



CSOSA

GUIDANCE FOR INDIVIDUALS ON COMMUNITY SUPERVISION

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Guidance Disclaimer

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Summary

The Court Services and Offender Supervision Agency's community supervision strategies are aimed at improving and enhancing public safety in the District of Columbia (District). Community Supervision includes supervisees serving terms of probation, parole, and supervised release, as well as individuals with deferred sentencing agreements and civil protective orders in the District.

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Introduction

What We Do | Community Supervision

The Court Services and Offender Supervision Agency's (CSOSA) community supervision strategies are aimed at improving and enhancing public safety in the District of Columbia (District). Community supervision includes monitoring supervisees serving terms of probation, parole, and supervised release, as well as individuals with Deferred Sentencing Agreements (DSA) and Civil Protection Orders (CPO) in the District. CSOSA also provides community supervision for individuals sentenced in other jurisdictions and transferred to the District under the Interstate Compact Agreement. CSOSA's approach to community supervision emphasizes assessment, intervention, and accountability. In addition to the conditions of release imposed by the Superior Court for the District of Columbia (Court) - individuals on probation, DSAs, and/or CPOs - or the United States Parole Commission (USPC) - individuals on parole or supervised release - CSOSA develops an individualized case plan for each person entering community supervision based on initial and on-going assessments. This case plan includes intervention strategies to target the supervisee's specific risk level and needs.

Supervision Types

Probation: A disposition ordered by the Court in which an individual convicted of a criminal offense is placed under a term of community supervision. The Court determines whether probation will be supervised or unsupervised. Supervised probation requires regular reporting to a Community Supervision Officer (CSO). Unsupervised probation allows the supervisee to fulfill obligations outlined by the Court, without the requirement to report regularly to a CSO.

Parole: A form of early release from prison based on an individual's positive adjustment to rehabilitative goals established during incarceration. Decision to grant, deny, or revoke parole is determined by the USPC. Parole was abolished in the District for individuals sentenced after August 5, 2000. After that date, eligible individuals are subject to a period of supervised release following incarceration.

Supervised Release: A term of community supervision served after an individual is released from prison. The court may impose supervised release during sentencing in addition to a term of incarceration. Unlike parole, supervised release does not replace a portion of the sentence of incarceration, but is in addition to the time served in prison. The individual is subject to specified conditions of supervised release that are intended to prevent the supervisee's return to incarceration. In the District, the USPC oversees supervised release, and CSOSA administers it.

Civil Protection Orders (CPO): Orders imposed by the Court for a specified term to protect the petitioner from abuse or harassment by the respondent.

Deferred Sentencing Agreements (DSA): Agreements in which the Court and prosecutor defer sentencing for nine months after the defendant's guilty plea. Any special conditions imposed will be enforced by CSOSA.

Interstate Supervision: Under the Interstate Compact Agreement, individuals sentenced by the Court can request permission to reside in another state; if approved, these individuals are supervised by the receiving state and must follow the receiving state's rules and requirements for community supervision. Individuals sentenced in other jurisdictions can request permission to reside in the District and have their probation, parole, and supervised release transferred to the District.

Chapter 1: Initial Reporting and Intake

The Reception and Processing Center

The Reception and Processing (RAP) Center is the starting point for all community supervision matters. All supervisees are required to report to the RAP Center for an Intake Interview if ordered by the Court to undergo a Pre-Sentence Investigation, or sentenced to a term of probation, parole, or supervised release, or entered a DSA with the United States Government, or is the respondent of a CPO. If the supervisee is a resident of another state and requests to relocate to the District the supervisee is required to report to the RAP Center once given reporting instructions from the jurisdiction where they reside.

Obligation and Timeline for Reporting to the RAP Center

Obligation	Within 24 hours	Within 72 hours
Presentence Investigation	X	
Probation (including unsupervised)	X	
Parole/Supervised Release		X
Deferred Sentencing Agreement	X	
Civil Protection Order	X	
Accepted Interstate Transfer of Community Supervision to the District	Report to the RAP Center on the date listed on “Transfer Reply” or “Request for Reporting Instructions” forms.	

Note: Reporting after the prescribed timelines may result in a sanction, to include but not limited to electronic surveillance.

If sentenced to a split sentence (i.e., incarceration, followed by a term of community supervision), the timelines for reporting are below:

Timeline for Reporting to the RAP Center by Releasing Authority

Releasing Authority	Within 24 hours	Within 72 hours
Bureau of Prisons		X
District of Columbia (DC) Jail	X	

Note: Reporting after the prescribed timelines may result in a sanction, to include but not limited to electronic surveillance.

