



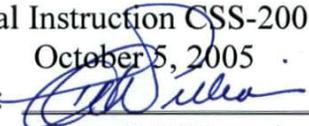
**Court Services and Offender Supervision Agency  
for the District of Columbia**

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# **OPERATIONAL INSTRUCTIONS**

Operational Instruction CSS-2005-05

Effective: October 5, 2005

Approved: 

Thomas H. Williams, Associate Director  
Community Supervision Services  
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## **INTERSTATE TRANSFER SUPERVISION**

### **I. PURPOSE**

This instruction is intended to provide guidance for supervision and case management activities for offenders who are ineligible for transfer under the Interstate Compact for Adult Offender Supervision (ICAOS). Cases are assigned to the Interstate Branch for offenders with addresses outside the District of Columbia. Upon receipt, the cases will be reviewed by Interstate staff to determine eligibility for supervision transfer to the state of residency. Offenders who are not eligible for transfer will be supervised in the interstate branch or assigned to the designated special supervision teams (i.e., DVIP, Sex Offender, Mental Health).

### **II. COVERAGE**

This procedural guidance is specific to all D.C. Code Offenders who:

- Reside beyond the boundaries of the District of Columbia, and
- Who have been convicted of minor misdemeanor offenses and/or, who are ineligible for interstate transfer of supervision. (Note: this latter category would include offenders who are not mandatory acceptances, but have relocated prior to sentencing and do not meet the residency timelines as noted in the compact rules. They may live in the receiving state at the time of sentencing but have not been there long enough to qualify as residents and are discretionary transfers).

### **III. BACKGROUND**

The rules of the Interstate Compact for Adult Offender Supervision (ICAOS) prohibit the supervision transfer of offenders convicted of minor misdemeanor offenses. As a result, a category of offenders (non-transferable) who were previously eligible for transfer and supervision in other jurisdictions will be required to maintain reporting responsibilities to CSOSA. The jurisdictional boundaries of the Washington Metropolitan Area allow for reasonable access to CSOSA field offices via public transportation for offenders who reside within a forty (40) mile radius.

D.C. Code offenders residing within a 40 mile radius of the District of Columbia, who are ineligible for interstate transfer, will be required to report for community supervision under modified offender contact standards determined by the offender's assessed level of risk for recidivism. These standards have been established to satisfy supervision requirements and encourage offender compliance. Contact standards will be established for low, medium and high-risk offenders. Risk levels for these offenders will be determined by the results of the CSOSA auto screener.

#### **IV. MODIFIED OFFENDER CONTACT STANDARDS**

Offenders, who reside beyond the forty-mile radius and are ineligible for interstate transfer, will be placed in monitored minimum category of supervision. These offenders will not be administered the ATUO Screener by staff. These offenders will be placed on a mail-in supervision requirement. The offender will be required to report by mail monthly, and the CSO is responsible for monthly verification of the offender's compliance with the releasing authority-imposed special conditions. These offenders will not be drug tested. However, if as a result of an OPU referral for drug testing and the offender's drug test is positive, the offender is to be referred to treatment services in his/her jurisdiction of residency. Also, the CSO is required to verify compliance by the offender with respect to the offender's payment of his/her court debt (See CSS Guidance Memorandum dated 9/26/05 re: fines, cost, and restitution payments.). As appropriate, the CSO will be required to verify that all identified offenders submit as required to DNA collection.

During the initial interview, the CSO will be required to perform a criminal record check on offenders residing within the forty miles radius of the District of Columbia. If the offender has a felony conviction history within the past ten years, the CSO will be required to conduct the AUTO Screener. The assessed cases will be supervised based on the supervision level, as determined by the AUTO Screener.

Offenders, who have no history of felony convictions or no felony convictions within the past ten years, will not be assessed via the AUTO Screener. These offenders will be placed in the monitored minimum status of supervision and will be required to submit monthly mail in reports to the CSO.

**Low Risk – Minimum Supervision Level:**

**The following offenders will be assigned to the low risk –minimum supervision level:**

- 1) Offenders who are identified with a felony conviction within the past ten years and have been classified at the minimum level of supervision as determined by the AUTO Screener.
- 2) Offenders who have no history of a felony conviction not requiring an assessment.

Offenders will be required to mail in monthly reports to the CSO. Ordinarily, these offenders will not be drug tested. However, if as a result of an OPU referral for drug testing, the offender tests positive for illegal drugs, then the CSO will schedule an unannounced second spot test within thirty days of the OPU's referred drug test. If the second drug test is positive, then the offender is to be sanctioned based on the Agency's standard protocol. The offender is to be placed on weekly Saturday drug testing until the offender has demonstrated six consecutive negative drug tests. If the offender continues to test positive for illegal drugs, the CSO will adhere to the Agency's sanction protocol.

The assigned CSO will complete the following case management activities within the first forty-five days of case assignment:

- Verify residency,
- Verify employment,
- Complete initial referrals for court ordered special conditions to the appropriate social service agency within the jurisdiction of residency,
- Establish collateral contact information, and
- Provide offender with supervision reporting forms, and supervision contact information for mail-in supervision tracking.

