


	<b>Corrections and Community Supervision</b>	TITLE <b>Case Transfers - Community Supervision</b>		NO. 9217
<b>DIRECTIVE</b>				DATE 10/27/2020
SUPERSEDES DIR. #9217 Dtd. 03/21/19	DISTRIBUTION A	PAGES PAGE 1 OF 8	DATE LAST REVISED	
REFERENCES (Include but are not limited to) Executive Law 259-c; Sexual Assault Reform Act, Directives #8303, #8305, #8700, #9218, #9402		APPROVING AUTHORITY 		

- I. **PURPOSE:** To instruct staff in the process of effecting the transfer of a case under supervision or in the community preparation process from one caseload to another both within or between Area Offices/Bureaus in New York State.
- II. **POLICY:** In order to enhance public safety and to efficiently maintain continuous supervision, cases may be transferred from one caseload to another when a parolee's change of residence is outside the assigned Parole Officer's territory or for other operational reasons.
- III. **DEFINITIONS**
  - A. Parolee Responsibility: A parolee has an ongoing responsibility to advise the assigned Parole Officer of any proposed residence changes in advance. This policy recognizes that there will be occasions when a parolee may have to move prior to advising the Parole Officer due to unforeseen circumstances.
  - B. Territory: The geographic location within which a Parole Officer, under the supervision of a Senior Parole Officer, has responsibility for a caseload of parolees.
  - C. Area Office/Bureau: The geographic location under the responsibility of a Bureau Chief.
  - D. Transfer Investigation Request: The process of notification and assignment of a case that is transferred from one Area Office/Bureau to another, or within the same office.
  - E. Source: Parole Access Management Information Services System (PARMIS) program that identifies the sending Senior Parole Officer/Parole Officer and the receiving Senior Parole Officer/Parole Officer accepting assignment.
  - F. Email (DOCCS Network Email): The primary communication tool to be utilized in the transfer investigation process.
  - G. Report Date: The report date given by the receiving Area Office/Bureau upon approval of a Transfer Investigation request.
  - H. Folder Inquiry and Tracking System (FITS): PARMIS program that allows an Area Office/Bureau to monitor the movement of a folder from one Area Office/Bureau to another.
  - I. Effective Date of Transfer: A case transfer becomes effective on the date the parolee reports to the receiving Area Office/Bureau or otherwise meets the reporting requirements of the receiving Area Office/Bureau.
  - J. Transfer Assignment Group: The Bureau Chief, Senior Parole Officers, and their designee(s) within a Bureau who are responsible for case assignments and transfers.



- K. Transfer Investigation Request Form: The standard form used by a sending Area Office/Bureau that is attached to an email and used to initiate a case Transfer Investigation ([Form #CS9217A](#)). When the releasee is residing in an emergency housing/shelter, the sending Bureau will check the box on the top of the form labeled "PRIORITY SHELTER REVIEW CASE." This will trigger the receiving Bureau to complete their investigation in no more than FIVE business days.
- L. NOPO: No Parole Officer Assigned Report generated from On-line Printing.
- M. CMS: Case Management System.
- N. PON: Parole Officer Shield Identification System.
- O. Transfer Summary: A CMS entry that contains the current status of the case, and any immediate concerns. The summary should include, but is not limited to, the following: description of the residence and household members, any officer safety concerns if known, current means of support, current compliance with special conditions, present program participation, and completion of mandated programs.
- P. County: A municipality containing parolees who are supervised by one or more Bureaus. For the purposes of this policy, the five boroughs of New York City will be considered one county.

#### IV. PROCEDURE

- A. Transfer Investigation and Approval Process
  - 1. When the parolee requests to move to a new address, the Parole Officer will conference the case with the Senior Parole Officer within FIVE business days of receiving the request. If the parolee is currently residing in an emergency housing/shelter the Parole Officer will immediately conference the case with the Senior Parole Officer.
  - 2. If the requested residence change appears to be appropriate, the sending Parole Officer will ensure all appropriate CMS screens are updated and will prepare a Transfer Summary. The sending Senior Parole Officer or designee will forward a Transfer Investigation Request to the receiving Area Office/Bureau by close of business.
  - 3. The receiving Area Office/Bureau will, within TEN business days, complete the Transfer Investigation and notify the sending Area Office/Bureau of an approval or disapproval. If the subject transferring is in an emergency housing/shelter the investigation is to begin immediately and will be completed in no more than FIVE business days.
  - 4. If approved, the receiving Area Office/Bureau will, within TWO business days, notify the sending Area Office/Bureau of a Senior Parole Officer/Parole Officer assignment, next report date, and location of the report station.
  - 5. Upon notification of the new assignment information from the receiving Bureau, the sending Parole Officer will provide the parolee with reporting instructions as provided by the receiving Bureau. The sending Senior Parole Officer or designee will immediately Source the case to the receiving Area Office/Bureau, send the case folder, and record the same in FITS.