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What Does the Reception and Processing Center Do?

The RAP Center is responsible for conducting an Intake Interview with the supervisee who will be asked to complete intake forms and provide documentation regarding the court-ordered obligation (i.e. Presentence Investigation, Probation matter, etc.). This information includes, but not limited to identifying information, employment history, housing history, educational history, criminal history, and collateral contacts.

After the Intake Interview, reporting instructions will be given, and referrals will be made for any services listed on the release order. These services include, but are not limited to drug testing, deoxyribonucleic (DNA) testing, electronic surveillance, and substance use assessment.

Supervisee's Responsibilities During the Intake Process

- Report to the RAP Center on time;
- Provide truthful, accurate, timely and verifiable information;
- Comply with all provided referrals;
- Comply with all CSOSA reporting instructions;
- Report to assigned CSO as instructed following the Intake Interview process with the RAP Center; and
- If applicable, report for:
 - Initial drug testing;
 - Gun Offender Registry;
 - DNA testing;
 - Sex Offender Registry; and/or
 - Electronic surveillance.

Chapter 2: Presentence and Prerelease Investigations and Reports

Presentence Investigations

A Presentence Investigation (PSI) is ordered by the Court in preparation for sentencing a defendant. The report contains comprehensive criminal and social history information that helps inform the Court's sentencing decision. The scope of the social history typically includes the defendant's background and current needs in the areas of education, employment, housing, family, community, financial, medical/mental, and substance use. The Federal Bureau of Prisons (BOP) uses this report, in conjunction with other information, to determine a defendant's classification (i.e., security and custody level). The USPC also uses this report for background information and support for their decisions. In rare instances when a PSI has not been performed, a Post-Sentence Investigation may be prepared by CSOSA before the defendant is designated to a BOP facility. A defendant can expect the information to be obtained through judicial, law enforcement, health, education, and employment records as well as through a series of interviews conducted with the defendant and their collateral contacts.

During the PSI process, the defendant can expect CSOSA to contact the defendant's attorney, family members, and anyone else the defendant designates as a collateral contact. The purpose of including collateral contacts in this investigation is to provide the Court with a complete and thorough representation of the defendant and their life. The defendant and their collateral contacts must provide complete and accurate information to the CSO performing the PSI, failure to do so may result in a partial report or a delay in sentencing.

If the defendant is incarcerated and the judge orders a PSI, the defendant will be interviewed at the detention facility. Defendants in the community are required to report to CSOSA's RAP Center within 24 hours of the issuance of the order.

Defendant's Responsibilities during the Presentence Investigation

- Report to the RAP Center within 24 hours for an Intake Interview and PSI scheduling, if the defendant is in the community awaiting sentencing;
- Provide truthful, accurate, timely and verifiable information;
- Review and sign all acknowledgment and release of information forms;
- Comply with all CSOSA reporting instructions for appointments, assessments, and home/employment visits;
- Encourage family members and other collateral contacts to cooperate with PSI investigation; and
- Continue to comply with any Pretrial Services Agency (PSA) conditions as well as any referrals or instructions given by the Pretrial Services Officer.

Prerelease Investigations

A Prerelease Investigation is completed before a supervisee is released from incarceration and placed on Parole or Supervised Release. The purpose of the Prerelease Investigation is to ensure that the supervisee has a suitable plan for the transition from detention to the community that includes a viable residence or alternative housing.

A Transitional Intervention for Parole Supervision (TIPS) is an investigation and planning process that ensures that supervisees transitioning directly to the community or through a BOP Residential Reentry Center (RRC) receives assessments, counseling, and appropriate referrals for treatment and/or services. For supervisees transitioning directly to the community, the transition plan is developed during the period of incarceration. For supervisees that will transition back into the community through an RRC, the TIPS CSOs will work with each supervisee to develop their plan while the supervisee is residing in an RRC under the jurisdiction of the BOP.

While in the custody of the BOP, a BOP case manager coordinates with a supervisee to establish a proposed Release Plan, which is provided to a TIPS CSO up to 120 days prior to the anticipated release date. A TIPS CSO reviews the release plan and conducts an investigation. If the supervisee is in the custody of DC Jail or another non-BOP facility, the TIPS CSO will request a Release Plan and progress report from the case manager at that facility to initiate the investigation. A Prerelease Investigation report contains information sourced from judicial, law enforcement, health, education, and employment records as well as interviews conducted with the supervisee and their collateral contacts. The report includes the proposed residence if it has been verified. It may include a recommendation to the releasing authority to modify or add special conditions to support an supervisee's transition to the community and ensure compliance with community supervision.

