

 NEW YORK STATE	Corrections and Community Supervision DIRECTIVE		TITLE Interstate - Compact, Out of State, Cooperative, Dual Supervision Cases		NO. 9700
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REFERENCES (Include but are not limited to) ACA Expected Practices 4-APPFS-2A-16, 4-APPFS-2C-03; Directives #8710, #9050, #9051, #9213; Interstate Compact Rules, ICAOS Rules and Regulations; ICAOS Privacy v. 3		APPROVING AUTHORITY 			

- I. **PURPOSE:** This directive will provide guidelines to the Department of Corrections and Community Supervision (DOCCS) facility and Community Supervision staff in processing the transfer of cases to and from other states through the Interstate Bureau and the Interstate Commission for Adult Offender Supervision (ICAOS).
- II. **POLICY:** The information contained in this directive describes the policy and procedure for DOCCS staff in the Interstate Bureau, field, and facilities. It defines the process offenders, who through the ICAOS, are sent or received for residency, employment, program, and treatment consideration in New York State or any of the other states and territories in the United States. Transfer to another state is a privilege and not a right. Offender Rehabilitation Coordinators (ORC) and Parole Officers (PO) should evaluate and review any request for transfer to another state based on an offender's overall adjustment and how they are meeting their criminogenic needs based on COMPAS analysis and standards of supervision. Offender non-compliant patterns and resistive behavior need to be addressed prior to transfer and may affect the transfer. Offenders who transfer from another state to New York receive the same type of supervision as any currently released offender into the community under New York supervision. All information sharing of interstate activities will be in accordance with ICAOS Privacy Policy version 3.
<https://www.interstatecompact.org/sites/default/files/2017-06/ICOTS-Privacy-Policy-v3.pdf>.
- III. **DEFINITIONS**
 - A. Interstate Compact: An agreement among all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands through which the transfer of inmates or parolees are affected. These rules have the force and effect of Federal Law in the compacting states, and are promulgated under the ICAOS, a federal organization.
 - B. Compact Administrator: The individual in each compacting state appointed under the terms of the Interstate Compact and is responsible for the administration and management of the state's supervision and transfer of offenders who are subject to the terms of this compact and the rules adopted by the ICAOS.
 - C. "Compact Commissioner" or "Commissioner": The voting representative of each compact state appointed under the terms of ICAOS as adopted in the member state.
 - D. Cooperative Supervision Case (COOP): An offender who is serving a period of community supervision from another state or territory that is transferred to New York State under the provisions of the Interstate Compact.
 - E. Deputy Compact Administrator: Each state may have two deputies to assist the Compact Administrator.

- F. Discretionary Transfer: Cases that have 90 or more days of supervision remaining on their sentence at the time the transfer is submitted, have a valid supervision plan, are in substantial compliance with their conditions from the sending state whose cases are to be considered for transfer but do not meet the requirements of family. For example, but not limited to: cousins, fiancées, friends, etc.
- G. Dual Supervision: An offender who is simultaneously serving the community supervision portion of sentences imposed in New York State and one or more other states (jurisdictions).
- H. Employment or a Visible Means of Support: Full-time employment or a sponsor indicating a willingness and ability to support the offender until such time the offender may become employed.
- I. Interstate Compact Offender Tracking System (ICOTS): A web based database and communication system between member states of the Interstate Compact. All communication between member states is done through this system as mandated by the commission.
- J. Interstate Case Management System (ICMS): The Lotus Notes database case management system used by DOCCS Interstate Bureau staff for a chronological reporting of cases.
- K. Mandatory Transfer Case
 - 1. Cases that the receiving state must investigate and determine whether to accept the transfer of the case, as long as the offender:
 - a. Has 90 or more days of supervision remaining on their sentence at the time the transfer is submitted;
 - b. Has a valid supervision plan;
 - c. Is in substantial compliance with their conditions from the sending state; and
 - d. Is a resident of the receiving state, has resident family willing to support them until they obtain employment, or they already have employment upon acceptance of the transfer.
 - 2. In addition, offenders will be eligible for mandatory transfer who:
 - a. Are members of the military or who are members of a family in the military;
 - b. Veterans being transferred to a Veterans Administration Facility;
 - c. Offenders whose employment is being transferred to another state and transfer to said state is a condition of maintaining employment; or
 - d. Offenders whose parent or spouse's employment is being transferred to another state and transfer to said state is a condition of maintaining employment.
- L. Out of State Case (OOST): A New York offender serving a period of community supervision transferred to another state or territory under the provisions of the Interstate Compact.
- M. Out of State Incarceration (OOSI): A New York offender serving a period of community supervision who is incarcerated in another jurisdiction. An OOSI case may or may not be in delinquent status.

- N. Assigned Bureau: The area office where the offender is assigned or was previously assigned prior to an Interstate Transfer.
- O. Probable Cause Hearing for Cooperative Supervision Cases: A hearing in compliance with U.S. Supreme Court decisions conducted on behalf of an offender accused of violating the terms or conditions of the offender's parole or probation.
- P. Progress Report: A report summarizing a supervision case as to residence, employment, compliance with program/treatment conditions, police contacts, and overall adjustment to supervision in the community.
- Q. Request for Reporting Instructions (RFRI): A request that requires a 48-hour response (five days for sex offenders) that proposes for an offender to relocate to the receiving state or return to the sending state. Offenders will be eligible for RFRI who:
1. Are members of the military or are members of a family in the military;
 2. Are veterans being transferred to a Veterans Administration Facility;
 3. An offender whose employment is being transferred to another state and the transfer is a condition of maintaining employment;
 4. An offender whose parent's or spouse's employment is being transferred to another state and the transfer is a condition of maintaining employment; or
 5. The Transfer Request needs to be expedited.
- NOTE: RFRI's will be assigned to the assigned bureau. It is the responsibility of the assigned bureau to investigate any proposed address the offender may have.
- R. Receiving State: A state to which an offender requests transfer of supervision or is transferred.
- S. Resident: An offender who:
1. Has continuously resided in the receiving state for at least one year prior to the commission of the offense for which the offender is under supervision;
 2. Intends that such state shall be the person's principal place of residence; and
 3. Has not, unless incarcerated, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.
- T. Resident Family: A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who:
1. Has resided in the receiving state for 180 days or longer as of the date of the Transfer Request; and
 2. Indicates willingness and ability to assist the offender as specified in the plan of supervision.
- U. Sending State: A state requesting the transfer of an offender to another state or territory, or which transfers supervision of an offender, under the terms of the Interstate Compact and its rules.
- V. Split Supervision Cases: Offenders whose instant offense results in a sentence of both parole and probation in the sending state.

