



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

Policy No. DOC 4.6.3	Subject: DOC COMMITMENTS
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 2
Section 6: Release/Placement	Effective Date: Oct. 29, 1999
Signature: /s/ Mike Batista, Director	Revised: 05/10/2016

I. POLICY

The Department of Corrections refers adult offenders and criminally convicted youth committed to the Department to appropriate placements in Department and contracted facilities or programs including assessment centers, prerelease centers, specialized treatment programs, and secure care facilities and may place offenders committed to the Department in the community on conditional release status upon recommendation of Probation and Parole Division staff.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Assessment Center – A Probation and Parole Division facility or program that evaluates the needs of offenders for placement in the community.

Conditional Release – A status that applies to offenders who are committed to the Department of Corrections, placed in a community corrections program, and may be released to community supervision.

Criminally Convicted Youth – Any youth convicted in district court pursuant to *41-5-206, MCA* except a youth convicted of a crime that carries a possible punishment by life, death, or 100 years in prison is a criminally convicted youth.

DOC Commitment – A commitment by the district court of an adult offender, criminally convicted youth, or extended jurisdiction youth pursuant to *41-5-1602, MCA*, for placement in a state correctional facility or program operated by the Department or under the authority of the Department pursuant to *46-18-201, MCA*.

Probation and Parole Division (PPD) – The division that oversees the probation and parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, training, prerelease, and treatment services.

IV. DEPARTMENT DIRECTIVES

A. General Requirements of DOC Commitments

1. Each DOC commitment must be placed in the county jail until the offender has been assessed and classified by the Probation and Parole (P&P) Bureau for appropriate placement within the corrections system. If the offender has been assessed and classified prior to sentencing, the offender may be immediately placed in the appropriate facility or program.

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2. P&P is responsible for determining the appropriate placement of all offenders given DOC commitments. The regional administrator or P&P Officer II (PO II) must approve each placement.
3. If a DOC committed offender is not considered appropriate for initial community placement by the regional P&P office, the offender may be placed in an assessment center or directly placed in a secure care facility if approved by the PPD administrator.
4. PPD will develop procedures to implement placement of DOC commitments that include screening and classification to determine appropriate placement.
5. The Department will assume financial responsibility for the care and custody of DOC commitments in district court from the time of sentencing.
6. Placement of criminally convicted youth in an adult secure facility will follow the guidelines of *DOC 4.6.9 Placement & Reporting of Youth with Adult Sentences*.

B. Conditional Release of DOC Commitments

1. When conditionally releasing DOC commitments, the Department will:
 - a. follow established PPD procedures for the release and supervision of DOC commitments;
 - b. release only eligible offenders; and
 - c. ensure that the requirements of the victim notification statute *46-24-212, MCA* has been met.
2. PPD facilities and programs and the P&P Bureau may use an assessment center for sanctions. PPD will establish procedures for the use of assessment centers for sanctions.

C. Offender Status – Disciplinary/Absconders

1. Adult offenders on conditional release status who fail to comply with conditions of supervision will be arrested and provided minimal due process as provided in PPD procedures. For DOC committed offenders failing to report as instructed or absconding supervision, officers will follow warrant and arrest procedures outlined by PPD.
2. A DOC committed offender found guilty of a disciplinary violation may be returned to a higher level of custody including incarceration.

V. CLOSING

Questions concerning this policy should be directed to the Probation and Parole bureau chief or Probation and Parole division administrator.

VI. REFERENCES

- A. *2-15-112, MCA; 41-5-1602, MCA; 46-18-201, MCA; 46-24-212, MCA; 53-1-203, MCA*
- B. *DOC Policy 4.6.9 Placement & Reporting of Youth with Adult Sentences*

VII. ATTACHMENTS

None