



**DEPARTMENT OF CORRECTIONS
COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU
OPERATIONAL PROCEDURE**

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| Procedure: | PFB 6.2.470 UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS |
| Effective Date: | 05/01/2023 Page 1 of 8 |
| Revision Date(s): | |
| Reference(s): | PFB 6.1.202; PFB 6.2.422 RD ; PPD 6.4.102; PPD 6.4.205; PPD 6.4.206; PFB 6.2.424; PFB 6.2.437; 7-32-2242, MCA; 46-18-203, MCA; 46-23-1015, MCA; 46-23-1024, MCA; 46-23-1025, MCA |
| Signature / Title: | /s/ Megan Coy, Community Corrections Facilities and Programs Bureau Chief |

I. PURPOSE:

46-18-203, MCA provides options to courts in the handling of revocations of suspended or deferred sentences for probation violations that are either non-compliance or compliance violations and 46-23-1015, MCA creates additional requirements and options for Hearings Officers during intervention hearings for responding to probation violations.

46-23-1025, MCA provides options to the Board of Pardons and Parole (BOPP) in the handling of revocations of parole for violations that are non-compliance or compliance violations and 46-23-1024, MCA creates additional requirements and options for Hearings Officers during intervention hearings for responding to parole violations.

These laws include options for placement for up to 90 days or up to 9 months in certain facilities and programs. Staff will follow established procedures for handling offenders subject to these placements.

II. DEFINITIONS:

Community Corrections Facilities and Programs Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services. This Bureau is referenced interchangeably as Programs and Facilities Bureau (PFB) or Facilities and Programs Bureau (FPB) in procedures and forms.

Community Corrections Facility – Includes assessment/sanction centers, prerelease centers, and residential substance use disorder treatment facilities.

CR-Conditional Release – A status that applies to DOC commitments placed in a community corrections program and released to community supervision prior to the expiration of their sentence when determined appropriate by the Department.

Disciplinary Hearing – A formal administrative hearing that provides applicable due process requirements to confront violations of FPB facility rules, or conditional release or furlough conditions of supervision.

Hearings Officer – A Department employee who, as an impartial person, conducts hearings for offenders on community supervision or in an FPB program or facility.

Intervention Hearing – An informal administrative hearing conducted when a Probation and Parole Officer reasonably believes that an offender has violated conditions of supervision. 46-23-1015, MCA.

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Probation and Parole – Oversees the Probation and Parole regional offices and interstate transfers.

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

Up to 90-Day Intervention Referral – A probation, parole, or conditional release offender referred for placement in an FPB facility for up to 90 days by a Hearings Officer in accordance with the Montana Incentives/Interventions Grid for Probation and Parole and resulting from an intervention hearing. 46-23-1015, MCA and 46-23-1024, MCA.

Up to 9-Month Revocation Referral – A probation or parole offender referred for placement in an FPB facility for up to 9 months as a requirement of the court or Board of Pardons and Parole and resulting from a revocation hearing. 46-18-203, MCA and 46-23-1025, MCA.

III. UP TO 90-DAY PLACEMENTS

A. HOW UP TO 90-DAY PLACEMENTS ARE ORDERED

1. Probationers, Parolees, and Conditional Releases –

- a. During an intervention, on-site, or conditional release hearing, the Hearings Officer shall consult *PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)* and determine an appropriate response, including whether to recommend placement in a community corrections facility or program for up to a 90-day period, including but not limited to placement in a:
 - 1) prerelease center
 - 2) sanction or hold bed
 - 3) enhanced supervision program
 - 4) chemical dependency treatment program
 - 5) 24/7 sobriety program
- b. Additionally, it is possible to impose a combination of jail and community corrections time. However:
 - 1) The jail time may not exceed 30 days and does not count toward the 90-day placement.
 - a. P&P Officers are responsible for ensuring that jail time served does not exceed 30 days.
 - 2) The jail time must be specifically ordered in a hearing by the Hearings Officer and should be worded as such:

“Sanction to community corrections facility or program [be specific] for up to 90 days. Offender is additionally sanctioned to a jail placement for not more than 30 days while awaiting screening and transport to the facility/program.”
 - 3) Cost of jail time is the Department’s responsibility.
 - 4) Offenders must be released from jail on or before the 30th day.
- c. If the Hearings Officer does not order the offender to wait in jail pending their program placement, the offender must remain on community supervision until their bed date.
- d. If the offender is moved to a Probation and Parole hold bed to wait for their program placement, the offender’s time in the hold bed does count toward the 90 days.