- W. Substantial Compliance: An offender who is sufficiently in compliance with the terms and conditions of their supervision so as not to result in initiation of revocation of supervision proceedings by the sending state.
- X. Third State Transfer: An offender who requests to transfer from the receiving state to a third state.
- Y. Transportation Costs for Out-of-State Transfers: The offender, or their sponsor, is responsible for all transportation costs of their interstate transfer.
- Z. Waiver of Probable Cause Hearing for Cooperative Supervision Cases: Waiver of Probable Cause Hearing must include a dated and witnessed written admission of violation of parole on all charges, which is signed by the offender.

IV. OUT OF STATE CASES (OOST) TRANSFERS: The Offender Rehabilitation Coordinator (ORC), in conference with the Supervising Offender Rehabilitation Coordinator (SORC), shall screen inmates as possible OOST candidates who meet the transfer criteria below upon receipt of an open date. In addition, facility staff shall submit a transfer request for an eligible offender as early as four months prior to a date certain (for example, but not limited to, Conditional Release [CR], Conditional Release Conditions [CRC], Merit Determinate Release Conditions [MDRC], Limited Credit Release Conditions [LCRC], etc.).

The Parole Officer (PO), in conference with the Senior Parole Officer (SPO), shall submit transfer requests for parolees who are in substantial compliance, have more than 90 days of supervision remaining on their sentence, and meet the following transfer criteria:

A. Mandatory Transfer Criteria

1. Inmates

- a. Inmate has at least 90 days remaining on his or her sentence;
- b. Inmate has a valid supervision plan;
- c. Inmate is a resident of the receiving state (see Section III-S);
- d. Inmate has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the supervision plan and employment or means of support (see Section III-T);
- e. Inmate is a veteran who needs to transfer to a Veteran's Administration Facility for medical or mental health services;
- f. Inmate proposes to live with family members that are military members who are being transferred to another state; or
- g. Inmate proposes to live with family whose employment is being transferred to another state.

2. Parolees

- a. Parolee has at least 90 days left on supervision;
- b. Parolee is a resident of the receiving state (see Section III-S);
- c. Parolee has resident family in the receiving state who have indicated the willingness and ability to assist as specified in the supervision plan and employment or means of support (see Section III-T);
- d. Parolee is a military member subject to transfer to a base outside the state of New York;

- e. Parolee is a veteran who needs to transfer to a Veteran's Administration Facility for medical or mental health services;
- f. Parolee lives with family members that are military members who are being transferred to another state;
- g. Parolee's employment is transferring him/her to another state; or
- h. Parolee lives with family whose employment is being transferred to another state.

NOTE: Under very limited circumstances, the Interstate Bureau may be able to request the supervision of a New York offender who has less than 90 days of supervision remaining.

B. Discretionary Transfer Criteria

1. Inmates

- a. A discretionary transfer request may be submitted for an inmate who does not meet the eligible requirements of a mandatory transfer (see Section III-K).
- b. ORCs shall provide the Interstate Bureau with documentation to justify the requested transfer (i.e., inmate has a sponsor who has expressed a willingness and ability to assist the offender as specified in the plan of supervision and, if accepted, would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of the victim).
- c. The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact.

2. Parolees

- a. A discretionary transfer request may be submitted for a parolee who does not meet the eligible requirements of a mandatory transfer (see Section III-K).
- b. POs shall provide the Interstate Bureau with documentation to justify the requested transfer (i.e., parolee has a sponsor who has expressed a willingness and ability to assist the offender as specified in the plan of supervision and, if accepted, would support successful completion of supervision, rehabilitation of the offender, promote public safety, and protect the rights of the victim).
- c. The receiving state shall have the discretion to accept or reject the transfer of supervision in a manner consistent with the purpose of the compact.

C. Expedited Transfer Criteria (Request for Reporting Instructions): A request for reporting instructions may be initiated for either inmates or parolees prior to the formal acceptance of a case. Circumstances may include, but are not limited to, the following:

- 1. Serious medical condition that requires medical attention in the offender's home state;
- 2. Employment relocation of the parolee or family;
- 3. Reassignment of military service or military family;
- 4. Parolee is under supervision in New York and receives a Community Supervision sentence in another state for a separate matter (Dual Supervision Case);

5. New York parolee is being supervised in another state and wishes to return to New York;
6. Parole Immediately Eligible (PIE) case who is homeless in New York but has family or a viable supervision plan in another state; or
7. Offender is a veteran who is in need of services in a Veterans Administration Facility in a state other than New York.

NOTE: Requests must be submitted to the Interstate Bureau for review.