The supervisee's failure to provide accurate and verifiable information regarding a proposed residence, or a collateral contacts' refusal to allow CSOSA to verify the residence, may result in a denial of the residence and a referral to a homeless shelter or transitional housing. After a TIPS investigation is concluded, the supervisee will be provided Reporting Instructions detailing their obligations upon release from incarceration.

Supervisee's Responsibilities during the Prerelease Investigation

- Provide truthful, accurate, timely and verifiable information.
- Review and sign all acknowledgment and release of information forms.
- Comply with all CSOSA reporting instructions for appointments, assessments, and home/employment visits.

Chapter 3: Intake Screening and Ongoing Assessment/Identification of Criminogenic Risk and Needs

Identifying and Assessing Risks and Needs

CSOSA determines the risk a supervisee poses to public safety using assessment tools and other relevant information known to CSOSA. The assessment tools assist in identifying and prioritizing the needs of the supervised population. Assessments are continuous throughout community supervision and are used to map out interventions designed to assist in successful completion of community supervision. Intervention assessments include, but are not limited to, substance use assessments, mental health assessments, psychosexual assessments, and violence risk assessments. The impact of these interventions is measured by assessing changes in supervisee behavior throughout community supervision.

Supervisee Responsibilities for Assessment Completion

- Provide truthful and accurate and verifiable information to the assessing staff member during the assessment;
- Review and sign all acknowledgment and release of information forms; and
- Comply with all CSOSA Reporting Instructions.

Chapter 4: Case Planning and Service Provision

Case Planning

Supervisees participate in the development of their individualized case plan to address criminogenic risks and needs. The case plan is developed collaboratively to ensure that goals and objectives reflect conditions of community supervision and needs identified in the assessment process. The case plan is a document that is reviewed and updated regularly throughout the community supervision period to account for changing risks and needs.

What does case planning lead to?

- Identifying attainable and time-limited community supervision goals based on input from the supervisee and from documents that include, but are not limited to: PSI and TIPS reports, assessment results, conditions of community supervision, drug test results, and reports from service providers.
- Supporting the supervisee's prosocial behavior in the community through:
 - Skill-building centered on problem-solving;
 - Referrals to intervention services available at CSOSA or in the community; and
 - Interventions that are tailored to the supervisee's learning style, abilities, and strengths.
- Tracking and summarizing progress with conditions of community supervision, completed goals, and changes in circumstances throughout the community supervision period.

In some instances, case planning can be impacted by a supervisee's desire to move outside of the District, or to modify conditions of community supervision. Relocation requires a request to transfer community supervision to another state through the Interstate Compact and this action can be included in the case planning process. It is important to note that, absent limited circumstances, the supervisee must reside in the District while the request to transfer is pending a final decision from the proposed receiving state or jurisdiction. Supervisees must continue to participate in case planning and comply with all conditions of community supervision until the releasing authority provides written approval of any changes requested by the supervisee.

Community Supervision and Intervention Services

Community supervision and intervention services at CSOSA are designed to help supervisees meet community supervision conditions and goals, increase supervisee strengths, and reduce the risk for reoffending. Community supervision includes, but is not limited to: collecting and verifying information related to community supervision conditions and goals. The supervisee is expected to provide documentation requested during regular face-to-face contact at CSOSA community supervision offices, place of residence, place(s) of employment, and other agreed upon locations throughout the District. General and special conditions imposed by the releasing authority in the supervisee's case determines the type of documentation the supervisee must provide and may include submitting to drug testing, electronic monitoring, and other efforts to gather information on the supervisee's compliance with terms of community supervision.

Intervention services address the supervisee's risks and needs including criminogenic, stabilization, and behavioral health needs. Some examples of intervention services include, but are not limited to: sanctions issued in response to violations of terms of community supervision, cognitive-behavioral programs, vocational training, traffic and

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alcohol programs, substance use disorder treatment, mental health treatment, and linkages to other community resources. Other interventions help the supervisee acknowledge and work to repair the harm done to victims and communities as a result of their past criminal behavior. These interventions include, but are not limited to: restitution, domestic violence intervention, victim impact panel, and community service programs.

Supervisee's Responsibilities during Case Planning and Service Provision

- Attend and actively participate in scheduled case planning meetings;
- Provide accurate, factual, and verifiable information;
- Follow any directives given by the CSO or service providers regarding assessments, referrals, and placement in treatment, programs, or housing;
- Submit to screenings administered to determine eligibility for interventions (e.g., Tuberculosis testing);
- Review and sign applicable acknowledgement and release of information forms;
- Consult with the CSO to request approval for transferring community supervision to another jurisdiction or to request a change in conditions of community supervision;
- Reside in the District unless and until approved to move to another state or jurisdiction; and
- Provide any documentation requested by the CSO.

