
 DIRECTIVE	Corrections and Community Supervision		TITLE Interstate – Compact, Out-of-State, Cooperative, Dual Supervision Cases	NO. 9700
				DATE 02/21/2024
SUPERSEDES DIR #9700 Dtd. 11/05/18	DISTRIBUTION A B	PAGES PAGE 1 OF 19	DATE LAST REVISED	
REFERENCES (Include but are not limited to) ACA Expected Practices 4-APPFS-2A-16, 4-APPFS-2C-03; Directives #8710, #9050, #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, area offices, and facilities. It defines the process for 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](#).
- 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 incarcerated individuals or releasees 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, who 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, and 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.
 - 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 if:
 - a. They are members of the military or who are members of a family in the military.
 - b. They are veterans being transferred to a Veterans Administration Facility.
 - c. They are offenders whose employment is being transferred to another state and transfer to said state is a condition of maintaining employment.
 - d. They are offenders whose parent's 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 Area Office: 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 if:
1. They are members of the military or are members of a family in the military.
 2. They are veterans being transferred to a Veterans Administration Facility.
 3. They are offenders whose employment is being transferred to another state and the transfer is a condition of maintaining employment.
 4. They are offenders whose parent's or spouse's employment is being transferred to another state and the transfer is a condition of maintaining employment.
 5. The Transfer Request needs to be expedited.
- NOTE: RFRI's will be assigned to the assigned area office. It is the responsibility of the assigned area office 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 to.
- 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.
 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.
 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 CASE (OOST) TRANSFERS: The ORC, in conference with the Supervising Offender Rehabilitation Coordinator (SORC), shall screen incarcerated individuals 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 PO, in conference with the Senior Parole Officer (SPO), shall submit Transfer Requests for releasees who are in substantial compliance, have more than 90 days of supervision remaining on their sentence, and meet one of the following transfer criteria:

A. Mandatory Transfer Criteria

1. Incarcerated Individuals

- a. Incarcerated individual has at least 90 days remaining on their sentence.
- b. Incarcerated individual has a valid supervision plan.
- c. Incarcerated individual is a resident of the receiving state (see subsection III-S).
- d. Incarcerated individual 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 subsection III-T).
- e. Incarcerated individual is a veteran who needs to transfer to a Veterans Administration Facility for medical or mental health services.
- f. Incarcerated individual proposes to live with family members that are military members who are being transferred to another state.
- g. Incarcerated individual proposes to live with family whose employment is being transferred to another state.

2. Releasees

- a. Releasee has at least 90 days left on supervision.
- b. Releasee is a resident of the receiving state (see subsection III-S).
- c. Releasee 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 subsection III-T).
- d. Releasee is a military member subject to transfer to a base outside the state of New York.

- e. Releasee is a veteran who needs to transfer to a Veterans Administration Facility for medical or mental health services.
- f. Releasee lives with family members that are military members who are being transferred to another state.
- g. Releasee's employment is transferring them to another state.
- h. Releasee 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. Incarcerated Individuals

- a. A discretionary Transfer Request may be submitted for an incarcerated individual who does not meet the eligible requirements of a mandatory transfer (see subsection III-K).
- b. ORCs shall provide the Interstate Bureau with documentation to justify the requested transfer (i.e., incarcerated individual 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 and 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. Releasees

- a. A discretionary Transfer Request may be submitted for a releasee who does not meet the eligible requirements of a mandatory transfer (see subsection III-K).
- b. POs shall provide the Interstate Bureau with documentation to justify the requested transfer (i.e., releasee 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 and 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 incarcerated individuals or releasees prior to the formal acceptance of a case. Circumstances may include, but are not limited to, the following:

- 1. A serious medical condition that requires medical attention in the offender's home state.
- 2. An employment relocation of the releasee or family.
- 3. A reassignment of military service or military family.

4. Releasee 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 releasee 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.
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 (ORC) 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
 - (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 incarcerated individual'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 incarcerated individual'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.
 - (4) The incarcerated individual no longer wishes to be transferred.
2. Parole Officer (PO) 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. (printouts 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
 - (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 releasee'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 releasee'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 releasee no longer wishes to be transferred.
 - (4) The releasee 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 incarcerated individual's, releasee's, or releasee's family's ability to pay the costs.
 - b. Notify the Interstate Bureau of the incarcerated individual's or releasee'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 area office 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 area office.
 - d. The assigned area office shall maintain custody of the case folder until notified by the Interstate Bureau that the releasee has arrived in the receiving state.

