

Prepare in quadruplicate.

STATE OF NEW YORK
ORDER OF INTRASTATE TRANSFER OF PROBATION SUPERVISION

Court

Livingston

County

TO (Receiving Probation Department)

Address

TO (Receiving Court)

Address

NAME OF PROBATIONER

NYSID NUMBER

DATE OF BIRTH

TELEPHONE

ADDRESS OF PROBATIONER (In Receiving County)

IN ACCORDANCE WITH SECTION 410.80 OF THE CRIMINAL PROCEDURE LAW THE FOLLOWING ORDER OF TRANSFER IS MADE:

This court designates the receiving probation department to perform the duties of probation supervision for the above probationer and hereby transfers supervision of said probationer to the probation department subject to rules and regulations promulgated by the Division of Probation and Correctional Alternatives. In all cases, the receiving court shall assume the powers and duties of the sentencing court and shall have sole jurisdiction in the case.

DATE

SIGNATURE OF SENDING JUDGE

SENDING PROBATION DEPARTMENT REMARKS

THE ABOVE NAMED PROBATIONER HAS BEEN INSTRUCTED TO:

await notification by your department

phone your department by _____

report to your department on _____

write to your department by _____

ENCLOSURES (Check):

Order and Conditions of Probation

Summary of Probation Supervision

Correspondence

Presentence Investigation Report

Modification or Enlargement of the

Other (Specify)

Sex Offender Registration Form

Conditions of Sentence of

Other (Specify)

Fingerprints taken

No

Yes

Not Applicable

DNA sample taken

No

Yes

If "Yes" Date taken:

Not Applicable

SORA Registration Completed

No

Yes

Not Applicable

If "No" to any of the above 3 requirements describe action taken to meet requirement:

DATE

NAME AND ADDRESS OF DEPARTMENT
Livingston County Probation Department
6 Court Street Room 101
Geneseo, NY 14454

NAME, TITLE AND SIGNATURE OF DIRECTOR OR DESIGNEE

Liz Laney, Transfer Designee

For Receiving Probation Department Only

ACKNOWLEDGMENT OF RESIDENCY OR NON-RESIDENCY

TO (Sending Probation Department)

Livingston County Probation Department

CHECK APPLICABLE BOX(ES):

Receipt of the above order with attachments and verification of residency in jurisdiction is hereby acknowledged. If address of probationer listed above is inaccurate, please indicate correct address here:

Returning the above order with attachments due to non-residency, because of the following:

probationer has absconded

probationer never resided at specified address

probationer will not be living at the specified address

REMARKS

DATE

NAME AND ADDRESS OF DEPARTMENT

NAME, TITLE AND SIGNATURE OF DIRECTOR OR DESIGNEE

INTRASTATE TRANSFER
(Pursuant to CPL §410.80 and NYCRR Part 349)

Form DPCA-16 must be used for the purpose of transferring a person from one county to another within the State. Any such transfer shall be pursuant to the Order of Transfer of Probation Supervision made by the sentencing court or a court designated as a sentencing court pursuant to law. If the transfer is of a Felony case, the receiving court shall be the Supreme or County Court of the jurisdiction. If the transfer is of a Misdemeanor case, the receiving court shall be the appropriate criminal court determined after consultation with the receiving department.

NOTE: The transfer becomes effective at the time of verification of residency or after the sixtieth calendar day the Order of Transfer is received if no notification of residency or non-residency occurs within said period.

Interim Probation Supervision cases may NOT be transferred within New York State.

Additionally, no Intrastate Transfers shall be initiated when:

1. there exists a pending violation of probation in the sending jurisdiction unless the receiving probation department expresses in writing willingness to accept transfer;
2. there exists pending criminal charge(s) in the sending jurisdiction unless the probationer is a resident of the receiving jurisdiction at time of commission of the offense or at sentencing or has family residing in the receiving jurisdiction with whom he/she will reside, the transfer enhances public safety, and the receiving probation department expresses in writing willingness to accept transfer.

PREPARING FORM DCJS/OPCA-16

A. TRANSFERRING SUPERVISION AND JURISDICTION

To transfer jurisdiction and the duties of supervision, the sending probation department must:

1. complete all sections except the section reserved for the judge's signature and the last section (acknowledgment); and
2. obtain the judge's signature.

B. PREPARING THE TRANSFER PACKET

On every probationer, mail to the receiving probation department a packet containing:

1. four signed copies of Form DCJS/OPCA-16;
2. Order and Conditions of Probation;
3. presentence investigation and report; and
4. Sex Offender Registration Form (if applicable);
5. Order(s) of Protection (if applicable).

On a person already under supervision, also include in the packet:

1. modification or enlargement of the conditions of a sentence of probation, if any;
2. summary of probation supervision;
3. any existing Order(s) of Protection;
4. all completed Periodic Supervision Summaries;
5. Risk/Need Assessments and Reclassification Instruments;
6. correspondence or any other information concerning supervision.

NOTE: DO NOT forward a packet to a receiving department unless it contains all the essential material to complete a transfer in accordance with law and rules and regulations promulgated by the Division of Probation and Correctional Alternatives (NYCRR Part 349).

C. WHEN THE PACKET IS RECEIVED, A DESIGNEE OR REPRESENTATIVE IN THE RECEIVING DEPARTMENT MUST:

1. make a timely finding of residency or non-residency via contact with the probationer;
2. complete the last part (acknowledgment) of Form DCJS/OPCA-16;
3. if residency is verified, retain two completed copies of Form DCJS/OPCA-16 and return two to the transferring probation department;
4. file one of the retained copies with the court assuming jurisdiction; and
5. if non-residency is found, return two completed copies of Form DCJS/OPCA-16 and all appropriate transfer material back to the sending probation department within 10 days. Upon receipt, the sending department shall forward one (1) copy of the DCJS/OPCA-16 form to the sending court to inform them that the transfer as intended has been rejected.

D. WHEN COPIES OF FORM DCJS/OPCA-16 WITH THE COMPLETE ACKNOWLEDGMENT ARE RETURNED TO THE TRANSFERRING DEPARTMENT, THAT DEPARTMENT WILL RETAIN ONE (1) COPY FOR ITS FILE AND FORWARD THE OTHER COPY TO THE SENDING COURT.