**Medium Risk – Medium Supervision Level**

All offenders who are assessed via the AUTO Screener and assigned to a medium level of supervision will be required to check in via phone or Kiosk<sup>1</sup> once per month to verify compliance with the conditions of the releasing authority.

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<sup>1</sup> The Agency is investigating Kiosk as well as automated telephone technology as a supervision aide to the staff. In the interim, the offender will be required to telephone the CSO monthly

The assigned CSO will complete the following case management activities within the first forty-five days of case assignment:

- Refer for initial spot test if the offender has not been referred for testing by OPU (if negative spot test every 90 days),
- If positive, refer for treatment assessment and placement in the jurisdiction of residency and drug test monthly pending six-month re-assessment,
- Verify residency,
- Verify employment,
- Complete initial referrals for court ordered special conditions to the social service agency within the jurisdiction of residency,
- Conduct a re-assessment every six-months,
- Establish collateral contact information,
- Provide offender with kiosk/phone tracking supervision contact information,

**High Risk – Maximum/Intensive Supervision Level**

All offenders who are assessed via the AUTO Screener and assigned to maximum or intensive category of supervision will be required to telephone monthly, and report monthly in person to the CSO<sup>2</sup>.

The assigned CSO will complete the following case management activities within the first forty-five days of case assignment:

- Verify residency,
- Refer for initial spot test (provided the offender has not been referred for testing by OPU),
- If the offender tests positive, refer for a treatment assessment or placement in the jurisdiction of residency,

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<sup>2</sup> The reporting requirement could be modified based on the Agency's efforts to procure automated reporting technology to assist the CSO staff in the offender supervision effort.

- Verify employment,
- Complete initial referrals for court order special conditions to the social service agency within the jurisdiction of residency,
- Establish collateral contact information,
- Place on monthly urinalysis testing,
- Reassess at six-month intervals,
- Provide offender with kiosk/phone tracking supervision contact information.

Offenders in all supervision levels who remain compliant with the conditions of the releasing authority and remain arrest-free will be managed under the above noted supervision protocols until expiration or termination of the supervision period. Those offenders who incur new law violations or fail to satisfy the conditions of the releasing authority will be referred to the judiciary for Court intervention. The CSO staff will complete a criminal record check for new law violations per CSS policy and make follow up contacts with service providers to determine the offender's compliance status. Restitution and fine payments will be tracked in accordance with CSS procedural guidance.

CSO staff will follow Agency Loss of Contact procedures with the exception of completing a home contact to the outside jurisdiction. In some instances, local law enforcement or community supervision staff in the jurisdiction of residency for the offender will be contacted for assistance in completing home contacts.

## **V. INTERSTATE TRANSFER GUIDANCE – TRANSFER ELIGIBLE OFFENDERS**

Offenders eligible for Interstate Compact Supervision will be processed for supervision transfer per compact eligibility guidelines (see rules Interstate Commission for Adult Offender Supervision). For all offenders who fail to report to the assigned supervision team per OPU instructions, the CSO will initiate supervision contact with the offender within one business day of the offender's case assignment to schedule an initial supervision contact. Note: Loss of Contact procedures are to be initiated if the offender cannot be located or fails to report after scheduling an appointment.

During the initial office visit, reporting instructions from the receiving state will be requested for transfer eligible offenders. Upon receipt of reporting instructions and a notice of arrival, the offenders will be placed in monitored minimum status of supervision pending official transfer

acceptance to the jurisdiction of residency. The completed transfer packet shall be submitted to the SCSO for approval within ten days of the offender's initial office visit.

## **VI. Transfer Out Process for Eligible Offenders**

For offenders reporting to the Interstate Branch directly from OPU or Court, the CSO will complete the following during the initial office visit:

- Complete offender orientation to include a review of the court order and special conditions,
- Discuss Interstate Commission guidelines for supervision transfer,
- Review the Interstate Commission Application with the offender and obtain his/her signature on the document,
- Obtain signatures from the offender for release of information forms and authorization for search and seizure forms,
- Verify residence by: phone, or by photocopy of offender's driver's license, utility bills, or lease document,
- Verify collateral contacts,
- Request reporting instructions from receiving state,
- Refer the offender, if required, for DNA Collection, Sex Offender Registry (if referrals were not completed by OPU staff),
- Confirm that the offender completed the requirements of DNA Collections and Sex Offender Registry prior to authorizing the offender to proceed from the District of Columbia,
- Update all SMART screens (i.e. basic information/physical housing/employment, etc.),
- Upload offender's photo in SMART,
- Complete CSS Social History Form if PSI is not available, and
- Complete Notice of Departure & Travel Permit and fax same to the receiving jurisdiction:

Upon receipt of reporting instructions and the Notice of Arrival Form from the receiving state, place the offender in monitored minimum status of supervision. These notifications

must be in writing and can be received via fax or email. (Note: If transfer acceptance confirmation is not received from the receiving state within a forty-five day period after permission was granted for the offender to return to his/her home state or after the submission of a discretionary transfer request, the CSO shall contact the receiving state's compact office within three business days following the forty-five calendar day period to obtain an updated status report on the transfer request).

