

Chapter IX: Community Justice Partnerships

The establishment of effective partnerships is a critical success factor that must be met in order for CSOSA to achieve its goal of reducing drug-related and violent crime. To address this critical success factor, the Agency has established guidelines for sustaining the partnership among CSOs, the police, and the neighborhoods within which supervision teams are assigned. CSOSA's policy focuses on the various roles of Community Supervision Services staff in establishing minimum standards for the frequency of interaction, information sharing, accountability tours, offender orientation sessions and community interaction among partnership participants. The standards set forth are designed to enable CSS teams to remain flexible and creative in the ways that they collaborate with law enforcement and the community to prevent offenders from reoffending.

A. Community Justice Partnerships

1. Minimum Standards for Community Justice Partnership Activities

The Community Justice Partnership ("CJP") teams are composed of CSOs and police officers. These teams are organized by Police Service Areas ("PSAs") within the District of Columbia. A Community Justice Partnership allows CSOs and police, at a minimum, to do the following within each PSA:

- a. Share information on intensive and maximum supervision level offenders in a given PSA (CJP teams may and often do share information on other offenders);
- b. Conduct Accountability Tours, which are joint home visits to an offender's home that are conducted by a CSO and police officer; and
- c. Establish and maintain partnerships with residents and community stakeholders to address public safety concerns and develop resources for offenders that address the root causes of crime, such as substance abuse and unemployment.

2. Assignment of CSOs to PSAs

It is the intention of CSOSA to make the neighborhood, not the office, the primary focus of supervision. The Agency requires that offenders be assigned to supervision staff on a geographic basis. This geographic-based assignment allows the CSO to conduct more supervision activities in the field, thereby getting to know the offender and his or her collateral contacts in the community. It also enables the CSO to work closely with police officers who work in the same geographic areas.

The Associate Director for Community Supervision Services assigns each Branch team a specific geographic area of responsibility. In each team's geographic area, the SCSO assigns individual CSOs to the PSAs within that team's area of responsibility.

The SCSO will assign at least one CSO as the sole or primary person responsible for a given PSA, based on the number of offenders residing within that PSA:

- a. If the number of offenders is less than the average number of offenders per CSO on the team, that CSO will have primary responsibility for more than one PSA; and
- b. If the number of offenders is greater than the average number of offenders per CSO (in that unit), the SCSO will assign one officer with primary responsibility for that PSA and an appropriate number of CSOs with secondary responsibility.

The SCSO for each team must maintain lists of primary and secondary CSO assignments to each PSA. The SCSO must assign offenders to the appropriate CSO, based upon the offender's residence within a given PSA. The SCSO will assign the offender to the primary officer for the PSA. However, if the primary officer's caseload exceeds the average number of offenders per CSO on his or her team, the SCSO may assign the case to the secondary CSO assigned to that PSA.

3. Frequency of Information Sharing, Accountability Tours, and Mass Orientations

The team SCSO must ensure that CSOs share information with the police on the basis of the following minimum standards:

- a. CSOs must utilize the CSOSA AUTO Screener to classify offenders based on the level of risk they present for committing additional offenses in the community; and
- b. At a minimum, CSOs must prepare and share case presentations on the intensive and maximum level offenders on their caseloads.

The Branch Chief will ensure that information sharing, Accountability Tours, and Mass Orientations occur within each PSA with the following frequency:

- a. Regularly scheduled CSOSA team contacts to share information and conduct Accountability Tours; and
- b. Quarterly Mass Orientation sessions for each PSA. Depending on the number of offenders scheduled to attend from each PSA, and the seating capacity of the meeting location, a Mass Orientation session may include offenders from multiple PSAs.

CSOSA staff may not disclose information related to an offender's substance abuse (*see* 42 C.F.R. Part 2), mental health (*see* D.C. Code §§ 6-2061 – 2062), or HIV/AIDS (*see* D.C. Code § 6-1204) status without a current release of information from the offender. CSOSA personnel who do so may be subject to criminal and/or civil penalties.

4. Community Outreach and the Community Justice Advisory Network (CJAN)

The SCSO must ensure that CSOs assigned primary responsibility for a particular PSA participate in community-based public safety forums that occur in or on behalf of that PSA. These meetings include PSA meetings, Community Justice Advisory Network functions, etc.

