



**DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE DIVISION
OPERATIONAL PROCEDURE**

Procedure No.: PPD 6.4.101	Subject: YOUTH DETENTION
Reference: 41-5-341, MCA; 52-5-127, MCA; 52-5-128, MCA; 52-5-129, MCA; 20.9.302 ARM; 20.9.306 ARM; 20.9.320 ARM Applicable ACA Standards: 2-7160, 2-7165, 2-7170, 2-7215	Page 1 of 4
Effective Date: 02/20/18	Revised:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Parole Officers may detain youth who have violated their parole agreement in a serious and/or chronic manner and when legal detention criteria are met. This procedure outlines the detention process and officer responsibilities when detaining youth.

II. DEFINITIONS:

Criminal Justice Information Network (CJIN) – A network managed by the Department of Justice (DOJ). CJIN is the Montana computerized telecommunications network that provides the means for criminal justice agencies in Montana to access the National Crime Information Center (NCIC), National Law Enforcement Telecommunications System (NLETS), DOJ files, other agencies with terminals within the state of Montana, and the Montana Wanted Person, Stolen Vehicle and Stolen License Plate files.

Detention – The holding or temporary placement of a youth in the youth’s home under house arrest or in a facility other than the youth’s own home to ensure the continued custody of the youth at any time after the youth is taken into custody.

Juvenile Detention Facility – A licensed detention facility authorized to detain youth.

National Crime Information Center (NCIC) – A network managed by the FBI. NCIC is a nationwide computerized index of documented criminal justice information concerning crimes and criminals of nationwide interest and a locator-type file for missing persons. Authorized agencies may inquire, enter, modify, locate, clear, and cancel records in the NCIC files.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, prerelease, and treatment services.

III. PROCEDURES:

A. DETENTION CRITERIA

1. When a Parole Officer (PO) receives information regarding an alleged parole violation, he/she will investigate thoroughly (see *PPD 6.4.201 Youth Parole Violation Investigation*).
2. If the PO determines there is sufficient evidence to believe the youth has violated his/her parole agreement, a youth may not be detained except when the youth’s detention or care is required:
 - a. to protect the person or property of the youth or of others;
 - b. when the youth may abscond; or
 - c. when the youth may be removed from the community.

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3. A youth will not be detained unless one of the criteria in the above section is met. In determining whether detention is warranted, the PO should also consider the seriousness of the alleged parole violation, past delinquent behavior, and any history of past parole violations.

B. ISSUING A CERTIFICATE TO DETAIN YOUTH

1. When a youth's location is known, the PO can request law enforcement assistance to place a youth in custody. The protocol for this is:
 - a. Contact local law enforcement for assistance.
 - b. Complete *PPD 6.4.101(A) Certificate to Detain Youth*.
 - c. Complete *PPD 6.4.101(B) Certificate to Detain Youth Log*. The number assigned to the *Certificate* is determined by:
 - i. first two (2) numbers are the PO's initials;
 - ii. third number is the parole region;
 - iii. fourth/fifth numbers refer to the calendar year (ex. 08); and
 - iv. sixth/seventh numbers refer to the sequence of numbers for that calendar year.
 - d. *Example: SB2-0801 (Susie Boyd, region 2, the year 2008, the first CTD issued in that calendar year)*. Provide dispatch or a peace officer with a copy of the signed *Certificate* authorizing the youth's detention.
 - e. Make arrangements to transport and/or detain the youth in the nearest juvenile detention facility.
 - f. Provide the juvenile detention facility a copy of the *Certificate to Detain Youth*.
2. When a youth's location is unknown:
 - a. Complete *PPD 6.4.101(A) Certificate to Detain Youth*;
 - b. Complete *PPD 6.4.101(B) Certificate to Detain Youth Log* according to #1 above;
 - c. Complete *PPD 6.4.101(E) Entry to NCIC/MT Wanted Person File*, using *PPD 6.4.101(F) NCIC/CJIN Information* as a reference.
 - d. Fax the following documents to Pine Hills Correctional Facility (PHCF) security control at (406) 233-2338:
 - i. Youth's court order showing commitment to DOC and placement at the youth correctional facility;
 - ii. *PPD 6.4.101(A) Certificate to Detain Youth*; and
 - iii. *PPD 6.4.101 (E) Entry to NCIC/MT Wanted Person File*.
 - e. After the fax transmission is complete, confirm its receipt and entry into NCIC/CJIN with PHCF security staff at (406) 233-2300.
 - f. Confirm the OCA number that PHCF uses for the NCIC/CJIN entry and record this on the *Certificate to Detain Youth*.

C. DETAINING YOUTH

1. Refer to *PPD 6.4.101(D) Youth Detention Facilities* for:
 - a. a list of the licensed Montana juvenile detention facilities,
 - b. facility's contact information, and
 - c. facility's capacity and daily rate.
2. Detention protocol varies between different juvenile detention facilities. Some detention facilities prioritize other jurisdiction youth over DOC youth. It is important for POs to know these differences and be flexible.

