

# **Intercounty Transfer Guidelines**

**(Effective January 1, 2024)**  
**(amendments effective June 11, 2024)**

Supervision is most effectively provided within the community in which the individual under community supervision (“individual”) resides, allowing better protection for the community and providing services for the individual while following the order of the Sentencing Court. Any individual being supervised on parole, probation, electronic monitoring, or a pre-trial diversion program may request a transfer of supervision from the county in which they were sentenced (Sending County) to the county where they are residing (Receiving County). The Receiving County is encouraged to provide supervision equal to that of an individual sentenced by their own Court.

## **CRITERIA FOR TRANSFER:**

1. The individual requesting a transfer shall be a resident of the Receiving County, or have a stable living arrangement.
  - a. Residential treatment, college students, military or temporary employment are extenuating circumstances for which a transfer may be mutually agreed upon between the Receiving County and the Sending County.
2. The individual shall be employed, have a legitimate offer of employment or visible means of support.
3. The individual shall have at least 6 months left of supervision for a felony, misdemeanor, or consecutively sentenced summary offenses.
  - a. The timely transfer of a 6-month probation case shall be considered for acceptance by the Receiving County.
  - b. Upon request of the Sending County, any case with less than 6 months of supervision remaining shall be considered for acceptance by the Receiving County.
  - c. Any case sentenced to less than 6 months for home confinement/electronic monitoring/house arrest shall be considered for acceptance for the purpose of completing the sentence.
4. The individual shall be in compliance with supervision.

## **PROCEDURE FOR TRANSFERS**

### **Sending County**

1. The Sending County is responsible for completing all transfer paperwork.
  - a. Every attempt should be made to complete the transfer paperwork immediately after sentencing.
  - b. If the individual is unavailable, the Sending County should contact the individual within 5 business days after the sentencing to facilitate the completion of the transfer paperwork and submission of the transfer.

2. If an initial risk assessment completed by the Sending County indicates a low level of supervision, the Sending County should consider maintaining supervision, or review the case with the Receiving County to determine a course of action.
3. The Sending County is responsible for all required DNA collection.
  - a. DNA collection shall be completed, or scheduled to be completed, prior to the transfer. It is the Sending County's responsibility to complete DNA collection prior to expiration of the max date.
  - b. The completion of DNA collection shall be indicated on the Route Slip.
4. The Sending County shall determine if there are any warrants outstanding for the individual prior to sending the case.
  - a. The Sending County shall run a check through JNET, CPCMS and/or through local agencies.
  - b. Any outstanding warrants shall be addressed with the individual by the Sending County prior to transferring the case.
  - c. The Receiving County shall consider accepting a case with outstanding warrants in the following circumstances:
    - i. The individual is making attempts to address the warrant(s)
    - ii. The warrant(s) are more than 10 years old
    - iii. The warrant(s) are non-criminal, traffic, or summary offenses
5. The Sending County is responsible for assembling the transfer request packet. One copy of each of the following shall be part of the transfer request packet:
  - a. Route Slip
  - b. Application for Transfer of Inter-County Supervision
  - c. Data Sheet, which shall include:
    - i. Individual's identifying information, including address, phone number, email, and employment
    - ii. SID number and FBI number, if available
    - iii. Supervision dates
    - iv. Sex Offender registration information regarding the case that is being transferred, or pertaining to any other required registration
  - d. Copy of court order and conditions of supervision
  - e. Criminal complaint/affidavit of probable cause
  - f. Signed, witnessed, and dated copy of rules and regulations
  - g. Social/legal history
  - h. Photograph of the individual
  - i. Other pertinent information that may assist the receiving county in supervising the individual. NOTE: It is not necessary to send CPCMS dockets in the transfer packet.
  - j. Copy of completed risk assessment (CSST, CST, LSI-R, etc.)
6. The Sending County shall indicate on the Route Slip whether authority is granted to the Receiving County to:
  - a. Arrest/Lodge a detainer against the individual
  - b. Conduct a Gagnon I Hearing
  - c. Regardless of whether the Sending County does grant these actions, the Receiving County should still consider acceptance of the transfer based on all information received in the transfer packet.
7. The Sending County shall indicate on the Route Slip (in the Comments Section) whether the transfer case has been marked as Limited Access.

8. If the individual is being considered for entry into a problem-solving court, either at the pre-trial or post-adjudication stage, the Sending County shall contact the Receiving County to verify that a transfer into their program is an option. It is the Sending County's responsibility to forward all information necessary to the Receiving County for entrance into the program. This information includes:
  - a. Copy of the court order, if available
  - b. Copy of the risk assessment if available
  - c. Copy of the drug and alcohol assessment if available
  - d. Information regarding any known mental health diagnosis
  - e. Veteran status
9. The Transfer Application shall be reviewed and approved by the Chief Probation Officer or designee.
10. Once approval for the transfer has been completed, the transfer shall be made by the Sending County:
  - a. Electronic transfer in the AOPC Case Management System (CPCMS)
  - b. Transfer packet shall be sent via email (preferred method), fax or standard mail.
11. In compliance with Act 44 of 2023 (Probation Reform), completion and dissemination of the Probation Status Report shall be the responsibility of the Sending County. The Sending County shall:
  - a. Complete the Probation Status Report upon receipt of all relevant information from the Receiving County. (See Receiving County, 16a).
  - b. Disseminate the Probation Status Report as outlined in Act 44 of 2023
  - c. Notify the Receiving County the outcome of the recommendation on the Probation Status Report.

