



POLICY STATEMENT

Policy Statement 4010

Policy Area: Supervision

Effective Date: **OCT 19 2003**

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FAILURE TO REPORT/LOSS OF CONTACT

I. COVERAGE

This Policy Statement establishes procedures for the Court Services and Offender Supervision Agency ("CSOSA") staff who supervise offenders. CSOSA staff with specific responsibilities under these procedures include Community Supervision Officers ("CSOs") and their supervisors.

II. BACKGROUND

Loss of contact between an offender and the supervising CSO is a potential threat to public safety. In order to protect the public, CSOs must take immediate action any time an offender fails to report for a scheduled appointment with the CSO without appropriate justification.

III. POLICY

The CSO, in an effort to make contact and resume supervision efforts, must initiate failure to report procedures (see Appendix A) as soon as possible but no later than the next business day after the day on which the offender fails to report for a scheduled appointment. If contact with the offender is not established within seventeen (17) calendar days, on the eighteenth (18th) calendar day the offender is classified as being in a Loss of Contact (LOC) status. In such cases, CSOs must notify the Superior Court for the District of Columbia (Court) in probation cases or the United States Parole Commission (USPC) in parole cases within three (3) business days of the date that the offender's case is classified as LOC.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

Statutory Authority:

- Section 11233(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 748, D.C. Official Code § 24-133(c) (2001 Edition) (Director's authority); D.C. Official Code § 24-303 (2001 Edition) (Probation authority).

B. Supersedures

- Probation Manual 70.1, Chapter 4, Section F, pp. 4-12 to 4-13.

C. Procedural References

- Drug Testing Protocol and Administrative Sanctions Policy Statement
- Warrant Issue Status Cases Policy Statement
- Parolee/Supervised Release Re-arrest (PS 4001.1)

D. Attachments

- Appendix A. General Procedures.

APPENDIX A GENERAL PROCEDURES

A. Failure to Report Procedures

If an offender misses a scheduled appointment and does not contact his or her CSO prior to the missed appointment or is not excused by the CSO in advance of the scheduled appointment, the CSO shall initiate the following failure to report procedures to reestablish contact with the offender.

1. No later than the next business day after the missed appointment, the CSO shall telephone the offender. If the CSO is able to reach the offender by telephone, the CSO shall inform the offender of the rescheduled date for the appointment. If unable to reach the offender, the CSO shall immediately telephone the offender's pager, cell phone, significant other, family members, roommates, employer, and any other person who may have knowledge of the offender's whereabouts. This information will be noted in the file, listing the date, time of call and persons contacted.
2. If unable to establish contact with the offender, the CSO shall run a complete WALES, JACCS, NCIC, and Triple I check no later than the next business day after the missed appointment to determine whether the offender is detained/incarcerated. (Note: If an offender is being detained by law enforcement authorities as a result of a criminal investigation, the CSO must monitor the status of the offender so that he or she can advise the releasing authority if the results of the criminal investigation lead to the offender being charged with a crime.)
 - a. If the offender is detained/incarcerated and the offender is a –

Probation Case: The CSO shall prepare a re-arrest report and submit it to the Court as soon as possible, but no later than three (3) business days after learning of the detention/incarceration.

Parole Case: The CSO shall prepare an Alleged Violations Report (AVR) as soon as possible, but no later than three (3) business days after learning of the detention/incarceration.
 - b. If the offender is not detained/incarcerated, the CSO shall mail a certified letter by the next business day instructing the offender to report by the twelfth (12th) business day from the date the certified letter is sent. (Note: the scheduled appointment as per the certified letter includes the five business day wait period for the return receipt from the United States Postal Service).

3. If the offender is not detained/incarcerated and he or she still has not reported, the CSO shall conduct a home visit within five (5) business days of the initial missed appointment to verify the offender's residence and to continue the process of re-establishing contact.
 - a. If the CSO encounters the offender at his or her reported address, the CSO shall provide the offender with a written notice to report for a scheduled office visit, which must take place within two business days of the positive contact. During the positive contact established with the offender at his home, the offender shall be advised that a certified letter has been sent to him/her; however, the offender must report as directed per the instructions given by the CSO and disregard the reporting date provided in the letter. During the scheduled office visit, the CSO shall direct the offender with respect to future reporting requirements.
 - b. If no one is present at the offender's address, the CSO shall leave a notice to report (e.g., under the door, attached to the door, etc.), directing the offender to report within two (2) business days of the home visit. If the offender resides in a large apartment building complex and the CSO cannot gain entrance to the building, the CSO will attempt to locate a resident manager or other apartment building employee for purposes of gaining entrance to the building. If the CSO is able to gain entrance to the apartment building, the notice shall be placed on or under the door of the apartment in which the offender resides. If the CSO is unable to gain entrance to the apartment building, the notice shall be placed on or under the entry door of the apartment building in which the offender resides. (The CSO shall indicate in the file, where the letter was placed, i.e., under the door, etc., along with a brief description of the premises, and shall note the circumstances and the efforts to gain entry.
4. If the offender does report within seven (7) days of the initial missed appointment for the second scheduled appointment, the CSO shall immediately implement sanctions procedures (see Section C below).
5. If the offender fails to report for the second missed appointment within seventeen (17) calendar days of the initial missed appointment (as per home visit instructions) and, for the third scheduled appointment within twelve (12) business days, and the CSO has followed the procedures described in Section A, subsections 1 through 3, the case shall be designated a LOC case.

B. LOC Procedures

1. **Probation Cases:** Once designated a LOC case, the CSO shall prepare a alleged violation report (AVR) to the Court requesting the issuance of a warrant and submit the AVR to the Court within three (3) business days of the LOC designation.
2. **Parole Cases:** Once designated a LOC case, the CSO shall prepare an AVR recommending the issuance of a warrant and submit the AVR to the USPC within three (3) business days of the LOC designation.
3. Pending judicial or USPC action, efforts to contact the offender must continue on a monthly basis (e.g., collateral contacts, D.C. hospital contacts, criminal history record check, etc.). Upon notification that a warrant has been issued, the CSO shall follow the provisions of the Warrant Issue Status Cases Policy Statement.
4. If the offender does report prior to judicial or USPC issuance of a warrant, Order to Show Cause, notice to appear at a hearing, or other action, the CSO shall send the appropriate notice to the Court or the USPC advising of the changed status of the offender. The CSO shall also implement the appropriate sanctions as referenced in Section C.

All efforts to ascertain the whereabouts of the offender and/or to bring the offender into supervision compliance are to be documented into the Supervision and Management Automated Record Tracking (SMART) information system.

In the event of a CSO's absence for a period of three business days or more, their cases will be monitored for offenders who fail to report and may become Loss of Contact cases.

C. Sanctions Procedures

When the CSO reestablishes contact with the offender, he/she shall sanction the offender in accordance with the offender's sanction level and the procedures outlined in the "Drug Testing Protocol and Administrative Sanctions Policy Statement."