

Criminal Justice Coordinating Council

# Parole and Supervised Release Sanctions

Report

Prepared By: Simone Chapman, Data Scientist; Luis Diaz, Policy Advisor; and Rachel Seo-Park, Statistician

September 2023

## Background

The DC Department of Corrections (DOC) was awarded the Statewide Recidivism Reduction (SRR) Implementation Grant to support implementation of DOC reentry programs designed to help reduce recidivism, particularly for women and young adults. In addition, DOC will use the grant funding to evaluate these reentry programs and to conduct an assessment of sanctions imposed on persons in the District of Columbia who violate the conditions of their parole and supervised release and identify best practices for alternative sanctions.

DOC has partnered with the Criminal Justice Coordinating Council (CJCC) on the analytical components of the grant. Specifically, CJCC will analyze current sanctions imposed on persons on parole and supervised release who violate the conditions of their release and identify alternative sanctions.<sup>1</sup>

Probation, parole, and supervised release – sometimes referred to as “community corrections” – are intended to serve as alternative methods of corrections that reduce prison populations and enable rehabilitation while allowing individuals to remain in the community. However, when an individual violates a condition of their release, one of the results can be revocation of supervised release and a subsequent return to prison. Nationally, technical violations, such as a missed appointment with a supervision officer or a failed drug test, account for nearly 25% of all state prison admissions and 20% of all state prison admissions are due to violations of both probation or parole for new offenses.<sup>2</sup> As of April 30, 2023, 9% of DOC’s inmate population and 6% of Federal Bureau of Prisons’ (BOP) DC Code Offender population consisted of individuals determined by the U.S. Parole Commission (USPC) to have violated conditions of parole or supervised release.

The DC Court Services and Offender Supervision Agency (CSOSA), a federal agency, was established in 1997 following the enactment of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act), which transferred many of the District of Columbia’s criminal justice functions to the federal government. Per the Revitalization Act, CSOSA was designated as the adult community corrections agency for the District, which supervises DC Code Offenders on probation, parole, and supervised release. While CSOSA has some authority to impose sanctions on supervisees who violate the conditions of their release, the releasing authority for these populations is ultimately responsible for imposing sanctions. The releasing authority for individuals on probation is DC Superior Court (DCSC), such that if someone on probation violates the terms of their release, it is the court that determines the appropriate sanctions. The U.S. Parole Commission is the releasing authority for DC Code Offenders on parole and supervised release and determines appropriate sanctions for

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<sup>1</sup> Note: This report includes findings regarding current and alternative sanctions. The results of the process evaluation will be published in a separate report.

<sup>2</sup> Council of State Governments, *Confined and Costly* (June 2019) - <https://csgjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf>

this population.<sup>3</sup> Among the sanctions that USPC can impose are reincarceration at DOC or BOP or additional conditions for release.

Recent research indicates that incarceration as a sanction does not outperform community sanctions in 1) extending time to an offender's next violation event; 2) reducing the number of future violations; or 3) successfully completing a supervision program.<sup>4</sup> A 2015 meta-analysis on the effects of custodial vs non-custodial sanctions on reoffending also found no significant difference in rates of re-offending between custodial and non-custodial sanctions.<sup>5,6</sup> Incarceration can also have compounding negative effects on individuals' lives by preventing them from meeting family and work obligations. Moreover, incarceration is costlier to jurisdictions than community-based supervision.<sup>7</sup>

Using data provided by the U.S. Parole Commission and information from CSOSA's FY 2024 Congressional Budget Justification,<sup>8</sup> we gain insight into the state of recidivism for DC Code Offenders on parole and supervised release who are under USPC and CSOSA supervision. Also, a review of the literature on community corrections provides insights into evidence-based and promising practices for alternatives to incarceration for parole and supervised release violators.

This report is divided into two parts, where **Part I: Sanctions for DC Parole and Supervised Release Violators** aims to answer two questions:

1. Of the D.C. Code offenders who were on parole or supervised release between October 1, 2019 – September 30, 2022, or Fiscal Years (FY) 2020-2022, how many violated the conditions of their release and what was the nature of the violations?
2. For those on parole or supervised release who violated the conditions of their release, what types of sanctions were imposed by USPC?

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<sup>3</sup> Parole was abolished for federal as well as DC Code cases that were disposed after [August 5, 2000], per the D.C. Act 13-406, the "Sentencing Reform Amendment Act of 2000". Therefore, the number of DC Code parolees supervised by CSOSA and under the authority of USPC has decreased significantly over time.

<sup>4</sup> Journal of Criminal Justice, Responding to Probation and Parole Violations: Are Jail Sanctions More Effective than Community-Based Graduated Sanctions? (May-June 2015)

<https://www.sciencedirect.com/science/article/abs/pii/S0047235215000422?via%3Dihub>

<sup>5</sup> Campbell Systematic Reviews, The Effects on Reoffending of Custodial vs. Non-custodial Sanctions: An Updated Systematic Review of the State of Knowledge (January 2015)

<https://onlinelibrary.wiley.com/doi/full/10.4073/csr.2015.1>

<sup>6</sup> The analysis notes that a majority of the selected studies show non-custodial sanctions to be more beneficial in terms of re-offending than custodial sanctions, this outcome may be biased due to the fact that in most settings, individuals with the worst prospects of rehabilitation are most likely to be sent to prison.

<sup>7</sup> United States Courts, Incarceration Costs Significantly More than Supervision (August 17, 2017) ("In fiscal year 2016, detaining an offender before trial and then incarcerating him post-conviction was roughly eight times more costly than supervising an offender in the community. Placing an offender in a residential reentry center was about seven times more costly than supervision.") <https://www.uscourts.gov/news/2017/08/17/incarceration-costs-significantly-more-supervision#:~:text=In%20fiscal%20year%202016%2C%20detaining,times%20more%20costly%20than%20supervision.>

<sup>8</sup> Court Services and Offender Supervision Agency (2023). [Congressional Budget Justification Fiscal Year 2024.](#)

***Part II: Alternative Sanctions for Parole and Supervised Release Violators***, aims to address the following:

3. What does research suggest as promising practices for alternative sanctions for persons who violate the conditions of their release?

## Executive Summary

Individuals on supervised release comprise approximately one quarter of CSOSA's overall supervised population, while persons on parole comprise approximately 10 percent. Individuals can be found to be in violation of release/parole conditions by either committing a technical violation or being arrested for a new criminal charge. In such cases, CSOSA is authorized to file an Alleged Violation Report (AVR) with USPC, requesting either the imposition of additional sanctions or the revocation of parole/supervised release. CSOSA reports on the total number of AVRs filed, however data was not available on the proportion of AVRs that were for either sanctions or revocation.

In FYs 2020 – 2022, offenders on supervised release were found to be rearrested at a higher rate than parolees while under CSOSA's supervision. The percentage of supervised releases rearrested in DC for new charges remained between 17% - 18% over the past three fiscal years, while the percentage of parolees rearrested in DC for new charges declined by 3.2% from 9.6% in FY 2020 to 6.4% in FY 2022. Of the AVRs filed by CSOSA and submitted to USPC (for parolees and supervised releasees), DC Superior Court (for probationers and defendants with Civil Protection Orders, and Deferred Sentencing Agreements), or Interstate Compact authorities (for interstate offenders), about 32% - 37% of them were filed for supervised releases and parolees and submitted to the U.S. Parole Commission in FYs 2020 – 2022. More offenders on supervised release (29% - 33%) had at least one AVR filed than offenders on parole (14% - 22%) during FYs 2020 – 2022.

