



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.1.30	Subject: OFFENDER ESCORTED LEAVE
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4 and Attachment
Section 1: Security Operations	Effective Date: Feb. 1, 1998
Signature: /s/ Mike Ferriter, Director	Revised: 09/07/11

I. POLICY

The Department of Corrections, giving due consideration to public safety, will provide escorted leave for eligible offenders to visit a critically ill immediate family member, or to attend funeral services of a deceased immediate family member.

II. APPLICABILITY

Except prerelease center residents, all adult and youth secure care facilities and adult community corrections programs, Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Immediate Family Member – An offender's legal spouse, natural or adoptive parents and children, siblings, grandchildren, grandparents, corresponding in-law, person verified as being primarily responsible for raising the offender in the absence of a parent and any other member of the offender's household.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. The administrator, or designee, will inform the offender in a timely manner of the verifiable death or critical illness of a confirmed immediate family member.
2. Administrators will carefully consider both community safety and the needs of the immediate family members when authorizing a request for leave to a bedside visit or funeral service
3. Unless pre-approved by a Department administrator, or designee, on a case-by-case basis, escorted leave must follow the following criteria:
 - a. may not exceed the boundaries of the State of Montana;
 - b. an offender may attend a bedside visit or a funeral service, but not both;
 - c. bedside visits may occur with a family member in imminent danger of death as determined by a physician or other medical professional and take place in a hospital, hospice care center, or nursing home, visits at a private residence will not be approved;

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- d. bedside or funeral service visits will not exceed two hours in length, the total leave time, including travel, will not exceed 16 hours, and an escorted visit should be between 0800 and 1700 hours; and
 - e. escorted leave to a graveside service will not be permitted unless the only funeral service is at the cemetery.
4. The administrator may deny an offender's request for escorted leave if approval would result in a staff shortage that may affect the safe and orderly operation of the facility.

B. Requirements for Adult Offenders in Community Corrections and Youth in Secure Care

1. Administrators will develop operational procedures, using adult secure requirements as a guide, that address, at a minimum, the following:
 - a. offender notification;
 - b. eligibility requirements;
 - c. the application process;
 - d. limitations governing leave;
 - e. escort and transportation security; and
 - f. leave-related expenses.

C. Requirements for Adult Offenders in Secure Facilities

1. The facility will provide the [Escorted Leave Eligibility Form](#) for offenders to complete upon admission in accordance with *DOC Policy 4.1.1, Offender Admissions Process* to declare the names of immediate family members whose bedside visit or funeral the offender may request to attend if the immediate family member becomes seriously ill or dies during the offender's incarceration. Administrators will consider family members who were not part of the offender's family at the time of incarceration and not declared on the Escorted Leave Eligibility Form.
2. Administrators will establish offender eligibility with consultation from appropriate Department staff, e.g., a victim information officer (VIO), case manager, security threat group coordinator, and American Indian liaison, on a case-by-case basis. Administrators may determine ineligibility based upon the following eliminating criteria:
 - a. a documented criminal history that includes an escape or escape attempt or a history of absconding from community supervision;
 - b. unresolved felony warrants or detainers;
 - c. a documented prison history that includes possession of contraband for escape or materials used to remove restraints;
 - d. a documented history of physical assault against Department staff or law enforcement officers;
 - e. the offender's presence in the community could threaten the safety of the offender, staff, or general public;
 - f. the offender has had a mental status evaluation by Department mental health staff that indicates that the leave would not be in the best interest of the offender or of public safety;
 - g. the offender is in close or maximum security status or scores in a high risk category;

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- h. the offender is currently in detention status, is pending discipline for a serious major rule violation, or has had two or more serious rule violations within the past six months;
 - i. the offender has failed to demonstrate program compliance; or
 - j. the offender is currently housed in a contract bed out-of-state, or has been transferred to another state through interstate compact.
3. Staff is provided a period of at least 48 hours to verify eligibility and grant escorted leave.
4. An offender who wishes to apply for an escorted leave must submit the request through his or her unit manager or appropriate supervisor.
5. The VIO will review offender requests, submit a report to the administrator, contact the prosecuting county attorney, and comply with victim notification requests.
6. Administrators will determine whether a request for offender escorted leave is approved and will issue a decision in writing.
7. Facility procedures must include, as appropriate, the following:
 - a. two Department or facility employees will supervise each adult offender on escorted leave;
 - b. Department or facility caged vehicles will be used during transport;
 - c. employees will be outfitted with safety and security equipment as determined necessary by the facility;
 - d. offenders are required to wear facility-issued transport clothing as determined necessary by the facility;
 - e. adult offenders will be restrained at all times in accordance with *DOC Policy 3.1.12, Offender Escort and Transport*;
 - f. restraints will not be removed from adult offenders at any time during escorted leave; and
 - g. officers will remain within arm's length of offenders and maintain visual contact with the offender at all times.
8. The use of restroom facilities will be provided to offenders on trips of an extended length. Transport officers will utilize restrooms at Department facilities, law enforcement or probation and parole offices as a first preference for offender restroom breaks. Commercial buildings, hospitals, churches, or hospice centers should not be used for offender restroom breaks.
9. The escorting officers are authorized to terminate the escorted leave at any time if they determine they cannot maintain their security or safety, that of the public, or the offender. If escort officers terminate the escorted leave, they must file an incident report when they return to the facility.
10. Upon the offender's return to the facility, escorting staff will brief the appropriate supervisor regarding the offender's demeanor and behavior following the visit. The supervisor will notify the facility chaplain or mental health staff if the offender's demeanor indicates a need for religious or mental health counseling.

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11. Offenders will be strip-searched prior to leaving and upon returning to the facility in accordance with *DOC Policy 3.1.17, Searches and Contraband Control*.
12. Officers will complete a search of the vehicle prior to departure and before they place the offender back in the vehicle if it is necessary to remove the offender from the transport vehicle.

G. Expenses

1. Offenders are required to reimburse the Department or facility for expenses incurred during the offender's escorted leave including the salaries of the escorting officers and travel and mileage costs.
2. The facility accounting office will provide the unit manager, or designee, with an estimate of the cost of the trip and the funds available on the offender's account.
3. If the adult offender does not have available funds, Offender Welfare Funds may be used as a secondary funding source.
4. If the youth offender does not have available funds, the Department may provide funding.

V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator.

VI. REFERENCES

- A. [2-15-112](#), MCA
- B. 4-4443, 4-4445; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. 4-4500-1; *ACA 2008 Standards Supplement*
- D. 3-JTS-5I-02, 3-JTS-5I-06; *ACA Standards for Juvenile Correctional Facilities, 2003*
- E. *DOC Policies* [1.8.1, Victim Services](#); [3.1.12, Offender Escort and Transport](#); [3.1.17, Searches and Contraband Control](#); [4.1.1, Offender Admissions Process](#)

VII. ATTACHMENT

[Escorted Leave Eligibility Form \(SAMPLE\)](#)