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**B. Case Preparation for Transfer of Supervision Cases**

1. **Sending Parole Officer Responsibilities:** Once the transfer has been approved, the Parole Officer will prepare a detailed Transfer Summary in CMS, utilizing contact code "TRS." The summary should include, but is not limited to, the following:
  - a. Description of the residence/household members;
  - b. Issues possibly affecting Parole Officer safety;
  - c. Employment and Program status;
  - d. Compliance with special conditions;
  - e. Progress with addressing criminogenic needs; and
  - f. Details pertaining to pending court cases.
2. **Sending Senior Parole Officer Responsibilities**
  - a. The Senior Parole Officer (or Bureau Chief) will initiate all Transfer Investigation Requests.
  - b. The Senior Parole Officer (or Bureau Chief) will consider the following prior to approving a case transfer from county to county.

NOTE: As a result of local county Department of Social Services (DSS) regulations, Community Supervision staff should not attempt to make out of county transfers for a parolee who is undomiciled. Depending upon the municipality, parolees transferring who are in need of DSS entitlement assistance may be subject to a 45-day waiting period. Parolees currently receiving DSS entitlements cannot transfer their benefits without an agreement between the sending and receiving local DSS agencies. If a releasee has an **approvable** address outside of the county, the re-entry manager will attempt to resolve DSS matters to allow the transfer to occur.

- c. The Senior Parole Officer will review the request for transfer with the Parole Officer and ensure the following are completed or in the process of being resolved before sending the request:
  - (1) The Senior Parole Officer will ensure that all case conferences are recorded in CMS, all appropriate CMS screens are updated, and a CMS Transfer Summary has been prepared:
  - (2) The Senior Parole Officer will ensure new arrests and delinquent behavior are investigated and any required Violation or Supplementary Violation of Release Reports are completed and submitted to the Parole Board for action prior to transfer. If there is a recommendation for "No Delinquency Date Pending Court Action," the parolee's need to return for future court dates should be considered. It is not necessary to wait for Board of Parole action before transferring a case: and
  - (3) The Senior Parole Officer will determine action(s) to be taken if it is found that the parolee is involved in substance use/abuse or other related behavior. The Senior Parole Officer will conference the case with the Parole Officer and detail the action(s) in CMS.



- d. The Senior Parole Officer will ensure that, for a parolee eligible for a three year discharge (3YD) within 60 days of the effective transfer date, the 3YD report is submitted to the Board of Parole prior to the effective date of transfer. The Senior Parole Officer will ensure that submission is recorded in CMS. It is not necessary to wait for Board of Parole action before transferring a case.
  - e. The Senior Parole Officer will ensure that the Parole Officer completes Merit Termination of Sentence/Mandatory Termination of Sentence, Executive Clemency, Certificate of Relief, Certificate of Good Conduct, and any other pending or overdue administrative paperwork before the effective transfer date. It is not necessary to wait for determinations on these reports before transferring a case.
  - f. The Senior Parole Officer WILL NOT transfer a case which is within 30 days of the Maximum Expiration or Mandatory Termination of Sentence date.
  - g. The Senior Parole Officer, designee, or a member of the Transfer Assignment Group will email the Transfer Investigation Request Form ([Form #CS9217A](#)) to the receiving Bureau's Transfer Assignment Group once the case is deemed appropriate for transfer.
  - h. The Senior Parole Officer, designee, or a member of the Transfer Assignment Group will be notified by email that the transfer has been approved. The Senior Parole Officer will direct the Parole Officer to inform the parolee of the reporting instructions to the receiving Area Office/Bureau.
  - i. If a Senior Parole Officer cannot resolve the case transfer issues, the Bureau Chief will be informed immediately.
3. Receiving Parole Officer Responsibilities
- a. Once a case has been approved for transfer, the receiving Parole Officer will review the Transfer Summary on CMS prior to the transfer of supervision.
  - b. Any questions or concerns should be communicated to the sending Parole Officer for clarification.
  - c. A case conference will be held between the receiving Parole Officer and Senior Parole Officer to discuss the details of the case, to include the supervision plan.
  - d. The receiving Parole Officer will not change the supervision plan established by the sending Parole Officer without first discussing and obtaining approval from the Senior Parole Officer. Staff must consider time on supervision, COMPAS risk and needs, and the parolee's response and progress under supervision before making any changes to the supervision plan.
  - e. Once supervision of the case has been transferred, any changes approved by the Senior Parole Officer must be documented in CMS; the receiving Parole Officer will meet with the parolee and advise of any changes with the rationale. A parolee wishing to dispute any changes to the supervision plan will be directed to utilize the chain of command via the Parolee Grievance Program, in accordance with Directive #9402, "Parolee Grievance Program."
  - f. The parolee's reporting schedule should be guided by the COMPAS level.



