



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 4.6.302 CONDITIONAL RELEASE OF DOC COMMITMENT
Effective Date:	01/09/2017 Page 1 of 10
Revision Date(s):	10/24/2017; 02/27/2019; 03/25/2019; 06/15/2020; 08/16/2021; 09/15/2022
Reference(s):	PPD 4.6.300; PPD 4.6.301; DOC 1.5.11; DOC 1.8.1; DOC 4.6.3; 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
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Probation and Parole staff will follow established procedures for the appropriate release of felony offenders committed to the Department of Corrections by a District Court.

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.

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.

DOC Commitment (DOC Commit) – 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

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

Registered Victim – A person registered with an automated notification system (for example, 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.

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.

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. ELIGIBILITY FOR CONDITIONAL RELEASE:

A. DOC COMMITMENTS (“DOC Commits”):

1. DOC commits ordered by the court to be released to community supervision upon sentencing or disposition are on DOC probation status, not on conditional release status.
2. DOC commits completing a placement in an FPB facility may be released to P&P supervision on CR status following directions in this operational procedure.
 - a. Offender should have at least 30 days of clear conduct without a major disciplinary infraction; however, this may be waived on a case-by-case basis.
 - b. DOC commits who will be conditionally released directly from the Connections Corrections Program (CCP) or Passages Alcohol and Drug Treatment (ADT) program must have the CR approved prior to their placement at CCP or ADT.
3. DOC commits who were sent to prison through *PPD 4.6.202 Secure Placements* are under the Board of Pardons and Parole jurisdiction and not eligible for a CR.

B. CONDITIONAL RELEASE OFFENDER WITH NEW FELONY CONVICTION:

1. A CR offender who is convicted of a new felony may:
 - a. be placed in an appropriate FPB program/facility in accordance with the *DOC Placement Directive Attachment 1*; or
 - b. receive a secure placement through the procedures of *PPD 4.6.202 Secure Placements*:
 - 1) the supervising P&P Officer must staff the case with the Deputy Chief (DC); and
 - 2) the offender will be under the Board of Pardons and Parole jurisdiction and not eligible for a CR.
2. Cases involving juvenile offenders will be staffed with the Community Corrections Facilities and Programs Bureau (FPB).

IV. CONDITIONAL RELEASES:

A. REQUEST FOR CONDITIONAL RELEASE:

1. **General Requirements:**
 - a. If the DOC commit has a registered victim, the CR plan cannot be approved any sooner than five (5) calendar days after victim notification is made.
 - b. A request for CR may be submitted as soon as the DOC commit’s plan has been identified and verified and there is an estimated program completion date, but at least 45 days prior to the estimated program completion date.
 - c. The person referring an offender for CR must ensure that all documents needed for a complete review of the offender’s case, including the most current assessment results, have been uploaded into OMIS.
 - 1) Note: If “Assessment/Progress Information” results from the *PPD 4.6.302 (A) Request for Conditional Release (“Request”)* form are not uploaded in OMIS, they need to be attached to the *Request*.
 - d. Entries into the offender’s chronological history should be made continually noting the progression of the CR request.

2. **NCIC/CJIN Check:** An NCIC/CJIN is completed as follows to confirm there are no outstanding detainers or warrants on eligible offender and results are given in Section E on the *Request*:
 - a. *For offender not in an FPB facility:* The supervising P&P Officer.
 - b. *For offender in an FPB facility:* The nearest regional P&P office noted below when requested by the referring facility staff:
 - 1) Missoula Region
 - 2) Helena Region
 - 3) Great Falls Region
 - 4) Billings Region
 - 5) Kalispell Region
 - 6) Havre Region
3. **Victim Notifications:**
 - a. The person making notification to victims will provide the following information and document that notification was made:
 - 1) change in offender's location and/or custody status;
 - 2) date of conditional release;
 - 3) community in which the offender will reside; and
 - 4) the name of the P&P Officer to whom the victim should respond, including Officer's address and phone number.
 - a) Note: Victim should be given at least 10 calendar days to respond with written or oral input.
 - b. **The Victim portion of Section F. Placement Investigation must be completed** on the *Request*.
 - c. **Section H.** of the *Request* – Deputy Chief will review if victim input was noted in Section F.
4. **Submission of Request:** When a *Request* is submitted as a WORD document to the corcondrel@mt.gov email address, the email subject line must read as follows: **"Offender last name, first name, DOC No., CR"**.
 - a. The receiving office will note the assignment of the *Request* in OMIS and will notify the referring source of the name of the individual to whom the investigation was assigned.
 - b. The referring source may contact corcondrel@mt.gov for information after initial submission of the *Request*.