The CSOSA Community Relations Specialists shall organize at least one Community Justice Advisory Network (CJAN) per police District. The mission of each CJAN is to resolve key public safety issues and/or concerns in order to achieve an improved quality of life in communities throughout the District of Columbia. The primary goals of the CJAN are to identify and prioritize key public safety issues and to identify community assets in order to build community capacity and facilitate strategies for community education, prevention and intervention activities.

The objectives of CJANs are to:

- a. Work to enhance effective crime prevention groups;
- b. Coordinate support for the victims of crime;
- c. Resolve issues impacting youth; and
- d. Improve environmental conditions in communities.

The Network will develop strategies to support offenders in successfully reintegrating into the community, thereby, helping to reduce rates of recidivism and to improve public safety. CJANs meet on a monthly basis and participate in annual CSOSA sponsored training and development sessions.

The membership composition of CJANs includes representatives from CSOSA; the Metropolitan Police Department (MPD); residents of the District of Columbia; Advisory Neighborhood Commission representatives; citizen, civic and tenant associations; non-profit organizations; schools; the faith community; businesses and government agencies.

5. Mass Offender Orientation Sessions

The SCSO must ensure that CSOs conduct Mass Offender Orientation Sessions for offenders living in every PSA. Mass Orientation sessions may include offenders from a single or multiple PSAs, depending on the number of offenders in the PSA and/or the size of the meeting location.

The Branch Chief shall ensure that Mass Offender Orientation Sessions occur on a quarterly basis. CSOs must require offenders who live in the PSA to attend. The CSO also can invite offenders' families and/or significant others to attend.

The purpose of the Mass Offender Orientation Sessions is to remind offenders of the collaboration between CSOs, the police, and other allied agencies and to demonstrate the opportunities for the offender to remain in compliance with his or her conditions of release. Each Mass Offender Orientation Session shall include the following core elements:

- a. All CSOs, SCSOs, Community Relations Specialists (CRSs) and police officers present must introduce themselves;
- b. A CSO and a police officer must each make a statement about his or her respective role in the partnership, how it functions, and what the offender should expect during an Accountability Tour;
- c. The CSOs, police officers and CRSs present also must arrange for community-based resources, such as employers, treatment programs, faith-based groups, etc., to participate in the session and offer opportunities or services to offenders and their families; and
- d. The CRSs present must describe how the CJANs support the offender's reintegration within the community.

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., 2000 Supp.) (Director's authority), AFR AM.

B. Accountability Tours

In 1998, CSOSA and the Metropolitan Police Department for the District of Columbia ("MPD") signed a Memorandum of Understanding (MOU) to launch the Community Justice Partnerships ("Partnerships") in a single Police Service Area (PSA) of the District of Columbia. In 2003, another MOU was executed that expanded the Partnerships to the entire District of Columbia.

In 2004 the Partnerships were extended through the execution of an MOU by and between CSOSA and the District of Columbia Housing Authority Police Department. CSOSA anticipates including additional participants in the Partnerships in the future.

The Partnerships are intended to increase offender accountability, enhance rehabilitative programming, provide assistance to offenders, and increase public awareness of CSOSA and public safety. To accomplish these objectives, law enforcement officers in the Partnerships collaborate on a number of specific activities.

One aspect of the Partnership involves accountability tours. These are face-to-face field contacts with offenders conducted jointly by a CSO and a law enforcement officer.

1. Policy

On days to be determined jointly by a team made up of at least one law enforcement officer and a CSO, an offender(s) in the community is identified for contact, either directly or via a collateral contact as defined below in section 3 below. The law enforcement officer is temporarily relieved from responding to calls for service in the PSA or other designated areas within the District of Columbia in which the accountability tour is being conducted. The law enforcement officer and CSO will determine the defined areas and routes necessary to accomplish the assigned tasks. On a weekly rotational basis, a CSO shall be assigned by his/her SCSO to accompany at least one law enforcement officer on an accountability tour (see Guidelines on Supervision Contact Standards, Collateral Contacts and Field Contacts).

Statutory Authority: Sections 11232 (b) and 11233 (b) (2) and (c) 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) and 24-1233 (b) (2).

