



# Federal Register

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Monday,  
May 13, 2002

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Part XXI

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

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Semiannual Regulatory Agenda

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA (CSOSA)**

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA**

**28 CFR Ch. VIII**

**Semiannual Regulatory Agenda**

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) is publishing its semiannual regulatory agenda pursuant to Executive Order 12866 (58 FR 51735) and the Regulatory Flexibility Act (5 U.S.C. chapter 6). The regulatory agenda lists all agency regulations that are scheduled for development during the next 12 months or that have been issued since the publication of the previous regulatory agenda.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Records Manager, Office of the General Counsel, CSOSA, Room 1253, 633 Indiana Avenue NW., Washington, DC 20004 (telephone: (202) 220-5359; e-mail: roy.nanovic@csosa.gov).

**SUPPLEMENTARY INFORMATION:** CSOSA has identified two new regulations (Agency Seal and Acceptance of Gifts) for inclusion in this submission to the regulatory agenda.

**George E. Pruden II,**  
*General Counsel.*

**Court Services and Offender Supervision Agency for the District of Columbia—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
2796	Disclosure of Records .....	3225-AA01
2797	Agency Seal .....	3225-AA05
2798	Acceptance of Gifts .....	3225-AA06

**Court Services and Offender Supervision Agency for the District of Columbia—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
2799	Community Supervision: Administrative Sanctions Schedule .....	3225-AA00
2800	Federal Tort Claims Act Procedures .....	3225-AA02
2801	District of Columbia Sex Offender Registration .....	3225-AA03
2802	Collection and Use of DNA Information .....	3225-AA04

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

**Proposed Rule Stage**

**2796. DISCLOSURE OF RECORDS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a

**CFR Citation:** 28 CFR 802 (New)

**Legal Deadline:** None

**Abstract:** CSOSA proposes to adopt regulations on the disclosure of CSOSA or the District of Columbia Pretrial Services Agency (PSA) records. These regulations include procedures for processing requests for disclosure under the Freedom of Information Act, under the Privacy Act, and for production of records in response to a demand from a court or other noncongressional authority in connection with a proceeding to which

CSOSA or PSA is not a party. The regulations also identify Privacy Act system of records exemptions for both CSOSA and PSA. These regulations are necessary in order to ensure that the public has appropriate access to information maintained by the CSOSA and PSA and that adequate safeguards are in place to protect the privacy rights of individuals.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/02	67 FR 11804
NPRM Comment Period End	05/14/02	
Final Action	08/00/02	
Final Action Effective	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 3225-AA01

**2797. • AGENCY SEAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-33; 18 USC 506; 18 USC 1017

**CFR Citation:** 28 CFR 803 (New)

## CSOSA

## Proposed Rule Stage

**Legal Deadline:** None

**Abstract:** CSOSA proposes to adopt regulations on the use of its official seal and the official seal for the District of Columbia Pretrial Services Agency (PSA), an independent entity within CSOSA. Use by any person or organization outside of the Agency may be made only with CSOSA's or PSA's prior written approval. Wrongful use of an official seal is subject to administrative action and/or criminal penalty.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3225-AA05

**2798. • ACCEPTANCE OF GIFTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-96

**CFR Citation:** 28 CFR 804 (New)

**Legal Deadline:** None

**Abstract:** CSOSA proposed to adopt regulations on the acceptance and use of gifts by itself and by the District of Columbia Pretrial Services Agency (PSA), an independent entity within CSOSA. CSOSA and PSA have been granted specific authority by Congress to accept and use gifts in the form of in-kind contributions of space and hospitality for the purpose of supporting offender and defendant programs and equipment and vocational training services to educate and train offenders and defendants.

