



# OPERATIONAL INSTRUCTION

Operational Instruction CSS-2006-01

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## Case Transfer Guidance

### I. PURPOSE

This instruction is intended to provide guidance to Community Supervision Services staff on the transferring of cases within and between branches and teams. CSS continues to utilize an assessment driven case management system to determine risk/needs and appropriate supervision monitoring. This instruction does not establish any new procedure. This instruction instead provides a further explanation of existing procedures. This instruction rescinds OI CSS-2004-05.

### II. GUIDANCE

Cases are assigned to supervision based on the PSA in which the offender resides or special focus offender population, i.e. Sex Offender, Mental Health, Domestic Violence, Traffic Alcohol or Interstate Supervision. You are to use the following guidelines when making intra-branch case transfers that occur within a branch or inter-branch case transfers, which occur between branches.

#### A. Reasons for Case Transfer

Cases may be transferred for one of the four following reasons:

- 1) Intake/SCSO assignment error:** In instances in which the Intake staff assigns the case to a SCSO in error, the receiving SCSO, based on PSA or Special Focus offender population must forward the case to the correct SCSO within seven (7) calendar days upon learning of the error. If the CSO is assigned a case in error from a SCSO, the CSO must return the case to his or her SCSO for proper assignment within two (2) business days. A missing or unavailable case folder or other case file materials shall NOT prevent or delay a case transfer to the appropriate team.
- 2) Change in offender address:** Based on the offender moving from one PSA to another, the offender may have to be transferred to another CSO or unit/branch. Prior to submitting a case to a SCSO for transfer based on movement from one PSA to another, the sending CSO must:

- a. Complete a computerized NCIC/WALES and CIS criminal record check and document results in the SMART running record.
- b. Conduct a home visit within ten (10) business days of notification of the move to verify that the offender resides at the new address. If the offender is the homeowner or lessee, a copy of the deed or lease must be provided to the CSO. If the offender is not the homeowner or lessee, the CSO must obtain a written statement from the homeowner or lessee, at the time of the home visit, which authorizes the offender to reside at that address. The document verifying the change of residence **MUST** be transmitted with the case file.

**NOTE: The offender must show stable residence at the new location for a period of 30 calendar days and a subsequent home visit at the end of the 30 calendar days period must be conducted by the sending CSO prior to the transfer being initiated.**

- 3) **Case Precedence:** A case may be transferred if there is a new or additional case that has precedence over the original special condition or new case category. Except in the case of Traffic Alcohol, assignment or transfer to special supervision units, mental health, sex offender, domestic violence, and Interstate will take priority over assignment to General Supervision Units.
- 4) **Discretionary:** A case may also be transferred in conjunction with new program development, agency or division reorganization or at the discretion of management.

#### **B. Special Focus Offender or Interstate Supervision Populations**

- 1) If a case under supervision has any active open docket that meets the criteria for assignment to the Sex Offender, Mental Health, Domestic Violence or Traffic Alcohol Program units should be transferred accordingly. (See attached criteria)

**NOTE: No case should be presented to the Judiciary by a CSO for transfer to the Mental Health Unit without a prior assessment or consultation with the Branch Chief responsible for the Mental Health Teams.**

#### **C. Cases Eligible for Transfer**

- 1) Cases may be considered for transfer if:

- a. The case is in compliance with CSOSA/CSS policies, and has a minimum of ninety (90) calendar days remaining on supervision excluding a new judicial order or new sentence and,
- b. **Probation Cases:** The offender must not have any pending Show Cause hearing within thirty (30) calendar days of the transfer based on the filing of an Alleged Violation Report (AVR). The assigned (transferring) Officer will represent the case at the Show Cause Hearing and obtain any additional adjustment information from the newly assigned CSO prior to the hearing.
- c. **Parole Cases:** In the event that an Alleged Violation(s) report (AVR) has been submitted, cases are not to be transferred until notification of USPC action (NOA) is received. In the case of a USPC reprimand and continued parole supervision, the case can be transferred upon receipt of the NOA (as long as there are no new violations that have not been addressed), if a hearing is not within thirty (30) calendar days upon receipt of notification, the case can be transferred with the understanding that the reporting Officer will represent the case at hearing with any additional updated adjustment information obtained from the newly assigned CSO.
- d. **Halfway House Cases:** If an offender has been ordered to serve a period of time in a halfway house facility, either as a special condition of probation or as a parole sanction, and the halfway house is located in a PSA other than the offender's home address of record, the case is not eligible for transfer to the PSA where the halfway house is located. During the offender's halfway house designation, the case will remain assigned to the offender's home PSA. Upon the offender's completion of his/her term in the halfway house, and if the offender relocates to another PSA, the offender must maintain a stable residence for 30 calendar days and a subsequent home visit at the end of the 30 calendar days period must be conducted by the sending CSO prior to the transfer being initiated.
- e. **Offenders in Substance Abuse Treatment:** In cases where the offender is placed in an in-patient treatment program for any length of time, the case is not to be transferred until the entire treatment modality has been completed. Upon completion of the entire treatment modality (when the offender is released from in-patient care), the offender must maintain a stable residence for 30 calendar days and a subsequent home visit at the end of the 30 calendar days period must be conducted by the sending CSO prior to the transfer being initiated.