### **Receiving County**

1. The Receiving County shall make reasonable efforts to locate the individual.
  - a. These efforts shall include a combination of mail, phone and/or field contacts.
  - b. Prior to returning the case, the Sending County should be notified for assistance if there are issues locating the individual
2. The CPCMS electronic transfer shall be accepted/rejected within 45 calendar days of the receipt of the transfer packet.
3. If the case is accepted, the Route Slip, or the Receiving County's designated form, shall be returned to the Sending County by email within 45 calendar days of receipt of the transfer packet. The following information shall be included on the Route Slip:
  - a. Individual's Name
  - b. Sending County's Case Number, or other identifier
  - c. Name of Probation Officer in Receiving County assigned to the case
  - d. Receiving County's Probation Officer's contact information including phone number and email address.
4. If the case is rejected, the Receiving County shall indicate the reason for the rejection on the Route Slip, or the Receiving County's designated form. Upon approval by the Chief, or designee, the Route Slip, or the Receiving County's designated form, shall be immediately emailed to the Sending County informing them of the case rejection.

5. Determination of the level of supervision is the responsibility of the Receiving County in accordance with its own policy.
  - a. The Receiving County should consider acceptance of the transfer, regardless of the level of supervision, based on all the information received in the transfer packet, or at the request of the Sending County.
  - b. Any risk assessment completed by the Sending County prior to the transfer shall be sent with the transfer packet.
6. The Receiving County shall notify the Sending County by email the start and completion dates for home confinement/electronic monitoring/house arrest (EM) cases.
7. The Receiving County should make every effort to comply with the court order provided by the Sending County.
  - a. If services required to comply with the order of the court are not available in the Receiving County, the Sending County shall be notified by email.
  - b. The Receiving County shall await further instructions from the Sending County.
8. Any violation of supervision, including a new felony or misdemeanor arrest, or repeated technical violations, should immediately be reported in a Progress Report, and be sent via email to the Sending County.
  - a. Specifics of the arrest and/or technical violation (missed appointments, failed urine tests, etc.) shall be detailed in the Progress Report, including all positive and negative conduct during the period of supervision.
  - b. Any documentation to support the violation, such as a criminal complaint, shall be attached to the Progress Report.
  - c. If the Sending County determines that the reported violations do not result in a return of the case, or a violation/revocation, the Receiving County shall continue to supervise the individual upon the request of the Sending County.
9. Both counties shall respond to technical probation violations in compliance with Act 44 of 2023 (Probation Reform).
10. Action on violations is the responsibility of the Sending County.
11. If the Receiving County detains a transferred individual, the Sending County should immediately be notified.
  - a. If the Sending County requests that the Receiving County continue supervision in lieu of a violation, the request should be accepted by the Receiving County.
  - b. If the Receiving County has exhausted all available resources in efforts to rehabilitate the individual, out of courtesy to the Receiving County, the Sending County should consider issuing a violation, lodging a detainer or imposing alternative sanctions.
12. Upon request by the Sending County, an interim Progress Report shall be completed by the Receiving County, and sent via email.
13. Travel permits, allowing the individual to travel outside of the state of Pennsylvania, shall be issued by the Receiving County.
14. Interstate transfers requested by the individual are the responsibility of the Sending County.

- a. The Receiving County shall instruct the individual to contact the Sending County to determine eligibility and to initiate the interstate transfer.
  - b. During the transfer process, the Receiving County shall maintain supervision of the individual .
  - c. Once the interstate transfer is approved, the Sending County shall notify the individual and the Receiving County.
15. No less than 30 days prior to the expiration of the case, the Receiving County shall send a Closing/Termination Summary to the Sending County via email. The closing summary shall include:
  - a. All positive and negative conduct of the individual
  - b. The status of any court-ordered conditions, during the supervision period.
16. The Receiving County may recommend early termination of supervision
  - a. An early termination may be considered, if the individual has complied with all sentencing requirements, has satisfactorily adjusted to supervision and there are no other circumstances precluding early termination.
  - b. Both misdemeanor and felony offenses may be considered for early termination.
  - c. The Receiving County shall notify the Sending County of their recommendation for early termination.
  - d. The Receiving County shall continue supervision of the individual until a decision is made by the Sending County.
17. In compliance with Act 44 of 2023 (Probation Reform), the Receiving County shall provide the Sending County with the relevant information needed to complete the Probation Status Report.
  - a. The information to be forwarded to the Sending County shall include:
    - i. The individual's progress on probation supervision
    - ii. Any technical violations that occurred in the past six months that involved a threat to public safety
    - iii. Any misdemeanor or felony convictions
    - iv. Completion of treatment or other conditions of probation
    - v. Payment of restitution to the victim
    - vi. Recommendation to terminate probation, continue on probation as previously ordered, or continue on probation with reduced or increased conditions
  - b. This information shall be provided no later than 30 days prior to the individual's eligibility date.
  - c. The Receiving County shall maintain supervision of the individual until the outcome of the Probation Status Report is received from the Sending County.