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B. FACILITIES AVAILABLE FOR UP TO 90-DAY PLACEMENTS

1. Facilities available for up to 90-day placements:
 - a. All prerelease facilities
 - b. CCP (both programs)
 - c. Elkhorn Treatment Center (90-day treatment track)
 - d. Passages ADT
 - e. Pine Hills (90-day treatment track)
2. Program availability is dependent on geographic location and program capacity/waiting lists. The screening process should follow *PFB 6.1.201 Placement Determination, Referral, and Screening*.
3. Referrals should clearly designate the following:
 - a. the offender's status as an up to 90-day placement
 - b. the offender's primary focus areas during their placement (for example, cognitive behavioral programming, employment, residence, SUD treatment)
 - c. the offender's Supervising Officer and contact information
 - d. the Hearings Officer who issued the intervention
 - e. the on-call contact information for the region where the offender originated
 - f. details on the expected housing placement upon completion
4. The Hearings Officer should determine the start date of the sanction to include jail time if applicable or the start date of the placement if jail time is not ordered.
5. The P&P Officer/Hearings Officer should coordinate with the facility and the Community Corrections Facilities and Programs Bureau to expedite screening and transport.

C. MANAGEMENT OF OFFENDER'S CASE IN THE FACILITY DURING UP TO 90-DAY PLACEMENTS:

1. In general, offenders in these placements are expected to follow the general rules/procedures of Probation and Parole and the facility.
2. Since the placement is a 90-day placement, which may be shorter than the "traditional" time required to complete the program, the Hearings Officer placing offenders in these types of placements should identify 1-2 areas on which the offender should focus while in the facility.
3. The facility should be mindful of the timeframes for the offender's placement in management of the offender's case.
4. P&P Officers must request monthly updates during an offender's placement at a facility. Facilities must follow *PFB 6.2.437 Lengths of Stay (LOS)* in regard to progress reporting.
5. An offender in an up to 90-day placement is eligible for administrative transfer to an assessment/sanction center for stabilization but is ineligible for transfer to a secure facility, and the time spent on administrative transfer status must count toward the 90-day period. See *PFB 6.1.202 Administrative Transfers*.
6. Hospital coverage and travel permit requirements apply based on the facility type in which the offender is located. See *PFB 6.2.433 Facility Offender Travel*.
7. It is expected that the Supervising P&P Officer and IPPO will coordinate release planning throughout the offender's stay.

D. HANDLING VIOLATIONS DURING UP TO 90-DAY PLACEMENTS

(see also PFB 6.2.424 *Disciplinary Process in Contract Facilities*)

1. General Information

- a. The offender's Supervising P&P Officer or FPB staff should be contacted by facility staff when there are any questions or issues that arise during an offender's intervention or revocation referral placement.
- b. Offenders cannot be placed in jail without the Supervising P&P Officer's authorization and following specific time limitations (see PPD 6.4.102 *Offender Arrest/Pick Up and Hold/Release*).
- c. Placement in another FPB facility pending hearing is not allowed unless that facility generally holds offenders on pre-hearing status.
- d. Outside of business hours, facility staff should contact the on-call Officer in the region where the offender originated, who will document the contact in OMIS and email the offender's officer of record and supervisors. Supervising P&P Officer will follow-up with facility staff the next working day. On-call contact numbers are as follows:
 - 1) Missoula Region: Missoula – 406-240-2031 and Butte – 406-491-1618
 - 2) Helena Region: Helena – 406-439-4861 and Bozeman – 406-580-0462
 - 3) Great Falls Region: 406-231-1399
 - 4) Billings Region: 406-860-0523
 - 5) Kalispell Region: 406-253-1876
 - 6) Havre Region: 406-879-9421
- e. Intervention or revocation referral offenders who leave the facility or attempt to leave without authorization from the facility or Probation and Parole are not considered escapees; however, the procedures specific to these offenders are outlined in III.F. in PFB 6.2.422 *RD Facility Escapes*.

2. Probationers:

- a. Supervising P&P Officer will determine whether to respond to the violation with an appropriate intervention or whether it warrants the removal of the offender from the facility based on information provided by the facility. If offender will be removed, the Supervising P&P Officer will determine an appropriate response pursuant to PPD 6.3.101 (A) *Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)*.
- b. When necessary, interventions are addressed through an intervention hearing following the procedures of PPD 6.4.206 *Probation and Parole Field Hearings*.