D. Procedure for Submitting an Interstate Transfer

1. Offender Rehabilitation Coordinator's Responsibilities
 - a. The assigned ORC will compile and send to the Interstate Bureau via scan, fax, or mail, a Transfer Request Packet containing the following:
 - (1) ICAOS Offender Application for Interstate Compact Transfer form completed, signed, and witnessed (dates must match);
 - (2) Interstate Transfer Request form;
 - (3) Sentencing and Commitment documents;
 - (4) Certificate of Release, if available;
 - (5) ORC recommended conditions or Board imposed conditions of supervision, including but not limited to, victim sensitive or sex offender registry cases;
 - (6) Parole Board Reports and Reappearance Summaries;
 - (7) A narrative description of the instant offense in sufficient detail to describe circumstance, type, and severity of the offense and whether the charge has been reduced at the time of sentencing (if the Pre-Sentence Report has this information there is no need to supply a separate memo);
 - (8) Pre-Sentence Investigation Report for all current crimes, unless it is not available;
 - (9) Sex Offender Registration information;
 - (10) Information relating to any known gang affiliation;
 - (11) Most recent Comprehensive Medical Summary, if applicable;
 - (12) Summary of prison discipline and mental health history during the last two years, if available (printouts of disciplinary screens are acceptable);
 - (13) Copies of any current or expired Orders of Protection, or information relating to any court-ordered financial obligations, including but not limited to: fines, court costs, restitution, and family support; and
 - (14) All Violation of Release Reports and resulting decisions for the current term of incarceration.
 - b. The assigned ORC will report to the Interstate Bureau any change in the inmate's status which may occur after the packet is sent. Such change might include, but is not limited to:
 - (1) Any change in the proposed release date;
 - (2) Any change in the inmate's proposed residence;

(3) Any change in the proposed residence must be updated with a new signed offender application which shall be forwarded to the Interstate Bureau; or

(4) The inmate no longer wishes to be transferred.

2. Parole Officer Responsibilities

- a. The assigned PO will compile and send to the Interstate Bureau via scan, fax, or mail a Transfer Request Packet containing the following:
- (1) ICAOS Offender Application for Interstate Compact Transfer form, signed and witnessed (dates must match);
 - (2) Interstate Transfer Request form;
 - (3) Sentencing and Commitment documents;
 - (4) For cases under community supervision for 30 days or more, a memorandum detailing supervision history;
 - (5) Copy of the Certificate of Release;
 - (6) Board and PO imposed conditions of supervision which includes, but is not limited to, victim sensitive or sex offender registry cases;
 - (7) Parole Board Reports and reappearance summaries;
 - (8) A narrative description of the instant offense in sufficient detail to describe circumstance, type, and severity of the offense and whether the charge has been reduced at the time of sentencing (if the Pre-Sentence Report(s) has this information there is no need to supply a separate memo);
 - (9) Pre-Sentence Investigation Report for all current crimes, unless it is not available;
 - (10) Sex Offender Registration information;
 - (11) Information relating to any known gang affiliation;
 - (12) Most recent Comprehensive Medical Summary, if applicable;
 - (13) Summary of prison discipline and mental health history during the last two years, if available. (Print-outs of disciplinary screens are acceptable);
 - (14) Copies of any current or expired Orders of Protection or information relating to any court-ordered financial obligations, including but not limited to: fines, court costs, restitution, and family support; and
 - (15) All Violation of Release Reports and resulting decisions for the current term of supervision.
- b. The assigned PO will report any change in the parolee's status to the Interstate Bureau which may occur after the packet is sent. Such change might include but is not limited to:
- (1) Any change in the parolee's proposed residence;
 - (2) Any change in the proposed residence must be updated with a new signed offender application which shall be forwarded to the Interstate Bureau;
 - (3) The parolee no longer wishes to be transferred; or

- (4) The parolee becomes pre-delinquent, delinquent where a warrant is issued, or absconds from Community Supervision.
3. Upon receipt of the notice from the Interstate Bureau that the case has been approved for transfer, the ORC or PO will:
 - a. Verify transportation arrangements and costs, and the inmate's, parolee's, or parolee's family's ability to pay the costs;
 - b. Notify the Interstate Bureau of the inmate's or parolee's departure date, via email, with a copy of the Travel Permit;
 - c. The ORC must ensure that the case is assigned to the appropriate Community Supervision bureau as a community prep and can forward/Folder Inquiry Tracking System (FITS) the case folder to the Interstate Bureau. If interstate transfer approval has not been received, the folder should be sent to the assigned Community Supervision field bureau; and
 - d. The assigned bureau shall maintain custody of the case folder until notified by the Interstate Bureau that the parolee has arrived in the receiving state.

NOTE: Under no circumstances shall a parolee be permitted to travel to the receiving state until authorization is received through the Interstate Bureau, unless there is a previously established medical or employment allowance. In addition, the inmate/parolee should not be allowed to make unnecessary stops between New York and the intended receiving state (i.e., visits to relatives or friends).
4. Interstate Program Aide (PA) Responsibilities
 - a. Interstate PA will forward a complete Transfer Request Packet to the receiving state.
 - b. Interstate PA will check for Victim Notification requirements by entering a Case Management System (CMS) chronological activity code "ITR," no action by field or facility staff required.
 - c. Interstate PA will return incomplete Transfer Request Packets to the ORC or PO of record identifying missing information required prior to resubmission.
 - d. Interstate PA will monitor the progress of the investigation.
 - e. If the Transfer Request is rejected, Interstate PA will forward a copy of the Reply to Transfer Request, via email, to the assigned facility or assigned bureau.
 - f. If the Transfer Request is accepted, Interstate PA will forward a copy of the Reply to Transfer Request, via email, to the assigned facility or assigned bureau.
5. The Interstate Bureau will render a Notice of Departure to the receiving state upon receipt of a Travel Permit from the field office or a release from custody for facility cases.
6. Once the Notice of Arrival is received from the receiving state, the Interstate Bureau will do a chronological entry in ICMS and CMS indicating that the parolee has made their arrival at the receiving state and that the folder can now be sent to the Interstate Bureau.

7. In cases originating in an area office, the bureau will update the FITS and send the folder to the Interstate Bureau. In cases originating in a facility, the case folder will be FITS'd and sent to the Interstate Bureau upon the offender's release.
8. The case will then be assigned to an Interstate PO on PARMIS/CMS once both the Notice of Arrival and accredited grey case file have been received by the Interstate Bureau (the case cannot SOURCE transferred until the folder has been received).