**NOTE: The Case Audit Form is to be used to review all cases prior to transfer.**

#### **D. Transfer Procedures**

- 1) The following procedures are to be followed when transferring an eligible case:
  - a. The transferring CSO will e-mail the SCSO requesting approval for transfer after the offender has remained stable in the new residence for 30 calendar-days and a subsequent home visit has been conducted.
  - b. Within three (3) business days of the transfer notification, the transferring SCSO will audit the case for compliance, certify that the case meets the standards for transfer and advise the transferring CSO accordingly.
  - c. The transferring SCSO will e-mail the receiving SCSO to give notification of the transfer. The transferring SCSO will forward the case file to the receiving SCSO within one (1) business day.
  - d. Within three (3) business days, the receiving SCSO will review the case for acceptance and advise the transferring SCSO of his/her decision via e-mail or telephone.
  - e. If accepted, the receiving SCSO will give the transferring SCSO a date and time for the offender to report to the new unit.

**NOTE: The transferring SCSO is responsible for making the SMART running record entry noting that in consultation with the receiving SCSO the case is being transferred. The change in team assignment will be made in SMART by the transferring SCSO.**

- 2) If, based on the criteria (as noted above) for transferring cases, the case is deemed unacceptable for transfer, the receiving SCSO will email the transferring SCSO of the decision with justification. Further discussions about the transferability of the case will be between the two SCSOs, with the intervention of the respective Branch Chief, only if a stalemate is reached.

#### **E. Timeframe for Finalizing Case Transfers**

- 1) If the case is determined to be transferable, the case transfer is to be initiated by the transferring CSO within three (3) business days and completed within ten (10) business days of initiation by the SCSO.

#### **F. Review of New and Transfer Cases**

- 1) When applicable, as part of the SCSO's case review of all new and transfer cases, the SCSO is to provide specific instruction to the assigned CSO regarding the offender's

case. In addition, the SCSO is to establish a specific period in the future in which to ensure that the SCSO's specific instructions are followed.

**For example, a Team may receive a new case or a case by transfer in which a detained offender has been ordered to serve a period of time in a halfway house as a special condition of his/her probation term. After reviewing the new or transferred case, the SCSO is to ensure that the halfway house placement process is initiated in a timely manner by providing specific instructions to the CSO on where to fax a copy of the offender's Judgment and Commitment Order to request the halfway house placement. The SCSO should then follow-up with the CSO in twenty (20) business days to ensure that the halfway house placement occurred as ordered by the sentencing Judge.**

- 2) Similar to the above example, it is imperative that in all new and transfer cases the SCSO reviews the Judgment and Commitment Order and all other relevant case documents in cases assigned to his/her respective team to ensure accuracy and awareness in the following areas:
  - a. Correct case assignment based on the offender's PSA or other criteria (see attached criteria);
  - b. Equal distribution of caseload within the team;
  - c. Cognizance of media related cases;
  - d. Specific instruction is given to staff to address and accomplish time-specific tasks
- 3) Furthermore, the SCSO is to note the date of the initiated and/or transfer case review in SMART for documentation. Specific written case instructions are to be given to the assigned CSO. The SCSO is also responsible for developing a system for follow-up to ensure that case specific instructions are accomplished by the assigned CSO.
- 4) During periods of leave for a week or more, the SCSO is to seek guidance from his/her Branch Chief as to who will be responsible for the SCSO's team case review process until the SCSO returns to work status.