3. Parolees:

- a. Violations are addressed by a Hearings Officer through an initial on-site hearing following the procedures of PPD 6.4.206 *Probation and Parole Field Hearings*.
- b. If an intervention is determined to be appropriate, the hearing is converted to an intervention hearing.
- c. If offender will be removed from the facility, offender is arrested pursuant to PPD 6.4.102 *Offender Arrest/Pick Up and Hold/Release*. PPD 6.4.205 (A) *Report of Violation* is completed and submitted to the Board of Pardons and Parole pursuant to the procedures of PPD 6.4.205 *Report of Violation of Probation or Parole*.

IV. UP TO 9-MONTH PLACEMENTS

A. HOW UP TO 9-MONTH PLACEMENTS ARE ORDERED

1. Probationers –

- a. During the revocation process (46-18-203, MCA), the court may continue the suspended or deferred sentence with modified or additional terms and conditions, including placement in:
 - 1) a secure facility designated by the Department for up to 9 months; or
 - 2) a community corrections facility or program designated by the Department for up to 9 months, including but not limited to placement in a:
 - a) prerelease center
 - b) sanction or hold bed
 - c) enhanced supervision program
 - d) chemical dependency treatment program
 - e) 24/7 sobriety program
- b. Courts should be advised of this suggested wording for the court order:

“It is Ordered that Defendant’s previously imposed [suspended or deferred] sentence of _____ years is hereby reinstated and continued with the added condition that Defendant be placed into [a secure facility designated by the Department for up to 9 months] or [a community corrections facility or program designated by the Department for up to 9 months] pursuant to 46-18-203(7)(a)(ii), MCA.”
- c. If the court orders the offender to a secure facility, the offender may await their final placement in jail. The time spent in jail awaiting placement must count toward the 9-month period, and jail costs associated with these stays are the Department’s responsibility.
- d. Unless the court remands an offender to jail to wait for their placement, the offender must be released and wait for screening and placement while on community supervision.
 - 1) If the court does order an offender to jail to await a community corrections facility placement, the time spent in jail must count toward the 9-month period and the jail costs associated with the stay are the Department’s responsibility.
- e. If the offender is rejected by the needed program, the Supervising Officer should send a memo to the court outlining the screening results and presenting a recommendation for an alternate option.

2. Parolees –

- a. During the revocation process (46-23-1025, MCA), the Board of Pardons and Parole (BOPP), upon conclusion of a formal hearing may continue the parole with modified or additional terms and conditions, including placement in:
 - 1) a secure facility designated by the Department for up to 9 months; or
 - 2) a community corrections facility or program designated by the Department for up to 9 months, including but not limited to placement in a:
 - a) prerelease center
 - b) sanction or hold bed
 - c) enhanced supervision program
 - d) chemical dependency treatment program
 - e) 24/7 sobriety program

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- b. If the BOPP orders the offender to a secure facility, the offender may await their final placement in jail. Jail costs associated with these stays are the responsibility of the Department.
- c. Unless the BOPP remands an offender to jail to wait for their placement, the offender must be released and wait for screening and placement while on community supervision.
 - 1) If BOPP does order an offender to jail to await a community corrections facility placement, the time spent in jail must count toward the 9-month period and the jail costs associated with the stay are the responsibility of the Department.
- d. If the offender is rejected by the needed program, the Supervising Officer/IPPO should send a memo to the BOPP outlining the screening results and presenting a recommendation for an alternate option.

B. CALCULATING 9-MONTH PERIOD

1. The 9-month period is 270 calendar days, and offenders must be released on or before the 270th day.
 - a. For offenders placed in a combination of facilities, all days are applied to the 270 calendar days.
2. If an offender is remanded to jail following sentencing, the period starts on the first day of placement in jail.
3. If an offender is not remanded to jail following sentencing, the period starts on the first day of placement in a facility.