2. Goals of Accountability Tours

- a. To increase offender accountability through reinforcing the message that law enforcement officers in the Partnerships and CSOs are working together and sharing information.
- b. To increase the visibility of the Partnerships within communities as a means to enhance public safety.

3. Accountability Tour Activities

During the course of accountability tours, the CSO shall engage with law enforcement officers in the following activities to share the knowledge about the offenders’ compliance with conditions of release and the law generally, as well as general public safety issues in the affected PSAs or other designated areas within the District of Columbia.

- a. Scheduled and unscheduled home contacts with offenders under CSOSA’s supervision. Such contacts may be planned weekly as part of the regular meeting and information sharing process that occurs among the law enforcement officers and the CSO involved in the Partnerships;
- b. Scheduled and unscheduled collateral contact with identified individuals in the community who are familiar with the offender’s adjustment to, and compliance with, community supervision.

Collateral contact is contact between a CSO or SCSO with an individual other than the offender who can provide relevant information on the offender's adjustment in the community or potentially provide services or resources that will contribute to the offender's reentry; and

- c. Scheduled and unscheduled interactions, contacts and/or meetings with residents known to offenders, businesses, and other interested parties in the PSA or other designated areas within the District of Columbia, in order to increase community awareness about the Partnerships.

4. Criteria for Identifying and Prioritizing Offenders for Joint Community Contacts

- a. The CSOs shall identify offenders who pose the greatest risk to community safety as determined by the Screener Instrument in SMART and the assessment process.
- b. The CSOs shall identify offenders whose conduct indicates failure to comply with release conditions.

5. Scheduling Accountability Tours

- a. CSOs shall schedule accountability tours for all intensive/maximum level cases received in the PSA or other designated areas within the District of Columbia.
- b. CSOs shall identify which offenders are scheduled for accountability tours after meeting with law enforcement prior to the following week's accountability tours.
- c. CSOs shall schedule future accountability tours with a law enforcement officer during the regularly scheduled Community Justice Partnerships meetings, even if the law enforcement officer is not participating in the next accountability tour.
- d. When unforeseen events arise that may impact public safety, or at the discretion of the SCSO, the CSO shall contact the appropriate law enforcement officer(s) and schedule an accountability tour.
- e. Prior to making a joint community contact, the CSO shall provide a copy of the Offender Profile Sheet in SMART to the law enforcement officer.

6. Conducting Accountability Tours

- a. Safety Precautions

CSOs shall follow the staff safety guidance in Chapter XIV-Staff Safety.

- b. Offender Not Present for a Scheduled Accountability Tour
 - i. The CSO shall follow-up with the law enforcement officer by conducting an unscheduled accountability tour with the offender who failed to be present for the accountability tour.
 - ii. The CSO shall sanction the offender consistent with the procedures outlined in the Offender Drug Testing Protocol.
- c. Offender or Collateral Contact Refuses Entry to CSO and/or Law Enforcement Officer During an Accountability Tour
 - i. If the offender or a collateral contact refuses to permit the CSO and the law enforcement officer to enter the residence/premises during an accountability tour, the officers shall leave the residence/premises.
 - ii. If the offender or a collateral contact refuses to permit the law enforcement officer to enter the premises during an accountability tour, but permits the CSO to enter, both the CSO and the law enforcement officer shall leave the residence/premises. (For additional guidance see Chapter XIV-Staff Safety; Chapter IX-Section C-Role of CSO in Search and Seizure)
 - iii. The CSO shall sanction the offender consistent with the procedures outlined in the Offender Drug Testing Protocol.

7. Sensitive Offender Information

- a. Law enforcement officers may not be given sensitive offender information, e.g., drug/alcohol treatment/diagnosis/assessment/status, HIV/AIDS status, mental health information, or other health information, including information concerning release conditions that relate sensitive information, without the prior written consent of the offender using the consent form designated for the type of information involved.
- b. Law enforcement officers may be provided with offender drug test results without obtaining offender consent, provided that the tests were done as a condition of supervision and not by a treatment program.

C. Role of the CSO in Search and Seizure

In accordance with Constitutional guarantees provided by the Fourth Amendment, searches of offenders under CSOSA supervision require the issuance of a search warrant, the consent of the offender, or the existence of a special search condition imposed by the releasing authority. The purpose of such searches is to confiscate contraband or prohibited items or to find evidence of a violation of the offender's condition(s) of release (see Appendix P, Search and Seizure Policy).

