



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure:	MSP 3.1.30 FUNERAL, SICK BED VISITS, EMERGENCY TEMPORARY LEAVE FOR MSP INMATES
Effective Date:	February 15, 2001 Page 1 of 4 and 4 Attachments
Revision Date(s):	November 15, 2020, April 30, 2021
Reference(s):	DOC 3.1.30
Signature:	/s/ Jim Salmonsens / Warden

I. PURPOSE

The Warden may authorize inmates eligible under the guidelines of this procedure to leave Montana State Prison (MSP) to include Montana Correctional Enterprises (MCE) and Riverside Special Needs Unit (RSNU) in the custody of MSP staff, to attend only funeral and graveside services, make bedside visits to hospitalized members of the inmates immediate family, or for other emergencies. These leaves are for in-state visits only. Out-of-state visits are not permitted under any circumstances.

II. DEFINITIONS

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.

Serious Illness – For the purpose of this procedure, means the patient is not expected to live as verified by a licensed physician.

III. PROCEDURES

A. NOTIFICATION OF DEATH OR SERIOUS ILLNESS

1. When staff receive notification that an immediate family member of an inmate has either died or has a serious illness, a member of the UMT will be informed. The Unit Manager or designee will:
 - a. notify the inmate in person of the emergency situation and advise the inmate to contact the appropriate person, i.e., family member, friend, clergy, etc.
 - b. advise the inmate they may be eligible for a temporary leave to attend a funeral or make a sick bed visit.
 - c. advise the inmate that counseling is available. If the inmate requests counseling, mental health, or pastoral help, the Unit Manager or designee will ensure the proper department is notified of the request.
 - d. the Unit Manager or designee is responsible for notifying the Warden or designee via email once the notification has been made along with any other requests as listed in b or c above.

B. INMATE REQUEST FOR EMERGENCY TEMPORARY LEAVE

1. Inmates must request consideration for funeral leave or a sick bed visit from the UMT by providing the details of the leave (date, time, location hospital, funeral home, cemetery,

family member to contact, phone numbers, attending physician, etc.).

C. PROCESSING REQUEST FOR EMERGENCY TEMPORARY LEAVE

1. The Unit Manager or designee will designate a staff member to manage the case.
2. The staff member assigned the case will:
 - a. determine the custody level of the inmate (close custody, administrative segregation, medium 1, and restricted custody inmates are not eligible)
 - b. advise the inmate requests are subject to a case by case review, and inmates deemed to present too high of a security risk will be denied.
 - c. confirm the death or serious illness along with any tentative funeral arrangements and/or possibility of a sick bed visit with the attending physician. (documentation such as email or letter that is verified by a staff member). If there is no possibility of attendance, the request will be denied.
 - 1) determine if the inmate's family desires the inmate's presence. If the inmate's family does not want the inmate there, the request will be denied.
 - d. fill out the *Request for Emergency Temporary Leave form* (Attachment B) if the inmate is approved at that level.
 - e. contact law enforcement to ensure that advance notice is made of the pending leave and identify security and community concerns. If there are concerns along these lines, the request will be denied.
 - f. contact the Accounting Office to determine the estimated cost of the trip and funds available on the inmate's account.
 - 1) the inmate or family will be responsible for covering all costs of the trip.
 - 2) Inmate Welfare Funds may be used as a secondary funding source with prior approval.
 - 3) when adequate funding is not available, the request shall be denied.
 - g. contact the Shift Commander to determine the availability of escort officers. If officers are not available; the request will be denied.
 - h. obtain the signed approval or denial of the leave from the Unit Manager or designee after they consider the above information.
 - i. forward the partially complete *Request for Emergency Temporary Leave form* to the Warden's Administrative Assistant or review and recommendation if the request has been approved at the unit level.
3. The Warden's Administrative Assistant will:
 - a. contact the prosecuting county attorney to identify victim and prosecutorial concerns. If there are any concerns, the request will be denied.
 - b. determine if prior victim notification has been requested when the inmate leaves MSP. If so, the Warden's Administrative Assistant will notify the victim(s) directly.
 - c. forward the partially complete *Request for Emergency Temporary Leave form* to the Warden or designee if approved at this level.
4. The Warden or designee will approve or deny the request after consulting with the DOC Director or designee if it is deemed the inmate is a high-profile case or poses an unacceptable security risk.

