



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

Policy No. DOC 4.6.9	Subject: PLACEMENT & REPORTING OF YOUTH WITH ADULT SENTENCES
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3 and Attachment
Section 5: Case Records Management	Effective Date: 07/01/08
Signature: /s/ Mike Ferriter, Director	Revised: 03/26/12

I. POLICY

The Department of Corrections requires the placement of and reporting on youth with adult sentences in accordance with the Youth Court Act and the provisions of this policy.

II. APPLICABILITY

All divisions, facilities, and 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.

Criminally Convicted Youth – Any youth who is convicted in adult court pursuant to [41-5-206](#), MCA, except a youth convicted of crime that carries a possible punishment of life, death, or 100 years in prison is a criminally convicted youth.

Youth with Adult Sentences – An individual under the age of 18 who has been committed to the Department or sentenced to prison in accordance with the Youth Court Act including a criminally convicted youth or a youth with an adult sentence pursuant to [41-5-1605, MCA](#) the Extended Jurisdiction Prosecution Act.

IV. DEPARTMENT DIRECTIVES

A. Placement

1. Youth with adult sentences committed to the Department will be placed according to the following:
 - a. youth must be evaluated and assessed in the designated Department assessment center or by other Department-approved means and placed, following evaluation and assessment, in one of the following:
 - 1) an Adult Community Corrections Division (ACCD) facility or program;
 - 2) a youth correctional facility; or
 - 3) if the youth is at least sixteen years old, in a state prison.
2. Youth with adult sentences over the age of 16 sentenced to a state prison will be evaluated at a state prison and placed, following evaluation, in the state prison or transferred to a youth correctional facility.
3. A youth under 16 years of age who is sentenced to a state prison must be evaluated in a

department facility or program or in the detention center. The youth must be placed in a secure facility until the youth becomes 16 years of age at which time the youth may be transferred to a state prison.

B. Transfer and Removal

1. The administrator of a youth correctional facility and the administrator of the state prison or ACCD must agree and execute the [Juvenile Placement Agreement](#) prior to the transfer of a youth committed to the Department or a state prison to a youth correctional facility.
2. A youth with an adult sentence will be removed from a youth correctional facility if any of the following are met:
 - a. the youth turns 18 years old; or
 - b. the youth becomes inappropriate for continued placement in the facility as determined by the facility administrator, or designee, at which time the following requirements apply:
 - 1) if the youth is under ACCD jurisdiction, ACCD must assume custody of the youth within 72 hours; and
 - 2) if the youth has been transferred to the youth correctional facility from a state prison or is under jurisdiction of the state prison, the prison will assume custody of the youth within 72 hours.

C. Reporting Requirements for Criminally Convicted Youth

1. For every criminally convicted youth, the Department must electronically submit a status report to the court, county attorney, defense attorney, and youth probation officer every six (6) months until the offender is 21 years old or out of custody and off supervision. Status reports will be prepared according to the following:
 - a. if the offender is incarcerated, the offender's case manager will prepare and submit the report;
 - b. if the offender is on probation or parole, the offender's supervising officer will prepare and submit the report; or
 - c. if the offender is in prerelease or other Department Community Corrections program, the prerelease or other program case manager will prepare and submit the report.
2. The status report must include:
 - a. a brief statement of the offender's conviction and sentence;
 - b. a brief overview of the offender's movement history in the past six months;
 - c. the treatment and self-improvement classes in which the offender has engaged in the past six months;
 - d. the work or schooling in which the offender has engaged in the past six months;
 - e. the offender's incarceration disciplinary history and/or history of compliance with probation/parole conditions;
 - f. the date on which the offender will turn age 21; and
 - g. the writer's opinion about whether the offender has been substantially rehabilitated.

V. CLOSING

Questions concerning this policy should be directed to the Department's Legal Services Bureau.

VI. REFERENCES

- A. [41-5-1605, MCA](#); [41-5-206, MCA](#); [41-5-2503, MCA](#); [41-5-2510, MCA](#); [46-18-201, MCA](#);
[46-18-203, MCA](#)

VII. ATTACHMENTS

[Juvenile Placement Agreement](#) [PDF](#)