- g. Absent an articulable rationale, the receiving Parole Officer will maintain the parolee's reporting schedule, special conditions (including Board imposed), supervision plan, and other case requirements established by the sending Parole Officer. Questions as to the applicability of any special conditions should be discussed with the Senior Parole Officer, with all changes and rationales detailed in CMS.
    4. Receiving Senior Parole Officer Responsibilities
      - a. The Senior Parole Officer will approve or disapprove the proposed residence. In cases where the parolee is coming from an emergency housing/shelter placement, the Senior Parole Officer will conference the case with the Bureau Chief if the decision was to deny the transfer. The Senior Parole Officer, their designee, or a member of the Transfer Assignment Group will inform the sending Senior Parole Officer/Parole Officer by email (return receipt) of the approval or disapproval. The receiving Senior Parole Officer will be responsible for updating CMS screens.
      - b. The Senior Parole Officer may refuse transfer and/or supervision of a parolee if the new residence is unacceptable for specific casework and legal reasons, which may include, but are not limited to, officer safety issues, an existing Order of Protection, restriction due to public housing regulations, a special condition that prohibits proximity to a victim, or sex offender restrictions.
      - c. The Senior Parole Officer who learns of possible violative conduct by the parolee after the effective transfer date will take appropriate action to address the conduct and not transfer the case back to the sending Area Office/Bureau.
      - d. If a Senior Parole Officer cannot resolve the case transfer issues, the Bureau Chief shall be informed immediately.
      - e. The Bureau Chief will have 24 hours to resolve the issues, if they cannot resolve the issues, they will immediately refer the matter to the ARD or RD who will then have 24 hours to render a decision. If the Regional Director cannot resolve the issues, they will immediately refer the matter to the Assistant Commissioner for a final determination
    5. Bureau Chief Responsibilities
      - a. The Bureau Chief will ensure that the Area Office/Bureau has an appropriate Transfer Investigation/assignment procedure in place and that the Transfer Assignment Group list is updated as needed.
      - b. The Bureau Chief will ensure that all transfer investigations are completed within the timeframes set out by this policy.
      - c. If a Bureau Chief cannot resolve the case transfer issues, the Regional Director shall be informed immediately.
  - C. Sex Offenders: For parolees who have been designated as registered sex offenders and are subject to the Sexual Assault Reform Act (SARA), both during the community preparation process and when actively supervised in the community, the following additional steps must be taken before a proposed residence can be approved and before a case transfer can occur:



1. The Parole Officer will review the case to ensure that the SARA condition is appropriately applied. The SARA condition should be imposed on all SOR Level 3 cases and for any parolee serving one or more sentences (including Juvenile and Youthful Offenders) for any of the offenses specified in Executive Law 259-c, subdivision 14, where the victim was under the age of 18 at the time of the offense. If the SARA condition was incorrectly applied during the community preparation phase, the Parole Officer will contact the facility Supervising Offender Rehabilitation Coordinator (SORC) and request that the case be referred to the Board of Parole for appropriate Board action. If the parolee is already being supervised in the community and requires a SARA condition, the Parole Officer will impose the SARA condition in accordance with Directive #8305, "Sexual Assault Reform Act (SARA) Mandatory Condition";
  2. The Parole Officer will complete a CIRIS check on the Integrated Justice Portal to include schools and daycares within 1000 feet of the proposed residence (the Parole Officer must select the "Tax Parcels" feature when using the "Manage Layers" function). The Parole Officer will complete an entry in CMS using the "CWI" contact code (CIRIS Web Inquiry);
  3. The Parole Officer will conduct a home visit at the proposed residence (a visit must be conducted even if the parolee previously resided at the residence in order to investigate any possible changes within the residence or surrounding area);
  4. The Parole Officer will conduct a visual inspection by surveying the 1000-foot area of the proposed residence in all directions, noting any SARA-related issues or other supervision concerns (i.e., schools, daycares, parks, etc.);
  5. The Parole Officer will complete an entry in CMS regarding the home visit by using the "HVO" contact code, along with noting any observations or pertinent information in the "Contact Detail" section;
  6. The Parole Officer will complete an entry in CMS documenting the visual inspection of the area by using the "OW" contact code, noting any schools, daycares, or other supervision concerns within 1000 feet of the proposed residence;
  7. The Parole Officer will case conference the proposed residence and investigation results with the Senior Parole Officer, utilizing [Form #CS9217B](#), "SARA Checklist"; and
  8. The Senior Parole Officer will review the SARA Checklist and ensure that all of the required steps have been completed and then sign the form along with the Parole Officer. The Senior Parole Officer will complete an entry in CMS that [Form #CS9217B](#) was completed and whether the proposed residence was approved. [Form #CS9217B](#) will then be filed in Section 1-A of the case folder.
- D. Residential Treatment Program (Substance Abuse) Transfers
1. Parolees presently in residential treatment programs to address substance abuse concerns with an expected stay of greater than 28 days are to be transferred to the county where the program is located.