NOTE: Under no circumstances shall a releasee 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 incarcerated individual/releasee 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. The Interstate PA will forward a complete Transfer Request Packet to the receiving state.
 - b. The 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. The Interstate PA will return incomplete Transfer Request Packets to the ORC or PO of record identifying missing information required prior to resubmission.
 - d. The Interstate PA will monitor the progress of the investigation.
 - e. If the Transfer Request is rejected, the Interstate PA will forward a copy of the Reply to Transfer Request, via email, to the assigned facility or assigned area office.
 - f. If the Transfer Request is accepted, the Interstate PA will forward a copy of the Reply to Transfer Request, via email, to the assigned facility or assigned area office.
5. The Interstate Bureau will render a Notice of Departure to the receiving state upon receipt of a Travel Permit from the area 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 releasee 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 area office will update 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 be 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 area office 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 (PO) 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 contact the last assigned area office for case assignment. Once the assignment is received, the Interstate PO will send the Violation of Release (VOR) Packet and SOURCE transfer the case to the PO/SPO. The PO/SPO or Bureau Chief will then schedule a Recognizance Hearing.
5. Cases that do not require a Probable Cause (Preliminary) Hearing will be assigned as follows:
 - a. To the PO/SPO in the assigned area office where the offender was originally assigned upon release from incarceration prior to transfer to the Interstate Bureau due to OOST, OOSI, Deportation, or Repatriation for scheduling of a Recognizance Hearing.
 - 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 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 transfer the case to the assigned PO/SPO for scheduling of the Recognizance 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 area office PO/SPO and that all required documents are provided for presenting the case at the Recognizance Hearing.
6. 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 an 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 area office.
 - 5. Scan the completed Transfer Request Packet to the appropriate area office and place in the Interstate Imaged Document folder on the 'K' Drive.
 - 6. Notify assigned area office via email of a new COOP Transfer Packet.
 - 7. Create a case in CMS and assign a '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 the area office 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 the case for receipt of the Notice of Departure from the sending state.
 - f. Advise the area office 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 the case to an 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.
 - 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 the area office that the rejection was submitted via ICOTS to the sending state.
 - c. Remove the Community Prep for PO/SPO caseload via FREEDOM.

C. Area Office Responsibilities

- 1. Retrieve the Transfer Request Packet from the 'K' Drive.
- 2. The area office 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.
- 4. The investigation is due 10 days from when the Interstate Bureau emailed the assigned area office.

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 (PO) Supervision Responsibilities

- 1. The assigned PO will supervise COOP individuals using the same supervision standards applied to NYS DOCCS releasees.
- 2. Once the releasee makes their arrival report, the PO will:
 - a. Confirm the arrival of the releasee by making an entry in CMS.

- b. Fingerprint the releasee 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 #CS3010INT), along with signing any additional supplemental conditions forms that are needed and submit to the Interstate Bureau within 30 days of the 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.
NOTE: DCJS notifies DOCCS Quality Control and the S# assigned by the Interstate Bureau is replaced with the offender's NYSID number. Dual supervision cases (subsection III-G), and cases where the offender already has a NYSID number, still require fingerprints and photos upon arrival for verification purposes.
- i. 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.
- j. 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 (PO) 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 area office will be responsible for a progress report if:
 - a. The violation information is noted in CMS, which the Interstate Bureau was not made aware of.
 - b. The receiving state requests a special update on the offender's supervision status.

F. Violations: Community Supervision Parole Officer (PO) Responsibilities

1. The assigned area 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 area 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 VORR (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, include 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 assigned officer, and details regarding how the assigned officer determined the offender to be an absconder; date of home visit and collateral contact, which includes known employer if the offender was employed.

NOTE: COOP 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 VORR and an updated Supplemental VORR, 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 VORR, 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, 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 COOP 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 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 area office 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 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 area office.
- G. COOP Maximum Expiration: COOP cases that have reached their maximum expiration of sentence are not to be released from supervision until the assigned area office receives a copy of the Case Closure Validation. While home visits are not required, the offender must continue to report to the assigned area office. Once the validated Case Closure Notice is received, the Interstate PO will notify the area office 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 COOP case. If the offender is already under supervision in New York State, the area office 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 expire.
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, they will continue to serve the undischarged portion of the sending state's term. In this case, the case would then be considered a COOP case only.

- E. The area office 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 area office 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 area office will also send the Interstate Bureau all the violation materials within the time frames established for COOP cases.

VII. OUT-OF-STATE INCARCERATION CASES

- A. Area office 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, area office staff will review and complete Form #CS9700B, "Transfers to OOSI Caseload Worksheet."
- C. Area office staff will send the case folder to the Interstate Bureau and record an entry in FITS.
- D. Interstate staff will initiate a folder review upon receipt of the case folder.
- E. If Interstate staff determine that transfer is appropriate, the case will be SOURCE transferred to an OOSI caseload.
- F. If the 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 ICMS for an annual review of 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 PO/SPO.
- O. For delinquent cases where a final hearing has already been held and time assessment issued, Interstate staff will monitor the case and render a Delinquent Time Assessment on cases where the completion of the time assessment precedes the NY Maximum Expiration 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. The 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 their NY Maximum Expiration date, Interstate staff will prepare a Supplemental VORR and complete an analysis, which is submitted to the Board of Parole requesting to cancel delinquency and close the case by Maximum Expiration.
- 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 ICMS for an annual review of 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 the arrival report and then forward the file via FITS to the appropriate assigned area 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.
- DD. The Interstate PO will request appropriate area office assignment 45 days from the PRD, based on either the last known assignment or proposed release plan. The case will be SOURCE transferred to the area office 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
 - (4) 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. Interstate Case Management System (ICMS):
 - (1) How to navigate and search ICMS.
 - (2) How to build a case.
 - (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).
 - (2) Retrieval of area office 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.
 - 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) 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.
 - (6) ICMS:
 - (a) How to navigate and search the system.
 - (b) How to build a case.
 - (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).
 - (2) Retrieval of area office 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. 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. ICOAS On-Demand training modules - Courses 100-304, which provide a basic overview of the ICAOS rules and processes.
 - f. Attend annual business meeting.
 - g. Attend all webinars relating to ICOTS enhancements and newly promulgated rules.
 2. ICMS:
 - a. How to navigate and search system.
 - b. How to build a case.
 - 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).
 - b. Retrieval of area office 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
- 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.