According to USPC data, the most common sanction requested by supervising agencies and imposed by USPC was issuing warrants. USPC approved to issue warrants for 77%, 68%, and 72% of cases where supervising agencies requested warrants in FY 2020, 2021, and 2022 respectively. Probable cause was found for 87%, 75%, and 90% of cases held for probable cause hearings in FYs 2020, 2021, and 2022. Of those where probable cause was found, about half of them were held (or detained) prior to their revocation hearing. Of the cases held for a revocation hearing, more than 80% of them were found to have violated the terms of their supervision in FYs 2020 -2022. There were cases in which a final decision was made without revocation hearing. These cases include offenders who were deferred to a residential substance abuse treatment program, admitted they violated the terms of their supervision and accepted an advance consent (PAVER) or expedited termination sanction.

Jurisdictions across the country are implementing several promising practices and programs to enhance community supervision. Many of these practices focus on ensuring public safety, ensuring continuity of treatment for substance use disorders, limiting incarceration for technical violations, reducing incarceration periods prior to revocation hearings, expanded use of administrative sanctions not requiring a new hearing, and influencing behavior of persons on supervision through the use of meaningful incentives.

## Part I: Sanctions for DC Parole and Supervised Release Violators

### CSOSA's Supervised Population

The Court Services and Offender Supervision Agency's (CSOSA's) Community Supervision Program (CSP) supervises adults released by DC Superior Court on probation, individuals released by the U.S. Parole Commission on parole or supervised release, and individuals subject to Deferred Sentencing Agreements (DSA) or Civil Protection Orders (CPO). Table 1 shows CSP's Total Supervised Population (TSP) which includes all offenders with probation, parole, and supervised release sentences, and individuals with DSAs or CPOs who are assigned to a Community Supervision Officer (CSO) and supervised for at least one day within the 12-month reporting period.<sup>9</sup>

As seen in Table 1, probationers accounted for more than half of CSP's TSP in FYs 2020 through 2022 (63.9% in FY 2020, 59.4% in FY 2021, and 64.6% in FY 2022). Nearly one-fourth of TSP were on supervised release (23.2% in FY 2020, 26.1% in FY 2021, and 22.2% in FY 2022). About one-tenth of TSP were on parole (9.2% in FY 2020, 10.4% in FY 2021, and 8.5% in FY 2022).

**TABLE 1**  
**Total Supervised Population (TSP) by Supervision Type, FYs 2020-2022**

Supervision Type	FY 2020		FY 2021		FY 2022	
	N	%	N	%	N	%
Probation	7,558	63.9%	5,676	59.4%	6,439	64.6%
Parole	1,093	9.2%	995	10.4%	843	8.5%
Supervised Release	2,743	23.2%	2,496	26.1%	2,207	22.2%
DSA	261	2.2%	235	2.5%	300	3.0%
CPO	182	1.5%	147	1.5%	174	1.7%
<b>Total</b>	<b>11,837</b>	<b>100.0%</b>	<b>9,549</b>	<b>100.0%</b>	<b>9,963</b>	<b>100.0%</b>

Source: *CSOSA FY 2024 Congressional Budget Justification*, p. 6

Individuals on any type of supervision are expected to comply with the conditions of their court-ordered release (e.g. wearing a GPS monitor, submitting to routine drug testing, or completing a supervision program). Individuals who violate the conditions of their court order via a technical violation or a new arrest/charge are reprimanded. A new arrest occurs if an individual is arrested for committing a new crime and has been charged in court. Examples of technical violations include: failing a drug test, GPS monitoring violations, failure to report for supervision as directed, and failure to complete a CSOSA program. CSOSA reports publicly only

<sup>9</sup> Court Services and Offender Supervision Agency (2023). *Congressional Budget Justification Fiscal Year 2024*, p. 3 and 5-6.

on new arrests, but it does not report on technical violations for individuals on parole and supervised release.

Table 2 gives a breakdown of the percentage of individuals on parole and supervised release who were rearrested in DC for a new charge, as well as those arrested in either DC, Maryland or Virginia for any charge. Technical violations were not separated out in this chart or reported by CSOSA by supervision type.<sup>10</sup> Table 2 shows that in FYs 2020 - 2022, offenders on supervised release were found to be rearrested at a higher rate than parolees and probationers. The percentage of supervised releases rearrested were similar over the past three fiscal years. Specifically, in FY 2022, 17.4% of supervised releasees had been rearrested for new charges in DC (while under supervision during the year), which is similar to the 18.3% rearrested in FY 2021 and 17.3% rearrested in FY 2020. In contrast, the percentage of parolees rearrested in DC for new charges declined, a 3.2% drop from 9.6% in FY 2020 to 6.4% in FY 2022.

**TABLE 2**  
**Percentage of Total Supervised Population Rearrested<sup>1</sup>, FYs 2020 - 2022**

	FY 2020	FY 2021	FY 2022
<b>Probation<sup>2</sup></b>			
<i>DC Arrests</i>	17.7%	14.7%	16.5%
<i>DC Arrests (new charges)<sup>3</sup></i>	14.0%	12.1%	13.4%
<i>DC/MD/VA Arrests</i>	19.9%	16.7%	18.9%
<b>Parole</b>			
<i>DC Arrests</i>	15.2%	11.3%	9.5%
<i>DC Arrests (new charges)<sup>3</sup></i>	9.6%	7.5%	6.4%
<i>DC/MD/VA Arrests</i>	16.3%	11.9%	10.4%
<b>Supervised Release</b>			
<i>DC Arrests</i>	25.3%	25.2%	22.9%
<i>DC Arrests (new charges)<sup>3</sup></i>	17.4%	18.3%	17.3%
<i>DC/MD/VA Arrests</i>	26.7%	27.1%	24.8%
<b>Total Supervised Population</b>			
<i>DC Arrests</i>	19.3%	17.1%	17.3%
<i>DC Arrests (new charges)<sup>3</sup></i>	14.4%	13.3%	13.6%
<i>DC/MD/VA Arrests</i>	21.2%	18.9%	19.5%

<sup>1</sup> Computed as the number of unique offenders arrested in reporting period as a function of total number of unique offenders supervised in the reporting period.

<sup>2</sup> Includes offenders with Deferred Sentencing Agreements and individuals with Civil Protection Orders.

<sup>3</sup> Excludes arrests made for parole or probation violations. The new charges reflect those identified by the arresting officer, which may differ from those subsequently filed by the prosecutor

Source: [CSOSA FY 2024 Congressional Budget Justification](#), p. 34

<sup>10</sup> However, information on technical violations by violation type can be found in [CSOSA FY 2024 Congressional Budget Justification](#), p. 35-37.

## CSOSA Sanctions

CSOSA may impose sanctions on individuals who violate the conditions of a court order. Releasing Authorities--DC Superior Court (probation) and the U.S. Parole Commission (parole and supervised release) - work with CSOSA to determine what the appropriate sanctions should be. To determine an appropriate sanction, the agencies consider the severity of non-compliance and the individual's supervision level. According to CSOSA's Budget Justification Report, sanctions can include:

- Increasing the frequency of drug testing or supervision contacts
- Assignment to Community Service or to a Community Supervision Program: Community Engagement and Achievement Center (CEAC) or Day Reporting Center (DRC)
- Placement on electronic surveillance (e.g., GPS monitoring)
- Placement into the Re-entry and Sanctions Center (RSC)

If sanctions are not effective, CSOSA files an Alleged Violation Report (AVR), which then turns decision-making over to the USPC (for parolees and supervised releasees) or the Court (for probationers). CSOSA can issue two types of AVRs. If the releasing authority determines a violation has occurred, they could either reincarcerate an individual or impose additional release conditions. CSOSA's FY 2024 Budget Justification Report includes data only on the number of AVRs filed; it does not include data on sanctions imposed by CSOSA. Table 3 shows that 32%, 37%, and 35% of AVRs were filed for supervised releases and parolees on matters managed by the U.S. Parole Commission in FY 2020, 2021, and 2022 respectively.



