



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 6.1.802 ADULT INTERSTATE COMMISSION PROCEDURES
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Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Probation and Parole staff shall be familiar with the interstate transfer process and follow established procedures concerning the transfer of offender supervision between Montana and other states.

II. DEFINITIONS:

Absconder – An offender who is absent from the offender’s approved place of residence and employment and fails to comply with reporting requirements.

Behavior Requiring Retaking – An act or pattern of non-compliance with conditions of supervision that could not be successfully addressed through the use of documented corrective action or graduated responses and could result in a request for revocation of supervision in the receiving state.

ICAOS-Interstate Commission for Adult Offender Supervision – The Commission that is responsible for the day-to-day oversight of the compact between the states and ensures interstate transfers are processed in accordance with federal law and state statute.

OOS – Out-of-state.

Receiving State – The state assuming supervision of an offender at another state’s request.

Reporting Instructions – The orders given to an offender by a sending or receiving state directing the offender to report to a designated person or place, at a specified date and time, in another state.

Resident – A person who has resided in a state for at least 1 year continuously and immediately prior to either the supervision start date or sentence date for the original offense for which transfer is being requested; intends that such state shall be the person’s principal place of residence; and has not, unless incarcerated or on active military orders, remained in another state or states for a continuous period of 6 months or more with the intent to establish a new principal place of residence.

Resident Family – A parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or stepparent who 1) has resided in the receiving state for 180 days or longer as of the date of the transfer request; and 2) indicates willingness and ability to assist the offender as specified in the plan of supervision.

Retake Offender – An offender physically detained and removed from receiving state.

Return Offender – An offender who has requested or been ordered to return to the sending state for supervision.

Sending State – The state requesting the transfer of an offender’s supervision.

Sexual Offender – An adult who is required to register as a sexual offender either in the sending or receiving state and who is required to request transfer of supervision under the provisions of ICAOS.

Subsequent Receiving State – The state to which an offender is transferred that is not the sending state or the original receiving state.

III. INTERSTATE TRANSFER PROCEDURES:

A. GENERAL ELIGIBILITY REQUIREMENTS:

1. An offender must meet the following criteria for a mandatory transfer of supervision:
 - a. has 90 or more calendar days, or an indefinite period of supervision, remaining at the time the sending state transmits the transfer request;
 - b. is in substantial compliance with the terms of supervision in the sending state;
 - c. meets at least one of the following requirements:
 - 1) is a resident of receiving state; or
 - 2) has resident family in the receiving state who have indicated a willingness and ability to financially assist and support the offender and/or offender can obtain employment or has other means of support; and
 - d. has a valid plan of supervision.
2. A sending state may request the discretionary transfer of supervision of an offender who does not meet the criteria of III.A.1. above; however, acceptance by the receiving state would support successful completion of supervision and rehabilitation of the offender and protect public safety and the rights of victims. Sufficient documentation must be provided to justify the transfer.
3. **Military Members:** An offender meeting the criteria who is a member of the military and is under orders in another state shall be eligible for reporting instructions and transfer of supervision. The offender’s military orders must be provided.
4. **Offenders Who Live with Family Who Are Members of the Military:** An offender meeting the criteria and living with a family member who is under orders in another state shall be eligible for reporting instructions and transfer of supervision provided the offender will live with the military member in the receiving state. The family member’s military orders must be provided.
5. **Employment Transfer of Family Member to Another State:** An offender meeting the criteria and living with a family member who has been transferred to another state by their full-time employer shall be eligible for reporting instructions and transfer of supervision provided the offender will live with the family member in the receiving state. The family member’s employment letter must be provided.
6. **Employment Transfer of Offender:** An offender meeting the criteria and being transferred to another state by their full-time employer at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. Offender’s employment letter must be provided.