The CSOSA policy on the role of the CSO in search and seizure is grounded in four important considerations:

- a. As unarmed law enforcement personnel, CSOs are not properly suited to execute searches of potentially uncooperative or hostile offenders and their property;
- b. Contraband seized from offenders is best handled by using the chain-of-custody protocols and secure storage facilities of law enforcement agencies;
- c. CSOSA relies upon a range of techniques, including searches, to monitor an offender's compliance with conditions of supervision; and
- d. Searches involving prohibited items including computer equipment, online or network services, and certain photographic equipment (for example, cameras, cell phones with photo capability, video cameras) can be performed by CSOSA staff when accompanied by an SCSO, or in the event that staff perceive the potential for a confrontation, by law enforcement personnel.

The CSOSA Policy Statement on Contraband and Evidence Control also governs the search procedure of visitors and offenders who enter Agency facilities.

The primary role of the CSO in search and seizure is to recommend the imposition of a special search condition, or to suggest that appropriate law enforcement agencies (in most cases, MPD) obtain a search warrant when circumstances suggest that an offender may possess contraband or may be at risk of re-offending, or to document the offender's consent and to specify the scope of the consent search.

All searches, with the exceptions noted below, are to be conducted by law enforcement personnel (i.e., the MPD), based on either the consent of the offender, a search warrant, or a special search condition, in accordance with the attached procedures. CSOs are not authorized to conduct searches for (or to seize) contraband from the persons or premises of the offenders they supervise. Contraband may include dangerous weapons, controlled substances, or drug paraphernalia.

If the releasing authority orders the seizure of item(s) whose possession has been prohibited by order of the releasing authority (for example, pornographic magazines or videos), the CSO is responsible for conducting the search.

The CSO is authorized to seize the item(s) if:

- a. The item is explicitly enumerated in the release condition;
- b. The item is in plain view; and
- c. The CSO is reasonably confident that seizing the item will not compromise his or her own safety.

If the releasing authority authorizes a computer special search condition, the CSO is authorized to perform a search and/or seize computer equipment (in accordance with procedures set forth in the CSS Guidance Memorandum on computer surveillance) when accompanied by the SCSO, or in the event that staff perceives the potential for a confrontation, by law enforcement personnel.

Authorities: Pub. L. 105-33, § 11233, 111 Stat. 748; D.C. Official Code § 24-133(c) (2001 Edition).

1. Grounds for Search of an Offender's Person or Premises- Special Search Conditions

a. Requirement for Imposition of Search Condition

A CSO should not routinely recommend that the United States Parole Commission (USPC) or the sentencing court impose a special condition authorizing searches of persons under supervision.

A special search condition should only be imposed if the CSO requests the condition and the releasing authority imposes it, or if the releasing authority imposes the condition without a request from the CSO in a particular case. The CSO's request for a search condition should be based upon a determination that:

- i. The offender's criminal history, screener assessment, and/or adjustment while under supervision suggest that a condition is necessary to enforce the other conditions of release or to protect the public, and/or
- ii. Effective supervision of a particular offender otherwise warrants the imposition of the condition.

b. Types and Scope of Special Search Conditions

i. Model Special Search Condition.

A model special search condition shall permit searches by authorized law enforcement officials of the offender's person, residence, workplace, training site, or vehicle provided that such searches by

authorized law enforcement officials be conducted in a reasonable manner, at a reasonable time, and be based upon the CSO's reasonable suspicion of the existence of contraband or other evidence of a violation of conditions of release.

ii. Computer Equipment and Online/Network Services Special Search Condition

If the circumstances warrant, the CSO may recommend that the USPC or sentencing court impose a special condition restricting an offender's possession and use of certain computer equipment, or any device or equipment used to access information via electronic means. For example, if the CSO believes that a significant risk exists that an offender may use an online computer service to (a) engage in criminal activity or conduct prohibited by the offender's conditions of release, or (b) associate with individuals who are likely to encourage the offender to engage in criminal activity, or (c) violate the offender's conditions of release, the CSO may recommend that the USPC or sentencing court impose a condition restricting the offender from possession or use of certain computer equipment.

