



# POLICY STATEMENT

Policy Statement 4001.1

Policy Area: Supervision

Effective Date: AUG 30 2001

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## PAROLEE/SUPERVISED RELEASEE REARRESTS

### I. COVERAGE

This Policy Statement formalizes procedures for Court Services and Offender Supervision Agency ("CSOSA") staff involved in the processing of a Report of Alleged Violation on a rearrested D.C. parolee/supervised releasee. CSOSA staff with specific responsibilities under these procedures include the CSS program analyst, Community Supervision Officers ("CSOs"), and Supervisory Community Supervision Officers ("SCSOs"). Other agencies requiring contacts under these procedures include the U.S. Parole Commission, the U.S. Attorney's Office, and the U.S. Marshals Service.

### II. BACKGROUND

A critical factor in CSOSA's success in reducing the crime rate is its ability to introduce an accountability structure into the supervision process and to provide timely responses to non-compliant behavior. Any offender who fails to abide by the general or specific conditions of release or engages in criminal activity is in violation of his/her conditions of supervision. A timely response is especially important when an offender is rearrested.

The D.C. Code requires the Superior Court for the District of Columbia to order up to a five-day hold on a D.C. parolee/supervised releasee charged with a new criminal offense if the court finds that the parolee/supervised releasee poses a risk of flight or danger to the community. The hold is intended to allow the paroling authority, in this case the U.S. Parole Commission ("USPC"), ample opportunity to review all relevant factors, including the circumstances of the new charge and, if appropriate, issue a warrant to be lodged as a detainer within the hold period. CSOSA may have as little as twenty-four hours to provide the information to the USPC.

### III. POLICY

CSOSA staff must monitor cases to ensure that when an offender is charged with a new crime while under community supervision CSOSA staff can provide the U.S. Parole Commission with information necessary for the possible issuance of a warrant to remove the offender from the community.

## **IV. PROCEDURES**

### **A. Initial Notification of Parolee/Supervised Releasee Re-arrest**

1. The CSS program analyst will receive on a daily basis from the U.S. Attorney's Office a copy (by fax) of the Gerstein statement and the police arrest report ("PD-163") pertaining to each parolee charged with a new offense whose name appears on the daily lock-up list.
2. The CSS program analyst will check the previous day's lock-up list daily to identify all parolees charged with new offenses and will provide daily notice of the lock-up to each offender's CSO. The notification shall include a computer print out of information about the offender's new charges, date of arrest, next court date, a copy of the police arrest report ("PD-163"), and a copy of the Gerstein statement (if available). If the CSO is unavailable to receive the re-arrest information, the CSS program analyst shall immediately attempt to contact the team duty officer or SCSO so that the preparation of the Report of Alleged Violations ("RAV") can begin without delay.

### **B. Submission of Violation Reports to the U.S. Parole Commission**

By 12:00 p.m. on the third business day of the offender's detention, the CSO must have completed the Report of Alleged Violation(s) ("RAV"), submitted the RAV(s) to his/her supervisor for signature. The SCSO is responsible for ensuring that the RAV is entered into the automated case management database. The SCSO is responsible for ensuring that the documentation is forwarded immediately (by fax or electronic means) to the USPC. The RAV must include the following information:

- The history of the offender under the latest period of supervision (and any previous periods of supervision, if available), including reporting habits and compliance with special conditions of parole/supervised release;
- The offender's overall community adjustment, including employment, history of substance abuse/dependency and participation in treatment programs, prior sanctions imposed (if any), home situation, family and/or other support systems in the community, and participation in educational or training programs, if applicable;
- Other currently outstanding criminal charges and technical violations against the offender;
- Similarity of the new criminal charges to past crimes of the offender, including the offense(s) for which the offender is currently serving a sentence on parole/supervised release, if any;
- A copy of the police arrest report ("PD-163");

- A copy of the Gerstein statement, if available; and
- Any other information relevant to the case.

#### C. Documentation of Notification Process

A copy of the fax or electronic confirmation receipt must be maintained in the offender's case file as verification that the USPC was notified.

#### D. Inquiries from U.S. Attorney's Office

Any inquiries from the U.S. Attorney's Office about the status of a CSOSA warrant request in a five-day hold case shall be referred to the Deputy Case Services Administrator of the USPC. The USPC will directly notify both the U.S. Attorney's Office and the CSO (by fax) if a warrant is issued by the USPC in response to the five-day hold, and a copy of said warrant shall be transmitted forthwith by "fax" to the U.S. Marshals Service for purposes of lodging a detainer or entry of the warrant into NCIC.

### V. AUTHORITIES AND REFERENCES

**Statutory Authority:** D.C. Code § 24-1233(c) (1)-(4) (1996 Repl., 1999 Supp.) and D.C. Code § 23-1322(a) (1) (C) (1996 Rep.)

**Procedural References/Supercedures:**

- **Supercedes:** N/A