



PROBATION AND PAROLE OPERATIONAL PROCEDURE

Policy:	PPD 4.6.300 DOC COMMITMENTS
Effective Date:	01/09/2017 Page 1 of 5 with attachment
Revision Date(s):	10/24/2017; 02/27/2019; 03/25/2019; 06/15/2020; 04/01/2021; 08/16/2021; 11/01/2024
Signature/Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Probation and Parole employees and authorized Department staff will follow this procedure for the placement of felony offenders committed to the Department by a District Court.

II. DEFINITIONS:

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

DOC Commitment – A commitment by the District Court of an adult offender or criminally convicted youth to the authority of the Department for the determination of offender's appropriate placement; or the Court may require the offender be released to community supervision upon sentencing or disposition. 46-18-201, MCA.

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.

Self-Surrender – Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved Facility and Programs Bureau facility and is waiting for an available bed in the facility. The offender must meet established criteria and remains in the custody and control of Probation and Parole.

Victim – The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

III. PROCEDURES:

A. YOUTH OFFENDERS:

1. When an offender under the age of 18 has been committed to the Department, the requirements of *DOC 4.6.9 Placement and Reporting of Youth with Adult Sentences* are followed for the offender's placement, transfer and removal, and reporting requirements for criminally convicted youth.
2. Supervising P&P Officers and facility case managers will complete the required *PPD 4.6.300 (Attachment) Report for Criminally Convicted Youth* every 6 months until the youth's 21st birthday and submit the *Report* appropriately.

B. ADULT OFFENDERS:

1. If an offender sentenced as a DOC commitment has pending charges elsewhere, officers should verify status of plea agreement in the pending case prior to screening. If plea agreement is not for secure placement, officer should proceed with screening.
2. Adult offenders sentenced to the Department (DOC commits) will be immediately placed in

- the county jail except under the following circumstances:
- a. offender was court-ordered to be released to community supervision upon sentencing or disposition (DOC Probation);
 - b. offender is placed on self-surrender status (see *PPD 4.6.301 Offender Self-Surrender*); or offender's sentence has been stayed pending placement.
3. DOC Probationer: An offender sentenced to the Department and court-ordered to be released to community supervision upon sentencing or disposition. Any subsequent violation must be addressed as provided in 46-23-1011 through 46-23-1015, MCA; therefore, the following apply to a DOC Probationer:
- a. applicable jail credit;
 - b. signed-up to probation conditions of supervision;
 - c. modifications to supervision conditions must go through the county attorney;
 - d. *PPD 6.4.102 (A) Authorization to Pick Up and Hold Probationer* is used for arrest;
 - e. subject to *PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole*;
 - f. a *PPD 6.4.205 (A) Report of Violation* is filed with the court for revocation purposes; and
 - g. designated as "DOC Probation" in Commit Status in the offender management system.
4. Offenders in jail will be placed as outlined in the attachment below.
5. When a secure placement has been deemed necessary, the requirements of *PPD 4.6.202 Secure Placements* are followed.
6. P&P Officer or designee will ensure the following offender information is available in the offender management system:
- a. *PPD 1.5.200 (B) Presentence Investigation Report*;
 - b. Certified judgment or *PPD 4.6.300 (B) Verification of Commitment* (contact icorlegal@mt.gov for status of signed judgment);
 - c. *PPD 6.4.205 (A) Report of Violation* (if applicable); and
 - d. current photograph, if available.
7. Once placement has been determined, but prior to placement:
- a. The P&P Officer will complete *PPD 4.6.300 (A) Notification and Placement Warrant (NPW)* and submit it to the Captain or designee for approval and signature within 5 working days. Upon approval and signature, the Captain or designee will upload it into offender's record in the offender management system, and forward it to:
 - 1) the detention facility housing the offender; and
 - 2) the specific email distribution group given on the bottom of the form.
 - b. If a movement of the offender is required to allow for space, further screening, or other reason as deemed appropriate by the Department, the P&P Officer or authorized Department staff will complete the *NPW* and forward it to:
 - 1) the detention facility housing the offender;
 - 2) the specific email distribution group given on the bottom of the form; and
 - 3) the assigned Officer.
 - c. Authorized Department staff may complete NPWs to facilitate offender placement.
 - d. If the placement determined appropriate is different than the court's recommendation, *PPD 4.6.300 (E) DOC Commitment Pending Placement Notice* must be completed and submitted as follows within 5 working days of the acceptance of the offender by a facility screening committee, or when a secure placement has been determined appropriate and approved:
 - 1) by the P&P Officer/PSI Writer or authorized Department staff for an offender approved for a direct placement in a treatment facility, prerelease center, or conditional release after acceptance, or after a secure placement has been approved when applicable.
 - a) Officer emails the completed *PPD 4.6.300 (E) DOC Commitment Pending Placement Notice* to CORAO@mt.gov.

- b) The Administrative Assistant will forward the notice to the P&P Bureau Chief or designee for electronic signature.
- c) P&P Bureau Chief or designee will forward the signed form to the Clerk of Court with a copy to the sentencing judge and CORAO@mt.gov.
- d) The Administrative Assistant will retain the form in the offender's record in the offender management system.

