



**COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU
FACILITY OPERATIONAL REQUIREMENT**

Requirement:	PFB 6.2.490 TRANSITIONAL LIVING PROGRAM (TLP)
Chapter 6:	COMMUNITY PROGRAMS
Effective Date:	02/01/2024 Page 1 of 5
Last Revised:	
Reference(s):	PFB 6.2.422 RD ; PFB 6.2.424; PFB 6.2.433; PFB 6.2.437
Signature:	/s/ Scott Eychner, Community Corrections Facilities and Programs Chief

I. PURPOSE

Prerelease centers will provide a Transitional Living Program (TLP) for offenders. This program allows offenders the opportunity to safely integrate back into the community, assume increased personal responsibility, and ensure to the greatest extent possible, the safety and welfare of the community and prevention of recidivism.

II. DEFINITIONS

Department – The Montana Department of Corrections.

Facilities and Programs Contract Managers – The Department’s employees who act as the liaisons between the Department and FPB contract facilities regarding services and offender management. These employees also monitor compliance with the terms of contractual agreements between the Department and FPB contract facilities.

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

Transitional Living Program (TLP) – A non-residential program component of the established prerelease center program (PRC) whereby an offender resides in the community at an approved residence, completes a 24-hour itinerary, and reports to the PRC daily. These offenders are jointly monitored by PRC and Department personnel.

Transitional Living Program (TLP) Compliance Specialist – An employee of the Department assigned to facilitate the TLP. This employee also monitors compliance with requirements of the program and program outcome data.

III. PROCEDURES

A. Offender Eligibility Criteria

Participation in the TLP is voluntary and may not be required by a facility. An offender must meet the criteria below as well as any additional criteria defined by facility policy to be eligible for placement in the TLP. An offender must:

1. Have no federal, felony, or misdemeanor warrants or detainers that could increase custody level or show risk to public safety.

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2. If under Board of Pardons and Parole jurisdiction, have been granted parole upon completion of a prerelease program with no Board objection to TLP participation documented in the hearing disposition.
3. Have served at least 90 days, or 270 days if an extended stay resident, as a prerelease program resident at the time of application.
4. Have no positive drug tests within the 60 days prior to application.
5. Have at least 30 days of clear conduct without a major disciplinary infraction.
 - a. Exceptions may be approved on a case-by-case basis by either a Department Hearing Officer during a hearing process or by the TLP Compliance Specialist as requested by facility staff during the TLP review process.
6. Have started or completed all treatment and programming identified in the offender's case plan.
7. Be financially able to support themselves.
8. Have shown stability in employment for the 60 days prior to application, unless otherwise authorized by the TLP Compliance Specialist during the TLP review process.
9. Have or be allowed to have a cell phone.
10. Have a defined restitution payment plan and have been making consistent payments for at least 2 months prior to the application in accordance with the defined payment plan, unless otherwise approved by the facility and the Department.
11. If offender has SUD diagnosis, have an established recovery plan (for example, support groups, sponsor, outpatient treatment, peer mentor, etc.) and be actively participating in it.
12. Not be an up to 90-day placement.

B. Review and Approval Process

1. Requests for placement in TLPs are initiated by facility staff. The *PFB 6.2.490 (A) TLP Request for Placement (Request)* and *PFB 6.2.490 (B) TLP Offender Agreement* are completed by facility staff and the offender, as applicable.
2. Without regard to whether an offender has obtained a residence, the PRC Director or designee should review and forward approved *Request* to correquests@mt.gov for review by the TLP Compliance Specialist. Email subject line must read: *Facility, "TLP Requested," Offender Last Name, First Name*.
 - a. If the offender has a proposed residence at the time of the application, the PRC Director or designee will ensure the residence has been verified and that the property landlord/property owner/manager understands the offender's status.

3. Upon receipt of a *Request*, the TLP Compliance Specialist:
 - a. within 5 business days of receiving the *Request*:
 - 1) confirms offender eligibility for the program, including eligibility for conditional release or confirmation that BOPP has not objected to TLP placement;
 - 2) identifies any registered victims and completes notification processes; and
 - 3) contacts the local P&P office for review of the *Request*.
4. **Note:** If offender is denied approval for the TLP, there is no appeal process and the decision is not able to be grieved at any stage of denial in the process.
5. If the offender is approved for TLP and has an approved residence, the TLP Compliance Specialist will:
 - a. complete the *Request* and notify the facility; and
 - b. coordinate with the assigned P&P Officer and facility staff to set a transfer date for the offender, taking into consideration any necessary victim notification requirements.
6. If the offender is approved for TLP and does not have an approved residence, they are then authorized to seek a residence. When the offender has identified a residence, facility staff will notify the TLP Compliance Specialist and the local P&P designee. P&P will review the residence within 3 business days to determine if it is an acceptable residence. The final determination will be sent to facility staff and to the TLP Compliance Specialist and will be documented in OMIS.
 - a. Once the residence is approved, the TLP Compliance Specialist will:
 - 1) complete the *Request* and notify the facility and the assigned P&P Officer; and
 - 2) coordinate with the assigned P&P Officer and facility staff to set a transfer date for the offender, taking into consideration any necessary victim notification requirements.
7. Local law enforcement will be notified of the offender's participation in the program if required by Montana statutes related to sexual or violent offender registration.