**TABLE 3****AVRs Filed by CSOSA’s CSP, by Supervision Type and Release Authority, FYs 2020 - 2022**

	Parole <sup>1</sup>		Supervised Release <sup>1</sup>		Probation <sup>2</sup>		Interstate <sup>3</sup>		Total	
	N	%	N	%	N	%	N	%	N	%
2020	303	5%	1,504	27%	3,511	63%	249	4%	5,567	100%
2021	211	5%	1,413	32%	2,612	59%	162	4%	4,398	100%
2022*	190	6%	950	29%	2,121	64%	54	2%	3,315	100%

<sup>1</sup> Submitted to the U.S. Parole Commission.

<sup>2</sup> Submitted to the Superior Court of the District of Columbia and inclusive of AVRs filed in Civil Protection Orders (CPOs) and Deferred Sentencing Agreements (DSAs).

<sup>3</sup> Submitted to Interstate Compact authorities.

\* FY2022 estimates are likely attenuated by changes associated with the October 2021 deployment of a new version of CSOSA’s SMART case management system. Monthly counts had recovered to pre-deployment levels by the end of the fiscal year.

Source: *CSOSA FY 2024 Congressional Budget Justification*, p. 32

It is possible for one individual to have multiple AVRs filed and Table 4 shows the number of CSP offenders who had at least one AVR filed with the releasing authority in FYs 2020 – 2022. As seen in Table 4, there were decreases from FY 2020 to FY 2022 in the percentage of the population with more than one AVR filed across all supervision types including parole and supervised release. Looking at parolees and supervised releases, more offenders on supervised release had at least one AVR filed than offenders on parole in FYs 2020 - 2022 (Table 4).

**TABLE 4****CSP Offenders For Whom At Least One AVR Was Filed By Supervision Type, FYs 2020 - 2022**

	N	Parole		Supervised Release			N	Probation <sup>1</sup>			Total		
		1 + AVR	%	N	1 + AVR	%		1 + AVR	%	N	1 + AVR	%	
2020	1,093	240	22.0	2,743	909	33.1	8,001	2,095	26.2	11,837	3,244	27.4	
2021	995	161	16.2	2,496	808	32.4	6,058	1,390	22.9	9,549	2,359	24.7	
2022	843	118	14.0	2,207	639	29.0	6,913	1,426	20.6	9,963	2,183	21.9	

<sup>1</sup> Probation figures also include individuals with Civil Protection Orders (CPOs) and Deferred Sentencing Agreements (DSAs).

Source: *CSOSA FY 2024 Congressional Budget Justification*, p. 32

## U.S. Parole Commission Review of Alleged Violators

The U.S. Parole Commission (USPC) is responsible for determining initial conditions of supervision, modifications of supervision, early discharge from supervision, issuance of a warrant or summons for violation of a court order, revocation of release for offenders released on parole or supervised release, and building a collaborative community approach to assist victims and witnesses.<sup>11</sup> USPC has jurisdiction over all federal offenders who committed an offense before November 1, 1987, and all (eligible) DC Code offenders. Individuals are labeled “alleged violators” until USPC conducts a hearing to determine whether a violation occurred.

When an offender violates release conditions, a supervising officer submits a violation report to USPC and requests a sanction. Then an analyst<sup>12</sup> of the case reviews and recommends a sanction to the Commissioner, and the Commissioner makes a determination. There is a range of sanctions (actions) that can be requested by a supervision agency<sup>13</sup> and determined by USPC:

- **Defer:** The Commission has elected not to issue a warrant at that time. This could be for various reasons (e.g., the alleged violation did not merit issuance of an arrest warrant, insufficient supporting evidence was supplied, USPC wants supervision to make additional attempts to locate releasee, USPC wants to await outcome of criminal case).
- **F1 Modification:** A request to modify the conditions of supervision.
- **Letter of Reprimand:** A formal written letter of censure for misconduct.
- **No Action Requested at this Time:** Supervision agency notifies USPC of a violation(s). Ultimately, USPC is the authority to determine whether action is warranted. However, supervision may be applying graduated sanctions at their discretion as a result of these violations and simply notifying USPC of this to ensure that USPC concurs.
- **Notice to Appear:** Request to appear before USPC.
- **Warrant:** Request to issue an arrest warrant. If USPC issues a warrant, paperwork is sent to the U.S. Marshals Service and USPC commences revocation proceedings.
- **Other:** The decision was not to issue a warrant, but the alternate action was not one of the standard actions.

USPC provided Alleged Violation Report (AVR) data<sup>14</sup> on the number and types of sanctions (actions) requested by supervision agencies (Table 5) and determined by USPC (Table 6) for alleged violators in FYs 2020 through 2022. As seen in Table 5, the most common sanction

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<sup>11</sup> U.S. Department of Justice FY 2023 Performance Budget United States Parole Commission [Report](#)

<sup>12</sup> <https://www.justice.gov/sites/default/files/uspc/legacy/2010/08/27/uspc-manual111507.pdf>

<sup>13</sup> Supervision agencies represent agencies responsible for supervising all DC Code Releasees regardless of where they were supervised (US Probation supervises individuals located outside of Washington, D.C)

<sup>14</sup> USPC provided de-identified datasets, and these were further cleaned by excluding warrant supplements (requests and actions taken), warrant withdrawal (actions taken), addendum information (actions taken), and blank field (actions taken) to remove duplicates and more accurately capture how many warrants were requested and issued.

requested by supervising agencies for alleged violators was a warrant in FYs 2020 – 2022. More than half of sanctions imposed by USPC were issuing warrants for alleged violators (Tabel 6).

**TABLE 5**  
**Type of Sanctions Requested by Supervision Agencies for Alleged Violators, FYs 2020 – 2022**

Type of Sanctions Requested	FY 2020		FY 2021		FY 2022	
	N	%	N	%	N	%
F1 Modification	108	6%	117	8%	71	6%
Letter of Reprimand	23	1%	17	1%	48	4%
No action requested at this time	82	5%	121	8%	100	8%
Notice To Appear	13	1%	5	0%	19	2%
Warrant	1,439	86%	1,268	83%	988	81%
<b>Total</b>	<b>1,665</b>	<b>100%</b>	<b>1,528</b>	<b>100%</b>	<b>1,226</b>	<b>100%</b>

Source: USPC Data Submission

**TABLE 6**  
**Type of USPC Sanction/Action Determined for Alleged Violators, FYs 2020 - 2022**

Type of Sanctions/Actions	FY 2020		FY 2021		FY 2022	
	N	%	N	%	N	%
Defer	66	4%	105	7%	50	4%
F1 Modification	110	7%	116	8%	73	6%
Letter of Reprimand	120	7%	115	8%	122	10%
No action requested at this time	173	10%	217	14%	150	12%
Notice To Appear	3	0%	0	0%	23	2%
Other	75	5%	113	7%	92	8%
Warrant	1,118	67%	862	56%	716	58%
<b>Total</b>	<b>1,665</b>	<b>100%</b>	<b>1,528</b>	<b>100%</b>	<b>1,226</b>	<b>100%</b>

Source: USPC Data Submission

Tables 7, 8, and 9 show the concurrence of supervising agencies' requested sanctions and USPC's determination for alleged violations by Fiscal Years. USPC approved to issue warrants for 77% (1,113/1,439), 68% (858/1,268), and 72% (712/988) of cases where supervising agencies requested warrants in FY 2020, 2021, and 2022 respectively.