2. Parolees placed in residential treatment programs with an expected stay of less than 28 days will not be transferred to the county where the program is located. The assigned Senior Parole Officer/Parole Officer or their designee will notify the Transfer Assignment Group from the Bureau that covers the county where the parolee is placed by email of the program participation and expected time in the program.

E. Emergency Housing/Shelter Cases

1. A parolee entering the New York City emergency housing/shelter system may only be transferred after completion of the assessment phase required for emergency housing/shelter placement, and after confirmation has been obtained by the sending Parole Officer that the parolee resides in the specified emergency housing/shelter.
2. Outside of New York City, parolees living in emergency housing/shelter placements will be transferred to the county in which the emergency housing/shelter is located, unless an approvable address is found in another county.

F. Community Preparation Case Transfer

1. Bureaus will be notified of cases to be released from facilities via the NOPO report.
  - a. The Bureau Chief or designee will review the information in CMS and assign the cases to a Senior Parole Officer/Parole Officer within two business days.
  - b. The Bureau Chief or designee will transfer misdirected community preparation requests listed on the NOPO report to the appropriate Area Office/Bureau, by Source and via email, using the appropriate NOPO PON. A CMS entry will be made indicating the error and reason for reassignment.
  - c. If, after investigation, a proposed address is disapproved, the Senior Parole Officer/Parole Officer will contact the facility to determine if an alternative address can be proposed. If the alternate address is in an area supervised by another Area Office/Bureau, the community preparation request will be transferred to that Area Office/Bureau. The sending Senior Parole Officer/Parole Officer will be responsible for updating CMS and initiating a Transfer Investigation.
  - d. If the Community Prep transfer involves a releasee that is approved to be placed in an emergency housing/shelter, the receiving bureau will immediately investigate the proposed address. In these instances, the 14-day rule will **NOT** apply.
  - e. The receiving Area Office/Bureau will provide an assigned Senior Parole Officer/Parole Officer and corresponding PON. The sending Area Office/Bureau will complete the transfer by Source and forward the community preparation request material by email and/or interoffice mail to the receiving Area Office/Bureau, if the address requires investigation.



- f. If the community preparation request requires investigation, the sending Area Office/Bureau will update CMS and inform the assigned Offender Rehabilitation Coordinator (ORC) at the facility of the assigned Area Office/Bureau and Senior Parole Officer/Parole Officer.
- g. The ORC will update the Certificate of Release as required by the results of the approved community preparation investigation and transfer. The ORC will use the completed community preparation investigation as part of the Pre-Release Interview when providing inmates with their reporting instructions (see Directive #8700, "Community Preparation – Case Assignment and Release Investigation Process").

G. Absconders

1. Parolees in absconder status are to be transferred to the Office of Special Investigations (OSI) Threat Apprehension Division (TAD) in accordance with Directive #9218, "Absconder Search." Staff will transfer the absconder case to OSI via the established PON assigned to the receiving OSI Investigator. Cases will be transferred to OSI as per the protocols outlined in Directive #9218. When a parolee has been returned to custody, cases that have been assigned to OSI TAD will be transferred to the Area Office/Bureau where the Violation of Release Report and violation warrant originated.
2. Parolees who request a Preliminary Hearing will be assigned to a Senior Parole Officer/Parole Officer for completion of the hearing.
3. Parolees who chose to waive their Preliminary Hearing will be assigned to the Parole Revocation Specialist who will be responsible for prosecuting the case.
4. The apprehending (or arresting) officer or other appropriate designee shall enter the details of the apprehension (arrest) via the CMS F20 screen. The case-specific entry is to include statements made by the parolee regarding the reason(s) for absconding.