C. FACILITIES AVAILABLE FOR UP TO 9-MONTH PLACEMENTS

1. Facilities available for secure facility placements include MSP/MWP.
2. Community corrections facility placements include all prerelease and treatment facilities.
3. Assessment/sanction centers are not available except on a case-by-case-basis as determined by FPB.
4. Program availability is dependent on geographic location and program capacity/waiting lists. The screening process should follow *PFB 6.1.201 Placement Determination, Referral, and Screening*.
5. Referrals should clearly designate the following:
 - a. the offender's status as an up to 9-month placement
 - b. the offender's primary focus areas during their placement (for example, cognitive behavioral programming, employment, residence, SUD treatment)
 - c. the offender's Supervising Officer and contact information
 - d. the on-call contact information for the region where the offender originated
 - e. the start date of the 9-month period; if the starting date is undetermined, it is the responsibility of the P&P Officer to monitor and provide the starting date as soon as it is determined
6. The P&P Officer should coordinate with the facility and the Community Corrections Facilities and Programs Bureau to expedite screening and transport.

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D. MANAGEMENT OF OFFENDER’S CASE IN THE FACILITY DURING UP TO 9-MONTH PLACEMENTS:

1. In general, offenders in these placements are expected to follow the general rules and procedures of Probation and Parole and the facility.
2. Since the placement is a 9-month placement, the offender should complete a “traditional” program. However, if multiple placements are to occur during the 9-month period, each facility should be mindful of the timeframes while assisting the offender in completing the programs.
3. P&P Officers must request monthly updates during an offender’s placement at a facility. Facilities must follow *PFB 6.2.437 Lengths of Stay (LOS)* in regard to progress reporting.
4. An offender in an up to 9-month placement is eligible for administrative transfer to an assessment/sanction center for stabilization but is ineligible for transfer to a secure facility, and the time spent on administrative transfer status must count toward the 9-month period. See *PFB 6.1.202 Administrative Transfers*.
5. Hospital coverage and travel permit requirements apply based on the facility type in which the offender is located. See *PFB 6.2.433 Facility Offender Travel*.

E. HANDLING VIOLATIONS DURING UP TO 9-MONTH PLACEMENTS

(see also PFB 6.2.424 Disciplinary Process in Contract Facilities)

1. General Information

- a. The offender’s Supervising P&P Officer or FPB staff should be contacted by facility staff when there are any questions or issues that arise during an offender’s intervention or revocation referral placement.
- b. Offenders cannot be placed in jail without the Supervising P&P Officer’s authorization and following specific time limitations *(see PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release)*.
- c. Placement in another FPB facility pending hearing is not allowed unless that facility generally holds offenders on pre-hearing status.
- d. Outside of business hours, facility staff should contact the on-call Officer in the region where the offender originated, who will document the contact in OMIS and email the offender’s Officer of record and supervisors. Supervising P&P Officer will follow-up with facility staff the next working day. On-call contact numbers are as follows:
 - 1) Missoula Region: Missoula – 406-240-2031 and Butte – 406-491-1618
 - 2) Helena Region: Helena – 406-439-4861 and Bozeman – 406-580-0462
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 - 4) Billings Region: 406-860-0523
 - 5) Kalispell Region: 406-253-1876
 - 6) Havre Region: 406-879-9421
- e. Intervention or revocation referral offenders who leave the facility or attempt to leave without authorization from the facility or Probation and Parole are not considered escapees; however, the procedures specific to these offenders are outlined in III.F. in *PFB 6.2.422 RD Facility Escapes*.

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2. Probationers:

- a. Supervising P&P Officer will determine whether the violation will be addressed through an intervention hearing or whether it warrants the removal of the offender from the facility and a formal revocation based on information provided by the facility.
- b. If offender will be removed from the facility, offender is arrested pursuant to *PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release*. *PPD 6.4.205 (A) Report of Violation* is completed and submitted to the county attorney pursuant to the procedures of *PPD 6.4.205 Report of Violation of Probation or Parole*.

3. Parolees:

- a. Violations are addressed by a Hearings Officer through an initial on-site hearing following the procedures of *PPD 6.4.206 Probation and Parole Field Hearings*.
- b. If an intervention is determined to be appropriate, the hearing is converted to an intervention hearing.
- c. If offender will be removed from the facility, offender is arrested pursuant to *PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release*. *PPD 6.4.205 (A) Report of Violation* is completed and submitted to the Board of Pardons and Parole pursuant to the procedures of *PPD 6.4.205 Report of Violation of Probation or Parole*.

V. CLOSING:

Questions about this procedure should be directed to a Deputy Probation and Parole Chief, Probation and Parole Chief, or Community Corrections Facilities and Programs Chief.

VI. FORMS:

PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)
PPD 6.4.205 (A) Report of Violation