The particular form of the computer-related condition will depend upon individual circumstances. Given that computers are used for numerous legitimate purposes, the least restrictive condition appropriate (consistent with the public safety need for restriction and the need to monitor the offender's compare restriction) shall be recommended.

A request for the computer equipment and online/network services special search condition is not to be combined with a request for a model special search condition.

c. Consequences of Failure to Comply with a Search under Special Condition

A special search condition shall make the "failure to permit a lawful search" potential grounds for the revocation of an offender's community release.

d. Notice to Offender and Potentially Affected Third Parties of Search Condition

A search condition shall also require that the offender, and those adults with whom s/he resides, be notified of the existence of the condition and that failure by the offender to cooperate can result in a revocation recommendation to the releasing authority. It is the primary responsibility of the offender to notify the adults with whom s/he resides of the search condition. In the event the CSO determines by speaking with those persons that the offender has not made the

required disclosure, the CSO shall notify the adults who reside in the home with the offender of the search condition.

There are three reasons why it is useful to forewarn the offender and potentially affected third parties of the existence of the search condition:

- i. Forewarning the household residents reduces their expectation of privacy. The Supreme Court has held that the Fourth Amendment serves to protect an individual's "reasonable and justifiable expectation of privacy." (*Katz v. U.S.*, 389 U.S. 347 (1967)). In so ruling, the Court extended the protection of the Fourth Amendment to people rather than to places;
- ii. Informing an offender of the search condition may act as a deterrent to criminal activity, because the offender may believe illegal conduct will be more easily detected. For example, the offender may be less likely to have weapons in the home, thus also increasing an officer's safety while conducting home visits; and
- iii. Clearly delineating the existence of the condition and the potential consequences of non-compliance may serve to reduce debate and increase cooperation in the event that a search needs to be conducted by a law enforcement officer.

e. Consent Searches

A law enforcement officer may conduct a search in the absence of a special search condition if the offender gives prior written consent for the search. To ensure that consent is freely and voluntarily given, the CSO shall advise the offender, before the consent is given, that the consent may be refused without the adverse consequence of revocation of community supervision, but that the releasing authority may consider such refusal in determining whether a modification of release conditions is warranted. A search based upon consent may not exceed the scope of the consent. The CSO shall use the CSOSA Search Consent Form to document the offender's consent and to specify the scope of the search.

f. Search Warrants

In the event that a CSO believes that a search of the offender's premises has become necessary, there is no special search condition in place, and the offender will not consent to a search by the local law enforcement official (ordinarily, the MPD), the CSO will consult with his or her immediate supervisor to determine the appropriate course of action. In the event that it is determined that a search

warrant may be required to protect the public safety, the SCSO shall consult the appropriate law enforcement agency (ordinarily, the MPD).

2. General Rules for Searches

Except as noted in Section b. (iv) below, CSOs are prohibited from conducting searches of an offender's person, residence, workplace, training site or vehicle. Such searches are to be conducted by authorized law enforcement personnel (ordinarily, the MPD).

Warrant-less searches can be conducted incident to a lawful arrest, or when the offender is subject to a search condition and the CSO has reasonable suspicion to believe that the offender possesses contraband that violates the law and/or release conditions. The search may, in these instances, be conducted only by a law enforcement officer (ordinarily, the MPD). CSOs shall limit their participation to observing the search and shall not become active participants in the search.

In some instances, while conducting field visits, a CSO may observe items in plain view that the CSO believes to be contraband (that is, unlawful and illegal such as a controlled substance or weapon). The CSO should not make any attempt to take possession of the item(s). Instead, during a field visit, the CSO should make a mental note of everything observed and extricate himself/herself from the situation. Upon reaching a safe place, the CSO shall make a written record of his/her observations and report that record to the SCSO. Upon receipt of the report, the SCSO shall make contact with local law enforcement (ordinarily, the MPD) for further investigation if the situation presents an urgent threat to the public safety.

In the event of exigent circumstances (such as danger to persons, or the possible disposal or secreting of a dangerous weapon), the CSO shall consult immediately by phone with his or her own supervisor or other supervisory personnel to obtain guidance in how to proceed once the CSO is off-site and secure.

During an accountability tour, the law enforcement personnel present will handle any suspected contraband that is observed in plain view.