Chapter 5:

On-going Community Supervision, Interventions, and Prosocial Role Modeling

On-going Community Supervision

Thus far, this guidance has discussed the different phases and associated requirements of community supervision from prerelease through initial case planning. It is important to note that the monitoring of a supervisee occurs throughout the entire term of community supervision to ensure compliance with conditions of community supervision. Monitoring as a part of on-going community supervision requires that supervisees comply with:

- All conditions of community supervision including any stay-away orders, barring notices, registration requirements, electronic monitoring, employment/educational, or other programming;
- Contacts with CSOs in the community and at designated CSOSA supervision sites;
- Recurring verifications of housing, employment, and school enrollment;
- Permitting outreach to the supervisee's collateral contacts, such as family, friends and service providers; and
- Providing documentation to verify progress with conditions of community supervision, intervention programming, and case plan goals.

Interventions

To advance CSOSA's mission of increasing public safety, supervisees are subject to interventions throughout the term of community supervision. Interventions primarily target the development of personal responsibility, prosocial attitudes and behaviors, and skills needed to avoid engagement in criminal activities. Interventions may also target supervisee needs that, when met, promote stability and compliance. Supervisees are continually assessed throughout the term of community supervision to ensure that the duration, frequency, and amount of interventions correspond with the supervisee's assessed risks and needs. Supervisees are required to participate in interventions that may be administered in-house by CSOSA staff, by contractors, or by community service providers. Supervisees can expect their risks and needs to be addressed through the following interventions, tools, and strategies:

1. **Risk containment:** Close monitoring, community supervision, and control by way of sanctions issued in response to violations of terms of community supervision.
2. **Risk reduction:** Steering supervisees to develop case plan goals and attend programs that address their specific criminogenic needs while reducing the likelihood of committing future crimes. Risk reduction programs include, cognitive-behavioral programs, traffic and alcohol programs, substance use disorder treatment, and domestic violence programs.
3. **Stabilization:** Addresses the supervisee's need to have basic needs met (i.e. food, shelter, and clothing). Stabilization involves connecting supervisees with service providers that offer: vocational training, mental health treatment, transitional housing programs, valid identification, transportation, medical attention, and other critical concerns.
4. **Compliance tracking:** Monitoring progress and barriers associated with the completion of administrative terms of community supervision, including financial obligations.

Prosocial Role Modeling

Throughout the term of community supervision, supervisees are expected to take responsibility and ownership for their own thoughts, feelings, and actions with the goal of developing sustained prosocial behavior change. Prosocial role modeling refers to the process by which CSOSA staff demonstrates and reinforces positive social interactions. The supervisee must actively participate in case planning and in other in-house interventions to benefit from prosocial role modeling.

Supervisee's Responsibilities During On-going Community Supervision, Interventions, and Prosocial Role Modeling Process:

- Comply with all conditions imposed by the releasing authority;
- Comply with all CSOSA reporting instructions for appointments, assessments, interventions, and home/employment visits;
- Provide accurate, factual, and verifiable information;
- Provide verification of residence, employment, and/or school enrollment;
- Update CSOSA with any changes to residence, employment, school enrollment;
- Comply with requirements, if applicable, of the Gun Offender Registry;
- Comply with requirements, if applicable, of the Sex Offender Registry;
- Comply with program requirements and all terms of active community supervision including concurrent community supervision with the Department of Youth Rehabilitation Services, Pretrial Services Agency, United States Probation Office, and/or community supervision in, another jurisdiction;
- Adhere to Stay Away Orders and Barring Notices;
- Provide signed acknowledgement and release of information forms;
- Participate in case planning with community supervision and intervention team members;
- Comply with referrals provided by CSOSA;
- Engage and participate in intervention, programming as instructed by CSOSA; and
- Provide documentation as requested by CSOSA.

Chapter 6: Accountability and Reporting

Accountability

Supervisees are responsible for complying with a range of conditions of supervision ordered by releasing authorities. Any action by supervisees that does not conform to conditions of supervision constitutes noncompliant behavior. Supervisees can expect continual monitoring on compliance with conditions of supervision and, as necessary, for noncompliant behavior to be addressed through the use of swift and appropriate sanctions (up to, and including, removal from the community). Sanctions for noncompliant behavior are proportional to the non-compliant behavior and to the supervisee's risk level.

