



**PROBATION AND PAROLE BUREAU
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 130-3	Subject: REPORT OF VIOLATION FOR OUT-OF-STATE OFFENDERS SUPERVISED IN MONTANA	
Reference: 46-23-1115, MCA ; P&P 100-1 ; P&P 100-2	Page 1 of 4	
Effective Date: 06/01/00	Revision Dates: 09/04/01; 06/17/02; 03/06/04; 03/01/05; 08/01/05; 06/12/06; 08/20/07; 04/22/08; 06/14/10; 06/30/11	
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will promptly follow established procedures when notifying the sending state of interstate offender violations.

II. DEFINITIONS:

OMIS – Offender Management Information System – The Department of Corrections’ electronic data collection and reporting system.

Receiving State – The state assuming supervision of an offender at another state’s request. For this procedure, Montana is the receiving state.

Sending State – The state requesting the transfer of an offender’s supervision.

III. PROCEDURES:

RESPONSIBILITY:

A. Offender Violation – Violations Only

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| 1. The offender’s status is determined and alleged violations are thoroughly investigated. The supervising Probation & Parole Officer (Officer) must use sanctions such as jail, CD counseling, etc., to address violations as they would any Montana offender in the appropriate manner deemed necessary. | P&P Officer |
| 2. If offender continues to violate or has severe violations, the Officer should staff the violations with supervisor to determine if an intervention hearing is appropriate. If the offender is going to be sanctioned and remain in Montana on supervision, then an intervention hearing can be held to address the violations. Officer completes <i>Progress Report</i> and submits to the Montana Interstate Compact Unit (ISC Unit) with attached <i>P&P 140-5(B) Intervention Hearing Agreement</i> within 30 days of the violation. | P&P Officer
RA or POII |
| 3. If it is determined to proceed with requesting revocation and return of the offender to the sending state, the <i>Offender Violation Report (OVR)</i> | P&P Officer |

Procedure No.: 130-3	Section: Interstate Compact	Page 2 of 4
Subject: REPORT OF VIOLATION FOR OUT-OF-STATE OFFENDERS SUPERVISED IN MONTANA		

is completed within 30 days of the violation. If an intervention hearing was held on prior violations, those violations should be placed under the "Previous Violation" section of the *OVR*. If Montana accepted the offender under special added conditions, these conditions can be used as violations.

The *OVR* should cite the Sending State's Rule that was violated. If Montana accepted the offender under a special condition, the Officer will list this violation as "Montana Special Condition" (description).

Examples:

Arizona Rule #5 Residence: On 10/15/04, John Smith moved to a new apartment without the permission of his supervising officer.

Montana Special Condition – The Offender will not be allowed to own, possess, or have access to computers: On 10/15/04 a home check was conducted of the offender's residence. A computer was confiscated on this date.

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| 4. A preliminary on-site hearing (probable cause) is conducted as soon as possible if an <i>OVR</i> is submitted and the offender did not waive the hearing. Refer to <i>P&P 140-2 Preliminary (On-site) Hearings</i> . | P&P Officer
Hearings Officer |
| No hearing is necessary when offender has waived the hearing and admitted to one or more of the violations. The Officer will use form <i>P&P 140-2(E) Notice/Waiver of On-Site Hearing for Interstate Offender</i> to document the waiver. | P&P Officer
Hearings Officer |
| 5. The <i>OVR</i> and <i>P&P 140-2(E) Notice/Waiver</i> with admission and/or <i>P&P 140-2(A) Summary of On-Site Hearing</i> are submitted electronically to the ISC Unit. | P&P Officer |
| 6. These documents are forwarded to the sending state requesting a response of what action will be taken. | ISC Unit |
| **Sending state shall respond to the <i>Offender Violation Report</i> within 10 business days by utilizing the <i>Response to Violation Report</i>. | |
| 7. Field warrant may be issued by Montana Officer if the offender is determined to be a risk to the community or risk to abscond supervision. Offender can be held in custody for 30 days without bond. | P&P Officer |
| 8. According to the Interstate Commission Rules, if the offender is not returned to the sending state, Montana will continue supervision of the offender as directed by the sending state. | P&P Officer |

Procedure No.: 130-3	Section: Interstate Compact	Page 3 of 4
Subject: REPORT OF VIOLATION FOR OUT-OF-STATE OFFENDERS SUPERVISED IN MONTANA		

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| 9. If offender is retaken by the sending state, the Officer completes and forwards <i>Case Closure Notice</i> to the ISC Unit closing the case. | P&P Officer |
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****An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (Montana).**

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| 10. OMIS entry is completed after case is closed due to retaking. | P&P Officer
ISC Unit |
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B. Offender Violations – New Charges

Montana may detain an out-of-state offender who has committed a crime against the laws in Montana. Officers shall utilize the *Offender Violation Report (OVR)* to document new charges and violations.

PROCEDURES:

RESPONSIBILITY:

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| 1. Circumstances of the arrest and any other pertinent documents are sent with the <i>OVR</i> to the Montana Interstate Compact Unit (ISC Unit). An <i>OVR</i> should be written if the Officer is recommending further action be taken when the charges are disposed of and should include any technical violations. If new charges are pending and there are no previous violations, no hearing is required as the new charges will be processed through the court system. | P&P Officer |
| 2. If charges are dropped or the offender is found not guilty, but the Officer feels an <i>OVR</i> is still necessary due to other violations, a preliminary on-site hearing is required. <i>P&P 140-2(E) Notice/Waiver of On-Site Hearing for Interstate Offender</i> must be completed prior to the hearing or to indicate the offender waives the hearing [see <i>P&P 140-2 Preliminary (On-Site) Hearing</i>]. If the Officer determines the offender to be a risk to the community or risk to abscond supervision, the offender may be detained by issuing a field warrant to hold offender until sending state responds to the <i>OVR</i> . | P&P Officer |
| 3. ISC Unit is informed electronically of the status and/or final disposition on any pending charges or results of court hearing. | P&P Officer |
| 4. The ISC Unit forwards information to sending state to determine what action the sending state will take. | ISC Unit |

****Sending state shall respond to the *Offender Violation Report* within 10 business days by utilizing the *Response to Violation Report*.**

****An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (Montana).**

Subject: REPORT OF VIOLATION FOR OUT-OF-STATE OFFENDERS SUPERVISED IN MONTANA

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| 5. If not returned to the sending state, supervision of the offender is continued at the direction of the sending state. | P&P Officer |
| 6. If offender is retaken by the sending state, Officer will complete the <i>Case Closure Notice</i> with attached judgment of the new crime and forward to the ISC Unit. ISC Unit will submit both to the sending state closing the case. | P&P Officer
ISC Unit |
| 7. OMIS data entry is completed after case is closed due to retaking. | ISC Unit |

IV. CLOSING:

Questions concerning this procedure shall be directed to the Regional Administrator or the Deputy Compact Administrator.

Forms

Interstate

[Case Closure Notice](#)

Interstate

[Offender Violation Report](#)

P&P 140-2(A)

[Summary of On-Site Hearing](#)

P&P 140-2(E)

[Notice/Waiver of On-Site Hearing for Interstate Offender](#)

P&P 140-5(B)

[Intervention Hearing Agreement](#)