The CSO is responsible for conducting searches in cases with computer equipment and online/network services special search condition or where the releasing authority has ordered the seizure of item(s) whose possession has been prohibited (for example, pornographic magazines or videos).

Such searches are only to be made in the presence of the SCSO, or in the event that staff perceive the potential for a confrontation, by law enforcement personnel (ordinarily the MPD, in accordance with CSOSA's memorandum of understanding with MPD). See Section C for procedures pertaining to the seizure of property.

3. General Rules for Seizure

- a. Contraband seized by a law enforcement officer (ordinarily, the MPD) is to be handled by the law enforcement officer using the chain-of-custody protocols and secure storage facilities of that officer's agency.
- b. When there is a specific directive from the releasing authority authorizing the seizure by the CSO of prohibited items (but not contraband), the CSO shall seize the prohibited item(s) if:
 - i. The prohibited item is explicitly enumerated in the release condition;
 - ii. The prohibited item is in plain view;
 - iii. The CSO is reasonably confident that seizing the prohibited item will not compromise his/her own safety; and
 - iv. The CSO is accompanied by an SCSO or, if the CSO believes that seizing the prohibited item may compromise his or her safety, the CSO must be accompanied by a law enforcement officer.

If the CSO is alone and feels that by leaving the home the prohibited item may be hidden or destroyed, the CSO should call for assistance from MPD and the SCSO.

In the event the CSO believes that the possession of contraband by an offender constitutes an immediate threat to the CSO's safety, the CSO will follow the practices described in greater detail in the Chapter XII, Staff Safety.

- c. The CSO shall use the CSS Chain-of-Custody form to document the seizure, transport, storage and release of property seized by the CSO.
- d. Computer equipment ordinarily is not seized and removed. Prohibited material found on the computer will be handled pursuant to the signed Computer Use Agreement Contract and the CSS Guidance Memorandum regarding computer surveillance procedures.

4. Disposition of Seized Property

- a. Seized property is kept for evidence, and will be returned or disposed of in accordance with the decision of the releasing authority.

- b. Items determined by the releasing authority to be pornographic (for example, videotapes) are not to be returned. These items are to be destroyed following the final hearing disposition.
- c. If the offender is unable to accept the return of the property (for example, because the offender is returned to prison), the offender must designate a person to accept the return of the property for him/her. If the offender fails to identify someone to accept the property, the CSO is to contact the releasing authority for further instructions on disposition of the property. The CSO shall then dispose of the property in accordance with the directions of the releasing authority. Such disposition may include destruction of the property. Notice of these procedures is included on the property form that offenders sign at the time their property is seized.

5. Model Search Condition

The offender shall submit his/her person, his/her residence, workplace, training institution, or vehicle to a search, conducted by an officer of the Metropolitan Police Department (or other law enforcement agency, as appropriate) at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of (a) condition(s) of release. Failure to submit to a search may be grounds for a revocation hearing. The offender shall warn any other adult residents that the premises may be subject to searches pursuant to this condition.

6. Computer Equipment and Online Network Services Special Search Condition

Offenders with a special condition for computer equipment and/or internet services shall not possess or use a computer with access to any online computer service at any location (including employment) without the written consent of the D.C. Superior Court or the United States Parole Commission. This restriction includes any Internet service provider, bulletin board system, or any other public or private computer network. Any approval by the D.C. Superior Court or the United States Parole Commission shall be subject to the conditions outlined in the Computer Use Agreement Contract.

In addition, the offender shall not possess or use any data encryption technique or washing or scrubbing program.

Finally, the offender shall consent to:

- a. Having CSOSA Community Supervision Services staff or other law enforcement personnel conduct periodic unannounced examinations of their computer(s) equipment and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purposes of conducting a more thorough inspection; and

- b. Consent at the direction of their CSO to having installed on their computer(s), and at their expense, any hardware or software systems selected by CSOSA to permit CSOSA to monitor the offender's computer use.

Failure of the offender to submit to a search may be grounds for a revocation hearing. The offender shall warn any other residents that the approved computer equipment may be subject to searches pursuant to this condition.

7. Search Consent Form

Below is a sample Search Consent Form to be used to obtain the offender's consent to conduct a search.