7. **Veterans for Medical or Mental Health Services:** An offender meeting the criteria who is a veteran of the United States military services, is eligible to receive health care through the U.S. Department of Veterans Affairs, Veterans Health Administration (VA), and is referred for medical and/or mental health services by the VA to a regional VA facility in the receiving state shall be eligible for reporting instructions and transfer of supervision if the sending state provides documentation to the receiving state of the **medical and/or mental health referral or documentation of acceptance** to the VA facility.
8. **Sexual Offender Transfers:**
- a. Eligibility for transfer: A sexual offender meeting the criteria shall be eligible for transfer to a receiving state. The offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state.
 - b. Application for transfer: In an application for transfer of supervision of a sexual offender, the sending state shall provide all information, if available, to assist the receiving state in supervising the offender:
 - 1) assessment information, including sexual offender specific assessments;
 - 2) social history;
 - 3) information relevant to the offender's criminal sexual behavior;
 - 4) law enforcement report(s) that provide specific details of sex offense(s);
 - 5) the sending state's current or recommended supervision and treatment plan; and
 - 6) victim information:
 - a) the name, sex, age, and relationship to offender; and
 - b) statement of the victim or victim's representative.
 - c. Reporting instructions for sexual offenders:
 - 1) The receiving state shall have 5 business days to review the proposed residence to ensure compliance with local or state policies or laws prior to issuing reporting instructions. If the proposed residence is invalid due to existing local or state policy or law, the receiving state may deny reporting instructions.
 - 2) No travel permit shall be granted by the sending state until the receiving state issues reporting instructions. **Offender must remain in Montana pending reporting instructions.**

B. MONTANA OFFENDER'S TRANSFER PLAN AND VERIFICATION:

1. P&P Officer/IPPO/Facility staff receives the request from the offender and informs offender of the interstate transfer application fee and waiver procedure.
 - a. Offender is required to pay a non-refundable application fee of \$50 to the Montana Interstate Compact Section (MT Interstate). However, if the fee may result in a significant financial hardship to the offender, a request for a reduced fee, a deferred payment, or waiver of the fee may be made:
 - 1) A request is emailed to the Montana Compact Administrator (CA) that must include detailed financial information for the offender.
 - 2) CA will consider the information provided and approve or deny the request.
 - 3) Any failure to pay the application fee without an approved hardship request will result in the transfer not being processed and sender will be notified.

- b. The two acceptable forms of payment are money orders or cashier's checks made out to the DOC. Money order/cashier's check should have offender's name and DOC number on it. Offenders in a correctional facility may have an inmate account check issued to the DOC. The fee is paid for each application submitted.
2. **Employment and residence plan in other state MUST BE verified by the P&P Officer/IPPO/facility staff.**
 - a. Verification must be made by phone. A P.O. Box number is NOT acceptable for an address.
 - b. A transfer plan should not be verified with the offender. Verify the offender's residence plan with the sponsor, discuss the expectations of supervision, and obtain the names of everyone living at the residence. If minors, find out ages. Ask if they are willing to allow the offender to live there and can financially support the offender, and notify them that drugs, alcohol, and weapons are not allowed in the home. Ask if the residence is an owned home, rental, or apartment.
 - c. If an apartment or rental unit, verify with the sponsor and landlord that offender is approved to live there and notify them of the status of offender. If the landlord requires the offender to be on the lease, please ensure this is done.
 - d. The *Transfer Verification Form* will be completed as each item is verified and will be included with the transfer request submitted to MT Interstate.

C. MONTANA OFFENDER'S TRANSFER APPLICATION:

1. A transfer that has been verified by P&P Officer/IPPO/facility staff and found to be a valid plan of supervision may be submitted to MT Interstate for investigation.
2. When applicable, P&P Officer/IPPO/PRC Liaison will make, and document in OMIS, a notification to registered victim and provide the following information:
 - a. change in location;
 - b. proposed date of interstate transfer; and
 - c. community in which the offender will reside.

Note: Victim has opportunity to respond within 10 days with written or oral input. Provide the name of the Officer to whom the victim should respond, including Officer's address and phone number.
3. A *Transfer Request Excel Sheet* must be completed and emailed to designated MT Interstate staff by the P&P Officer/IPPO/facility staff.
4. **Request for Reporting Instructions:**
 - a. A Request for Reporting Instructions may be requested on the *Transfer Request Excel Sheet* if the offender is a returning resident; if the offender was residing in that state at the time of sentencing; after disposition of a violation or revocation proceeding; or in emergency circumstances.
 - 1) The Request for Reporting Instructions will only be submitted in conjunction with a complete transfer request (*see f. below*);
 - 2) All required documentation will be submitted using the share folder or by email; **only the non-refundable application fee shall be mailed**;
 - 3) MT Interstate will submit the Request for Reporting Instructions to the receiving state if the requirements are met; and