E. Supervision

1. Interstate Bureau POs will submit a Progress Report upon request from the sending state.
2. Interstate Bureau POs will submit eligible offenders for early discharge consideration (i.e., Merit Termination of Sentence, Mandatory Termination of Sentence, Three Year Discharge, and Five Year Discharge) when appropriate.
3. Interstate Bureau POs will coordinate requests from a receiving state to allow the offender to transfer to another state.
4. Interstate Bureau POs will contact the assigned bureau and request Emergency Reporting Instructions when an offender requests to return to New York State (Request for Reporting Instructions have a 48-hour turn-around according to the Interstate Compact; five days for sex offenders).

F. Violations: Interstate Bureau Parole Officer Responsibilities

1. In all cases, the Interstate Bureau PO will be responsible for processing alleged parole violations in accordance with Directive #9050, "Community Supervision – Revocation Process," and Interstate Compact Rules.
2. In cases where the receiving state reports violative behavior and has taken the offender into custody on a technical parole violation, the Interstate PO will request a Probable Cause Hearing or a waiver of the Probable Cause Hearing with admissions from the receiving state.
3. Where a warrant has been issued and the offender is available to the New York warrant with no local matters pending, the Interstate PO will make arrangements, through the Warrant and Transfer Bureau, for the offender's return to New York State custody.
4. In cases where a warrant has been issued and the offender is incarcerated in a state other than the receiving state (including New York) and the offender is entitled to a Probable Cause (Preliminary) Hearing, the Interstate PO will schedule the hearing and request that a Parole Revocation Specialist (PRS) conduct the hearing and present evidence.

NOTE: Section IV-F-4 only applies to cases lodged in New York City.

5. In cases where a warrant has been issued and the offender is incarcerated in a state other than the receiving state (including New York) and the offender is entitled to a Probable Cause (Preliminary) Hearing, the Interstate PO will schedule the hearing and request that the assigned bureau where the offender was originally assigned represent the Department and conduct the Preliminary Hearing.

NOTE: Section IV-F-5 only applies to cases lodged outside of New York City. If the arrest occurred in New York and outside of the jurisdiction/area of the assigned bureau, the Interstate PO will schedule the hearing and request that the field bureau that covers the county in which the offender is in custody represent the Department and conduct the Preliminary Hearing.

6. Cases that do not require a Probable Cause (Preliminary) Hearing will be assigned as follows:
 - a. To the PRS in the assigned bureau where the offender was originally assigned upon release from incarceration prior to transfer to the Interstate Bureau due to OOST, OOSI, Deportation, or Repatriation.
 - b. To an alternative assignment procedure approved by the Regional Director.
 - c. In cases where probable cause is not found and the offender is returned to supervision, the Interstate Bureau PO will SOURCE transfer the case to the assigned Community Supervision field area office.
 - d. Previously violated offenders are not permitted to return to a receiving state until a new application and Transfer Request is investigated and accepted again by the receiving state.
 - e. In cases where probable cause is found and the offender is available to the New York State warrant in the receiving state, the Interstate Bureau PO will make arrangements for the offender's return to DOCCS custody, with the Warrant and Transfer Unit, and schedule the Final Hearing.

NOTE: In accordance with Interstate Compact Rule 5.101, the sending state has 30 days from the date of availability to return an offender from the receiving state.
 - f. Those cases where probable cause is found in the receiving state, the Interstate Bureau PO will ensure that the case is assigned to the appropriate Bureau PRS and that all required documents are provided for presenting the case at the Final Hearing.
7. In cases where offenders are re-released to Community Supervision from local custody, the Delinquent Time Assessment Served procedure should be followed as defined in Department Directive #9213, "Re-Release of Community Supervision Violators in Local Custody (County Correctional Facilities)."

V. COOPERATIVE SUPERVISION CASES (COOP)

- A. Transfer Request: When a transfer request is received from a sending state, the assigned Interstate Bureau PA will review the submitted Investigation Packet. The Investigation Packet must contain all information required by the Interstate Compact. Information within the packet must include a proposed residence, employment, or a visible means of support plan.
- B. Interstate Bureau Program Aide Responsibilities
 1. Assign S# (temporary NYSID);
 2. Review the Transfer Request Packet for compliance with mandatory requirements including: proposed residence, employment, or a visible means of support plan;
 3. Reject unacceptable reviewed cases via the ICOTS system;

4. Prepare an email and cover memo for the Transfer Request Packet being scanned to the Field Bureau;
5. Scan completed Transfer Request Packet to the appropriate Field Bureau and place in the Interstate Imaged Document folder on the 'K' Drive;
6. Notify assigned Field Bureau via email of a new COOP Transfer Packet;
7. Create case in CMS and assign 'C' number;
8. Upon receipt of an approved investigation:
 - a. Process the Transfer Request Investigation approval via the ICOTS system and provide reporting instructions;
 - b. Notify Field Bureau that the acceptance was submitted via ICOTS;
 - c. Update FREEDOM to reflect the approval;
 - d. Forward cases to the New York State Board of Examiners of Sex Offenders for cases identified as sex offender cases or whose sex offender status is questionable;
 - e. Monitor case for receipt of the Notice of Departure from the sending state;
 - f. Advise Field Bureau that a Notice of Departure was received via the ICOTS system and the intended departure date;
 - g. Submit a Notice of Arrival via the ICOTS system to the sending state once an arrival report has been completed in CMS;
 - h. Assign case to Interstate PO for purposes of crime codes needed for SOURCE work;
 - i. Update CMS/PARMIS from Community Prep (CP) status to Intensive Supervision (INT) status through the use of SOURCE; and
 - j. Request two sets of DCJS-12 fingerprint cards or fingerprinting via live scan and the Certificate of Release to Community Supervision from the assigned PO and SPO via email.
9. Upon receipt of a rejected investigation:
 - a. Process the Transfer Request Investigation rejection via the ICOTS system;
 - b. Notify Field Bureau that the rejection was submitted via ICOTS to the sending state; and
 - c. Remove community prep for PO/SPO caseload via FREEDOM.