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3. Detention facilities have limited space available and are only in a few geographic locations. POs need to be flexible to find appropriate detention placements for youth.
4. A youth may not be detained in a jail or other facility used for the confinement of adults accused or convicted of criminal offenses unless the criteria in §41-5-349, MCA, are met. Youth 18 years of age or older, who are being supervised in Montana under the Interstate Compact for Juveniles (ICJ), may be detained in an adult detention facility.
5. Youth who originate from a different state and are on parole supervision in Montana under ICJ can be detained.
 - a. In all ICJ cases, the Montana PO will contact the Montana ICJ Deputy Compact Administrator or designee to request the sending state issue documents to detain the youth in Montana.
 - b. An accompanying ICJ Violation Report (form IX) will be submitted in conjunction with the request to detain the youth.
 - c. The Montana PO can refer alleged criminal violations to the juvenile probation office, county attorney's office, or law enforcement, as appropriate in each jurisdiction.
 - d. In rare circumstances, the Montana PO may need to detain the youth according to this procedure; however, this must be done cautiously due to a youth's adjudication being in another state:
 - i. whenever possible, there is an approved residence the youth can return to should an intervention only be appropriate; and
 - ii. when the sending state does not authorize the youth's detention.
6. A Youth Community Corrections Transportation Officer should be contacted when long distance transportation of a youth to a detention facility becomes necessary.

D. CONTINUED DETENTION

1. Parole youth are **not** required to have a detention hearing before the youth court judge.
2. POs will meet or talk with youth in detention as soon as possible, but no later than 24 hours (excluding weekends and holidays), after detainment. The youth will be advised of the reasons for the detention and a general timeframe the PO expects to complete his/her parole violation investigation.
3. Upon completion of the investigation regarding a youth's alleged parole violations (see *PPD 6.4.201 Youth Parole Violation Investigation*), a decision regarding continued detention of the youth must be made according to whether detention criteria continue to be met.
4. The following guidelines will be followed when determining whether continued detention is needed:
 - a. If the alleged parole violations are unfounded, the youth will be released immediately.
 - b. *PPD 6.3.103(A) Youth Intervention Agreement* should be completed pursuant to the procedures of *PPD 6.3.101 Youth Interventions* as soon as possible in the following circumstances:
 - i. If the alleged parole violations are of a nature that could be effectively dealt with by a medium level response;
 - ii. When there is evidence to believe there will be some change that will reduce the risk to re-offend should the youth be released back into the community; and,

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- iii. When the most appropriate intervention would be to place the youth in a non-secure placement.
- iv. The youth should be released from detention as soon as the *Youth Intervention Agreement* is signed, and placement secured.
- c. Continued detention is appropriate only in these circumstances:
 - i. to protect the person or property of the youth or of others;
 - ii. when the youth may abscond; or
 - iii. when the youth may be removed from the community.
- 5. An on-site hearing will be scheduled to take place within 10 days of the detention date or date the youth was served with *PPD 6.4.203(A) Youth Parole Violation Notice*, whichever is earlier.
- 6. When a youth will be released from a juvenile detention facility, *PPD 6.4.101(C) Authorization to Release Youth* is completed by the PO and given to the detention facility.
- 7. Transportation arrangements should be made and communicated to the detention facility prior to the youth's release.

E. CANCELLING A CERTIFICATE TO DETAIN YOUTH

- 1. When the youth for whom *PPD 6.4.101(A) Certificate to Detain Youth* was issued has now been apprehended and is in a juvenile detention facility:
 - a. After confirming the identity of the youth, complete the bottom section of the *Certificate to Detain Youth* and sign this if it was not completed by a peace officer or juvenile detention center staff.
 - b. Sign and date the bottom line that authorizes the removal of the youth from NCIC/CJIN.
 - c. Fax the *Certificate* to PHCF security control at (406) 233-2338.
 - d. Follow up with a telephone call to PHCF security staff at (406) 233-2300 to confirm the receipt of this and removal of the youth from NCIC/CJIN.
 - e. Whenever possible, complete this process within 24 hours of detainment.
 - f. Any modifications to the original entry, such as corrected or new information, should be faxed to PHCF security control as soon as possible.
 - g. Any *Certificate to Detain Youth* that is discovered to be invalid must be canceled immediately by faxing a request to PHCF security control.

IV. CLOSING:

Questions concerning this procedure should be directed to the immediate supervisor.

V. FORMS:

- PPD 6.4.101 (A) Certificate to Detain Youth
- PPD 6.4.101 (B) Certificate to Detain Youth Log
- PPD 6.4.101 (C) Authorization to Release Youth
- PPD 6.4.101 (D) Juvenile Detention Facilities List
- PPD 6.4.101 (E) Entry to NCIC/MT Wanted Person File
- PPD 6.4.101 (F) NCIC/CJIN Information