I, _____ (Name of Offender), hereby consent to permit _____ (Name of Law Enforcement Officer), a law enforcement officer employed by _____ (Name of Law Enforcement Organization) to search my _____.

My consent is freely and voluntarily given. I understand that I am not required to consent to the search and that my refusal to consent shall not be the basis of a revocation of my parole or probation, though the United States Parole Commission or D.C. Superior Court may consider such refusal in connection with a modification of the conditions of release.

Signature of Offender Date Signed	
Signature of CSOSA Witness Date Signed	

Offender's Date of Birth	
Offender's DCDC Number	
Offender's PDID Number	

D. Definitions

Contraband. An item that is prohibited from possession by the general population pursuant to law (for example, dangerous weapons, controlled substances, or drug paraphernalia).

Law Enforcement Officer. Sworn officer with arrest powers (for example, MPD, FBI, U.S. Marshals Service, D.C. Housing Authority Police).

Plain View. The plain view doctrine can be summarized as follows: prohibited items that fall within the plain view of a CSO who is justified in being in the place where the prohibited item is seen may properly be seized by the CSO. It must be immediately apparent that the item is

prohibited with respect to the offender. The plain view doctrine does not permit a CSO to seize contraband.

Prohibited Item. Any item prohibited by order of the releasing authority, and if possessed by the offender, constitutes a violation.

Reasonable Suspicion. Suspicion sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that criminal activity or a violation of release conditions is at hand.

E. Interagency Communication and Work Management:

This section delineates responsibilities for handling areas of mutual interest between the Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency (PSA). Guidance is provided in the following areas: information sharing and utilization at the pretrial and post-conviction diagnostic phases, substance abuse and mental health treatment services, supervision coordination, cross-training of PSA and CSOSA staff, and coordination, when possible, of case management systems.

1. Information Sharing in the Preparation of Pretrial Service Reports (PSR) and Pre-Sentence Investigations (PSI) Reports

- a. PSA and CSOSA staff will electronically share information in each Agency's respective information systems, the Pretrial Real Time Information System Manager (PRISM) and the Supervision and Management Automated Record Tracking (SMART). When possible, PSA and CSOSA staff also will share certain agency reports, information and forms electronically.
- b. For defendants under PSA's supervision, CSOSA's PSI writers will access PRISM to review and monitor information pertaining to the defendant's community ties, criminal history, drug test results, substance abuse and/or mental health histories, and supervision compliance with PSA staff. This information will be incorporated into the PSI report.
- c. For rearrested offenders, PSA's Diagnostic staff will use SMART to identify the offender's Community Supervision Officer (CSO). The Diagnostic PSO shall contact the CSO for compliance information for use in PSA's Pretrial Services Report (PSR) and subsequent release or detention recommendation. If the CSO is unavailable, PSA staff will contact, in order, the Unit Duty Officer and the Unit Supervisor.

For unassigned cases, PSA staff will contact CSOSA's Special Projects Unit Manager (202-585-7322). PSA staff may attempt to contact CSOSA personnel to obtain information for diagnostic purposes during and beyond normal business hours.

- d. CSOSA will provide to PSA a listing of Community Supervision Services staff cell phone and office numbers. PSA will distribute these listings to PSA Diagnostic Teams/Supervisors for purposes of communicating with CSOSA staff regarding an offender's adjustment.

2. Substance Abuse and Mental Health Treatment Services

- a. If a defendant is in substance abuse treatment while under PSA's supervision, and then is adjudicated to CSOSA's supervision, CSOSA will continue the offender's treatment in a process that is seamless to the judiciary and the offender.
- b. PSA COTRs will send electronic notification to the CJP staff of those offenders participating in contracted treatment for a transfer of fiduciary responsibilities for offenders in substance abuse treatment.
- c. Information concerning non-contracted substance abuse treatment, mental health treatment and compliance with all treatment vendors will be available in PRISM and SMART.
- d. Substance abuse and mental health treatment information are available in PRISM and SMART upon completion of the appropriate release forms. CSOSA and PSA staff may request and receive hard copies of treatment and mental health assessment documents, if the requested information is not available in their respective data systems.
- e. PSA and CSOSA treatment staff will coordinate treatment placements for dually supervised persons. Coordination will include: 1) determining which agency will fund and effect the treatment placement; 2) obtaining necessary court documentation and orders for treatment; and 3) updating other supervisory requirements as needed (for example, suspending reporting requirements for defendants in residential treatment).