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

*Office of the Associate Director  
Community Supervision Services*

### **Case Transfer Procedural Guidance Special Supervision Criteria Attachment**

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#### **I. Criteria for the Transfer of Cases to the Domestic Violence Unit (DVU)**

All cases transferred to a Domestic Violence Unit supervision team must meet the criteria as set forth in the Case Transfer Guidance procedures. In addition, cases meeting the following criteria **MUST** be referred for transfer to domestic violence supervision with a review toward acceptance:

- Cases criminal and civil with a special condition for Domestic Violence Treatment
- Cases in Which the offender is under supervision for a case that is not domestic assault, but the underlying circumstances of the case are domestic in nature (i.e., Unlawful Entry, Simple Assault); prior to transfer, the court order must be modified to include domestic violence treatment
- Cases in which the offender is **NOT** on supervision for a domestic offender, but the sentencing judge had ordered the offender to be supervised by a domestic violence unit

When in question, the transferring team is to contact the Domestic Violence Supervision team SCSO assigned to the PSA in which the offender resides.

#### **II. Criteria for the Transfer of Cases to the Sex Offender Unit (SOU)**

All cases transferred to a Sex Offender Unit supervision team must meet the criteria as set forth in the Case Transfer Guidance procedures. In addition, cases meeting one or more of the following criteria **MUST** be referred for transfer to the Sex Offender Unit for review with a review toward acceptance:

- Cases in which the offender is on probation, parole or supervised release for a sexual offense (i.e., Misdemeanor Sexual Abuse, Indecent Exposure, 1<sup>st</sup> Degree Sexual Abuse, Rape, etc...)
- Cases in which the offender is **NOT** on probation, parole or supervised release for a sexual offender but the circumstances of the crime are sexual in nature (offenses to look for: Simple Assault, Burglary, Kidnapping, Cruelty to Children, Child Abuse, Breaking and Entering, Stalking, Peeping, Murder, Manslaughter Carjacking)

- Cases in which the offender is NOT on probation, parole or supervised release for a sexual offense, however the sentencing judge has recommended that the offender be supervised by the Sex Offender Unit (this MUST be written on the Court Order)
- Cases in which the offender is NOT on probation, parole or supervised release but he/she was convicted of a sex offense in the past (This requires an in-depth review of the offender's criminal history)

Cases in which the offender is convicted of a sex offense as a juvenile should be evaluated by one of the SOU SCSOs prior to transfer.

### **III. Criteria for the transfer of cases to the Mental Health Supervision Unit**

All cases transferred to a Mental Health Unit supervision team must meet the criteria set forth in the Case Transfer Guidance procedures. In addition, cases meeting the following criteria MUST be referred for transfer to the Mental Health Supervision Unit with a review toward acceptance:

- Cases in which there is a judicial order specifying mental health team supervision
- Cases in which there is a judicial order specifying mental health and /or psychological assessment or evaluation
- Cases where an offender has been assessed and deemed appropriate for supervision by a mental health team as proffered by a CSOSA mental health specialist

### **IV. Criteria for the transfer of cases to the TAP Supervision Unit**

All cases transferred to a TAP Supervision Unit supervision team must meet the criteria set forth in the Case Transfer Guidance procedures. In addition, cases meeting the following criteria either be referred for transfer to the TAP Supervision Unit with a review toward acceptance or are ineligible for transfer to the Tap Supervision unit:

- Cases where the offender, who is presently supervised in a misdemeanor case, who incurs a traffic arrest/conviction that results in court ordered TAP supervision, shall be transferred upon expiration of the original misdemeanor matter
- Any general supervision felony or other special focus case will ALWAYS supercede the assignment or transfer to the TAP supervision unit.; therefore these cases are ineligible for transfer to the TAP Supervision Unit.
- Offenders with existing felony, sex, and DVIP offenses, who incur traffic related offenses, shall not be transferred to the TAP Unit because felony, sex and DVIP

offenses supercede traffic, with respect to supervision. In these cases, the current supervision officer shall maintain his/her supervision responsibilities and refer the offender to CIT for TAP treatment.

- Offenders incurring convictions for felony, sex or domestic violence offenses, during their TAP Supervision, shall be transferred to the appropriate supervision teams (following the established Case Transfer Guidance procedures). In the event an offender incurs new conviction for a misdemeanor offense, the TAP Unit will maintain supervision until the expiration of the traffic offense, after which the case will be transferred to a General Supervision Unit accordingly.