B. PROCEDURES AND RESPONSIBILITIES FOR CR:

1. **CR Request for DOC Commit Seeking Interstate Transfer:** An offender seeking a conditional release may request to relocate to another state to reside and work by following the procedures of *PPD 6.1.802 Adult Interstate Commission Procedures*.
 - a. The referring IPPO, P&P Officer, or facility staff completes Sections A-E of *the Request*.
 - 1) If the offender is in an FPB facility, the referring IPPO or facility staff should begin the CR and interstate transfer process at least 120 days prior to the date of release.
 - 2) Other documents that are required depend on the offender's location (see #2-4 below).
 - b. The IPPO or P&P Officer will make victim notifications providing the information given in IV.A.3. and complete the Victim portion of Section F. on the *Request*. Any victim response will be documented and provided with the *Request* when submitting it for final review.
 - c. **Placement investigation is not required;** therefore, the referring source will email the *Request* and other necessary documents as a WORD document to the DC or designee and to corcondrel@mt.gov to begin the final review process.

- d. Following final reviews and upon receiving an approved and signed *Request*, the referring source will complete the CR pursuant to IV.F. below and send the *Request* to the Interstate Compact Section.
- e. The Interstate Compact Section will process the transfer request upon receiving the approved and signed *Request*.

2. CR Request for DOC Commit in Jail or Community:

- a. The supervising P&P Officer or PSI Writer completes Sections A-E of the *Request* and staffs the case with DC/POII.
- b. If decision is to proceed with CR, use appropriate email subject line and email *Request* as a WORD document to all POIIs in the P&P office that will be supervising the offender for a placement investigation and to corcondrel@mt.gov. See IV.B.1. above for procedures for interstate offender.
- c. Send offender's field file to appropriate P&P office.
- d. Following final reviews and upon receiving an approved and signed *Request*, the supervising P&P Officer completes release and sign-up procedures in IV.F. below.

3. Request for Direct CR from MASC/Pine Hills:

- a. IPPO or facility staff completes Sections A-E of the *Request* and submits the *Request* and other necessary documents, if applicable, to the facility administrator or designee for review and authorizing signature in Section H.
- b. Using appropriate email subject line, email *Request* and attached documents as a WORD document to all POIIs in the P&P office that will be supervising the offender for a placement investigation and to corcondrel@mt.gov. See IV.B.1. above for procedures for interstate offender.
- c. Send offender's field file to appropriate P&P office.
- d. Following final reviews and upon receiving an approved and signed *Request*, the IPPO completes release and sign-up procedures in IV.F. below.

4. CR Request for DOC Commit from other FPB Contract Facility:

- a. The referring source completes Sections A-D of the *Request*.
- b. Using appropriate email subject line, email *Request* and other necessary documents as a WORD document to all POIIs in the P&P office that will be supervising the offender for a placement investigation and to corcondrel@mt.gov. See IV.B.1. above for procedures for interstate offender.
- c. Send offender's field file to appropriate P&P office.
- d. Following final reviews and upon receiving an approved and signed *Request*, the IPPO or P&P Officer completes release and sign-up procedures in IV.F. below.

C. PLACEMENT INVESTIGATION:

1. When the *Request* and all attached documents are received by the POIIs in the P&P office that will be supervising the offender, a POII will:
 - a. make and document victim notifications providing information given in IV.A.3., asking victim to provide any response within 10 calendar days; and
 - b. assign a P&P Officer to complete the placement investigation and make a chronological entry into offender's OMIS record noting assignment.