As discussed in [Chapter 5: On-going Supervision, Interventions, and Prosocial Role Modeling](#), supervisees can expect CSOSA to use multiple strategies for increasing compliance and accountability for noncompliant behavior, including: risk containment, risk reduction, stabilization, and compliance tracking.

Risk Containment

Supervisees will be subject to risk containment strategies including behavioral restrictions that limit opportunities for supervisees to engage in high-risk behavior. Behavioral restrictions will be imposed in accordance with conditions of supervision or as sanctions in response to noncompliant behavior. Examples of behavioral restrictions intended to contain risk include, but are not limited to:

- Accountability tours: home verifications performed collaboratively by CSOs and Metropolitan Police District (MPD) and other law enforcement officers;
- Electronic monitoring, possibly including curfew and stay away zones;
- Restrictions on associations with specified persons;
- Restrictions on alcohol use;
- Restriction on computer/internet use;
- Restrictions on travel outside of the District;
- Placement in community or residential programs; and
- Intermittent confinement.

Risk Reduction

Risk reduction strategies are preventative in nature but noncompliant behavior can trigger a shift in the duration, frequency, and amount of programming supervisees engage in for criminogenic risk reduction. Following an instance of noncompliant behavior, supervisee's will participate in assessments of their risk and needs and revisions to their individualized case plan. Supervisees must comply with all directed actions to address their noncompliant behavior or/and to ensure it does not occur again in the future. As a result of noncompliant behavior, supervisees may also be subject to changes in risk reduction programming that promote prosocial attitudes, thoughts, behaviors, or social networks.

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Stabilization

Stabilization needs are basic survival needs (e.g., stable housing, mental health treatment, employment, vocational training, etc.). If left unaddressed by the supervisee, these may lead to noncompliant behavior or hinder the effectiveness of community supervision and intervention services (see [Chapter 5](#)). Opportunities for disclosing and addressing any stabilization needs will occur through the supervisee's active and ongoing participation in assessments and case planning. Supervisees must take an active role in complying with the rules and regulations of in-house CSOSA programs and those of service providers in the community to remain eligible for services. Supervisees will be held accountable for reporting to and following through with services at CSOSA and in the community that address their stabilization needs.

Compliance Tracking

Compliance tracking involves holding supervisees accountable for compliance with conditions of community supervision through the documentation of all supervisee behaviors during their term of community supervision. Progress with services provided to the supervisee at CSOSA will be documented by CSOSA staff (e.g., drug testing results; verified housing and employment locations). Whenever the supervisee is receiving services by providers in the community, the supervisee is responsible for providing documentation from service providers to verify their progress and attendance. Supervisees can expect for all documentation to be subject to verification and reporting to releasing authorities. Supervisees must demonstrate compliance with all supervision requirements and instructions from CSOSA.

Reporting

CSOSA reports supervisee progress, status, and/or non-compliance to the releasing authorities. The frequency of reporting supervisee progress or status by CSOSA to the releasing authority varies depending on the type of community supervision and the length of the term of supervision. All supervisees, regardless of supervision type, can expect for CSOSA to report noncompliance or violations of conditions of community supervision to the releasing authority.

Supervisee's Responsibilities as it relates to Accountability and Reporting

- Comply with all CSOSA Reporting Instructions;
- Provide accurate, factual, and verifiable information;
- Provide signed acknowledgement and release of information forms;
- Notify your CSO, within one business day, of any contact with law enforcement;
- Notify your CSO, within one business day, of a new arrest or law violation;
- Notify your CSO, within one business day, of a change in your address or employment;
- Submit to sanctions imposed as a result noncompliance; and
- Actively participate in programming assigned by their CSO.
- If applicable, submit to:
 - Accountability tours
 - Drug testing
 - Computer searches and monitoring
 - Property searches
 - Electronic monitoring

Chapter 7: Case Closures

Successful completion of supervision is often contingent on the completion of special conditions and may require status reports and recommendations from CSOSA to the releasing authority. In the instances of convictions eligible for expungement or set aside, CSOSA will provide reports to the releasing authority recommending or requesting the benefits specific to each conviction. Supervisees are not only responsible for complying with a range of conditions of supervision ordered by releasing authorities, but also providing verification of progress and completion to CSOSA. A supervisee plays an integral part in the closure of their supervision, whether the closure is through expiration, termination, revocation, expungement, or set aside.

Expiration

The releasing authority orders a supervisee to a supervision term for a specified amount of time. The expiration date of supervision is determined by the sentencing date and duration of supervision ordered. When a supervisee completes all ordered special conditions and has been compliant with CSOSA requirements, at the conclusion of their supervision, they successfully expire from supervision. CSOSA closes interest in all supervision cases that have expired successfully.