H. Case Transfer Issues and Resolutions

1. Parolee Fails to Report
  - a. Should a parolee fail to make an office report as instructed by the sending Area Office/Bureau or otherwise fails to comply with the reporting instructions, the receiving Area Office/Bureau will, within 48 hours, attempt to re-engage the parolee.
  - b. If efforts to re-engage fail, the receiving Bureau will send the case back to the sending Area Office/Bureau. When transferring a case back to the sending Area Office/Bureau, the Bureau Chief/Senior Parole Officer/Parole Officer or designee will notify the original Bureau Chief/Senior Parole Officer/Parole Officer by email.
2. Any new arrests or possible violative conduct prior to the effective date of transfer will remain the responsibility of the sending Area Office/Bureau to address.
3. All unresolved issues and disputes are to be forwarded to the Bureau Chief immediately for resolution.



New York State Department of Corrections and Community Supervision  
Transfer Investigation Request

☐ PRIORITY SHELTER REVIEW CASE

To: \_\_\_\_\_ Office Date Sent: \_\_\_\_\_  
From: \_\_\_\_\_ Office Due Date: \_\_\_\_\_  
From PO: \_\_\_\_\_ Sending SPO: \_\_\_\_\_ Tele: \_\_\_\_\_  
Parolee Name: \_\_\_\_\_ NYSID: \_\_\_\_\_  
IO: \_\_\_\_\_ COMPAS Level: \_\_\_\_\_  
Release Date: \_\_\_\_\_ ME Date: \_\_\_\_\_  
Proposed Address: \_\_\_\_\_ / Precinct #: \_\_\_\_\_  
Tele: \_\_\_\_\_ Living With: \_\_\_\_\_, Relationship: \_\_\_\_\_  
Proposed Employment: \_\_\_\_\_  
Proposed Program: \_\_\_\_\_  
Counselor/Contact Person: \_\_\_\_\_ Tele: \_\_\_\_\_  
Special Conditions:

Periodic Drug Testing and/or Partic. Substance Abuse Program ☐  
Anger Management Threat ☐ Domestic Violence Counseling ☐  
No D/L ☐ Sex Offender Threat ☐ Geographic Restrictions ☐  
Curfew ☐ No Alcohol ☐

No Contact with: \_\_\_\_\_ Other: \_\_\_\_\_

Case History (Check if Yes): DV ☐ SO ☐ Mental Health ☐  
COOP ☐ High Profile / Sensitive ☐

No DD Pending: ☐ Next Court Date on New Arrest: \_\_\_\_\_

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☐ Approved Assignment

Assigned PO: \_\_\_\_\_ Shield #: \_\_\_\_\_ SPO: \_\_\_\_\_ Shield #: \_\_\_\_\_

Transfer Effective Date: \_\_\_\_\_ Next Report Date: \_\_\_\_\_

Address Denial (Reasons): \_\_\_\_\_

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New York State – Department of Corrections and Community Supervision

## SARA CHECKLIST

1. Review case to ensure that the SARA condition is appropriately applied; if not, the PO will inform the SPO, who will request that the SORC refer the case to the Board of Parole to remove the condition. ☐
2. Complete a CIRIS check on the IJ Portal of the proposed residence to include schools and daycares (select the “Tax Parcels” feature when using the “Manage Layers” function). ☐
3. Complete a CMS entry of the CIRIS check using the “CWI” contact code. ☐
4. Conduct a home visit to the proposed residence. ☐
5. Conduct a visual inspection by surveying the 1000-foot area of the proposed residence in all directions, noting any SARA-related issues or other supervision concerns (i.e. schools, daycares, parks, etc.). ☐
6. Complete a CMS entry of the home visit using the “HVO” contact code, along with all pertinent information in the “Contact Detail” section. ☐
7. Complete a CMS entry of the visual inspection using the “OW” contact code, noting any schools, daycares, or other concerns within 1000 feet of the proposed residence. ☐
8. SPO completes a CMS entry that the above steps have been completed. ☐

Parole Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Sr. Parole Officer: \_\_\_\_\_ Date: \_\_\_\_\_