



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

POLICY STATEMENT

Policy Statement 4004

Policy Area: Supervision

Effective Date: **NOV 8 2006**

Approved: *Paul A. Quander, Jr.*
Paul A. Quander, Jr., Director

ACCOUNTABILITY CONTRACT

I. COVERAGE

This Policy Statement establishes procedures for the Court Services and Offender Supervision Agency (“CSOSA”) staff involved in monitoring offender acknowledgement and compliance with accountability contracts. CSOSA staff with specific responsibilities under these procedures include Community Supervision Officers (“CSOs”).

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 swift responses to non-compliant behavior. Individuals under supervision must be closely case managed, including entering into accountability contracts acknowledging their responsibilities under probation, parole, or supervised release as granted by the Superior Court for the District of Columbia or the United States Parole Commission.

In order to instill an imperative of individual accountability, every documented accountability contract violation will be met with a prescribed and immediate response. An offender’s sanction schedule will correspond to his/her level of risk. At appropriate intervals, multiple or severe violations will result in a disciplinary hearing before the appropriate releasing authority. Conversely, compliance and graduated progression will be rewarded through incentives.

Therapeutic interventions are equally critical in reducing the risk of recidivism. Individualized treatment interventions are to be provided as needed in conjunction with the imposition of graduated sanctions. Therapeutic interventions available for use are addressed in separately issued CSOSA policies (for example, Offender Substance Abuse Treatment and Referral Process).

III. POLICY

All offenders will enter into an accountability contract within 25 working days of assignment to a CSO. The use of accountability contracts across all supervision units will result in a seamless

continuum of services, increased offender accountability, and enhanced case management. The CSO will institute Level I, Level II, Level III, or Level IV sanctions for drug testing violations, and other non-criminal “technical” violations within three business days of notification of an offender’s non-compliance. Violations that should result in immediate, graduated sanctions are summarized in sections B and C of Appendix A of this Policy Statement.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. 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., 1999 Supp.) (Director’s authority); D.C. Code § 24-103 (1996 Repl.) (Probation’s authority); 28 C.F.R. § 2.85(a)(15).

B. Supersedures

Existing internal branch procedures must be reviewed and, if necessary, revised to conform with the procedures in this Policy Statement on Accountability Contracts.

C. Procedural References

Offender Substance Abuse Treatment and Referral Process
Domestic Violence Intervention Program (DVIP) -- Treatment
Traffic Alcohol Program
Sex Offender Treatment Program

D. Attachments

Appendix A. General Procedures
Appendix B. Applicable CSOSA Regulations (28 C.F.R. Part 810)
Appendix C. Accountability Contract

APPENDIX A GENERAL PROCEDURES

A. Accountability Contract

The CSO must ensure that an accountability contract (see Appendix C) is maintained in an electronic environment or is included in the offender's file within 25 working days of the offender's assignment to the CSO.

Note: CSOSA reserves the right to modify the sanctions contained in the offender's accountability contract. Parolees/supervised releasees are advised that they must accept the graduated sanctions contained in the accountability contract pursuant to the Conditions of Release contained in their parole certificate (28 C.F.R. § 2.85(a)(15)). Probationers are advised that they must accept the graduated sanctions contained in the accountability contract pursuant to the general conditions of their probation. Failure to sign the accountability contract does not relieve the offender of the obligations contained in the accountability contract.

B. Substance Abuse Violations

A drug test violation encompasses the following—a positive urine sample; failure to report for drug testing (behavioral positive); submission of a bogus sample; and failure to submit a sample. In addition, failure to appear for treatment sessions or failure to complete inpatient/outpatient treatment programming, as required by the offender's conditions of release or as instructed by the CSO, are violations which will result in the imposition of a sanction.

C. Types of Other Non-criminal "Technical" Violations

Other non-substance abuse related technical violations include:

1. Failure to report to CSO or permit the CSO to visit his/her home;
2. Leaving the judicial district without the permission of the court or CSO;
3. Failure to work regularly or attend training and/or school;
4. Failure to notify CSO of change of address and/or employment;
5. Frequenting places where controlled substances are illegally sold, used, distributed, or administered;
6. Associating with persons engaged in criminal activity;
7. Associating with a person convicted of a felony without the permission of the CSO;
8. Failure to notify the CSO within 48 hours of being arrested or and for parolees who have been questioned by a law enforcement officer;
9. Entering into an agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court or USPC; and
10. Failure to adhere to any general or special condition of release.

D. Schedule of Accountability through Graduated Sanctions

Upon documentation of a violation, the CSO institutes the appropriate response in accordance with the schedule presented below **within three (3) business days of the violation, if the offender is available**. Pursuant to Agency regulations (see Appendix B), CSOSA has, at its disposal, a range of sanctions to address offender noncompliance. The Schedule of Accountability through Graduated Sanctions (see Appendix C) represents the sanctions currently deemed appropriate for effectively supervising CSOSA offenders.