Risk. Determination of ineligibility is based upon the following criteria;

- a. a documented criminal history that includes possession of contraband for escape or materials used to remove restraints;
 - 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 officer;
 - e. the inmate's presence in the community could threaten the safety of the inmate, staff, or general public;
 - f. the offender had a mental status evaluation by Department mental health staff that indicated that the leave would not be in the best interest of the inmate or of the inmate or of the public safety.
 - g. the inmate is close custody, medium I, restrictive custody or administrative segregation inmates in a high-risk category;
 - h. the inmate 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 inmate has failed to demonstrate program compliance; or
 - j. the inmate is currently housed in a contract bed out- of -state, or has been transferred to another state through interstate compact.
5. Careful consideration will be given to all the inherent issues when determining the ramifications of granting emergency temporary leave for such inmates. If approved, the Warden or designee will forward the *Request for Emergency Temporary Leave form* to the Shift Commander.
6. The Shift Commander will:
- a. comply with the procedures set forth in *Procedures for Protection of Escort Officers and Security of Inmate* (Attachment A)
 - b. list the names of the Escort Officers on the *Request for Emergency Temporary Leave form* and have the Escort Officers sign and date the form.
 - c. complete the *Coordination and Special Equipment Taken* sections of the *Request for Temporary Leave form*.
 - d. review, sign and date the *Itinerary* (Attachment C)
 - e. complete the *Temporary Leave Check-List* (Attachment D) while briefing the Escort Officers on all aspects of the trip.
7. The Escort Officer will:
- a. sign and date the *Request for Emergency Temporary Leave form*.
 - b. sign and date the *Temporary Leave Check-List*.
 - c. familiarize themselves with MSP 3.1.12 Inmate Escort and Transport, this procedure and its attachments as well any DOC Policy/MSP Procedure as directed by the Shift Commander

IV. CLOSING

Questions concerning this procedure should be directed to the Warden

V. ATTACHMENTS

Procedures for Protection of Escort Officers and Security of Inmate

Attachment A

Request for emergency Temporary Leave
Itinerary
Temporary Leave Check-List

Attachment B
Attachment C
Attachment D

PROCEDURES FOR PROTECTION OF ESCORT OFFICERS AND SECURITY OF INMATE

In order to provide for the protection of escorting officers, and the security of inmates while off Montana State Prison property during emergency temporary leave, the following procedures shall be adhered to. It is recommended that local law enforcement agencies providing transportation for inmates comply with the **intent** of this procedure:

1. Two officers shall be assigned to escort the inmate regardless of the inmate's custody level. When escorting more than one inmate, the directives set forth in MSP Procedure 3.1.12 Inmate Escort and Transport shall be followed.
2. The inmate shall be in belly chains at all times.
3. The inmate will be in prison issued attire and will not be allowed to wear civilian clothing.
4. Escort officers shall sign out a radio and/or cell phone. The radio/phone shall be carried by one of the officers **at all times**.
5. The assigned vehicle must be equipped with a high-band radio.
6. Escorting officers must be in full uniform.
7. One escort officer shall be armed with a prison issued firearm.
8. Only **unarmed** officers shall handle the inmate. The armed officer will position himself at proper and safe distance from the inmate at all times.
9. The Shift Commander will communicate with the local law enforcement agency involved. The communication shall inform that agency of the funeral/sick visit details (names, dates, times, places, radio call signs, ETA, etc.) and obtain the name of an officer to contact if needed, phone numbers, etc. This notification shall be documented in writing.
10. If an overnight stay is necessary, the inmate shall be housed in a local jail. The Shift Commander shall confirm these arrangements prior to the trip.

Escorting officers shall contact previously coordinated local law enforcement agencies to notify them that the inmate and escorting officers are in their jurisdiction. If a security problem arises, officers shall use the radio to request assistance from local law enforcement officers.

REQUEST FOR EMERGENCY TEMPORARY LEAVE

Inmate: _____
DOC ID Number: _____ Housing Unit: _____
Custody Level: _____

Emergency temporary leave is requested for the following reason:

<u>ESCORTS</u>	<u>SIGNATURE</u>	<u>DATE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

<u>UNIT MANAGER</u>	<u>SIGNATURE</u>	<u>DATE</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____
	Unit Manager/Designee	

WARDENS ADMINISTRATIVE ASSISTANT

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____
	Signature	Date

WARDEN/DESIGNEE

<input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____	_____
	Signature	Date

COORDINATION: (Date, Time, Name(s), Agencies of Law Enforcement Informed):

SPECIAL EQUIPMENT TAKEN: _____

COMMENTS: _____

Copies to: Main Control Command Post Unit Control Records

TEMPORARY LEAVE CHECK-LIST

The Shift Commander shall ensure the following:

- 1. Escort Officers are in proper uniform.
- 2. radio, firearm and ammunition are issued and serviceable.
- 3. Vehicle is available and standing by.
- 4. Escort Officers have State credit card(s), cash advances, etc.
- 5. Appropriate restraints are issued.
- 6. Copy of itinerary is attached to Temporary Leave Request.
- 7. Escort Officers are familiar with MSP Procedure 3.1.30 - Funeral, Sick Bed Visits, Emergency Temporary Leave for MSP Inmates; and MSP Procedure 3.1.12 – Inmate Escort and Transport.
- 8. Officers are aware of any special instructions.
- 9. Contact has been made with the local law enforcement agency involved, informing them of the funeral detail, names, dates, times, radio call signs, etc., and a reply was received from that law enforcement agency giving their call signs, name of officer contacted, phone numbers, etc.

DATE/TIME

ESCORTING OFFICER'S SIGNATURE

DATE/TIME

ESCORTING OFFICER'S SIGNATURE

DATE/TIME

SHIFT COMMANDER'S SIGNATURE