



**Division of Criminal
Justice Services**

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STATE DIRECTOR'S MEMORANDUM # 2018-6

TO: All Probation Directors and Commissioners

FROM: Robert M. MacCarone, Deputy Commissioner and Director *RMM*
Office of Probation and Correctional Alternatives

DATE: March 1, 2018

SUBJECT: *NEW* ICOTS Victim Notification Service (IVINS)
IVINS Training WebEx March 14, 2018, 10 A.M.

As you know, the Interstate Commission for Adult Offender Supervision (ICAOS) mission statement guides the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability and victim's rights. Nearly, 250,000 probationers and parolees transfer between the member states and federal territories each year. Consistent with this mission, the ICOTS Victim Notification Service (IVINS) was developed and implemented within the Interstate Compact Offender Tracking System (ICOTS) in late 2017. New York State led this effort to develop a system that provided the capacity for victims of crime to *self-register* and receive timely notifications through a variety of electronic messages. Several refinements have been made to the IVINS System since its implementation.

Importantly, IVINS is now fully implemented and provides a national, *self-registration* victim notification system for victims of crimes committed by probationers and parolees who subsequently apply for transfer to another state or territory. The newly developed IVINS links all 50 member states and three territories together and makes it possible for victims of crimes to *self-register* and be notified through *real-time text message, email and/or telephone notification* of significant compact events involving the offender. IVINS replaces the earlier VINEwatch System, which required victim notification data to be entered by ICAOS member states and territories and provided victim notification only through email. With the new IVINS System, certain information that is entered into ICOTS is immediately sent to the victim who has registered. The following ICOTS events will trigger notification to victims of crime:

- Offender's request for an interstate transfer (Reporting Instructions or Transfer Request);
- Approval or denial of offender's transfer request;
- Withdrawal of a transfer request;
- Offender's authorized departure from the sending state (NOD);
- Offender's authorized arrival in a receiving state (NOA);
- When the receiving state submits a Violation Requiring Retake;
- When there is a change in the offender's primary address;
- When an offender is relocating back to the sending state;
- When the receiving state submits a Case Closure Notification

Probation departments throughout New York State will play an important role in the successful implementation and on-going use of IVINS. This service will benefit victims of adult offenders who transfer through the Interstate Compact. Probation departments, through the variety of functions they currently perform, will enhance IVINS and improve victim safety in New York State and throughout the country.

Probation departments are uniquely positioned within the criminal justice system to inform victims of crime of the IVINS System, and the opportunity to *self-register* for notification. Accordingly, we have provided guidance to departments where probation can inform victims of IVINS, as well as some examples departments can use to do so.

- **Released Under Supervision (RUS)**: If RUS is ordered by the court for an offender who has an *out of state address or indicates a desire to relocate to another state*, the probation officer should inform any known victim of the availability of IVINS. Attached is a IVINS fact sheet that can be used to inform the victim. If the probation department becomes aware that the victim is working with a victim advocacy agency, the agency should also be made aware of IVINS and departments are requested to provide this information to the victim service agency. DCJS is also working with the NYS Office of Victim Services to notify funded victim service agencies of the IVINS service.
- **Pre-Sentence Investigations (PSI)**: When completing a PSI for a crime that involves a victim and *the offender reports an out of state address*, the Victim Impact Statement should include information about IVINS and the opportunity for victims to *self-register* for notification. Please see the attached example of a Victim Impact Statement request letter that includes recommended IVINS information. This language should be included in all letters to victims of the crime where the *interstate transfer of the probationer is known or likely to occur*. If the probation department becomes aware that the victim is working with a victim advocacy agency, the agency should also be made aware of IVINS.

It is important that upon informing a victim of IVINS, that the victim understands the offender will not be included in the IVINS Service until the probation department submits a request for transfer in ICOTS (Reporting Instructions or Transfer Request). The probation department would be informing the victim of the IVINS as something that they may benefit from through self-registration if the offender requests transfer to another state.

- **Adult Supervision**: If a probationer under supervision *requests to relocate to another state*, and the probation department expects to submit a transfer request, and there is an identified victim, the department should inform him/her of the IVINS, and consistent with existing ICAOS Rule 3.108-1), the victim should be allowed to have input into the decision for transfer. Should the probation department determine the request to transfer is appropriate, it is recommended that the probation department attempt to contact and direct the victim to the IVINS information, as well as provide a contact person in the department who can assist the victim in accessing and utilizing the service.

Consistent with all cases and particularly with interstate transfers, probation departments should exercise extra caution in domestic violence and sexual offense cases in determining whether an offender is appropriate for transfer and the importance of contacting an identified victim for the purposes of providing IVINS information. Probation departments should take appropriate action when a probationer involving a case with an identified victim is requesting return to New York, and New York was the original sending state. At that time, ICAOS Rule 3.108-1 should be carefully considered.

Additional and Important Considerations

If a victim chooses to register in IVINS, the probation department may or may not be aware of their decision to do so. However, the victim, upon being alerted to any one of the nine events in ICOTS, may have questions or concerns about the nature of one of those alerts. It is likely that the victim may contact either the sending state's authorities or the receiving states supervising probation department. This means a probation department may be contacted by a victim who resides in another state regarding a probationer who is under supervision, or by a victim who resides in New York State concerning a probationer who is under another state's supervision, or a victim who is in another state concerning a probationer who is under supervision in another state, but was sentenced to probation by a court in New York State. Regardless, it is important that victims of crime are provided guidance, referral to IVINS, or other agency as appropriate.

Further, please keep in mind that parole supervision is included in the interstate compact and the individual the victim is contacting the department about may be under the supervision of the New York State Department of Corrections and Community Supervision (parole). It is very important to the success of IVINS and victim and community safety for probation departments to be responsive to victims when they contact your department. Probation professionals understand firsthand that citizens often confuse probation and parole supervision, but it is important that victims obtain information, including referral to IVINS and/or DOCCS as appropriate. Of course, probation departments should be mindful of laws, regulations or county policy which prohibit the release of certain types of information.

Probation departments should also know that DCJS-OPCA is working collaboratively with several other agencies statewide to ensure that IVINS is promoted effectively and used appropriately. Probation departments, will however, be the lead agencies in ensuring victims are aware of and have access to IVINS information. OPCA recognizes that IVINS is in its infancy and will require probation input and assistance, but IVINS can be a powerful tool in providing essential information to victims of crime.

IVINS TRAINING WebEx March 14, 2018 at 10 AM.

Since probation departments may have been the first to alert victims of IVINS, they may reach out to you for assistance with navigating the system, as well as for general information. To assist departments with familiarizing themselves with IVINS, OPCA will be conducting a **WebEx on March 14, 2018 at 10 a.m.** The WebEx will provide an overview of the service and highlight its capabilities. On the day of the WebEx, probation personnel can access it through the below link. <https://meetny.webex.com/meetny/onstage/g.php?MTID=e26ad7a10c73f7da1ec8ce047686c69b2>

Attached you find a IVINS fact sheet, which includes the link to IVINS and a sample victim impact letter to be used at the pre-sentence investigation stage and a post dispositional letter that can be used to inform victims of IVINS, should a probationer request transfer while under supervision. For further information on IVINS, please contact Matthew Charton, Community Correction Representative 3 at matthew.charton@dcjs.ny.gov or 518-485-2402.

Thank you for your continued commitment to community and victim safety.