- 4) Offender will keep in contact with supervising Officer until reporting instructions are received. Officer will immediately provide the instructions to the offender.
- b. All other offenders will remain in Montana until the investigation is complete. **DO NOT GIVE TRAVEL PERMIT** pending transfer if offender does not have approved reporting instructions.
- c. If an offender was residing in another state when sentenced and is not a sexual offender, the P&P Officer/IPPO/facility staff can give the offender a 7-day travel permit to return to the resident state. Within the 7 days, the P&P Officer/IPPO/facility staff must submit by email a *Transfer Request Excel Sheet* requesting reporting instructions in conjunction with a complete transfer request. Victim notification must be made and documented regarding travel permit.
- d. The *Offender's Application for Interstate Compact Transfer* must be signed by offender **prior** to departure. If offender refuses to sign any form or pay the fee, a travel permit will not be issued and a transfer will not be submitted.
- e. If offender is being sent to the receiving state on approved reporting instructions, a travel permit is generated and saved in OMIS and issued in accordance with *PPD 6.3.404 Community Supervision Offender Travel* by the P&P Officer and includes reporting instructions obtained from the receiving state. Officer then emails MT Interstate providing the date offender is leaving; when offender is expected to arrive in receiving state; and the mode of travel. Offender remains on the supervising P&P Officer's caseload until the transfer is approved.
- f. A Transfer Request must be submitted to MT Interstate electronically by the P&P Officer/IPPO/facility staff and must include:
 - 1) *Transfer Request Excel Sheet*;
 - 2) *Interstate Transfer Plan Request Verification Checklist*;
 - 3) *Offender's Application for Interstate Compact Transfer*;
 - 4) \$50 money order/cashier's check for non-refundable application fee (or approved waiver);
 - 5) Judgment or Court Minutes (original sentences and all revocations);
 - 6) Affidavit and/or Leave to File Information or Police Report;
 - 7) *PPD 1.5.200 (B) Presentence Investigation Report*;
 - 8) Psychological reports, if available;
 - 9) Medical documentation for serious conditions and any prescribed medications;
 - 10) Narrative of current supervision history, if on supervision more than 30 days; include conditions completed and not completed and any concerns;
 - 11) **Signed** conditions of supervision;
 - 12) Sexual/Violent offender registration information;
 - 13) Victim Information: include registered victims, any victim input received, and any orders restricting contact;
 - 14) Investigation reports (for example, conditional release; parole);
 - 15) Summary of prison discipline and mental health history during last 2 years, if available; and
 - 16) If offender is currently under active supervision in another state, the supervising officer's name, phone number, and county of supervision.
- g. OMIS moves shall be completed by MT Interstate when the receiving state has approved offender's transfer request.

D. OOS OFFENDER TRANSFER REQUEST TO MONTANA:

1. Transfer Request on out-of-state offender is forwarded by MT Interstate to the field office. If the offender's offense is equivalent to a Montana offense that requires registration, or if the offender is required to register as a sexual and/or violent offender in another state, offender will be required to register as a sexual and/or violent offender in Montana.
2. A supervisor will assign the case to P&P Officer for investigation. If an interstate request is received, the Officer will count the request on the end of month statistics as a "Placement Investigation." Once the offender reports for supervision, the Officer will classify offender as "New" on the end of month statistics.
3. **P&P Officer WILL NOT enter offender information into OMIS unless the offender is physically reporting to office.**
4. P&P Officer will have **30 days** from assignment to investigate the request.
5. P&P Officer will email MT Interstate regarding the investigation results and include any victim input if received:
 - a. If approval is recommended by P&P Officer, request is submitted by MT Interstate to the sending state; or
 - b. If denial is recommended by P&P Officer, specific reasons must be detailed in the email. All denials are reviewed by the CA for validity. If validity is not confirmed, CA and P&P Officer will staff case. CA makes all final decisions on denials.
6. All Montana standard conditions are mandated on all transfers. Special conditions should be limited and not more restrictive than sending state's judgment. Special conditions can be imposed if deemed appropriate by MT Interstate for public safety reasons. Suggested special conditions need to be included in the email from the P&P Officer. The Intensive Supervision Program (ISP) cannot be used as a level of supervision upon accepting offenders; however, ISP can be used as an intervention and level of supervision for transferred offenders who commit violations.
7. If a transferred offender does not have a presentence investigation report in the offender's file, the P&P Officer will have offender complete *PPD 1.5.200 (C) Presentence Investigation Questionnaire* for placement in the offender's OMIS record.
8. **Reporting Instructions prior to transfer approval/denial:** When an interstate applicant has been given reporting instructions and physically reports to the P&P office, the following will be completed by the P&P Officer:
 - a. Email containing date offender reported is immediately sent to MT Interstate.
 - b. OMIS entries completed:
 - 1) *Basic information* – Use the ADD OFFENDER function of OMIS;
 - 2) *Correctional Status* – Select a correctional status of ISC PENDING with a change reason of PENDING INTERSTATE COMPACT APPROVAL and using the reporting date as the BEGIN DATE;
 - 3) *Officer Assigned* – Use INTERSTATE COMPACT PENDING as the Supervision Level with reporting date as the START DATE;
 - 4) NO *Location* entry is made at this time.