E. Alleged Violation Reports (AVR)

Violations of the Accountability Contract are also violations of an offender's condition of release. CSOs must be vigilant in supervising offenders and be on the alert for major violations of the accountability contract/condition of release. (Major violations are actions that pose a threat to public safety, e.g. re-arrest, loss of contact, etc. Reference the appropriate CSOSA policy, procedure or guideline.) When major violations occur, CSOs must submit an alleged violation report to the appropriate releasing authority in accordance with applicable CSOSA policies, procedures and guidelines. Additionally, the CSOs must prepare an AVR to the appropriate releasing authority after exhausting the Level IV sanction.

APPENDIX B
APPLICABLE CSOSA REGULATIONS

28 CFR PART 810 -- COMMUNITY SUPERVISION: ADMINISTRATIVE SANCTIONS

Sec.

810.1 Supervision contact requirements.

810.2 Accountability contract.

810.3 Consequences of violating the conditions of supervision.

Authority: Pub. L. 105-33, 111 Stat. 712 (D.C. Code 24-1233(b)(2)(B)).

§ 810.1 Supervision contact requirements.

If you are an offender under supervision by the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA), CSOSA will establish a supervision level for you and your minimum contact requirement (that is, the minimum frequency of face-to-face interactions between you and a Community Supervision Officer (CSO)).

§ 810.2 Accountability contract.

(a) Your CSO will instruct you to acknowledge your responsibilities and obligations of being under supervision (whether through probation, parole, or supervised release as granted by the releasing authority) by agreeing to an accountability contract with CSOSA.

(b) The CSO is responsible for monitoring your compliance with the conditions of supervision. The accountability contract identifies the following specific activities constituting substance abuse or non-criminal violations of your conditions of supervision.

(1) Substance abuse violations.

(i) Positive drug test.

(ii) Failure to report for drug testing.

(iii) Failure to appear for treatment sessions.

(iv) Failure to complete inpatient/outpatient treatment programming.

(2) Non-criminal violations.

(i) Failure to report to the CSO or permit the CSO to visit your home.

(ii) Leaving the judicial district without the permission of the court or the CSO.

(iii) Failure to work regularly or attend training and/or school.

(iv) Failure to notify the CSO of change of address and/or employment.

(v) Frequenting places where controlled substances are illegally sold, used, distributed, or administered.

(vi) Associating with persons engaged in criminal activity.

(vii) Associating with a person convicted of a felony without the permission of the CSO.

(viii) Failure to notify the CSO within 48 hours of being arrested or questioned by a law enforcement officer.

(ix) Entering into an agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court or USPC.

(x) Failure to adhere to any general or special condition of release.

(c) The accountability contract will identify a schedule of administrative sanctions (see § 810.3(b)) which may be imposed for your first violation and for subsequent violations.

(d) The accountability contract will provide for a reduction in your supervision level and/or the removal of previously imposed sanctions if:

- (1) You maintain compliance for at least ninety days,
- (2) The Supervisory Community Supervision Officer concurs with this assessment, and
- (3) There are no additional reasons unrelated to the imposed sanction requiring the higher supervision level.

§ 810.3 Consequences of violating the conditions of supervision.

(a) If your CSO has reason to believe that you are failing to abide by the general or specific conditions of release or you are engaging in criminal activity, you will be in violation of the conditions of your supervision. Your CSO may then impose administrative sanctions (see paragraph (b) of this section) and/or request a hearing by the releasing authority. This hearing may result in the revocation of your release or changes to the conditions of your release.

(b) Administrative sanctions available to the CSO include:

- (1) Daily check-in with supervision for a specified period of time;
- (2) Increased group activities for a specified period of time;
- (3) Increased drug testing;
- (4) Increased supervision contact requirements;
- (5) Referral for substance abuse addiction or other specialized assessments;
- (6) Electronic monitoring for a specified period of time;
- (7) Community service for a specified number of hours;
- (8) Placement in a residential sanctions facility or residential treatment facility for a specified period of time.
- (9) Travel restrictions.

(c) You remain subject to further action by the releasing authority. For example, the United States Parole Commission may override the imposition of any of the sanctions in paragraph (b) of this section and issue a warrant or summons if you are a parolee and it finds that you are a risk to the public safety or that you are not complying in good faith with the sanctions (see 28 CFR 2.85(a)(15)).

APPENDIX C



Court Services and Offender Supervision Agency
for the District of Columbia

Office of Community Supervision Services

ACCOUNTABILITY CONTRACT

Offender Name: _____ PDID: _____

I understand that I am responsible for abiding by the conditions of my release as granted by the Superior Court for the District of Columbia, the United States Parole Commission, or _____ (fill in name of appropriate judicial body). Furthermore, I understand that if I violate any of the general or special conditions of my release, fail to report as required by my Community Supervision Officer (including failing to permit my Community Supervision Officer to visit my home), fail to report for drug testing, test positive for illegal drugs, submit an adulterated sample, fail to appear for treatment sessions, or fail to complete inpatient/outpatient treatment programming as required by conditions of my release or as instructed by my Community Supervision Officer, I am subject to the following sanctions or revocation of my probation, parole, or supervised release. In addition, my Community Supervision Officer may, at any time, submit a violation report to the appropriate releasing authority recommending the revocation of my community supervision. These conditions will remain in effect for as long as I am on probation, parole, or supervised release.