**TABLE 7**  
**FY2020 Concurrence of Supervision Agencies' Request and USPC's Determination by Type of Sanction**

Supervision Agencies' Request	USPC's Determination							Total
	Defer	F1 Modification	Letter of Reprimand	No action requested at this time	Notice To Appear	Other	Warrant	
Defer	<b>0 (0%)</b>	0	0	0	0	0	0	0
F1 Modification	0	<b>106 (98%)</b>	0	0	0	2	0	108
Letter of Reprimand	0	0	<b>22 (96%)</b>	1	0	0	0	23
No action requested at this time	1	0	0	<b>80 (98%)</b>	0	0	1	82
Notice To Appear	2	0	2	2	<b>3 (23%)</b>	0	4	13
Other	0	0	0	0	0	<b>0 (0%)</b>	0	0
Warrant	63	4	96	90	0	73	<b>1,113 (77%)</b>	1,439
<b>Total</b>	<b>66</b>	<b>110</b>	<b>120</b>	<b>173</b>	<b>3</b>	<b>75</b>	<b>1,118</b>	<b>1,665</b>

Note. (%) represents the concurrence of the type of sanction requested by supervision agencies and determined by USPC (e.g., Of the 1,439 warrants requested by supervision agencies, 1,113 (77%) warrants were issued by USPC).

Source: USPC Data Submission

**TABLE 7**  
**FY2021 Concurrence of Supervision Agencies' Request and USPC's Determination by Type of Sanction**

Supervision Agencies' Request	USPC's Determination							Total
	Defer	F1 Modification	Letter of Reprimand	No action requested at this time	Notice To Appear	Other	Warrant	
Defer	<b>0 (0%)</b>	0	0	0	0	0	0	0
F1 Modification	0	<b>111 (95%)</b>	0	4	0	2	0	117
Letter of Reprimand	0	0	<b>17 (100%)</b>	0	0	0	0	17
No action requested at this time	0	0	1	<b>116 (96%)</b>	0	0	4	121
Notice To Appear	0	0	1	4	<b>0 (0%)</b>	0	0	5
Other	0	0	0	0	0	<b>0 (0%)</b>	0	0
Warrant	105	5	96	93	0	111	<b>858 (68%)</b>	1,268
<b>Total</b>	<b>105</b>	<b>116</b>	<b>115</b>	<b>217</b>	<b>0</b>	<b>113</b>	<b>862</b>	<b>1,528</b>

Note. (%) represents the concurrence of the type of sanction requested by supervision agencies and determined by USPC (e.g., Of the 1,268 warrants requested by supervision agencies, 858 (68%) warrants were issued by USPC).

Source: USPC Data Submission

**TABLE 8**  
**FY2022 Concurrence of Supervision Agencies' Request and USPC's Determination by Type of Sanction**

Supervision Agencies' Request	USPC's Determination							Total
	Defer	F1 Modification	Letter of Reprimand	No action requested at this time	Notice To Appear	Other	Warrant	
Defer	<b>0 (0%)</b>	0	0	0	0	0	0	0
F1 Modification	0	<b>67 (94%)</b>	0	1	0	2	1	71
Letter of Reprimand	1	0	<b>40 (83%)</b>	5	0	1	1	48
No action requested at this time	1	0	5	<b>90 (90%)</b>	0	3	1	100
Notice To Appear	1	0	1	0	<b>14 (74%)</b>	2	1	19
Other	0	0	0	0	0	<b>0 (0%)</b>	0	0
Warrant	47	6	76	54	9	87	<b>712 (72%)</b>	988
<b>Total</b>	<b>50</b>	<b>73</b>	<b>122</b>	<b>150</b>	<b>23</b>	<b>92</b>	<b>716</b>	<b>1,226</b>

Note. (%) represents the concurrence of the type of sanction requested by supervision agencies and determined by USPC (e.g., Of the 988 warrants requested by supervision agencies, 712 (72%) warrants were issued by USPC).

Source: USPC Data Submission

### Probable Cause Process (DC Code/DC Custody)

After the U.S. Marshals Service executes warrants approved by the Commissioner at USPC, the alleged violator is sent to DC Jail where they will have their case heard in a preliminary hearing called a Probable Cause (PC) hearing. A probable cause hearing will determine if there is enough evidence to go to a Final Revocation Hearing.

**Pre-Probable Cause Hearing.** In FY 2021, USPC began a temporary project to review cases that were slated for a probable cause hearing before the hearing occurred in response to the COVID-19 pandemic. As a result, 139 and 88 cases were reviewed prior to a probable cause hearing and resulted in the alleged violator being released back to the community in FY 2021 and 2022 respectively.

Table 9 provides the breakdown of how many cases went to a probable cause hearing and if probable cause was found. As seen in Table 9, probable cause was found for 87%, 75%, and 90% of cases held for probable cause hearings in FYs 2020, 2021, and 2022 respectively.

	PC Hearings	PC Not Found <sup>15</sup>	PC Found
	N	N (%)	N (%)
FY 2020	864	113 (13%)	751 (87%)
FY 2021	647	164 (25%)	483 (75%)
FY 2022	514	53 (10%)	461 (90%)

*Source: USPC Data Submission*

If no probable cause is found, the offender is immediately released from custody after the probable cause hearing. If probable cause is found, the violator is either (1) held in DC jail awaiting a revocation hearing; (2) released back to the community notwithstanding the finding of probable case; or (3) revocation hearing is postponed, and offender is entered into an inpatient drug treatment program. Table 10 breaks down the outcomes of the cases where probable cause was found in FYs 2020 -2022 and shows that about half of cases where probable cause was found were held for a revocation hearing.

<sup>15</sup> A prisoner immediately released from custody after PC.

**TABLE 10****Breakdown of Cases Where Probable Cause (PC) Was Found, FYs 2020 - 2022**

	PC Found	Held for a Revocation Hearing	Released Back to the Community Notwithstanding the Finding of PC	Ordered Revocation Hearing Postponed and Offender Entered into Inpatient Drug Treatment
	N	N (%)	N (%)	N (%)
FY 2020	751	373 (50%)	275 (37%)	103 (14%)
FY 2021	483	212 (44%)	265 (55%)	6 (1%)
FY 2022	461	242 (52%)	183 (40%)	36 (8%)

*Source: USPC Data Submission*

### Final Decisions Without Revocation Hearing

Final decisions can be made without a revocation hearing if the offender is deferred to a Residential Substance Abuse Treatment Program or the offender admits they violated their supervision and enters an Advance Consent (PAVER<sup>16</sup>) proposal or an Expedited proposal.

