages to excess. You shall not purchase, possess, sell, manufacture, use or distribute any controlled substance or drug paraphernalia unless such usage is pursuant to a lawful order of a practitioner and you promptly notify your Supervision Officer of same.

You shall not frequent places where such drugs are illegally sold, dispensed, used or given away.

You shall not own, possess, use, sell, or have under your control any firearm, ammunition, or other dangerous weapons.

You shall permit visits by your Supervision Officer to your residence and to your place of business or occupation. You shall permit confiscation by your Supervision Officer of any materials which the officer believes may constitute contraband in your possession and which he observes in plain view of your residence, place of business or occupation, vehicle(s), or on your person. The Commission may also, when a reasonable basis for so doing is presented, modify the conditions of parole to require you to permit the Supervision Officer to conduct searches and seizures of concealed contraband on your person, and in any building, vehicle, or other area under your control, at such times as the Supervision Officer shall decide.

You shall make a diligent effort to satisfy any fine, restitution order, court costs or assessment and/or court ordered child support or alimony payment that has been, or may be, imposed, and shall provide such financial information as may be requested, by your Supervision Officer, relevant to the payment of the obligation. If unable to pay the obligation in one sum, you will cooperate with your Supervision Officer in establishing an installment payment schedule.

You shall be screened for the presence of controlled substances by appropriate tests as may be required by your Supervision Officer.

You shall cooperate fully with those responsible for your supervision.

You shall carry out the instructions of your Supervision Officer and report that failure to do so may be sufficient to cause your return to the institution.

You shall submit to the sanctions imposed by your Supervision Officer (within the limits established by the approved Schedule of Accountability Through Graduated Sanctions), if the Supervision Officer finds that you have tested positive for illegal drugs or that you have committed any non-criminal violation of the release conditions.

Graduated sanctions may include community service, curfew with electronic monitoring and/or a period of time in a community treatment center. Your failure to cooperate with a graduated sanction imposed by your Supervision Officer will subject you to the issuance of summons or warrant by the Commission, and a revocation hearing at which time you will be afforded the opportunity to contest the violation charge(s) upon which the sanction was based. If the Commission finds that you have violated parole as alleged, you will also be found to have violated this condition. In addition, the Commission may override the imposition of a graduated sanction at any time and issue a warrant or summons if it finds that you are a risk to the public safety or that you are not complying with this condition in good faith.

If you have been convicted of any sexual offense under District of Columbia or federal law (including the Uniform Code of Military Justice), you must report for registration with your state (including the District of Columbia) sex offender registration agency as directed by your Supervision Officer. You are required to report for registration in any state (including the District of Columbia) in which you live, work, attend school or have local convictions for sexual offenses, and in compliance with 42 U.S.C. § 14072(i) (which makes it a federal crime for any offender covered by 18 U.S.C. § 4042 not to register in accordance with state law). If there is any question as to whether or where you are required to register, you must seek and follow the guidance of your Supervision Officer.”

## ii. Special Conditions of Parole

Special conditions of Parole include:

- (1) **Supervised Parole with Residential Reentry Center (RRC) Placement** - Offenders may be required by special conditions to be placed in a halfway house program as one of the initial conditions of release planning.
- (2) **Supervised Parole with Placement in the “Halfway Back” Program** - A special parole condition imposed by the U.S. Parole Commission and used as a sanction that obligates an offender to participate in and comply with the rules and regulations of the CSS Halfway Back Program.

## c. CSO Parole Order Responsibilities

The CSO is responsible for providing the offenders with the following information upon release and reporting for community supervision:

- i. Ensure offender is made aware of his/her reporting requirements.
- ii. Inform the offender of community resources available to assist him/her.
- iii. Ensure that offenders without critical needs resources such as housing and funds are referred to the appropriate community support agencies prior to release.
- iv. Ensure that offender records are screened for outstanding warrants, open cases, and pending charges prior to release and follow established procedures upon determination.
- v. Ensure that the Statement of Employment and Residence Form are completed.
- vi. Ensure that in all matters that the appropriate Certificate is placed in the offender’s file.
- vii. Verify all information, as required, obtained from the defendant.
- viii. Ensure that the most current Certificate has the correct reporting address and that a copy is maintained in the offender case file.
- ix. Require all parolees to complete a supervision report during each office visit in accordance with the designated level of supervision.
- x. Review the supervision report to ensure that it is completed in its entirety and signed by the offender.

- xi. Help those parolees who cannot read or write to complete their supervision reports.
- xii. Set the time and location for the next scheduled office visit, field/home contact and/or employment verification contact.
- xiii. Provide written instruction(s) as dictated by the offender needs and treatment requirements.
- xiv. Provide the offender with a copy of appropriate document(s) and place copies in the offender case file. Verify information provided by the offender with follow-up telephone calls to appropriate sources (home, job, treatment programs, etc.) and establish collateral visits when and where appropriate.
- xv. In the event of violation(s), submit to the USPC a copy of the required supervision report with the Report of Alleged Violation(s) (RAV) to substantiate alleged violation(s) as required by CSS policies.
- xvi. Record all offender or collateral contact information in timely fashion in accordance with established Agency policies and procedures.

### **3. Supervised Release**

The sentence of supervised release for felonies committed on or after August 5, 2000, begins upon the offender's completion of the Court imposed sentence and the offender's release from confinement to complete his/her sentence in the community. The offender is subject to the specified conditions of supervised release that are intended to prevent the offender's return to incarceration.

#### **a. CSO Supervised Release Responsibilities**

At the request of the USPC, the Superior Court instituted a procedure governing felony defendants sentenced to a term of incarceration to a Bureau of Prison (BOP) facility. When the judge imposes a term of incarceration during the sentencing phase, the offender will receive a copy of USPC CSR-1.1 Form (revised 11/02), Certificate of Supervised Release for the District of Columbia Code Offender. This form does not require the defendant's signature and details the seven conditions of release that the defendant will be required to adhere to upon release. In addition, the defendant is advised via this form of the period of supervised release and the requirement to report to CSOSA upon release from incarceration.

A second document, the Recommendation for Imposition of Special Conditions of Supervised Release, USPC CSR-1.2 (revised 11/02) will be completed by the Court at sentencing. The sentencing judge is required to complete this form if there

are special conditions that the Court wants the USPC to consider for inclusion in the Supervised Release Certificate.

Prior to the offender's release from incarceration, the USPC will forward the Supervised Release Certificate to CSOSA for eventual signature by the offender. If the offender fails to report as directed to the Agency and is later deemed to be in Loss of Contact status, the USPC will issue a retake warrant even though there is no signed Supervised Release Certificate on file.

In order to take this action, the USPC requires a copy of the original J&C Order and other case management information that supports the issuance of the retake warrant.