Pursuant to 28 C.F.R. §2.85(a)(15) and Part 810, CSOSA has, at its disposal, a range of sanctions to address offender noncompliance. The Schedule of Accountability through Graduated Sanctions attached below represents the sanctions currently deemed appropriate for effectively supervising CSOSA offenders. CSOSA reserves the right to modify the sanctions attached to the offender's Accountability Contract. Offenders are advised that they must accept the graduated sanctions attached to this Accountability Contract pursuant to the Conditions of Release established by the relevant paroling or court authority. Failure to sign this Accountability Contract does not relieve the offender of the obligations contained in this document.

Signature of Offender Date

Signature of Community Supervision Officer (CSOSA) Date

SCHEDULE OF ACCOUNTABILITY THROUGH GRADUATED SANCTIONS

If the violation does not include a drug-testing violation, only the sanction above the dashed-line will apply. If a drug testing violation is included in the violation, the items above and below the dashed-line will apply.

		Level I	Level II	Level III	Level IV																														
Risk Level (Criminality)	Intensive/Maximum	<ul style="list-style-type: none"> CSO written reprimand Increase Supervision Level if not Intensive 	<p style="text-align: center;">ONE OR MORE SANCTIONS:</p> <ul style="list-style-type: none"> SCSO Written Reprimand Daily Sanctions Groups Community Service Increase Supervision Level 5-Day Daily Check-In 	<p style="text-align: center;">ONE OR MORE SANCTIONS:</p> <ul style="list-style-type: none"> GPS Curfew Halfway Back Residential Sanctions Facility AVR Increase Supervision Level, if appropriate 	<p style="text-align: center;">CHOOSE ONE SANCTION:</p> <ul style="list-style-type: none"> GPS Curfew Halfway Back Residential Sanctions Facility AVR 																														
	Drug Testing Sanctions	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th># Pos.</th> <th>Sanction/Action</th> </tr> </thead> <tbody> <tr> <td>1st</td> <td> <ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy </td> </tr> <tr> <td>2nd</td> <td> <ul style="list-style-type: none"> CSO Written Reprimand </td> </tr> <tr> <td>3rd</td> <td> <ul style="list-style-type: none"> SCSO Written Reprimand </td> </tr> </tbody> </table>	# Pos.	Sanction/Action	1st	<ul style="list-style-type: none"> CSO Verbal Reprimand Increase Drug Testing per Agency Policy 	2nd	<ul style="list-style-type: none"> CSO Written Reprimand 	3rd	<ul style="list-style-type: none"> SCSO Written Reprimand 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th># Pos.</th> <th>Sanction/Action</th> </tr> </thead> <tbody> <tr> <td>4th</td> <td> <ul style="list-style-type: none"> Refer to CIT Increase Supervision Level, as appropriate </td> </tr> <tr> <td colspan="2" style="text-align: center;">PLUS ONE OR MORE SANCTIONS, BELOW:</td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> Community Support Groups 2X/wk </td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> Community Service </td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> 5-Day Daily Check In </td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> Sanctions Group </td> </tr> </tbody> </table>	# Pos.	Sanction/Action	4th	<ul style="list-style-type: none"> Refer to CIT Increase Supervision Level, as appropriate 	PLUS ONE OR MORE SANCTIONS, BELOW:		<ul style="list-style-type: none"> Community Support Groups 2X/wk 		<ul style="list-style-type: none"> Community Service 		<ul style="list-style-type: none"> 5-Day Daily Check In 		<ul style="list-style-type: none"> Sanctions Group 		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th># Pos.</th> <th>ONE OR MORE SANCTIONS:</th> </tr> </thead> <tbody> <tr> <td>5th</td> <td> <ul style="list-style-type: none"> GPS Curfew Inpatient Treatment 5 Days in Jail/AVR (Probation Cases) Increase Supervision Level as appropriate Sanctions Group AVR </td> </tr> </tbody> </table>	# Pos.	ONE OR MORE SANCTIONS:	5th	<ul style="list-style-type: none"> GPS Curfew Inpatient Treatment 5 Days in Jail/AVR (Probation Cases) Increase Supervision Level as appropriate Sanctions Group AVR 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th># Pos.</th> <th>ONE OR MORE SANCTIONS:</th> </tr> </thead> <tbody> <tr> <td>6th</td> <td> <ul style="list-style-type: none"> GPS Halfway Back AVR </td> </tr> </tbody> </table>	# Pos.	ONE OR MORE SANCTIONS:	6th	<ul style="list-style-type: none"> GPS Halfway Back AVR
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With respect to offenders who are testing positive for marijuana use, urine test results that are positive are to be evaluated to confirm that the offender's positive test result is reflective of new use versus residual use. Offenders are not to be sanctioned if the positive test result is reflective of residual use.

Note: Individualized treatment interventions will be provided as needed throughout the graduated sanctions continuum.

After 90 days of compliance, the offender returns to level one of the sanctions matrix per his/her risk level. If the offender's risk level has increased due to a previous sanction, the CSO may submit a request to his/her Supervisory Community Supervision Officer to consider lowering the offender to his/her previous level.