- Residential Substance Abuse Treatment Deferral: An offender enters a custodial treatment program run by DC Department of Corrections (120 days in length) and reinstates to supervision upon completion.<sup>17</sup>
- Advance Consent (PAVER): Alleged violator proposes to waive revocation hearing and admit they violated their supervision in exchange for a specific decision, which is presented to the Commissioner for approval or denial. If approved by the Commissioner, the alleged violator waives the right to appeal. A proposal is made **during** the probable cause hearing.
- Expedited Proposal: The Commissioner approves a revocation decision based on case review, which is presented to the alleged violator/attorney for acceptance or denial. If accepted, the alleged violator waives the right to appeal. A proposal is made **following** probable cause **but prior to** a revocation hearing.

<sup>16</sup> The Pilot Project for Administrative Violators Expedited Resolution (PAVER) [https://www.justice.gov/d9/2023-03/uspc\\_fy\\_2024\\_pb\\_narrative\\_3.15.pdf](https://www.justice.gov/d9/2023-03/uspc_fy_2024_pb_narrative_3.15.pdf)

<sup>17</sup> Refer to "Table 10" for the number of cases entered drug treatment programs (either in the DC Department of Corrections or in the community). A Residential Substance Abuse Treatment is one of the drug treatment programs in DOC custody and there are other drug programs that are out of custody.



Advance consent (PAVER) and expedited proposal require the hearing examiner to recommend it, then the prisoner to consent to it, then the Commissioner to sign off on it. As shown in Table 11, there were 217 (FY 2020), 75 (FY 2021), and 84 (FY 2022) offenders consented to the Advanced Consent and the Commission accepted it (i.e., the Commissioner approves the decision that the Releasee had agreed to at the probable cause stage).<sup>18</sup> An expedited proposal requires that the offender (alleged violator) accepts the term imposed (offered) by the Commission. Table 11 shows that there were 252, 179, and 211 expedited proposal cases that accepted the offer in FYs, 2020, 2021, and 2022 respectively.

**TABLE 11**  
**Number of Cases for Advance Consent (PAVER) where Commissioner Approved and Expedited Proposal where Offenders Accepted Offer, FYs 2020 - 2022**

	Advance Consent (PAVER):	Expedited Proposal:
	Commissioner Approved	Offender Accepted Offer
	N	N
FY 2020	217	252
FY 2021	75	179
FY 2022	84	211

Note. This table provides selective information (e.g., this table does not show cases where (1) an offender applied for an advanced consent (PAVER), but the Commission does not accept it; or (2) an expedited proposal rejected by the alleged violator), and thus calculating the percentages is not feasible.

Source: USPC Data Submission

### Revocation Process

When a revocation hearing is scheduled, the hearing examiner<sup>19</sup> conducts a hearing and makes a revocation recommendation. Then the Commissioner makes a revocation determination and USPC issues a notice of action. As shown in Table 12, a majority of cases held for a revocation hearing were found to have violated the terms of their supervision and their supervision was revoked in FYs 2020 - 2022. If the Commission did not find beyond a preponderance of the evidence that the violation occurred (i.e., No Finding), a prisoner was immediately released.

<sup>18</sup> It is possible for an offender to apply for an Advanced Consent (PAVER) but the Commission does not accept it.

<sup>19</sup> <https://www.justice.gov/sites/default/files/uspc/legacy/2010/08/27/uspc-manual111507.pdf>

**TABLE 12****Number of Cases Held for Revocation Hearing and Revocation Decision, FYs 2020 - 2022**

	Revocation Hearing	Revoked	No Finding
	N	N (%)	N (%)
FY 2020	157	148 (94%)	9 (6%)
FY 2021	68	59 (87%)	9 (13%)
FY 2022	70 <sup>20</sup>	58 (83%)	12 (17%)

*Source: USPC Data Submission*

### Length of Reincarceration

Table 13 shows the length of months to serve from the date that the releasee was returned to custody on the USPC’s warrant (“months to serve”) for (1) advanced consent (PAVER) cases where the Commissioner approved; (2) expedited proposal cases where offenders accepted the offer; and (3) cases where a revocation hearing was held and their supervision was revoked in FYs 2020 - 2021. Such length of reincarceration was longest for cases held in revocation hearings and found to have violated the terms of their supervision (M = 16.21 months in FY 2020 and M = 19.04 months in FY 2021), followed by expedited proposal cases where offenders accepted the offer (M = 11.54 months in FY 2020 and M = 10.82 months in FY 2021) and advanced consent cases where the Commissioner approved (M = 6.58 months in FY 2020 and M = 5.58 months in FY 2021).<sup>21</sup>

<sup>20</sup> There were additional 11 cases with no revocation where the information was insufficient to establish that the offender violated the terms of their supervision. With these 11 cases, a total of 81 cases were held for a revocation hearing in FY 2022.

<sup>21</sup> There were “Time Served” cases (4 in FY 2020 and 1 in FY 2021 for Advanced Consent; 9 in FY 2020 and 4 in FY 2021 for Expedited Proposal; 22 in FY 2020 and 6 in FY 2021 for Revocation Hearings) where the Commission found that the prisoner violated his/her supervision, but the “punishment” was a time served sentence and the prisoner was immediately released. These cases were excluded from calculating the length of months to serve.

**TABLE 13**  
**The Length of Months to Serve, FYs 2020 - 2021**

	Advance Consent: Commissioner Approved <sup>22</sup>		Expedited Proposal: Offender Accepted Offer <sup>23</sup>		Revocation Hearing: Revoked <sup>24</sup>	
	Months to Serve		Months to Serve		Months to Serve	
	N	M (SD)	N	M (SD)	N	M (SD)
FY 2020	217	6.58 (2.37)	252	11.54 (7.20)	148	16.21 (10.78)
FY 2021	75	5.58 (2.03)	179	10.82 (7.15)	59	19.04 (15.54)

Note. The length of months to serve data was not available for FY 2022 at the time of the analysis.

Source: USPC Data Submission

## Part II: Alternative Sanctions for Parole and Supervised Release Violators

### Evidence-Based Alternative Sanctions for Parole and Supervised release Violations

Researchers have recommended evidence-backed policies to enhance community supervision. Overall, research findings indicate that swift, certain and proportionate sanctions have the greatest impact on reducing recidivism. Evidence-based policy recommendations that exemplify this finding, and may be applicable for consideration in the District, are outlined below.

#### Use Meaningful Incentives to Influence Behavior

Studies show that, while individuals must be held accountable for their actions, reinforcing positive conduct can be a more effective approach than sanctions to influence behavior

<sup>22</sup> Of the 217 advance consent (Commissioner approved) cases in FY 2020, 36 were on parole for a District of Columbia Code conviction (Pre-August 2000 offense) and 181 were on supervised release for a DC Code offense after the enactment of the District of Columbia Sentencing Reform Amendment Act (August 2000 or later offense). Of the 75 advance consent cases in FY 2021, 9 were on parole and 66 were on supervised release.

<sup>23</sup> Of the 252 expedited proposal cases where an offender accepted an offer in FY 2020, 33 were on parole and 219 were on supervised release. Of the 179 expedited proposal cases in FY 2021, 26 were on parole and 153 were on supervised release.

<sup>24</sup> Of the 148 revoked cases during revocation hearings in FY 2020, 38 were on parole and 110 were on supervised release. Of the 59 revoked cases in FY 2021, 13 were on parole and 46 were on supervised release.

change.<sup>25</sup> Researchers recommend making incentives a core component of supervision practices, to be relied on more heavily than sanctions to effect changes in behavior.<sup>26</sup>

Incentives can include curfew changes, gift cards, and reduced intensity/duration of supervision. Research indicates that the incentives must be meaningful to the individual under supervision to support a shift in attitudes and actions,<sup>27</sup> and involving the individual in the case planning process can help ensure this goal.