C. Field Bureau Responsibilities

1. Retrieve the Transfer Request Packet from the 'K' Drive;
2. Field Bureau will assign the case to a PO and SPO and forward the assignment information to the Interstate Bureau within two days of receipt of the investigation;
3. The assigned PO will conduct a full investigation, including verifying the residence and employment plan. In addition, the PO will verify that all suggested standards and special conditions of the receiving state can be enforced; and
4. The investigation is due 10 days from when the Interstate Bureau emailed the assigned Field Bureau.

NOTE: Cases cannot be rejected solely on the basis that the sponsor is not a family member. Individuals are allowed to propose non-family members as their sponsor but these cases would be considered a discretionary case. Additionally, a proposed residence can differ from a proposed sponsor. The proposed residence needs to be investigated as well as the proposed sponsor's willingness/ability to provide support.

D. Community Supervision Parole Officer Supervision Responsibilities

1. The assigned field PO will supervise COOP individuals using the same supervision standards applied to NYS DOCCS parolees.
2. Once the parolee makes their arrival report, the PO will:
 - a. Confirm the arrival of the parolee by making an entry in CMS;
 - b. Fingerprint the parolee using two sets of DCJS-12 fingerprint cards, filling out the card in its entirety, within 30 days of the offender's arrival;
 - c. Take and submit a current photo of the offender to the Interstate Bureau or upload a current photo into CJIMS within 30 days of the offender's arrival;
 - d. Submit a signed and witnessed ICAOS Offender Application for Interstate Compact Transfer form, if applicable (dual supervision and split sentence cases only);
 - e. Have offender sign copies of the New York State Conditions of Release (Form #3010INT), along with signing any additional supplemental conditions forms that are needed, and submit to the Interstate Bureau within 30 days of offender's arrival;
 - f. Impose sex offender conditions, if applicable;
 - g. Take DNA sample and include a copy of the special conditions with the test kit, once assigned a NYSID number;
 - h. Complete COMPAS Risk Assessment, once assigned a NYSID number;
 - i. COOP cases are required to pay supervision fees while under the jurisdiction of NYS DOCCS;

NOTE: DCJS notifies DOCCS Quality Control and the S# assigned by the Interstate Bureau is replaced with the offenders NYSID number. Dual Supervision cases (Section III-G) and cases where the offender already has a NYSID number still require fingerprints and photos upon arrival for verification purposes.

- j. Prepare Violation of Release Reports as needed and inform the Interstate Bureau within 30 days of discovery including all arrest reports and information/complaints. Dispositions on pending criminal matters need to be submitted to the Interstate PO; and
- k. Inform the Interstate Bureau of any significant changes in the offender's status, the imposition of new special conditions, and of any violation occurrences.

E. Interstate Bureau Parole Officer Responsibility

1. The Interstate Bureau will monitor receipt and transmission of all offender information between New York State and the Interstate Compact jurisdictions.

2. Interstate Bureau will maintain the manila offender case folder/record within the Interstate Bureau.
3. The Interstate PO will communicate with the sending state in all matters pertaining to supervision of the offender transferred under the Interstate Compact, by entries into ICMS, ICOTS, phone/fax/scanner, and/or email.
4. The Field Bureau will be responsible for a progress report if:
 - a. Violation information is noted in CMS which the Interstate Bureau was not made aware of; and
 - b. Receiving state requests a special update on the offender's supervision status.

F. Violations: Community Supervision Parole Officer Responsibilities

1. The supervising field office may issue and lodge a violation warrant, except for COOP absconders, when the offender has violated the conditions of release in an important respect and it is deemed that if the offender remained under supervision that the community would be at risk. If the offender has absconded, the field office will NOT issue a warrant.

The Interstate Bureau should be immediately notified and a Violation of Release Report (VORR) submitted. It is the responsibility of the sending state to issue a warrant and post the subject as wanted.

2. The PO must promptly report all violations of conditions of release via a Violation of Release Report (new arrest, absconding, and technical violations) to the Interstate Bureau within 15 days of its occurrence regardless of whether a Preliminary Hearing has been conducted or not. (Under the Interstate Compact, a receiving state shall notify a sending state of any serious violation of conditions of supervision by an offender within 30 calendar days of discovery of the violation). The violation must include the date(s) and description of the behavior requiring retaking, the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions.

In addition, the status and disposition of any new arrest, as well as the dates, descriptions, and documentation of previous noncompliance, including a description of the use of corrective actions, graduated responses, or other supervision techniques.

If the offender has absconded, the offender's last known address and telephone number, name and address of the offender's employer, the date of the offender's last personal contact with the supervising officer, and details regarding how the supervising officer determined the offender to be an absconder, including date of home visit and collateral contact which includes known employer if the offender was employed.

NOTE: Cooperative cases are not under the jurisdiction of the New York State Board of Parole, thus they are not to be declared delinquent by the Bureau Chief and they are not to be sent to the Board of Parole for any action.

3. The PO will send a standard Violation of Release Report and an updated Supplemental Violation of Parole Report, if needed, to the Interstate Bureau.

