



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

Procedure:	PPD 6.4.102 OFFENDER ARREST / PICK UP AND HOLD / RELEASE
Effective Date:	12/10/2018 Page 1 of 4
Revision Date(s):	
Reference(s):	PPD 3.4.102; PPD 4.6.203; PPD 6.4.206; 46-6-507, MCA; 46-23-1001, MCA; 46-23-1012, MCA; 46-23-1023, MCA; 52-5-129, MCA
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation & Parole Bureau Officers will follow established procedures for the arrest, holding, and release of adult offenders.

II. DEFINITIONS:

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices and interstate transfers.

Probationer – For the purpose of this procedure, an offender ordered by the District Court to serve a period of commitment time for a suspended or deferred imposition of sentence (probation); or an adult offender committed to the authority of the Department and required to be released by the District Court to community supervision upon sentencing or disposition (DOC probation). §46-18-201, MCA

Registered Victim – A person registered with an automated notification system (e.g., VINE) used by the Department and/or who is identified in OMIS as registered with the Department to receive location and custody status updates about adult offenders under Department supervision.

Self-Surrender – Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved PPD facility and waiting for an available bed in the facility. The offender must meet established criteria, and remains in the custody and control of the PPD.

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system which provides location and custody status updates about adult offenders under Department supervision.

Victim - The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

Youth 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.

III. PROCEDURES:

A. DETAINING/RELEASE OF YOUTH OFFENDERS:

1. When a juvenile Parole Officer (PO) determines there is sufficient evidence to believe a youth has violated his/her parole agreement, the 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.
2. 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.
 3. When required, the procedures given in *PPD 6.4.101 Youth Detention* for detaining and releasing a youth offender are followed.

B. WARRANT TO ARREST ADULT PAROLEE, CONDITIONAL RELEASE, DOC COMMITMENT, SELF-SURRENDER, OR INTERSTATE OFFENDER:

1. Offenders Within Montana:

- a. When a P&P Officer, including an on-call Officer, reasonably believes a parolee, conditional release, DOC commit, self-surrender, or interstate offender within Montana has violated a condition of his/her supervision or presents such danger to the community that he/she cannot remain within the community, the Department may authorize the arrest of the offender.
- b. The P&P Officer may arrest the offender without a warrant or may authorize law enforcement with the power of arrest to do so by giving oral authorization. The Officer must then write out the statement mandated in §46-23-1023, MCA, and deliver it to the detention center within 12 hours.
 - 1) Officer must report all arrests to his/her supervisor as soon as possible.
 - 2) Within 12 hours of an arrest, the Officer must:
 - a) complete OMIS Warrants entries for *PPD 6.4.102(B) Warrant to Arrest* setting forth that the offender has, in the Officer's judgment, violated the conditions of the offender's supervision;
 - b) submit *Warrant* to the place of detention; and
 - c) update the offender's OMIS Location:
 - (1) OMIS initiates notifications to VINE-registered victim(s) upon location change; and
 - (2) Officer will notify victims identified in OMIS as registered only with the Department.
 - 3) The offender's supervising Officer will determine the course of action to be taken within 72 hours of arrest:
 - a) release the offender;
 - b) hold an intervention hearing (see *PPD 6.4.206 Adult Probation & Parole Field Hearings*); or
 - c) initiate formal revocation following the appropriate procedures:
 - (1) Parolees – Hold initial on-site hearing (see *PPD 6.4.206*);
 - (2) Conditional release and self-surrender offender – Hold disciplinary hearing (see *PPD 6.4.206*); or
 - (3) Interstate offender (see *PPD 4.6.203 Adult Interstate Commission Procedures*).
 - 4) A supervisor will ensure course of action is taken in case of Officer's absence.
 - 5) When the issued *Warrant* is no longer necessary, the Officer or a designee will complete OMIS Warrants entries for *PPD 6.4.102(C) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement.