“Earned compliance credits” are incentives that allow persons to reduce their supervision terms by complying with the conditions of their release plans. A 2017 study found that earned compliance credits were the most highly valued incentive for persons on supervision.<sup>28</sup> Policymakers considering structuring a system for awarding credits should consider the frequency with which the credits are given, how soon after supervision commences should a person become eligible, and what constitutes a meaningful reward.

### Implement an Administrative Sanctions Scheme

Administrative sanctions are penalties for noncompliance with supervision terms (usually technical violations) that typically can be imposed by a supervision officer without authority from a judge or parole board. These can include increased reporting, imposing a curfew, or in some instances, short jail stays. Over 20 states have employed administrative sanctions grids for technical violations that outline proportionate sanctions; these grids can also include incentives. These administrative sanctions are approved by the state parole board and can be imposed by supervision officers without a hearing. An evaluation of the implementation of administrative sanctions in South Carolina (2010) found that persons who began implementation of the measures were 33% less likely to be incarcerated after one year than previous cohorts.<sup>29</sup>

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<sup>25</sup> Andrews and Bonta, *The Psychology of Criminal Conduct*.

<https://www.sciencedirect.com/book/9781422463291/the-psychology-of-criminal-conduct>

<sup>26</sup> E.J. Wodahl et al., “Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections,” *Criminal Justice and Behavior* (2011): 386-405,

<https://journals.sagepub.com/doi/abs/10.1177/0093854810397866>

<sup>27</sup> C. Robinson et al., “Towards an Empirical and Theoretical Understanding of Offender Reinforcement and Punishment,” *Federal Probation* (2015): 3-10, <https://www.uscourts.gov/file/22760/download>

<sup>28</sup> Wodahl, Garland, and Mowen, “Understanding the Perceived Value of Incentives (2017)

<https://www.tandfonline.com/doi/abs/10.1080/23774657.2017.1291314>

<sup>29</sup> E. Pelletier, B. Peterson, and R. King, *Assessing the Impact of South Carolina’s Parole and Probation Reforms* (2017)

[https://www.urban.org/sites/default/files/publication/89871/south\\_carolina\\_jri\\_policy\\_assessment\\_final\\_0.pdf](https://www.urban.org/sites/default/files/publication/89871/south_carolina_jri_policy_assessment_final_0.pdf)

## Limit Incarceration for Technical Violations

There is evidence indicating that incarceration for technical violations does not enhance public safety but can instead have a negative effect on both completion of probation as well as re-arrest and reconviction.<sup>30</sup>

Some states have opted to place revocation caps, in lieu of eliminating incarceration for technical violations altogether. Revocation caps ensure that persons sent to prison for failing to follow certain supervision rules serve only a set number of days, rather than a lengthy sentence, before being released back to supervision. For example, in Missouri, supervision officers can order short stays (up to 48 hours) for first time technical violations, and longer stays for subsequent violations, with an overall yearly cap per calendar year.<sup>31</sup> In Louisiana, a 2007 law adopted a revocation cap of 90 days for a first-time technical violation.<sup>32</sup> An evaluation of the impact of this law found that after 5 years, the average length of incarceration for first tier technical revocations declined from 355 days to 74.<sup>33</sup>

## Limit Incarceration Pending a Revocation Hearing

Revocation hearings can often take weeks to be docketed and scheduled, which can result in individuals charged with violating probation or parole being held for long periods of time. Some states have taken steps to limit incarceration pending a revocation hearing by capping the length of time within which a hearing must occur. Mississippi requires that preliminary hearings on alleged probation violations take place within 72 hours of arrest, and revocation hearings within 21 days afterwards. If these deadlines are not met, individuals must be released and returned to supervision.<sup>34</sup> In Minnesota, revocation hearings must be held within 7 days of arrest.<sup>35</sup>

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<sup>30</sup> Vera Institute of Justice, Assessing the Effectiveness of Intermediate Sanctions in Multnomah County, OR (2008) [https://www.vera.org/downloads/publications/Final\\_Multnomah\\_Report.pdf](https://www.vera.org/downloads/publications/Final_Multnomah_Report.pdf)

<sup>31</sup> Missouri Rev. Stat. § 217.718 (2013). <https://law.justia.com/codes/missouri/2013/title-xiii/chapter-217/section-217.718/>

<sup>32</sup> Louisiana HB 423 (2007) <http://www.legis.la.gov/legis/ViewDocument.aspx?d=450052&n=HB423%20Act%20402>

<sup>33</sup> The Pew Charitable Trusts, “Reducing Incarceration for Technical Violations in Louisiana” (2014), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/11/reducing-incarceration-for-technical-violations-in-louisiana>

<sup>34</sup> Mississippi Code § 47-7-37.

<sup>35</sup> Minnesota R. Crim. P. 27.04.

## Maintain Treatment for Substance Use and Behavioral Health Disorders

Nationwide, drug and alcohol use disorder rates are up to nine times as high among persons on supervision as in the general population, depending on the substance.<sup>36</sup> Research indicates that persons who have recently been released from incarceration are particularly vulnerable to an overdose.<sup>37</sup> Providing timely access to high quality treatment has been found to be an effective alternative to incarceration for individuals with substance use and behavioral health disorders under community supervision.

Treatment can be provided by supervision agencies in the form of counseling and medications approved for substance use disorder treatment. Rhode Island has taken steps to offer medication assisted treatment to persons in custody, as well as on supervision, with state funding support and policies establishing programs that allow persons to continue to receive medication and counseling while under supervision. These reforms led to a 61% drop in overdose fatalities from 2016 to 2017.<sup>38</sup>

### **Promising Initiatives**

In addition to alternative sanctions that research has shown to be more effective than incarceration, states are developing and implementing a variety of innovative programs that incorporate established best practices. They range from standardizing risk assessments to enhancing behavioral health supports for persons under supervision. Below are summaries of initiatives that may be relevant for the District's consideration.

#### Pennsylvania Department of Corrections: Philadelphia Call-In Program

This initiative was developed through Project Safe Neighborhoods and has been in operation since 2013 in various police districts throughout Philadelphia. The Pennsylvania DOC and the US Attorney's Office for the Eastern District of Pennsylvania identify participants for the program by taking into consideration the risk level, location of residence, and community service needs for each person who is released to parole supervision. The initiative aims to serve those at highest risk of recidivism.

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<sup>36</sup> Substance Abuse and Mental Health Services Administration, "Key Substance Use and Mental Health Indicators," (2018), <http://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHFRR2017/NSDUHFRR2017.htm>

<sup>37</sup> National Reentry Resource Center, "Best Practices for Successful Reentry," (2018), <https://nationalreentryresourcecenter.org/resources/best-practices-successful-reentry-people-who-have-opioid-addictions>

<sup>38</sup> T.C. Green et al., "Post-incarceration Fatal Overdoses After Implementing Medications for Addiction Treatment in a Statewide Correctional System," JAMA Psychiatry (2018): 405-407, <https://doi.org/10.1001/jamapsychiatry.2017.4614>

The Call-In Program entails a one-time meeting with community and service providers, the US Attorney’s Office, and law enforcement. Following this one-time meeting, the participants are provided a three-day life skills orientation, assignment to a parole case manager, and a meeting with service providers to receive information about and connect with available services. Through the meeting and orientation, individuals receive a two-fold message: the availability of support to make a positive life change, and the certainty of severe consequences for continued criminal activity.