4. The PO will annotate their controls to lift the warrant should the sending state decline to issue their warrant or direct continued supervision, or within 15 business days of notification to the receiving state of the finding of probable cause where the receiving state does not respond to our request for a warrant.
 5. The PO will serve [Form #CS9011](#), "Notice of Violation," [Form #CS9700A](#), "Interstate Probable Cause Hearing Waiver," a Violation of Release Report, and will schedule a Probable Cause (Preliminary) Hearing if not waived within 15 days of the lodging of the warrant. (The Interstate Compact does not require that a Preliminary Hearing be conducted within a specified time period. However, all efforts will be made to hold the Preliminary Hearing within 15 days of the lodging of the warrant).
 6. If the offender waives the Probable Cause Hearing (Preliminary Hearing) on [Form #CS9011](#), the offender MUST also waive his Probable Cause Hearing using [Form #CS9700A](#), "Interstate Probable Cause Hearing Waiver," which shall have all charges transcribed onto the form. The offender must admit to all violation charges for the purpose of establishing a complete business record for the sending state.
 7. In a Cooperative Supervision Case, the Preliminary Hearing Officer must entertain all violation charges for the purpose of establishing a complete business record for the sending state.
 8. The PO will immediately forward a copy of the results of the Probable Cause (Preliminary) Hearing to the Interstate Bureau.
 9. If probable cause is found, the Interstate Bureau will inform the sending state via the ICOTS with a Progress Report if the offender is unavailable for retake based on new criminal charges, or a Violation Report Requiring Retaking detailing charges with any supporting documents.
 10. If the violation is based on or includes a new arrest, the field PO will track all pending charges and provide a copy of the arrest report/incident report/complaint as well as provide a copy of the disposition of the arrest with the date of the offender's availability for return to the sending state (a new arrest for a felony level crime or a violent misdemeanor renders the offender unavailable for retake).
 11. Once the sending state retakes the offender or issues an absconder warrant, the Interstate PO will complete and forward a Case Closure Notice via the ICOTS to the sending state. Upon receipt of a validation of the Case Closure Notice, the Interstate Bureau will close the case in ICMS and CMS, and then forward a copy of the Case Closure Notice to the assigned bureau.
- G. COOP Maximum Expiration: Cooperative Supervision cases that have reached their maximum expiration of sentence are not to be released from supervision until the assigned bureau receives a copy of the Case Closure Validation. While home visits are not required, the offender must continue to report to the assigned bureau. Once the validated Case Closure Notice is received, the Interstate PO will notify the field PO/SPO and the Interstate Bureau will close interest.

VI. DUAL SUPERVISION CASES

- A. Transfer Requests from a sending state where the offender is also serving an unexpired New York State term will be processed like a Cooperative Supervision case. If the offender is already under supervision in New York State, the Field Bureau will be notified that the Transfer Request will be considered an "Administrative Transfer" with no approvals necessary.
- B. Dual Supervision cases will have both a NYSID number and an "S" number in CMS until one of the terms expires.
NOTE: All chronological entries will be entered under the case with the NYSID number only.
- C. Dual Supervision cases will serve the entirety of the longer of the two or more terms unless eligible for early discharge.
- D. Early discharge consideration only applies to whichever term is eligible. If the offender receives early discharge on the New York State term, he/she will continue to serve the undischarged portion of the sending state's term. In this case, the case would then be considered a Cooperative Supervision case only.
- E. The Field Bureau will supervise Dual Supervision cases in accordance with the New York State conditions of supervision and that of the sending state or states.
- F. For violation purposes, the Field Bureau will process the violation as it would for a New York offender, including submitting to the Board of Parole for any necessary action; however, the Field Bureau will also send the Interstate Bureau all the violation materials within the time frames established for Cooperative Supervision cases.

VII. OUT OF STATE INCARCERATION CASES

- A. Field staff will determine if any case under their supervision meets the criteria for the case to be transferred to an Out of State Incarceration (OOSI) caseload. The offender must owe at least one year of supervision from the date of transfer and at least 12 months incarceration in the holding authority.
- B. Upon determination that the case meets the criteria, field staff will review and complete [Form #CS9700B](#), "Transfers to OOSI Caseload Work Sheet."
- C. Field staff will send the case folder to the Interstate Bureau and record an entry in the FITS.
- D. Interstate staff will initiate a folder review upon receipt of case folder.
- E. If Interstate staff determine that transfer is appropriate, case will be SOURCE transferred to an OOSI caseload.
- F. If case is delinquent, the Interstate Bureau will confirm that the detainer is lodged with the holding authority and confirm the Projected Release Date (PRD).
- G. Interstate staff will set appropriate ticklers in the Interstate Case Management System (ICMS) for an annual review for cases that are more than 18 months from the PRD.
- H. During the annual review, Interstate staff will confirm continued custody and the PRD. Annual review will continue until such time that the offender is one year from the PRD.
- I. At one year from the PRD, a six-month tickler will be set for review.
- J. At six months from the PRD, Interstate staff will confirm continued hold, PRD, potential good time credit, any additional warrants, status of supervision term on the out of state conviction, provide waiver of extradition, and set a tickler for 45 days from PRD.

- K. At 45 days from the PRD, Interstate staff will request a statement of availability.
- L. Within 30 days of the PRD, Interstate staff will provide an extradition packet to the Warrant and Transfer Unit.
- M. Interstate staff will monitor extradition until the return of the offender.
- N. Upon return, Interstate staff will transfer the case to the appropriate Parole Revocation Specialist.
- O. For delinquent cases where a final hearing has already been held and time assessment issued, Interstate staff will monitor case and render a Delinquent Time Assessment on cases where the completion of the time assessment precedes the NY Maximum Expiration (ME) date and the out of state PRD.
- P. Interstate staff will then request from the holding authority a notice prior to release.
- Q. Upon availability Interstate staff will follow steps T through Z of Section VII.
- R. For offenders with remaining delinquent time upon reaching the PRD in the out of state facility, Interstate staff will prepare an extradition packet along with a medical discharge from the holding facility noting that the offender will be state ready.
- S. Offender is then returned to a state correctional facility.
- T. Upon confirmation that offender has been returned to a state correctional facility, Interstate staff will transfer the case folder to the facility via FITS.
- U. For delinquent cases where a final hearing has already been held and the offender reaches his NY ME, Interstate staff will prepare a Supplemental Violation of Release Report (SVORR) and complete an analysis which is submitted to the Board of Parole requesting to cancel delinquency and close case by ME.
- V. Interstate staff will then inform the holding authority that DOCCS has no further interest in the offender.
- W. Interstate Staff will set appropriate ticklers in the Interstate Case Management System (ICMS) for an annual review for cases that are not delinquent and are more than 18 months from the PRD.
- X. During the annual review, Interstate staff will confirm continued custody and the PRD. Annual review will continue until such time that the offender is one year from the PRD.
- Y. At one year from the PRD, a six-month tickler will be set for review.
- Z. At six months from the PRD, Interstate staff will confirm continued hold, PRD, potential good time credit, any additional warrants, and status of supervision term on the out of state conviction.
- AA. Upon determination of additional warrants, Interstate staff will confirm extradition with the issuing entity. In addition, Interstate staff will determine the PRD, pending court matters, and notify the issuing entity of the Department's interest in being notified prior to release.
- BB. Upon extradition, Interstate staff will again follow steps O through S in Section VII.
- CC. Once it is determined that no additional warrants or holds are in place, Interstate staff will confirm the PRD and contact the holding authority to coordinate release planning. Upon the offender's return, Interstate staff will monitor for arrival report and then forward the file via FITS to the appropriate supervising field office. If the proposed release plan is out of state, an Interstate Transfer Request will be submitted by Interstate staff in accordance with Section IV of this directive.