9. **** Approved reporting instructions does not mean the *Transfer Request* has been approved. DO NOT sign up to conditions of supervision until offender has been officially accepted.**

10. Approved Transfer Requests:

- a. When transfer is approved **and offender is in Montana**, the following OMIS entries will be completed by the P&P Officer:
 - 1) *Correctional Status* – Select new correctional status of PAROLE or PROBATION with a change reason of INTERSTATE COMPACT - SUPERVISION FROM OTHER STATE and using MT Interstate’s approval date as the BEGIN DATE;
 - 2) *Location* – Enter appropriate location with a reason of INTERSTATE COMPACT - SUPERVISION FROM OTHER STATE and using MT Interstate’s approval date as the BEGIN DATE; and
 - 3) *Assigned Officer* – Make new entry selecting appropriate Supervision Level and using MT Interstate’s approval date as the START DATE.
- b. A MORRA CST (male) or WRNA PPA (female) interview/ assessment must be completed by the P&P Officer within 45 days of the *acceptance* of the out-of-state offender (see *PPD 1.5.1200 Risk and Needs Assessments for Case Management*); and
- c. Intake and sign-up procedures are completed pursuant to *PPD 6.3.201 Administrative and Sign-Up Procedures for Community Supervision*.
- d. **Transfer Approved, but arrival of offender is pending: OMIS entries and sign-up procedures will not be completed by the P&P Officer until offender has physically reported to office.** Notification is made to MT Interstate once the offender reports.
- e. MT Interstate will upload offender documents in OMIS under *Probation Parole Documents* and enter legal sentencing information and expiration date into OMIS.
- f. If the offender fails to arrive within 5 days of the departure date, P&P Officer will notify MT Interstate immediately by email noting offender’s failure to report. MT Interstate will submit a failure to report to the sending state.

11. Denied Transfer Requests:

- a. If the transfer is denied, pertinent information gathered on the offender during the investigation should be included in the P&P Officer’s email to MT Interstate. If there is confidential information that cannot be included in the denial, this information should be labeled as such in denial email. All collected information on offender will be maintained in the MT Interstate’s database.
- b. If the transfer request is denied, MT Interstate will submit the denial and Request for Reporting Instructions to return offender to the sending state. P&P Officer will provide MT Interstate the necessary leave date information, including when and how the offender is returning, and to what plan the offender is returning.
- c. When transfer is denied, **and offender is in Montana on approved reporting instructions**, supervising P&P Officer will continue supervision of the offender until reporting instructions from the sending state to return have been received:
 - 1) Officer obtains a return address from offender and includes it in email to MT Interstate denying transfer;
 - 2) MT Interstate requests reporting instructions from sending state; sending state will have 2 days to respond. When received, MT Interstate will forward reporting instructions to supervising Officer;

- 3) P&P Officer notifies MT Interstate when travel permit is issued to offender to return; and
- 4) departure notice is submitted by MT Interstate to sending state.