The program recently received grand funding to expand to additional police districts, and added follow-up meetings to continue case planning and reinforcing accountability, providing transportation assistance, and connections to services to meet basic needs. A recent process and impact evaluation of the initiative made additional recommendations to improve the program.<sup>39</sup>

#### Pinellas County (FL) Alternative Sanctions Program – Administrative Diversion<sup>40</sup>

In 2014, the Florida DOC received a grant through which the Florida Sixth Judicial Circuit would administer an “administrative diversion option” for handling certain violations of probation cases. This program is known as the Pinellas County Alternative Sanctions Program.<sup>41</sup>

Eligible individuals who commit a technical violation of supervision are informed that they may “side-step” conventional violation of probation proceedings by electing to participate in the Alternative Sanctions Program. This process is in lieu of the filing of an affidavit of violation of probation being filed with the Court, and avoids a violation of probation warrant being issued by a judge. Individuals sign a Waiver of Formal Violation of Probation Hearing and an Admission of Violation and Acceptance of Sanctions form, along with the supervision officer’s recommendations as to the sanctions the Court should impose. A Violation/Sanction Matrix lists common technical violations, along with an approved list of sanctions from which the probation officer is required to select. The document is forwarded to a judge along with a proposed order that enables the judge to either:

- Approve the offender’s participation in the Alternative Sentencing Program, along with the new sanctions recommended by the probation officer;
- Approve the offender’s participation in the Alternative Sentencing Program, but institute different sanctions; or

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<sup>39</sup> Roman, C., Mendlein, A., Process and Impact Evaluation of Philadelphia’s Project Safe Neighborhoods (PSN) Call-in Program (2023) <https://www.cor.pa.gov/About%20Us/Statistics/Documents/PSN-Process-and-Impact-Report-April-23.pdf>

<sup>40</sup> University of South Florida, Pinellas County SMART Supervision Project: Reducing Prison Populations, Saving Money, and Creating Safer Communities [http://mhlp.fmhi.usf.edu/USFCMS/projects\\_detail.cfm?prid=388](http://mhlp.fmhi.usf.edu/USFCMS/projects_detail.cfm?prid=388)

<sup>41</sup> [https://defensehelp.typepad.com/russo\\_russo\\_pinellas\\_crim/2015/05/what-is-the-pinellas-alternative-sanctions-program-for-felony-violations-of-probation.html](https://defensehelp.typepad.com/russo_russo_pinellas_crim/2015/05/what-is-the-pinellas-alternative-sanctions-program-for-felony-violations-of-probation.html)

- Deny the offender’s request to participate in the Alternative Sentencing Program and direct the Department of Corrections to submit a Violation Report, Affidavit and Warrant to address the alleged violation.

The purpose of the program is to “reduce recidivism and the significant resources expended to prosecute technical violations of probation by creating an administrative option for processing these violations that provides for immediate and court-approved sanctions.”<sup>42</sup>

Findings from a program evaluation showed that approximately 44% of participants were successful during their first year in the program, having no further involvement with the criminal justice system. Over a one-year period, the absconder rate was 4.5%, which represents a decrease from the statewide average of 13.7%.<sup>43</sup>

#### Allegheny County (PA) – “Dosage-Based” Supervision Model<sup>44</sup>

Allegheny County developed and tested a dosage-based probation model that determines the length of supervision based on a person’s assessed treatment needs, rather than based solely on the court’s discretion. The model examined the type and amount of intervention that could maximize the potential for positive behavior change for each participant and used this information to determine the length of their supervision.<sup>45</sup>

The program set targets for each participant and, once targets were reached, allowed for possible adjustments in their supervision level, including the possibility of early release from supervision. Supervision officers were trained in evidence-based practices, such as motivational interviewing, and implemented validated risk assessments.

#### Massachusetts Parole Board – Parole Recovery Opportunity (PRO) Supervision Program<sup>46</sup>

The Massachusetts Parole Board received funding to implement the PRO supervision program, designed to increase support for individuals on parole with a history of opioid use, and assessed as having high risk and high needs. Through the program, individuals are provided Medication Assisted Treatment (MAT) with behavioral health counseling and high intensity supervision.

The enhanced supervision includes at least four face-to-face visits between the individual and the supervision officer. Two of the four visits must be at the individual’s residence. Participants

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<sup>42</sup> Administrative Order 2016-012 PI-CIR <https://criminaldefenseattorneytampa.com/violation-of-probation/pinellas-county/alternative-sanctions-program/#:~:text=The%20purpose%20of%20the%20ASP,immediate%20and%20court%2Dapproved%20sanctions.>

<sup>43</sup> [https://nationalreentryresourcecenter.org/sites/default/files/inline-files/JC\\_Innovations%20in%20Supervision%20Initiatives%20at%20a%20Glance\\_Report\\_12112019.pdf](https://nationalreentryresourcecenter.org/sites/default/files/inline-files/JC_Innovations%20in%20Supervision%20Initiatives%20at%20a%20Glance_Report_12112019.pdf)

<sup>44</sup> [https://www.alleghenycountycourts.us/wp-content/uploads/2022/06/Crim\\_AR\\_2016.pdf](https://www.alleghenycountycourts.us/wp-content/uploads/2022/06/Crim_AR_2016.pdf)

<sup>45</sup> National Reentry Resource Center, Innovations in Supervision Initiatives: Grantees at a Glance (2019) [https://nationalreentryresourcecenter.org/sites/default/files/inline-files/JC\\_Innovations%20in%20Supervision%20Initiatives%20at%20a%20Glance\\_Report\\_12112019.pdf](https://nationalreentryresourcecenter.org/sites/default/files/inline-files/JC_Innovations%20in%20Supervision%20Initiatives%20at%20a%20Glance_Report_12112019.pdf)

<sup>46</sup> BJA Funding and Awards, Parole Recovery Opportunity (PRO) Supervision (2017) <https://bjaojp.gov/funding/awards/2017-sm-bx-0004>



are identified prior to release. A graduated sanctions policy is in place to ensure that violations are matched with appropriate treatment and interventions, with a strong emphasis on avoiding revocation. PRO partners with local treatment providers to ensure bed availability in cases of relapse and to have a place to keep the individual safe if they are showing they are a danger to themselves.

The stated goals of PRO are to save lives, reduce recidivism and returns to custody, and ensure successful transition to the community.<sup>47</sup>

## Conclusion

Additional analysis would be beneficial to policymakers exploring the feasibility and usefulness of promising practices in the District. Areas for additional analysis include 1) an examination of sanctions imposed for violations of probation in the District, 2) analysis on the length of incarceration prior to adjudication hearings, 3) data on the number of revocations due to substance use disorders, 4) the amount of time that passes between when the alleged violation occurred and when USPC makes its final determination, and 5) the prevalence of the use of administrative sanctions in lieu of filing AVRs.