- 2. Offenders Outside of Montana:** If it is necessary to arrest a parolee or conditional release offender outside of Montana, P&P Officers must obtain an administrative warrant through the Interstate Compact Section by the Compact Administrator (CA), or designee.

- a. The Board of Pardons and Parole (BOPP) will be contacted once a warrant or detainer for parole violations is issued on a parolee. The warrant or detainer will remain in effect until the parolee is apprehended or the BOPP directs the warrant be quashed.

C. AUTHORIZATION TO PICK UP AND HOLD ADULT PROBATIONER:

1. When a P&P Officer, including an on-call Officer, reasonably believes a probationer within Montana has violated a condition of his/her supervision or presents such danger to the community that he/she cannot remain within the community without seriously and/or continuously endangering personal safety and/or the property rights of others, the Officer may arrest the probationer without a warrant or may deputize another Officer with the power of arrest to do so by giving oral authorization.
2. Upon time of arrest, probationer may be held without bail for 72 hours.
 - a. P&P Officer (Officer) must report all arrests to his/her supervisor as soon as possible.
 - b. Within 12 hours of an arrest, the Officer must:
 - 1) complete OMIS Warrants entries for *PPD 6.4.102(A) Authorization to Pick Up & Hold* setting forth that the offender has, in the Officer's judgment, violated the conditions of the offender's supervision;
 - 2) submit *Authorization* to the place of detention; and
 - 3) update the offender's OMIS Location:
 - a) OMIS initiates notifications to VINE-registered victim(s) upon location change; and
 - b) Officer will notify victims identified in OMIS as registered with the Department only.
 - c. The offender's supervising Officer must determine the course of action to be taken within 72 hours of the arrest:
 - 1) release the offender;
 - 2) hold an intervention hearing (see *PPD 6.4.206 Adult Probation & Parole Field Hearings*);
or
 - 3) initiate formal revocation:
 - a) arrange for the offender to appear before a magistrate to set bail;
 - b) follow procedures of *PPD 3.4.102 Report of Violation of Probation or Parole*.
 - d. A supervisor will ensure course of action is taken in case of Officer's absence.
 - e. When the issued *Pick Up and Hold* is no longer necessary, the Officer or a designee will complete OMIS Warrants entries for *PPD 6.4.102(C) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement.

D. AUTHORIZATION TO RELEASE AN ADULT OFFENDER:

1. After violations have been investigated and a determination has been made regarding the offender's release, supervising P&P Officer completes *PPD 6.4.102(D) Authorization to Release Offender* in OMIS Warrants entries (this must be done within 72 hours of a probationer's arrest).
2. If bond has been posted in District Court or a lower court (in the case of a probationer), advise the court that the bond should be exonerated.
3. Distribute *Authorization to Release Offender* to holding authority.
4. Update offender's OMIS record with date and time of release and offender's location upon release:
 - a. OMIS initiates notifications to VINE-registered victim(s) upon location change; and
 - b. Officer will notify victims identified in OMIS as registered with the Department only.

E. DETAINING NON-OFFENDERS:

1. Pursuant to §46-6-507, MCA, an Officer who, while conducting his/her duties, has a reasonable suspicion that a person is interfering or will interfere with those duties, or has probable cause to believe that the person is committing or has committed an offense, may detain the person. The Officer shall *immediately* notify the nearest available law enforcement agency or peace officer, and the law enforcement agency or peace officer shall either take the person into custody or release the person.
2. As soon as time permits after the incident, the Officer shall notify the Deputy Chief or designee when a non-offender has been detained.

IV. CLOSING:

Questions regarding this procedure will be directed to the POII, Deputy Chief, or Probation & Parole Bureau Chief.

V. FORMS:

- PPD 6.4.102 (A) Authorization to Pick Up & Hold Probationer-OMIS
- PPD 6.4.102 (B) Warrant to Arrest-OMIS
- PPD 6.4.102 (C) Authorization to Cancel Warrant/Pick Up & Hold-OMIS
- PPD 6.4.102 (D) Authorization to Release Offender-OMIS