E. Subsequent Receiving State Transfers for OOS Offenders:

1. The P&P Officer/IPPO/facility staff will complete the following and submit to MT Interstate:
 - a. *Reporting Instructions*: if needed for immediate/expedited leave, send email with information regarding where offender wants to reside, who the offender wishes to reside with, and the relationship to that person;
 - b. *Offender's Application for Interstate Compact Transfer*;
 - c. current *Progress Report*;
 - d. any victim input if received; and
 - e. \$50 non-refundable application fee in the form of a money order/cashier's check made out to DOC with offender's name and DOC number on it.
2. Once approved and a date has been established for departure, the P&P Officer/IPPO/facility staff will email MT Interstate with the date offender is leaving, when the offender is expected to arrive in receiving state, and mode of travel. *Travel Permit-OMIS* will be generated, saved, and issued.
3. MT Interstate will close the case. Changes in OMIS will initiate victim notification if applicable.

F. REPORTS/CORRESPONDENCE:

1. All communication regarding interstate offenders, oral and written, must go through MT Interstate. P&P Officers **shall not** contact other officers, courts, county attorneys, other state(s), etc., but will email MT Interstate to request information needed from the sending state (for example, restitution).
2. **Progress Reports for Offender Compliance and Noncompliance:**
 - a. *Progress Reports* are submitted by the P&P Officer to MT Interstate when there are significant changes to report that may or may not affect the status of the offender regarding the following:
 - 1) Programming or treatment completed; completion of conditions. Document incentives given.
 - 2) Transfer to a subsequent receiving state.
 - 3) Brief summary of offender's conduct, progress, attitude, and compliance (due to ICAOS restraints, must be concise).
 - 4) Notification of an intervention hearing and all applicable interventions from *PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)* that were imposed and documented.
 - 5) A receiving state may create a *Progress Report* to document offender compliant or noncompliant behavior that does not require retaking as well as incentives, corrective actions, or graduated responses imposed. The receiving state shall provide date(s), description(s), and documentation regarding the use of incentives, corrective actions, including graduated responses or other supervision techniques to address the behavior requiring retaking in the receiving state, and the offender's response to such actions.

- 6) Request by P&P Officer or MT Interstate for early discharge when conditions are completed.
- b. Attachments giving pertinent information can be provided.
- c. MT Interstate forwards the *Progress Reports* to the sending state.
- d. When requested by sending state, P&P Officer will have 5 business days to submit a *Progress Report* to MT Interstate. Information regarding supervision fees and restitution does not need to be included because compact rules dictate the other states are responsible for monitoring payments.

IV. REPORTS OF VIOLATION PROCEDURES AND RESPONSIBILITIES:

A. OOS OFFENDERS SUPERVISED IN MONTANA:

1. Offender Arrest/Pick Up and Hold:

- a. When a Montana P&P Officer reasonably believes an interstate offender within Montana has violated a condition of supervision or presents such a danger to the community that the offender cannot remain within the community, the Officer may arrest the offender without a warrant or may deputize another Officer with the power of arrest to do so by giving oral authorization.
- b. Offender may be held without bail for 72 hours:
 - 1) Officer will report all arrests to the Officer's supervisor as soon as possible;
 - 2) Within 12 hours of the arrest, the P&P Officer must:
 - a) complete OMIS Warrants entries for a parolee (*PPD 6.4.102 (B) Warrant to Arrest*) or probationer (*PPD 6.4.102 (A) Authorization to Pick Up and Hold Probationer*), setting forth that the offender has, in the Officer's judgment, violated the conditions of the offender's supervision;
 - b) submit the *Warrant or Authorization* to the place of detention; and
 - c) update the offender's OMIS *Location*.
- c. The P&P Officer must determine the course of action to be taken within 72 hours of the arrest:
 - 1) release the offender;
 - 2) hold an intervention hearing (*see PPD 6.4.206 Probation and Parole Field Hearings*); or
 - 3) initiate formal revocation procedures.