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<sup>47</sup> <https://www.cj institute.org/assets/sites/2/2019/11/09.20-0830-6th-Floor-Breakout-Gina-Papagiorgakis-PRO-Supervision.pdf>

## Glossary

### Supervision Types

**Civil Protection Order (CPO):** a court order in which a judge can require a person to follow certain requirements, including but not limited to, staying away from, not contacting, or committing any offense against the person requesting the CPO. (Source: dccourts.gov)

**Community Engagement and Achievement Center (CEAC):** The Community Supervision Program assesses and responds to the individual educational and vocational needs of individuals. CEACs offer stabilization, structure, cognitive-behavioral intervention(s), skill-building and support services through integrated case planning and performance-based engagement and activities. Additionally, they serve as an enhanced risk containment strategy by integrating tenets of supervision with orientation activities (assessment and case planning), individual and small-group motivational engagement, staged transition support services and interventions. (Source: csosa.gov)

**Day Reporting Center (DRC):** DRC program opened in April 2021 to provide integrated and wrap-around services to the highest risk individuals who were non-compliant under CSOSA supervision. The DRC more fully integrated supervision, interventions, and programming to assist individuals at increasing compliance with supervision, obtaining meaningful employment, improving their educational level, learning how to problem-solve effectively, and successfully completing supervision. (Source: csosa.gov)

**Deferred Sentencing Agreement (DSA):** A voluntary agreement between the prosecutor and the defendant whereby the defendant enters a guilty plea and sentencing is set for a later date. The defendant must complete certain requirements set out in the agreement (e.g., performing a certain number of community service hours). If the defendant is successful in completing all requirements, the guilty plea is withdrawn and the prosecution dismisses the case; otherwise, the matter proceeds to sentencing. (Source: Psa.gov)

**Parole:** a form of early release from prison based on an individual's positive adjustment to rehabilitative goals that were established during the incarceration portion of a sentence as determined by the United States Parole Commission (USPC). Parole, as a type of community-based supervision, was abolished in the District of Columbia for individuals sentenced after August 5, 2000. Subsequent to that date, eligible individuals are subject to a period of supervised release following incarceration. (Source: csosa.gov)

**Probation:** a disposition ordered by the Superior Court of the District of Columbia through which an adjudicated individual is placed under a term of community-based supervision administered by CSOSA. (Source: csosa.gov)

**Supervised release (SRAA):** a term of community-based supervision served after an individual is released from prison. The court can impose supervised release during sentencing in addition to

the sentence 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 and begins only after a person has served at least 85% of the prison sentence. The individual is subject to specified conditions of supervised release that are intended to prevent the offender's return to incarceration. In the District, the USPC oversees supervised release and CSOSA administers it. (Sources: csosa.gov)

### USPC Rulings

**Conditions of Supervision:** During the community supervision period, the offender is obligated to comply with certain defined conditions and is subject to the supervision directives of a Court Supervision Officer. The objectives of these conditions and supervision are to help the offender avoid further criminal acts, to complete supervision successfully without being revoked for technical violations and/or convicted of a new offense, and to assist the offender in addressing treatment, employment, education and life skills enhancement. (Source: CSOSA.gov)

**Early Discharge from Supervision:** After an individual has completed at least one year of supervision, their attorney can petition the Court, after the individual has completed one half of their term of supervision, they can request early termination through their U.S. Probation Officer. (Source: dcp.uscourts.gov)

**Issuance of a Warrant or Summons for Violation of Court Order:** The court must issue a warrant—or at the government's request, a summons—for each defendant named in an indictment or named in an information if one or more affidavits accompanying the information establish probable cause to believe that an offense has been committed and that the defendant committed it. The court may issue more than one warrant or summons for the same defendant. If a defendant fails to appear in response to a summons, the court may, and upon request of an attorney for the government must, issue a warrant. The court must issue the arrest warrant to an officer authorized to execute it or the summons to a person authorized to serve it. (Source: law.cornell.edu)

### **Revocation of Release for Such Offenders Released on Parole or Mandatory Release**

**Supervision:** For offenders under parole, mandatory release, or supervised release, the Associate Director for CSOSA will review the request once it is received, prepare a letter to the United States Parole Commission (USPC) with the Associate Director's recommendation, and forward the initial request from the law enforcement agency to the USPC for the USPC's review and decision. Once a response is received from the USPC, the requesting law enforcement agency will be notified of the decision and whether the offender can participate as an informant, as well as the Court Supervision Officer and Supervisory Community Supervision Officer (SCSO).

**Modifications of Supervision:** Recommend to the Court/US Parole Commission any modifications in the conditions of release in cases where additional requirements would serve to restrict offenders from engaging in risky behavior(s) or constitute a threat to themselves or

others. This action can also be recommended when it appears the offender has achieved maximum benefit from a formalized treatment modality. (Source: CSOSA.gov)

## Appendix A: Methodology

### Study Aim and Questions

CJCC conducted an analysis to inform the work of the ad hoc workgroup on how the District can resume control over parole functions. This evaluation analyzed current sanctions imposed on persons on parole and supervised release and identify alternative sanctions by addressing the following questions:

1. Of the D.C. Code offenders who were on parole or supervised release between October 1, 2019 – September 30, 2022, or Fiscal Years (FY) 2020-2022, how many of them violated the conditions of their release and what was the nature of the violations?
2. For those on parole or supervised release who violated the conditions of their release, what types of sanctions were imposed by USPC?

### Analysis of Court Services and Offender Supervision Agency (CSOSA) Data

With no data submission to CJCC from CSOSA, this analysis used the CSOSA FY24 Congressional Budget Justification Report<sup>48</sup> for the number of D.C. Code offenders who were alleged to have violated Court ordered release conditions while on parole or supervised release between October 1, 2019 – September 30, 2022. The report also elaborates on the type of sanctions CSOSA takes when individuals violate their court ordered conditions.

Tables 1-4 are sourced from CSOSA FY24 Congressional Budget Report and cited page numbers for each table.

### U.S. Parole Commission (USPC)

For this study, USPC submitted de-identified data pertaining only to those DC Code Offenders who were alleged to have violated parole and supervised release. Specifically, USPC provided de-identified piecemeal datasets that provide information on sanctions (actions) requested by supervising agencies and determined by USPC, probable cause process, and final decisions made by USPC with or without revocation hearing including advance consent (PAVER) and expedited proposal.

### *Literature Review*

A comprehensive search of peer-reviewed journals was completed, searching for studies on incarceration alternatives, parole and supervised release violations sanctions, and behavioral incentives. A review of policy recommendations was also completed, including reviews of literature from organizations such as the National Conference of State Legislatures, the Pew Charitable Trusts, the RAND Corporation, the Urban Institute, the Vera Institute of Justice, and the National Criminal Justice Association. A review of community supervision best practices and

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<sup>48</sup> Court Services and Offender Supervision Agency (2023). Congressional Budget Justification Fiscal Year 2024,

promising programs was completed, including the Office of Justice Programs and the Council of State Governments Justice Center.

### **Limitations**

Due to the Privacy Act, CSOSA explained that it will not be able to provide record-level data on Parolees and Releasees. Therefore, CJCC requested aggregate information, which limits the types of analyses that can be conducted, but no responses were given. To answer question #1, CJCC used the “Congressional Budget Justification Fiscal Year 2024” produced by CSOSA.

CJCC received de-identified piecemeal data from USPC for this study and thus CJCC did not have full control over what criteria was used for data pull, what duplicates were handled (how data was cleaned), and what was contained in the data sets. Thus, to some extent, this could have limited the scope of research questions addressed and information provided in this report.

The timeframe for this analysis also reflects the period of the COVID-19 public health emergency, during which criminal justice agencies in the District and nationwide modified their operations to avoid the spread of COVID among justice-involved populations. Therefore, it is uncertain whether sanctions imposed on parole and supervised release violators may differ now that the public health emergency has ended.