Early Termination of Supervision

A supervisee who has completed all of their special conditions ordered by the releasing authority prior to the expiration of their supervision and has complied with supervision requirements may be eligible for early termination. Early termination can be requested by CSOSA or through a supervisee who files a motion with the releasing authority. Although CSOSA can make the recommendation for early termination, the releasing authority ultimately grants or denies this request.

Revocation and Termination of Supervision

If a supervisee is non-compliant with supervision or has not completed the special conditions ordered by the releasing authority, the releasing authority may revoke the supervisee's supervision term. Revocation proceedings for probationers, respondents, or supervisees who have entered a DSA occur through a Show Cause Hearing with the Superior Court for the District of Columbia. Supervisees under a term of parole or supervised release supervision are subject to Revocation Hearings before the United States Parole Commission. The releasing authority will consider revocation based upon the documentation and information provided by CSOSA, and testimony offered at the hearing. A supervisee must be present at all Hearings ordered by the Court or USPC. Failing to appear to an ordered Hearing may result in the issuance of a warrant for the supervisee's arrest.

Alternatively, the releasing authority can terminate a supervisee's probation as successful or unsuccessful. Upon termination of supervision, the offender's obligation to CSOSA for that supervision term is concluded.

Expungement Cases

A supervisee who is serving a probation term pursuant to DC Code 48-904.01(e) is eligible for record expungement at the conclusion of successfully completing supervision. A supervisee receives this benefit after completing all of the special conditions set forth by the Court and providing verification to their CSO and the Court. The supervisee is required to provide verification within 90 days of supervision expiration for the Court's review and approval. It is imperative that the supervisee provide the most up to date information to CSOSA, since this process requires expungement of public records and submission of documentation to other law enforcement agencies.

Upon violation of a condition of the probation, the Court may enter an adjudication of guilt and proceed as otherwise provided. The Court may, in its discretion, dismiss the proceedings against the supervisee and discharge them from probation before the expiration of the maximum period prescribed for the supervisee's probation.

Set-Aside Conviction Cases

An individual between the ages of 16 and 24, may be eligible for sentencing under the DC Youth Rehabilitation Act. If the court imposes a sentence under the DC Youth Rehabilitation Act the supervisee's conviction could be vacated upon the successful completion of the sentence. Upon successful completion of the sentence, an eligible supervisee's conviction could be vacated. A supervisee receives this benefit at the discretion of the releasing authority. CSOSA requires verification within 90 days of supervision expiration in order to process all necessary documentation for the releasing authority's review and approval.

Supervisee's Responsibilities Related to Closure

- Comply with all CSOSA reporting instructions;
- Review and sign all acknowledgement and release forms necessary for the CSO to have the most accurate and up-to-date information about the supervisee;
- Provide verification of progress and/or completion of all ordered special conditions; and
- Report to all hearings ordered by the releasing authority.

Chapter 8: Interstate Cases

Interstate Supervision

The [Interstate Compact for Adult Offender Supervision \(ICAOS\)](#) was developed in 1937 to regulate the movement of probationers and parolees across state lines. Its work is guided by the Interstate Compact Agreement. This is a legally binding agreement that permits the transfer of state probation, supervised release, and parole supervision cases across state lines. The mission of the ICAOS is to guide the transfer of supervisees in a manner that promotes effective supervision strategies, consistent with public safety, offender accountability, and victim's rights.

Under an Interstate Compact Agreement (ICA), a supervisee sentenced by the Superior Court of the District of Columbia (DCSC) can request permission to reside in another state if the transfer criteria are met and the sending and receiving state approve the transfer. Depending on the receiving state, a supervisee may be required to pay supervision and drug testing fees. Supervisees must follow all of the receiving state's rules and requirements for community supervision. Supervisees sentenced in other jurisdictions can request permission to reside in the District of Columbia and have their term of probation, parole and/or supervised release transferred to the District.

Interstate-Out Supervision

A supervisee sentenced by the DCSC who wishes to reside in another jurisdiction must make a transfer request to their Community Supervision Officer (CSO), and be approved for transfer by both CSOSA and the receiving state, before relocating. The supervisee must remain in the District unless and until written permission has been received from the receiving state to reside in that jurisdiction.

Interstate-In Supervision

A supervisee sentenced by a court in another jurisdiction who wishes to reside in the District of Columbia must make the request to their supervision officer in the jurisdiction where they were sentenced, and must be approved for transfer by that jurisdiction and CSOSA before residing in the District. The supervisee must remain in the jurisdiction where they were convicted unless and until written permission has been received from CSOSA to reside in the District.