OR

- 2) by assessment/sanction center staff for an offender placed in the center for assessment and evaluation and approved for placement in a treatment facility, prerelease center, or conditional release after acceptance, or after a secure placement has been approved when applicable.
 - a) Staff emails the completed *PPD 4.6.300 (E) DOC Commitment Pending Placement Notice* to CORAO@mt.gov.
 - b) The Administrative Assistant will forward the *Notice* to the Facilities and Programs Bureau Chief or designee for electronic signature.
 - c) The Facilities and Programs Bureau Chief or designee will forward the signed form to the Clerk of Court with a copy to the sentencing judge and CORAO@mt.gov.
 - d) The Administrative Assistant will retain the form in the offender's record in the offender management system.
- 3) If the placement decision changes after a *PPD 4.6.300 (E) DOC Commitment Pending Placement Notice* has been submitted due to a disciplinary issue, an offender sign-out, or other circumstances, and prior to the offender's placement, the original *Notice* will be updated to explain the reason for the change in placement and sent to CORAO@mt.gov to be forwarded to the appropriate Bureau Chief or designee.
- e. Chronological entries will be made noting the *PPD 4.6.300 (A) Notification and Placement Warrant* and the *PPD 4.6.300 (E) DOC Commitment Pending Placement Notice* have been completed and submitted.

IV. REFERENCES

A. 2-15-112, MCA; 41-5-206, MCA; 41-5-2503, MCA; 41-5-2510, MCA; 45-5-104, MCA; 46-18-201, MCA; 46-23-502, MCA; 46-23-1004, MCA; 46-23-1023, MCA; 46-23-1115, MCA; 46-24-203, MCA; 53-1-201, MCA; 61-8-731, MCA.

V. CLOSING:

Questions about this procedure should be directed to the Captain, Probation and Parole Bureau Chief, Facilities and Programs Bureau Chief, or designees.

VI. FORMS:

PPD 4.6.300 (A) Notification and Placement Warrant
PPD 4.6.300 (B) Verification of Commitment
PPD 4.6.300 (C) Offender Sentences and Placement Options
PPD 4.6.300 (D) Where Files Go
PPD 4.6.300 (E) DOC Commitment Pending Placement Notice

VII. ATTACHMENTS:

PFB 6.1.201 Attachment: DOC Placement Directive

ATTACHMENT: DOC PLACEMENT DIRECTIVE



Greg Gianforte, Governor | Brian M. Gootkin, Director

TO: Probation and Parole Staff
Programs and Facilities Bureau Staff
The Court Administrator and Judicial Branch
All County Attorneys
All Public Defenders and Defense Attorneys
Community Corrections Providers

FROM: Brian Gootkin, Director, Department of Corrections

DATE: June 30, 2021

RE: HB 2: Offender Prescreening and Placement

As directed by HB 2, effective July 1, 2021:

- Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment.
 - Per HB 2: “Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered.”
- When a PSI is ordered and there is a plea agreement for a DOC commitment, Probation and Parole staff will provide a placement recommendation to the Court that is based on the risk/needs evaluation (assessment) of the offender using the guide provided on page 2 of this memo.
- When determining placement of an offender already on supervision or in cases where no PSI was ordered, DOC staff will do so based on a risk/needs assessment and using the guide provided on page 2 of this memo.
- In placing offenders in treatment facilities, DOC staff shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender’s treatment dosage and needs. Clinical Substance Use Disorder (SUD) evaluations are no longer required by the DOC before placement in a treatment facility.
 - Treatment facilities will conduct SUD evaluations upon offender arrival at the facility and treatment and programming will be delivered according to the dosage indicated.
 - If the Court orders an SUD evaluation as part of the PSI process, the evaluation will be completed; however, it is not necessary for screening.

DOC Placement Determination Guidance, per HB 2 (2021):

If the Court recommended a placement in an original sentence or revocation sentence, follow the recommendation. If the DOC is unable to follow the recommendation, DOC will document the reason and provide notification to the Court of the reason within 40 days, as required by SB 47.

If Court didn't recommend a placement:

- If low risk*, community supervision placement UNLESS offender:
 - Is homeless,
 - Has a recent history of behavior that indicates a need for greater structure,
 - Was convicted of an offense that has a statutory requirement for placement,
 - The offense/violation represents a repeating offense pattern (i.e. repeated DUIs or multiple instances of domestic violence/violations of protective orders),
 - Has a victim under 12, or
 - Has a victim who died as the result of an offense.
- If moderate risk*, a facility placement (treatment only or prerelease center only) or combination of placements (treatment + prerelease center) may be appropriate if a higher level of structure is indicated by:
 - Offense history,
 - Placement/treatment** history,
 - Offender non-compliance on supervision,
 - Sustained drug use in the community despite interventions, and
 - Severity of the offense.
- If medium or high risk* on the WRNA or high or very high risk* on the MORRA, a facility placement or combination of placements** is required. If no facility will accept the offender, the DOC will document the instance and determine the most appropriate alternative placement to address the offender's risk/needs while maintaining public safety; the placement will likely be prison. In rare circumstances, a recommendation might include community placement in a structured setting such as treatment court, ISP, etc. based on an offender's particular circumstances.

*use the MORRA and WRNA. For sex offenders (SO), a SO-specific risk assessment, along with the MORRA or WRNA, will be used. Placement will be based on whichever assessment risk score is higher. The MORRA and WRNA risk levels are as follows:

MORRA	WRNA
Low	Low
Moderate	Moderate
High	Medium
Very High	High

**if offender need for substance use treatment is indicated, placement should be at a shorter-length program (90-days) if the offender has no prior residential treatment placements. If offender need for substance use treatment is indicated and the offender has previously been to a residential treatment placement, the offender will be considered for the 9-month treatment placement