3. Supervision Coordination

- a. CSOSA and PSA will share all applicable offender consent releases based upon whatever releases are needed.
- b. On a quarterly basis, CSOSA and PSA will provide to each other an organizational chart with staff names and phone listings.
- c. In dual supervision cases, CSOSA and PSA will coordinate supervision of conditions ordered as requirements of both pretrial and post-sentence release. These include, but are not limited to, drug testing, weekly reporting to case managers, substance abuse

and mental health treatment placements, curfew monitoring, and stay away requirements. PSA and CSOSA staff will monitor compliance by way of PRISM and SMART, as appropriate.

When necessary, staff from either agency will get personal confirmation of compliance from the assigned case manager, Unit/Team Duty Officer, or Unit Supervisor.

- d. In cases where drug testing is required by both CSOSA and PSA, the defendant/offender will only report to one agency for testing. The defendant/offender will follow the schedule of the agency with the greater testing requirement (*i.e.*, twice weekly rather than once weekly) or, if both agencies' requirements are the same, continue in the testing schedule imposed first. Following the guidance of the CSOSA General Counsel, PSA and CSOSA staff may use each agency's drug test results for supervision purposes. If CSOSA is the designated drug-testing agency, the Illegal Substance Collection Unit (ISCU) staff will confirm dually supervised persons of their pretrial court appearances.
- e. PSOs and CSOs will coordinate applications of administrative sanctions and incentives and requests for judicial actions to ensure that these responses do not interfere with any other supervisory requirements. This includes coordination and changes to supervision following rearrest, condition infractions, condition violations, and mental health and/or substance abuse treatment placements. (If offenders are rearrested, CSOs will increase supervision and/or sanction.)
- f. If a rearrested offender is released to the community, but later is placed into a loss of contact status, the CSO will contact the PSO by way of e-mail or telephonically to inform the PSO that the court will be notified of the offender's loss of contact status and that court intervention will be requested. In all cases, CSS staff will notify the PSO within 3 business days of the offender's alleged violations (submission of AVR) that will affect the offender's liberties within the community. Likewise, a PSO shall follow the above procedures in notifying the CSO if a defendant is placed into a loss of contact status while under PSA supervision.
- g. PSA and CSOSA staff may obtain and use any information in PRISM or SMART regarding compliance to requirements of both pretrial and post-sentence release, and report this information to the appropriate judicial officer or other criminal justice entity. When necessary, PSOs and CSOs shall contact one another to obtain updated information and shall also notify each other by way of e-mail or by telephone whenever the case manager forwards a violation or revocation report to Court.

- h. PSA will be responsible for complying with a judicial order to enroll and monitor defendants on electronic monitoring. PSA will notify the assigned CSO if the court is to be petitioned to revoke or otherwise change the defendant/offender's release condition due to electronic monitoring violations. CSOSA and PSA staff will seek to consolidate technological resources used for defendant/offender supervision. For example, if a defendant/offender is required to participate in house arrest or curfew as a condition of pretrial release and is on GPS under CSOSA, staff will use one technological system to monitor this condition, where possible. If a defendant is being monitored electronically for curfew by PSA and CSOSA staff requires information pertaining to curfew, PSA will provide hard copies of the information when requested.
- i. The assigned PSO and CSO will review SMART and PRISM periodically to review release orders and probation plans pertaining to "Stay Away" orders. In accordance with CSOSA policy, CSS may enroll the offender on GPS. The CSO will provide documentation to the PSO if the offender violates the restrictions imposed in the "Stay Away" order. Based on the information provided by the CSO, the PSO will advise the CSO if the pretrial judge will be petitioned to revoke or otherwise change the defendant/offender's pretrial status.
- j. Communication between drug testing units at CSOSA and PSA shall continue in order to assist in the identification and facilitation of defendant/offender testing, placements, schedules and closures of information in PRISM, resolving duplicate entry.

4. Training

CSOSA and PSA will provide cross-training to staff on operational topics mutually agreed upon. In addition, CSOSA and PSA agree that any changes, updates, and/or modifications to either SMART or PRISM will be conveyed in a regular and timely fashion.