



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

Policy No. DOC 4.6.5	Subject: ADULT DETENTION PLACEMENTS
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 3
Section 7: Release/Placement	Effective Date: 01/01/1997
Signature: Mike Ferriter	Revised: 12/21/2012

I. POLICY

It is the policy of the Department of Corrections to utilize available bed space in detention centers when a Department-owned or contracted facility or program exceeds emergency capacity, or suitable housing for select inmates does not exist.

II. APPLICABILITY

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

III. DEFINITIONS

Detention Center - A facility operated by the federal government, a public or private corporation, other states, or a local county or unit of government for the purpose of detaining and/or incarcerating adult offenders.

Emergency Capacity - The maximum capacity of a correctional facility or program that does not compromise safe or secure operation; in accordance with [53-30-106, MCA](#), if a correctional facility or program exceeds emergency capacity for 30 consecutive days, the Department director may temporarily stop admissions.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. The Department director, or designee, may place an offender(s) under Department supervision in a detention center as outlined under [53-30-106, MCA](#) when the emergency capacity of a Department-owned or contracted facility or program is reached or the Department has no institution adequate for certain inmate(s) and no reasonable alternative exists, or for select inmate(s) when suitable housing has been established.
2. Prior to placement of adult offenders in a detention facility, the Department and detention facility must complete a contract outlining the following elements:
 - a. reimbursement rates;
 - b. expectations and obligations; and
 - c. the number of detention center beds available.
3. The Department may utilize publicly or privately owned detention centers when suitable and reimbursement is within budgetary limits.

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4. The Department will make a coordinated effort to expedite the transfer of offenders housed in detention facilities to a Department-owned or contracted facility or program and, if a detention center cannot continue to house an offender, the Department will transfer the offender as soon as possible.

B. Financial Responsibilities

1. When an offender is placed in a detention center, payment will be made at the basic rate established in contract unless the offender is placed on a county jail holding list, at which time the Department will pay the established per diem rate beginning on the date the sentencing order is signed. The Department will not pay greater than the established basic rate.
2. The Department will not reimburse detention centers for offenders arrested by Department staff who are Montana probation violators or fugitives from an out-of-state jurisdiction.
3. Financial responsibility of an offender removed from Department custody and transported to a local detention center by court order for a court appearance in a civil or criminal matter will adhere to the following:
 - a. the county of the detention center is responsible for costs associated with daily per diem, routine sick call, and medical care;
 - b. the Department is responsible for the cost of chronic and emergent medical care; and
 - c. if the offender is returned to Department custody and space is unavailable, the offender may be placed on the detention center's jail holding list at which time the Department will assume financial responsibility from when the county notified the Department until the offender is transferred to a Department correctional facility.
4. When an offender under Department-supervision is placed in a detention center the Department will assume financial responsibility for the following:
 - a. cost of housing an offender on escape status in a detention center when apprehended;
 - b. damage to the detention facility caused by an offender;
 - c. upon prior approval from the Department director, or designee, program services such as education, vocational programming, and substance abuse counseling; and
 - d. upon approval from the Health Services Bureau chief, or designee, medication, non-emergency medical service, and hospitalization expenditures, and dental services.

C. Health Care

1. When a detention center must secure emergency medical or dental services for an offender and prior approval is not possible, the detention center must notify the Health Services Bureau within 48 hours.

D. Out-of -State Placements

1. The Department may use of out-of-state placements in the following circumstances:
 - a. for long-term offenders previously received and classified at a Department-owned or contracted facility or program; or

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- b. to provide space at a Department-owned or contracted facility or program to place offenders housed in local detention centers.

E. Transportation

1. The Department will make every effort to cooperate with counties to support cost effective and secure transportation of inmates, transportation responsibilities will be determined according to the following:
 - a. transportation is the responsibility of a sentencing county when the following are met:
 - 1) an offender is sentenced to Department supervision;
 - 2) an offender is transferred to a detention center outside of the county in which the offender was convicted or sentenced; or
 - 3) an offender on probation is transferred from one detention center to another;
 - b. transportation is the responsibility of the Department when the following are met:
 - 1) an offender under Department-supervision not on probation is transferred from one detention center to another; or
 - 2) an offender placed out-of-state must be transported to a local detention center by court order for a court appearance in a civil or criminal matter.
2. Sentencing counties are responsible for transporting parole violators to Department custody as soon as possible after parole revocation proceedings are complete.

V. CLOSING

Questions concerning this policy are directed to the applicable facility administrator.

VI. REFERENCES

- A. [53-1-203, MCA](#); [53-30-106, MCA](#); [7-32-2222, MCA](#); [7-32-2242, MCA](#); [7-32-2243, MCA](#)

VII. ATTACHMENTS

None