Types of Interstate Transfers

Under the ICA, a supervisee may be allowed to transfer supervision to another jurisdiction based on meeting the ICAOS transfer eligibility criteria. A supervisee has no constitutional right to transfer their supervision to another jurisdiction. The jurisdiction where the supervisee was convicted (frequently referred to as the "sending state") always maintains discretion and authority to submit a transfer request to another jurisdiction (frequently referred to as the "receiving state"), even where the supervisee meets the eligibility criteria for the transfer of supervision. There are two types of transfers under the ICA: Mandatory and Discretionary.

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1. Mandatory Transfer

A supervisee convicted of a felony or certain misdemeanors whose sentence includes one year or more of supervision will be eligible for a mandatory transfer of supervision, provided that all other eligibility criteria for the mandatory transfer have been satisfied, if the offense for which the supervisee is under supervision involves one or more of the following:

- An offense in which a person has incurred direct or threatened physical or psychological harm;
- An offense that involves the use or possession of a firearm;
- A second or subsequent misdemeanor conviction of driving while impaired by drugs or alcohol; and/or
- A sexual offense that requires the offender to register as a sex offender in the sending state.

The most common type of mandatory transfer under the ICA is a “resident transfer.” A supervisee is eligible for a “resident transfer” of supervision to another jurisdiction if the supervisee:

- Is a resident of the receiving state and: (1) has family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision, and (2) can obtain employment in the receiving state or has means of support; and
- Has more than 90 calendar days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and
- Has a valid plan of supervision; and
- Is in substantial compliance with the terms of supervision in the sending state.

Other conditions may also apply as determined by the receiving state.

In addition to resident transfers, a supervisee is eligible for a mandatory transfer of supervision to another jurisdiction in the following circumstances:

- Transfer of military member – A supervisee who is a member of the military, and is under orders in another state.
- Transfer of family who is a member of the military – A supervisee who lives with a family member who is under orders in another state.
- Employment transfer of family member to another state – A supervisee whose family member, with whom they reside, is transferred to another state at the direction of their full-time employer and as a condition of maintaining employment.
- Employment transfer of the supervisee to another state – A supervisee who is transferred to another state at the direction of their full-time employer and as a condition of maintaining employment.
- Transfer of veteran for medical or mental health services – A supervisee who is a veteran of the United States military services eligible to receive health care through the United States Department of Veterans Affairs, Veterans Health Administration, and is referred for medical and/or mental health services by the Veterans Health Administration to a regional Veterans Health Administration facility in the receiving state.

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2. Discretionary Transfer

A supervisee may be eligible for transfer of supervision to another jurisdiction if:

- The sending state requests transfer of supervision for a supervisee who does not meet the eligibility requirements for mandatory transfer, and the acceptance of the case by the receiving state would support the supervisee's successful completion of supervision, rehabilitation of the supervisee, promote public safety, and protect the rights of victims; and
- The sending state provides sufficient documentation to justify the requested discretionary transfer.

The receiving state shall have the discretion to accept or reject the transfer request in a manner consistent with the purpose of the ICA. If a receiving state rejects a discretionary transfer request, they must specify the reasons for the rejection.

Interstate Retaking and Probable Cause Hearing

An interstate retaking occurs when a sending state physically removes a supervisee, or causes a supervisee to be removed, from a receiving state. This process is triggered when a supervisee is alleged to have either committed a criminal offense, or is non-compliant with the terms of community supervision after their supervision was transferred to another jurisdiction under the ICA. In some instances, a supervisee is entitled to a probable cause hearing. A probable cause hearing is an administrative proceeding held to determine whether the supervisee committed the alleged violation(s) which constitutes noncompliance with the conditions and agreement of the supervisee's interstate supervision under the ICA.

Probable Cause Hearing

When a probable cause hearing is required, the supervisee should expect the following due process:

- The hearing will be conducted by CSOSA's Deputy Compact Administrator (Hearing Officer) or designee;
- The hearing will be conducted reasonably close in time and proximity to when the alleged violation(s) is alleged to have occurred;
- The supervisee will be given advanced notice of the purpose of the hearing and the alleged violation(s);
- The supervisee will have the opportunity to be present for the hearing, unless the Hearing Officer determines that circumstances justify the supervisee's absence from the proceedings;
- Disclosures of non-privileged, non-confidential evidence regarding the alleged violation(s) will be provided;
- The supervisee has the opportunity to be heard in person and to present witnesses and other exculpatory evidence, such as documentary evidence;
- The supervisee has the right to confront witnesses and cross-examine witnesses, unless the Hearing Officer determines that risk of harm to the witness exists;
- Officials from the sending state shall establish their right to retake the supervisee; and
- Officials of the sending and/or receiving state shall show that the supervisee is subject to retaking and, if in custody, is the person subject to retaking.