C. Program Requirements

1. All proposed visitors will be reviewed and approved by the offender's Case Manager or designee. Other PRC residents will not be approved as visitors unless authorized by the PRC. Visitors under P&P supervision, or having extensive criminal histories, will not be approved to visit the offender unless authorized by the Department.
2. Residence requirements:
 - a. Pets will not be allowed at the residence without prior approval.
 - b. The offender cannot be the sole adult residing in the residence when children also live in the residence.
 - c. The offender cannot have security cameras at the residence except by prior approval by the Department.
3. Conditions of the TLP are as follows:
 - a. The program will be up to 60 days in length, unless otherwise specified by the Department during the review process or based on circumstances arising during the 60-day period.

- b. The offender shall complete a weekly schedule with the facility, and all proposed changes must be reviewed and approved by the offender's Case Manager or their designee.
 - c. New prescribed medications shall be reported to the offender's Case Manager or their designee.
 - d. A minimum of four random drug tests shall be completed per month by facility staff. At least one of the drug tests shall be on either Saturday or Sunday.
 - e. The offender shall complete a daily in-person check-in. Check-ins shall be scheduled and shall not interfere with the offender's work, treatment, or programming schedule. Offenders shall be provided an advance schedule of check-ins, which must be signed or initialed by the offender prior to the start of the schedule. The schedule must contain a statement of acknowledgement that failure to check in according to the schedule may be considered an escape. Check-ins shall be available after 5 p.m.
 - f. A minimum of one 30-minute case management meeting per week with facility staff is required. This is an in-person requirement that may be conducted in the community or at the PRC. This meeting shall not interfere with the offender's work, treatment, or programming schedule.
 - g. A minimum of two collateral contacts must be completed per month by facility staff. This must be with a non-PRC staff member and may include treatment/programming providers, employers, sponsors, family members, etc.
 - h. A minimum of four community spot checks shall be completed per month by facility staff. These may be telephone spot checks with video call verification of location.
 - i. A minimum of two home visits shall be completed by P&P during the up to 60-day program. The offender must be present at the time of the visit. After each home visit, P&P shall notify PRC staff of the home visit and summarize what occurred during the visit.
 - j. All services shall be documented by the service provider in a format available to the Department upon request. The Department shall make OMIS access available for eligible users upon request from the facility.
 - k. Full-time employment and/or educational programming will be maintained and verification by facility staff will be required.
 - 1) Offenders who report to their employer that they are not able to work due to illness must notify their Case Manager or their designee and must follow program requirements of the PRC.
 - l. Court-ordered conditions will be met.
 - m. The facility will continue to provide financial budget planning.
 - n. Community service work may be required.
 - o. All offender travel is subject to the requirements of *PFB 6.2.433 Facility Offender Travel*.
4. Home visits by PRC staff:
- a. All home visits by PRC staff should be scheduled with the offender.
 - b. PRC staff may only conduct unscheduled home visits due to concerns; P&P shall be contacted in advance to assist.
5. Home searches:
- a. PRC staff may not conduct home searches of offenders in the program.

- b. If a violation is suspected and a search of the offender's home is necessary, PRC staff must call the P&P designee during business hours or the P&P on-call after business hours to staff the situation. Any approved home search must be conducted by P&P staff and/or their designee.
6. Progress/Summary Reports shall be submitted in accordance with *PFB 6.2.437 Lengths of Stay (LOS)*.

D. Handling of Disciplinary Issues

1. PRC staff does not have the authority take an offender in the program into custody (either a return to the facility or placement in jail) unless at least one of the following circumstances is present:
 - a. Voluntary return to the facility by the offender
 - b. New crime
 - c. Unauthorized visitors/cohabitants
 - d. Positive drug/alcohol test
 - e. Presence of alcohol/drug paraphernalia
 - f. Unauthorized victim contact
 - g. Failure to attend required treatment
 - h. Other circumstances as approved by the Department
2. An offender in the program may be placed in jail using a P&P warrant only with prior authorization from P&P.
3. If, in the event of alleged violations, an offender is:
 - a. returned to the facility, the following must occur:
 - 1) notification to FPB at correquests@mt.gov within 6 hours; and
 - 2) initiation of the disciplinary process as outlined in *PFB 6.2.424 Disciplinary Process in Contract Facilities* within 48 hours; or
 - b. placed in jail, initiation of the disciplinary process as outlined in *PFB 6.2.424 Disciplinary Process in Contract Facilities* must occur within 48 hours.
4. PRC staff does not have the authority to enter a private residence without invitation and does not have the authority to search a residence.

E. Escape Processing

1. Escape processing will be initiated when the offender has missed a scheduled check-in and all reasonable attempts to locate/contact have been made. See the *PFB 6.2.422 RD Facility Escapes* procedure.

IV. CLOSING

Questions concerning this facility operational requirement should be directed to the Contract Manager or the Community Corrections Facilities and Programs Bureau Chief.