- Upon receipt of a reply to the transfer request accepting supervision, the CSO must update the residency and employment information in SMART and submit the case to the SCSO for review and transfer assignment to the Interstate Assistant.
- The offender's case is to be forwarded to the team SCSO to review for completeness prior to transfer to the Interstate Assistant.
- Offenders with split-sentences assigned directly from OPU to the Interstate Branch will be processed for transfer as follows:

**The Interstate CSO will:**

- Identify the institution where offender is detained,
- Verify the offender's release date,
- Contact the institutional case manager and verify the offenders release plan,
- Forward (via fax, email or U.S. Postal Service mail) Interstate documents to the assigned case manager for offender signatures. Also, the case manager should be given information noting the offender's reporting requirements upon release from the institution. The completed transfer package should be submitted to the SCSO for approval one hundred twenty calendar days prior to the offender's release and forwarded to the receiving state for review and acceptance.
- Upon receipt of written notification from the receiving state, the CSO will maintain the acceptance documents until the offender's release date.
- Upon the offender's release, the CSO will request reporting instructions from the receiving state and provide a travel permit to the offender along with the contact instructions. A Notice of Departure will be faxed by the CSO along with a copy of the offender's travel permit to the receiving state upon the offender's departure to the receiving state.

## **VII. Transfer Request DC Code Offenders with a DC Address**

DC Code offenders who reside in the District of Columbia can make application for transfer under the provision of the Interstate Commission for Adult Offender Supervision. The supervising CSO must forward a transfer package with SCSO approval to the Interstate Branch Chief/Deputy Compact Administrator or designee for review and approval prior to the case being forwarded to the receiving state for an investigation of the offender's proposed home and employment.

Under no circumstances are offenders to relocate to another jurisdiction without the approval of the receiving state. Any offender in a jurisdiction without the proper approval is to be ordered to immediately return to DC (within one business day). Failure to comply with the CSO's directive is to result in the notification to the releasing authority within two business days of the offender's refusal to return.

The transfer package is to include the following:

- Signed Interstate Commission Applications for Interstate Compact transfer,
- Supervision transfer summary, which addressed the offender's status/compliance to all special conditions and overall adjustment to supervision and indicates why the offender wants to relocate and with whom the offender will reside,
- Judgment and Commitment order,
- PD 163 or official statement of original offense, (This can be included in the PSI if one was ordered by the sentencing Judge),
- Pre-sentence report / CSS Social History,
- Interstate Commission Authorization for release of Medical and Psychological Information, and
- Consent for random drug and alcohol testing and to searches based on reasonable suspicion.

Incomplete packages will be returned to the supervising CSO and SCSO for corrections and returned to the Interstate staff. The supervising CSO will retain supervision responsibility of the offender until the case has been accepted by the receiving state. Upon acceptance of the case by the receiving state, the supervising CSO will process the case file for transfer to the Interstate Branch for assignment to the Interstate Assistant for compliance monitoring pending expiration of the supervision period.

### **Parole Transfer Requests**

The CSO will forward to the Deputy Compact Administrator for review and approval a transfer package for any parole offender who desires to relocate to another jurisdiction.

Parole offenders applying for supervision transfer must remain in the District of Columbia, unless emergency situations exist that would render the offender homeless within the District of Columbia. With approval from the Deputy Compact Administrator, offenders may relocate to the receiving jurisdiction pending acceptance in emergency situations.

The supervising CSO will retain supervision of the offender pending his/her acceptance by U.S. Probation. If the offender's supervision is rejected for transfer to U.S. Probation, the CSO will continue to supervise the offender. The transfer request to U.S. Probation can be re-submitted if the offender provides new information with respect to whom and where the offender will be living with in the receiving jurisdiction. Under no circumstances are offenders to relocate to another jurisdiction without the approval of the U.S. Probation Officer investigating the proposed home and employment plan for the offender.

The transfer package is to include the following:

- Judgment and Commitment Order,
- Parole/Supervised Release Certificate,
- PSI, Institutional adjustments reports or documentation of the offender's criminal and social history,
- Agency Supervision Transfer Summary,
- CSOSA authorization for Release of information,
- Documentation of compliance with DNA and Sex Offender registration as applicable, and
- CSS transfer summary.

Prior to forwarding the package to the Interstate Branch for review, the CSO must notify USPC of all positive urine test results and request a Letter of Reprimand. The receiving United States Probation Office requires this letter of reprimand even though the staff has imposed progressive sanctions upon the offender for illicit drug use. All sanctions that have been imposed by the USPC and the CSO must be outlined in the CSS transfer report.

Incomplete packages will be returned to the supervising CSO's SCSO for corrections before resubmission to the Interstate staff. The supervising CSO will retain supervision responsibility

of the offender until the case has been accepted by the receiving state. Upon acceptance of the case by U.S. Probation Office in the receiving state, the supervision CSO will process the case file for transfer to the Interstate Branch who will then process the case for closing. The Interstate CSO who processed the transfer request will forward an acknowledgement letter with the supervision history from SMART to the accepting U.S. Probation Officer, and submit the case to the SCSO for review and closure noting the transfer to U.S. Probation in the SMART system.