



**DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE DIVISION
OPERATIONAL PROCEDURE**

Procedure:	PPD 4.6.301 OFFENDER SELF-SURRENDER
Effective Date:	12/19/2016 Page 1 of 3
Revision Date(s):	10/24/2017; 04/23/2018; 02/27/2019; 10/21/2019
Reference(s):	PPD 4.6.202; PPD 4.6.300; PPD 6.3.201; PPD 6.4.102; PPD 6.4.206
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will follow established procedures for offenders on self-surrender status.

II. DEFINITIONS:

Absconding – When an offender deliberately makes the offender’s whereabouts unknown to a probation and parole officer or fails to report for the purposes of avoiding supervision and reasonable efforts by the probation and parole officer to locate the offender have been unsuccessful.

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

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

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices and interstate transfers.

Registered Victim – A person registered with an automated notification system (e.g., VINE) used by the Department and/or who is identified in OMIS as registered with the Department to receive location and custody status updates about adult offenders under Department supervision.

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

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system which provides location and custody status updates about adult offenders under Department supervision.

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. GENERAL REQUIREMENTS:**

1. An incarcerated DOC commitment who has a pending conditional release request or who has been approved for placement in an approved PFB facility may be placed on self-surrender status if it is determined appropriate upon staffing with the Deputy Chief (DC) or designee and the offender meets the following criteria:
 - a. low risk on appropriate risk assessment;
 - b. moderate risk on appropriate risk assessment with P&P Bureau Chief approval;
 - c. no history of escape, bail jumping, or absconding;
 - d. first time as DOC commitment or significant period of time between previous convictions;
 - e. if history of PFMA, residence approved by supervising Probation & Parole (P&P) Officer;
 - f. has the means to self-pay for 24/7 and/or GPS monitoring if determined to be necessary;
 - g. has the means to report to supervising P&P Officer and travel to the PFB facility (when applicable);
 - h. has a stable residence; and
 - i. agrees to possible curfew, if imposed.
2. OMIS chronological entry is made to document staffing and offender's eligibility.
3. Once the determination for self-surrender has been made, Offender will be assigned a supervising P&P Officer who will:
 - a. when applicable, make notification to registered victims and provide the following information, and document that notification was made:
 - 1) change in offender's location and/or custody status;
 - 2) date of self-surrender;
 - 3) community in which the offender will reside;
 - 4) conditions of self-surrender; and
 - 5) victim has opportunity to respond within five (5) calendar days with written or oral input. Provide the name of the P&P Officer to whom the victim should respond, including Officer's address and phone number.
 - b. complete *PPD 4.6.302(A) Notification and Placement Warrant* within five (5) working days and forward it to:
 - 1) the specific email distribution group given on the bottom of the form; and
 - 2) the detention facility housing the offender, including a completed *PPD 6.4.102(D) Authorization to Release Offender*.
 - c. provide the offender a date to report to the Officer; and
 - d. create an offender file with all relevant documents and forward it to the appropriate location (see *PPD 4.6.300(D) Where Files Go* for offenders going to a PFB facility).
4. Unless a date is specified in court, the designated facility should notify the offender waiting for an available bed, and the supervising P&P Officer, the date and where the offender is to surrender for service of the sentence.

B. SUPERVISION OF OFFENDER:

1. Offender will report to the supervising P&P Officer as directed.

2. P&P Officer will follow the procedures of *PPD 6.3.201 Administrative and Sign-Up Procedures for Adult Community Supervision*.
 - a. Standard and special conditions of supervision will reflect court-ordered conditions;
 - b. When applicable, condition of reporting to the specified facility on the specified date (if given) will be added;
 - c. Special conditions may include a 24/7 program, GPS monitoring, or enhanced supervision services if available. If services are not available, P&P Officer will staff with supervisor to determine continued, regular drug testing of offender.
 - d. Offender will complete all applicable sign-up forms.
3. Offender must agree to abide by all conditions of the self-surrender.
4. P&P Officer will provide a travel permit for offender to travel to the facility when applicable.
5. Upon approval of conditional release request, procedures of *PPD 4.6.302 Conditional Release of DOC Commitment* will be followed for offender's release and sign-up to conditional release.
6. If the offender violates the conditions of supervision prior to placement, a Disciplinary hearing is held pursuant to *PPD 6.4.206 Adult Probation & Parole Field Hearings* to determine whether the self-surrender will be revoked:
 - a. Offender may be placed in jail and:
 - 1) a pending request for conditional release may be rescinded and new placement determined; or
 - 2) offender remains in jail pending bed date at facility.
 - b. Offender may be sent to Montana State Prison/Montana Women's Prison following the procedures of *PPD 4.6.202 Secure Placements*.
 - c. Offender unaccounted for will be considered an absconder and appropriate procedures of *PPD 6.3.413 RD Offender Absconding* are followed.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or Probation & Parole Bureau Chief.