2. Investigation will be completed within 15 business days of assignment. If offender is a sexual or violent offender or other extenuating circumstances exist and additional time is needed, the DC or designee may approve an extension.
3. Within the first five (5) business days after assignment, investigating P&P Officer will schedule a case planning team meeting with offender's case manager or IPPO and the offender to discuss offender's release plan, goals, and continuum of care for the offender. The meeting will be face-to-face if facility is in the P&P Officer's city, otherwise meeting will occur by phone or by electronic means.
4. The case planning team will complete Section F. Placement Investigation of *Request*:
 - a. review Section C. Conditional Release Plan of *Request*;
 - b. summarize conditional release plan and offender's performance in the program, including challenges and strengths;
 - c. note if there are registered victims and if victim response was provided; and
 - d. review and complete Offender Case Plan and Recovery Plan with offender (what is left to accomplish and what assistance is needed, including referral for services).
5. P&P Officer will staff with supervisor when the Officer believes the release plan is inappropriate. Officer should continue to work with case manager or IPPO and offender to identify an alternate release plan.
6. P&P Officer will provide final recommended special conditions of the CR in Section G. on the *Request*; conditions must have a nexus to high-risk assessment domains and/or must be relevant to victim concerns.
7. The *Request* and attached documents are forwarded as a WORD document to DC or designee and to corcondrel@mt.gov to begin the final review process.

D. FINAL REVIEWS OF CONDITIONAL RELEASE REQUEST:

1. During the final review process, the approval or denial of the CR plan is noted at each review.
2. The Public Safety Chief or designee may deny the CR request and provide the appropriate placement of the offender.
3. The *Request* will be forwarded as follows to the next step in the review process unless a CR plan requires modification:
 - a. Deputy Chief ("DC") or designee will review the *Request* for completeness and victim input if noted. After review and signature in Section H., the DC or designee will email the *Request* and attached documents to corcondrel@mt.gov.
 - b. If interstate offender, DC or designee will forward the *Request* and attached documents to the Compact Administrator or designee for review to be completed within 10 business days. Compact Administrator or designee will return the *Request* by email to corcondrel@mt.gov.
 - c. The *Request* and attached documents will be forwarded to the respective Bureau Chief or designee for a review to be completed within 10 business days. Bureau Chief or designee

will return the *Request* by email to corcondrel@mt.gov. This will be the final review for non-sexual or non-violent offenders.

- d. For all DOC commit offenders whose current sentence is for a registerable sexual/violent offense, the *Request* and attached documents will be forwarded to corcondrel@mt.gov for the Public Safety Chief or designee to complete a final review within 10 business days. Public Safety Chief or designee will return the *Request* by email to corcondrel@mt.gov.
 - e. The *Request* and attachments will be forwarded to the referring IPPO, ISP or P&P Officer, and/or facility staff, and the Interstate Compact Section when applicable.
4. **CR Plan Denied – Return for Modification:** When the reviewer requires the CR plan be modified, the reviewer will return the *Request* to the referring IPPO, ISP or P&P Officer, or facility staff and corcondrel@mt.gov with directions for plan modification.
- a. The CR plan will be modified on the *Request* by the referring source and an OMIS chronological note regarding the reasons for the revision is made:
 - 1) as applicable, victim notification is required if the changes affect information provided in earlier notification. The referring IPPO or P&P Officer will document notification and show notification date on the *Request*. Any victim response will be documented and provided with the *Request*; and
 - 2) the *Request* is resubmitted to the reviewer requiring the modification and to corcondrel@mt.gov.
 - b. Reviewer will email the *Request* and attached documents to corcondrel@mt.gov if CR plan is approved and the final review process will continue as outlined in IV.D.3. above.

E. CHANGES TO CR PLAN AFTER CR APPROVAL AND PRIOR TO OFFENDER'S RELEASE:

1. The original CR plan may be revised after a CR has been approved by the referring IPPO, P&P Officer, or facility staff if offender's release location changes to a different community or if there is a need to change offender's CR conditions.
 - a. The *Request* is revised by adding the new details.
 - b. If the offender's release is to another community:
 - 1) a placement investigation is completed by the P&P office in the new community;
 - 2) as applicable, victim notification is required if the changes affect information provided in earlier notification. The referring IPPO or P&P Officer will document notification and show notification date on the *Request*. Any victim response will be documented and provided with the *Request* when submitting it for final review;
 - c. OMIS chronological note is made describing the change; and
 - d. Using appropriate email subject line, *Request* and attached documents are emailed to corcondrel@mt.gov by the referring IPPO, P&P Officer, or facility staff with directions about changes in approved CR plan.
2. The *Request* and attached documents will be forwarded as follows:
 - a. change to release location: to the DC to start the final review process as outlined in IV.D.3. above; or
 - b. change in conditions only: to the Bureau Chief or designee for review and signature.
3. Once *Request* and attached documents are returned by the Bureau Chief or designee to corcondrel@mt.gov, they are then forwarded to the referring IPPO, P&P Officer, or facility staff, and the Interstate Compact Section for offenders requesting an interstate transfer.