DD. Interstate PO will request appropriate field assignment 45 days from the PRD, based on either the last known assignment or proposed release plan. Case will be sourced to the field PO/SPO.

VIII. JOB SPECIFIC TRAINING FOR INTERSTATE COMPACT STAFF

A. DOCCS Interstate Bureau Staff

1. Interstate Office Non-Peace Officer Staff (New Employee, Annual, and New Application/System Users)
 - a. ICOTS System/Application Training shall focus on the delivery of training and education in the following areas:
 - (1) ICOTS user manual;
 - (2) ICAOS Rules and Regulations;
 - (3) ICAOS Privacy Policy Version 3.; and
 - (4) Receive an overview of how to retrieve a case and all applicable attachments, how a case is assigned from one user to another, and how to build a case in ICOTS.
 - b. ICMS (Interstate Case Management System):
 - (1) How to navigate and search ICMS;
 - (2) How to build a case; and
 - (3) How to insert a chronological entry in a case.
 - c. eJustice: How to run a criminal history background check on an individual.
 - d. DOCCS Mainframe (FPMS & CMS):
 - (1) Retrieval of required information necessary for ICOTS (current facility [if applicable], release date, crime information, identifying information, color photograph(s), Maximum Expiration/PRS Maximum Expiration date); and
 - (2) Retrieval of field entered information (assignment, chronological entries).
 - e. Bureau Meeting: Attend monthly bureau meetings as required.
2. All Paraprofessional Staff (New Employee, Annual, and New Application/System Users)
 - a. Overview of ICAOS website;
 - b. ICOAS On-Demand training modules - Courses 100-103, which provide a basic overview of the ICAOS rules and processes; and
 - c. Attend monthly bureau meetings as required.
3. All Professional Staff (New Employee, Annual, and New Application/System Users)
 - a. ICOTS System/Application Training shall focus on the delivery of training and education in the following areas:
 - (1) ICOTS user manual;
 - (2) ICAOS Rules and Regulations;
 - (3) ICAOS Privacy Policy Version 3;
 - (4) Receive an overview of how to retrieve a case and all applicable attachments, how a case is assigned from one user to another, and how to build a case in ICOTS;

- (5) ICOAS On-Demand training modules - Courses 100-304, which provide a basic overview of the ICAOS rules and processes; and
 - (6) ICMS (Interstate Case Management System):
 - (a) How to navigate and search the system;
 - (b) How to build a case; and
 - (c) How to insert a chronological entry in a case.
 - b. eJustice: How to run a criminal history background check on an individual.
 - c. DOCCS Mainframe
 - (1) Retrieval of required information necessary for ICOTS (current facility [if applicable], release date, crime information, identifying information, color photograph(s), Maximum Expiration/PRS Maximum Expiration date); and
 - (2) Retrieval of field entered information (assignment, chronological entries).
- B. State ICOTS Administrators (New Employee, Annual, and New Application/System Users)
 - 1. ICOTS System/Application Training shall focus on the delivery of training and education in the following areas:
 - a. ICOTS user manual;
 - b. ICAOS Rules and Regulations;
 - c. ICAOS Privacy Policy Version 3;
 - d. Receive an overview of how to retrieve a case and all applicable attachments, how a case is assigned from one user to another, and how to build a case;
 - e. Review ICOAS On-Demand training modules - Courses 100-304, which provide a basic overview of the ICAOS rules and processes;
 - f. Attend annual business meeting; and
 - g. Attend all webinars relating to ICOTS enhancements and newly promulgated rules.
 - 2. ICMS (Interstate Case Management System):
 - a. How to navigate and search system;
 - b. How to build a case; and
 - c. How to insert a chronological entry in a case.
 - 3. eJustice: How to run a criminal history background check on an individual.
 - 4. DOCCS Mainframe
 - a. Retrieval of required information necessary for ICOTS (current facility [if applicable], release date, crime information, identifying information, color photograph(s), Maximum Expiration/PRS Maximum Expiration date); and
 - b. Retrieval of field entered information (assignment, chronological entries).

IX. ICOTS OVERDUE REPORTS

- A. Compact Office administrators will assure that the following ICOTS reports are reviewed on a weekly basis and all compliance issues addressed:
1. Duplicate offenders list;
 2. Overdue replies to transfer request;
 3. Overdue transfer request;
 4. Overdue reply to RFRI;
 5. Overdue progress reports;
 6. Overdue case closures;
 7. Overdue reply to violation reports;
 8. Overdue reply to case closure notices;
 9. Overdue transfer request after expedited reporting instructions are approved;
 10. Cases in need of notice of departure;
 11. Cases in need of notice of arrival;
 12. Pending mergers and deletion of offenders;
 13. Rejected cases requiring action;
 14. Offenders awaiting retaking;
 15. Addendum to violation report in need of response;
 16. Overdue response to probable cause hearing; and
 17. ICOTS user list.

NOTE: Administrative staff will monitor all users' accounts to ensure that Compact personnel are routinely logging into the system. If a staff member fails to login for a period of 12 months, the account is to be immediately deactivated.

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)
NOTICE OF VIOLATION

TO: _____ INST.# _____

WARRANT# _____ NYSID# _____

You are charged with violating the conditions of your release in the manner specified on the attached violation of release report.