Note: CSOSA does not make arrests or issue desk warrants. As a result, for those supervisees who are not in custody at the time of their probable cause hearing, CSOSA does not take the supervisee into custody if probable

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cause is found at the hearing. In those circumstances, supervisees will remain in the community pending the issuance of the sending state's warrant.

Who May be Entitled to a Probable Cause Hearing?

A supervisee is entitled to a probable cause hearing if they meet the following criteria:

- The supervisee is in custodial detention in the receiving state based either on violations of supervision that occurred in the receiving state, or on the sending state's request to detain the offender; or
- The supervisee has allegedly violated supervision conditions in the receiving jurisdiction, which may cause the sending state to revoke supervision, and after returning to the sending state, the geographical distance may prevent the offender from adequately presenting a defense, including calling witnesses or presenting exculpatory evidence; or
- The supervisee has absconded while in the receiving state, and subsequently was apprehended in the receiving state or any other state on the sending state's warrant and subject to interstate retaking for absconding.

Waiving a Probable Cause Hearing

Under the ICA, a supervisee has the right to waive a probable cause hearing if they admit to one or more alleged violations of supervision. Before waiving the probable cause hearing, a supervisee will be informed of their rights to participate in the process. A supervisee may choose to waive their right to a probable cause hearing by signing a Probable Cause Hearing Waiver Form. When waiving the right to a probable cause hearing, the supervisee must admit in writing to one or more significant violations. By waiving the right to a hearing, the supervisee waives the right to contest the facts and circumstances supporting the interstate retaking. The supervisee will be informed in writing that, by admitting to violations, the admission may be used during the revocation process, and community supervision may be revoked by the sending state.

Supervisee's Responsibilities Under the ICA

Supervisees must adhere to all conditions and supervision requirements in the receiving state and the sending state. Supervisees must:

- Comply with the Interstate Compact rules;
- Execute a waiver of extradition when requesting transfer, which waives extradition from any state to which the supervisee may abscond while under supervision in the receiving state;
- Reside in the jurisdiction where they were convicted unless and until approval to relocate is provided by their supervision officer;
- Not return to the sending state without written permission;
- Comply with all Reporting Instructions;
- Comply with DNA and drug testing, if applicable;
- Comply with any special conditions ordered by the releasing authority;
- Provide accurate, factual and verifiable information;
- Review and sign all acknowledgement and release of information forms;
- Pay required supervision and drug testing fees, if applicable;
- Exercise right to waive or proceed with a probable cause hearing;
- Provide any documentation requested by the supervision officer; and

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- Return to the sending state when ordered.

Transfer of Parole and Supervised Release Cases

All DCSC parole and supervised release cases are transferred to the U.S. Probation Office in the receiving state. Currently, there are no criteria or mandatory acceptances for transfers of DCSC parole or supervised release cases. It could take up to 45 days or more depending on the receiving state for a transfer request to be approved or denied.

For CSOSA supervisees who are on parole and/or supervised release and who desire to reside in a jurisdiction other than the District of Columbia, a supervision transfer request to the U.S. Probation Office may be submitted if the supervisee has a good plan of supervision with support. Support must be shown by: (1) family in the receiving state indicating a willingness and ability to assist as specified in the plan of supervision, and (2) the supervisee being able to obtain employment in the receiving state or has means of support. However, under no circumstance (except for an emergency situation) is a supervisee to relocate to another jurisdiction without the approval of the U.S. Probation Office. Prior to approving a transfer request, U.S. Probation Office will conduct an investigation of the supervisee's proposed home and employment plan. The process is as follows:

- A supervisee applying for supervision transfer of a DCSC parole or supervised release case must remain in the District of Columbia until their request for transfer has been approved by the U.S. Probation Office in the receiving state; and
- If the supervisee's request for transfer of supervision to the U.S. Probation Office is rejected, the supervisee will continue be supervised by their assigned CSO at CSOSA; and
- A transfer request can be re-submitted if the supervisee provides a new home or employment plan that is deemed acceptable by the US Probation Office.

If an emergency situation exists that would render the supervisee homeless within the District of Columbia while their transfer request is pending, CSOSA may exercise its discretion and authority to permit the supervisee to relocate to the receiving state, while their application for transfer is still pending with the U.S. Probation Office.