These regulations establish procedures for the public to follow when offering a gift, criteria for accepting and using gifts, and procedures for audit and public inspection of records pertaining to the acceptance and use of gifts.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	
Final Action	10/00/02	
Final Action Effective	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3225-AA06

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

**Final Rule Stage**

**2799. COMMUNITY SUPERVISION: ADMINISTRATIVE SANCTIONS SCHEDULE**

**Priority:** Other Significant

**Legal Authority:** PL 105-33

**CFR Citation:** 28 CFR 810 (New)

**Legal Deadline:** None

**Abstract:** CSOSA issued interim regulations on administrative sanctions which may be imposed on offenders under CSOSA's supervision who violate the general or specific conditions of their release. The purpose of imposing sanctions is to enable CSOSA staff to respond as swiftly, certainly, and consistently as practicable to noncompliant behavior. Using sanctions will reduce the number of violation reports sent to the releasing authority (for example, the sentencing court or the United States Parole Commission). CSOSA staff will be able to refer offenders back to the releasing authority having demonstrated that CSOSA has exhausted the range of options at its disposal to change the offender's noncompliant behavior. The

releasing authority may then concentrate on those referrals which fully merit scrutiny. The purpose of the regulations is to prevent crime, reduce recidivism, and support the fair administration of justice through the promotion of effective community supervision.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/20/01	66 FR 48336
Interim Final Rule Effective	09/20/01	
Interim Final Rule Comment Period End	11/19/01	
Final Action	08/00/02	
Final Action Effective	08/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3225-AA00

**2800. FEDERAL TORT CLAIMS ACT PROCEDURES**

**Priority:** Other Significant

**Legal Authority:** PL 105-33; 28 CFR 14.11

**CFR Citation:** 28 CFR 801 (New)

**Legal Deadline:** None

**Abstract:** CSOSA proposes to adopt regulations to supplement Department of Justice regulations for processing administrative claims under the Federal Tort Claims Act (FTCA). These supplemental regulations state in plain language what members of the public need to do to file a claim for money damages under the FTCA with CSOSA or with the District of Columbia Pretrial Services Agency (PSA). These regulations are necessary to help ensure that persons who suffer proven monetary loss, personal injury, or wrongful death due to a negligent or otherwise wrongful act or omission of

## CSOSA

## Final Rule Stage

a CSOSA or PSA employee committed while acting within the scope of his or her employment will be properly compensated.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/01	66 FR 58083
NPRM Comment Period End	01/22/02	
Final Action	05/00/02	
Final Action Effective	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3225-AA02

**2801. DISTRICT OF COLUMBIA SEX OFFENDER REGISTRATION**

**Priority:** Other Significant

**Legal Authority:** PL 105-23; PL 106-113

**CFR Citation:** 28 CFR 811 (New)

**Legal Deadline:** None

**Abstract:** CSOSA intends to issue interim regulations for the registration of sex offenders in the District of Columbia. These regulations provide notice to sex offenders of their duties under the law and under the regulations of the Metropolitan Police Department of the District of Columbia to register with CSOSA. In most instances, sex offenders will receive notification that they are subject to registration when they are being sentenced by the Superior Court of the District of Columbia after being found guilty (or found not guilty by reason of insanity or adjudicated as a sexual

psychopath) or when CSOSA becomes responsible for their supervision. In those cases where the offender has previously committed a registration offense and is not currently under supervision, the offender must contact CSOSA to register in order to avoid possible criminal penalty. These regulations are intended to provide for the protection of the public and to ensure that the District of Columbia may provide appropriate notification regarding the presence of sex offenders in the community.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Final Action	09/00/02	
Final Action Effective	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3225-AA03

**2802. COLLECTION AND USE OF DNA INFORMATION**

**Priority:** Other Significant

**Legal Authority:** PL 106-546

**CFR Citation:** 28 CFR 812 (New)

**Legal Deadline:** Final, Statutory, June 17, 2001.

**Abstract:** CSOSA intends to adopt interim regulations on the collection and use of DNA information. DNA information is collected under CSOSA's supervision from individuals who have

been convicted of specific offenses identified by District of Columbia statute. The DNA information becomes part of the combined DNA Index System (CODIS), a national data base of DNA profiles from convicted offenders, unsolved crime scenes, and missing persons. The regulations specify that the DNA sample will be collected in accordance with FBI guidelines. The regulations also establish procedures for cooperating with the Federal Bureau of Prisons to ensure that unnecessary samples will not be collected; establish a standard for what constitutes an individual's refusal to cooperate in the collection of the sample; define what steps CSOSA deems to be reasonably necessary to take when an individual refuses to cooperate; and list in an appendix the offenses which qualify for DNA collection.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule Comment Period End	08/00/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3225-AA04

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