4. Upon receiving an approved revised *Request* and prior to release, the IPPO or P&P Officer completes release and sign-up procedures in IV.F. below.

F. RELEASE AND SIGN-UP TO CR:

1. When approved CR is received by the referring IPPO, P&P Officer, or facility staff, coordinate the date of release and/or reporting/travel instructions and any aftercare referrals with supervising P&P Officer and case manager/facility staff.
2. Prior to release, the referring IPPO or P&P Officer will complete *PPD 4.6.302 (C&D) Conditions of Conditional Release* and other sign-up procedures pursuant to *PPD 6.3.201 Administrative and Sign-Up Procedures for Community Supervision*.
 - a. The supervising P&P Officer will complete the sign-up.
 - 1) For offenders being released to the same community, the sign-up should be completed at the facility or P&P office.
 - 2) For offenders being released to a different community, PRIOR to leaving the program the offender must be signed to conditions. Sign-up to conditions can occur by phone or by electronic means. The supervising P&P Officer will email the conditions to the referring staff and then review the conditions with the offender. The offender will sign the *Conditions* form and the referring staff will email the signed form back to the supervising P&P Officer.
 - b. P&P Officer will email facility with reporting instructions and detailed travel information.
3. Facility staff will ensure the following when releasing the offender from a facility:
 - a. a check for the balance in offender's facility account will be available for offender upon release; and
 - b. a temporary supply of critical prescription medication will be provided on a case-by-case basis.
4. Financial assistance may be requested on behalf of the CR offender by using the following forms:
 - a. By the referring IPPO, P&P Officer, or facility staff: *PFB 6.1.204 (A) Transitional Assistance/Rental Voucher Request* is emailed to correquests@mt.gov. Email subject line must read: Facility name/P&P, Transitional Assistance, offender last name, first name, DOC #.
 - b. By the referring ISP or P&P Officer: *PPD 6.3.402 (A) Supervision Fee Expenditure Request* is submitted to the DC.
5. Upon release, supervising P&P Officer or the Interstate Compact Section will update the offender's OMIS Location and Status.
6. Consecutive DOC Commits: If an offender on conditional release discharges one DOC sentence and begins a consecutive sentence while on conditional release, the P&P Officer will review the conditions of the consecutive sentence and create a new and separate set of conditions.

G. CR DISCHARGES:

1. The MSP or MWP Records Department will notify the P&P offices of upcoming discharges by emailing a copy of the Discharge List each month. All P&P Officers are responsible for reviewing

this list to determine if an offender on conditional release has an upcoming discharge date. If offender is flat discharging, P&P Officer will:

- a. make notification 10 calendar days prior to discharge to registered victim and provide the following information:
 - 1) change in location and custody status;
 - 2) date of discharge; and
 - 3) community in which the offender will reside; and
 - b. discharge offender accordingly.
2. The Records Department will forward a *Discharge Certificate* to the supervising Officer to provide to offenders who are flat discharging.
 3. When there is probation time to follow after an offender's CR expires or a custody term is discharged, the offender will be signed to new probation conditions and other sign-up procedures pursuant to *PPD 6.3.201 Administrative and Sign-Up Procedures for Community Supervision*.

V. CLOSING:

Questions concerning this procedure should be directed to the Deputy Chief, Probation and Parole Chief, Community Corrections Facilities and Programs Bureau Chief, Facility Administrator, or designees.

VI. FORMS:

PPD 4.6.302 (A) Request for Conditional Release
PPD 4.6.302 (C&D) Conditions of Conditional Release
PPD 4.6.302 (E) Prerelease Liaison Conditional Release Procedures and Checklist

VII. PROCEDURAL ATTACHMENTS:

PPD 4.6.302 DOC Placement Directive Attachment 1



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.