A preliminary hearing on these charges has been scheduled on _____ at _____ at _____
Date Time Place

Should you waive a preliminary hearing or should probable cause be found at this hearing that you have violated any condition of your release in an important respect, a

final hearing on these charges will be held on _____ at _____ at _____
Date Time Place

In the event that your return to the State of New York cannot be effected for the hearing as scheduled above due to circumstances beyond the Department's control, you will be afforded a preliminary hearing and final revocation hearing at such time as you may become available for return on the Department's warrant.

You have the right to a preliminary and final revocation hearing. A preliminary hearing may be held to determine whether there is probable cause to believe that you violated one or more of the conditions of your release in an important respect. At this hearing you are entitled to appear and speak on your own behalf; introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses. Proof of your conviction of a crime committed after your release shall constitute probable cause for the purpose of the preliminary hearing. You may be represented by counsel. It is your responsibility to obtain counsel. Your waiver of this preliminary hearing is the equivalent to a finding of probable cause.

In the event you are convicted of either a misdemeanor or a felony offense committed while under community supervision and a preliminary hearing has not been completed, you will not be entitled to the preliminary hearing on the basis of the new conviction. Any preliminary hearing which may have been scheduled may therefore be cancelled upon your conviction for such misdemeanor or felony.

Following the establishment of probable cause, the Board of Parole or its designee will review your case and may order that you be held for a final revocation hearing.

At the final revocation hearing, the presiding officer will determine whether there is a preponderance of evidence to support each of the charged violations. At this hearing, you have the right to be represented by counsel; to speak on your own behalf; have the right to introduce letters and documents; present witnesses who can give relevant information; and confront and cross-examine adverse witnesses against you. At this hearing, you also have the right to present mitigating evidence relevant to your restoration to community supervision.

In the event you are convicted of a felony offense committed while under community supervision and you receive a new indeterminate or determinate sentence, any final revocation hearing which has been scheduled for you may be cancelled. In such instances, the Board of Parole may issue a final declaration of delinquency based upon that conviction and sentence.

In the event the Board of Parole issues a final declaration of delinquency, you will be served with a copy of that determination together with a copy of the commitment.

Should you be convicted of a crime committed after your release, it is the intention of the Department of Corrections and Community Supervision to introduce evidence of your conviction at the time of your revocation hearing.

A request to adjourn either scheduled hearing should be made in the case of a preliminary hearing, at least three (3) days, and in the case of a final hearing, at least seven (7) days prior to the hearing, in writing, to the local area office. Requests for adjournments made at the hearing will only be granted for good cause shown.

Violation of Release Report received:

Signature Date

All persons charged with a violation are required to be present at all proceedings regarding that violation of community supervision which are authorized by the Board of Parole. Any voluntary failure on your part to be present at any of these proceedings may result in a finding that your failure to appear was a voluntary, knowing and intelligent waiver of your right to appear. Should such a finding be made, a hearing in absentia can be held and a final determination be made regarding the charges pending against you, including, if necessary, a time assessment because of the violation of community supervision.

☐ I **DO** wish to have a preliminary hearing ☐ I do **NOT** wish to have a preliminary hearing

Date Signature of Releasee

Date Signature of Witness

If you cannot afford an attorney and wish to have counsel at your preliminary hearing, sign and detach this form. It is your responsibility to mail the form to the address shown on the form. If you request counsel at your preliminary hearing, you must mail this form **IMMEDIATELY**.

TO: _____ RE: _____

Name

WARRANT # _____

I am an alleged community supervision violator being held at: _____

I am scheduled for a preliminary hearing to be held on _____ at _____ at _____
Date Time Place

I have waived my preliminary hearing. A final hearing has been scheduled for _____
Date

at _____ at _____
Time Place

I cannot afford an attorney and request that I be assigned counsel.
Releasee _____
Name

NEW YORK STATE – DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

INTERSTATE PROBABLE CAUSE HEARING WAIVER

Offender's Name

NYS Warrant #

Sending State

Offender's Sending State ID #

Receiving State ID #

It is alleged that you have violated the terms and conditions of your supervision within the State of New York in the following manner:

Charges:

RIGHTS

1. You are entitled to a probable cause hearing on the alleged violation(s) listed above. The purpose of the hearing is to determine whether there is probable cause to believe that you have violated one or more of the conditions of your release in an important respect.
2. If you admit to the alleged violations and waive your right to a probable cause hearing, information related to your admission will be forwarded to the sending state for further proceedings. You will not receive a probable cause hearing in (sending state).

ADMISSION & WAIVER

I ADMIT TO THE VIOLATIONS AS STATED ABOVE AND WAIVE ALL OF MY PROCEDURAL RIGHTS INCLUDING THE RIGHT TO A PROBABLE CAUSE HEARING.

Offender's Signature

Date

Witness By:

Date

NEW YORK STATE – DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

**TRANSFERS TO OOSI CASELOAD
WORKSHEET**

CASE NAME: _____ ALIAS: _____

NYSID: _____ ME DATE: _____

CURRENT LOCATION: _____

INMATE NUMBER: _____ PROJECTED RELEASE DATE: _____

CRIME(S) OF (NEW) CONVICTION: _____

COURT/DOCKET #/ADDRESS: _____

VORR/SVORR COVERING CURRENT/NEW CONVICTION DATED: _____

WARRANT LODGED DATE: _____ DD DATED: _____

- Subject must owe at least ONE YEAR of supervision from the date of transfer AND must owe at least 12 Months of incarceration in the holding authority
- Forward a copy of Commitment/Judgment from Sentencing Court
- Remember to update custody status on CMS
- Make sure Warrant lodged location is updated on VIOLATORS
- Cancel any Wanted notices
- Folder should be in Accreditation order

STAPLE THIS WORKSHEET TO FOLDER AND MAIL (AND FITS) TO NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, INTERSTATE BUREAU, 845 CENTRAL AVENUE - EAST 2, ALBANY, NEW YORK 12206. UPON CASE REVIEW, INTERSTATE WILL SOURCE CASE TO OSSI. CALL 518-457-7566 IF YOU HAVE QUESTIONS.