2. Violations Requiring Retaking:

- a. The offender's status is determined and alleged violations are thoroughly investigated by the supervising P&P Officer. Prior to requesting revocation from the sending state, the Officer must use and document all appropriate interventions from *PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)* to address violations as they would any Montana offender in the appropriate manner deemed necessary to gain offender's compliance.
- b. If offender continues to violate or has severe compliance violations, P&P Officer should staff the compliance violations with the Officer's supervisor to determine if an intervention hearing is appropriate. If the offender is going to receive interventions and remain in Montana on supervision, an intervention hearing can be held to address the violations pursuant to *PPD 6.4.206 Probation and Parole Field Hearings*. Officer may complete a *Progress Report* and submit it to MT Interstate within 30 days of the violation, along with documentation of all incentives/interventions used.

- c. When P&P Officer believes revocation is appropriate, the Officer will contact MT Interstate to staff the case.
- d. If it is determined to proceed with requesting revocation and return of the offender to the sending state, the *Offender Violation Report (OVR)* is completed by P&P Officer within 30 days of the violation. If Montana accepted the offender under special added conditions, these conditions can be used as violations. All violations must be substantiated with no previous sanctions/interventions applied to address them.
 - 1) Due to ICAOS restraints, wording in the *OVR* must be as concise as possible. **Examples:**
 - a) *Residence:* On (date) Smith moved to a new apartment without the permission of his PO.
 - b) *Offender will not be allowed to own, possess, or have access to computers:* On (date) a home check was conducted at the reported residence. A computer was confiscated on this date.
 - c) *Illegal Drug Use:* On (date) tested positive for THC.
 - 2) *OVR* will contain the following:
 - a) date(s) and description of the behavior requiring retaking;
 - b) dates, descriptions, and documentation regarding the use of *MIIG-P&P* interventions used to address the behavior requiring retaking in the receiving state, and the offender's response to the interventions;
 - c) dates, descriptions and documentation regarding the status and disposition, if any, of offense(s) or behavior requiring retaking;
 - d) if the offender is an absconder, the offender's last known address and telephone number, name and address of the offender's employer, the date of the offender's last personal contact with the supervising P&P Officer, and details regarding how the officer determined the offender to be an absconder; and
 - e) supporting documentation regarding the violation.
- e. If *OVR* is appropriate, an initial on-site hearing (probable cause) will be conducted as soon as possible if the offender did not waive the hearing. P&P Officer will prepare *PPD 6.4.206 (H) Notice/Waiver of On-Site Hearing for Interstate Offender* and present to offender with *OVR*.
- f. The *OVR* and *PPD 6.4.206 (H) Notice/Waiver* with admission and/or the signed *PPD 6.4.206 (I) Summary of On-Site Hearing* are submitted electronically to MT Interstate.
- g. These documents are reviewed and edited by MT Interstate prior to submitting to the sending state and requesting a response of what action will be taken. Sending state shall respond to the *OVR* within 10 business days by utilizing the *Response to Violation Report*.
- h. If the offender is determined to be a risk to the community or risk to abscond supervision, a field warrant may be issued by the Montana P&P Officer after staffing with supervisor.
****An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (Montana).**
- i. If offender is ordered to return, Montana P&P Officer will submit a Request for Reporting Instructions to MT Interstate to submit to sending state and provide departure details upon receipt.
- j. If offender is retaken by the sending state, MT Interstate will close the case and complete OMIS entries.
- k. Sending state shall provide a copy of the warrant when one is issued or required.

- l. If the sending state does not return or retake the offender, Montana will continue supervision of the offender as directed by the sending state.
- m. If the sending state issues a warrant, the receiving state shall attempt to arrest the offender on the sending state's warrant and provide notification to the sending state of arrest. If offender is unable to be found, absconder violation steps shall be taken.

3. Upon Conviction of New Charges:

- a. Staff case with MT Interstate to determine if *OVR* should be filed.
- b. No hearing is required upon disposition of the new charges.
- c. MT Interstate reviews, edits, and submits information to sending state to determine what action the sending state will take:
 - 1) sending state shall respond to the *OVR* within 10 business days by utilizing the *Response to Violation Report*.
 - 2) ****An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (Montana).**
- d. If not returned to the sending state, supervision of the offender is continued at the direction of the sending state.
- e. If offender is ordered to return, Montana P&P Officer will submit a Request for Reporting Instructions to MT Interstate to submit to sending state and provide departure details upon receipt.
- f. If offender is retaken by the sending state, MT Interstate will close the case and complete OMIS entries.

4. Absconders:

- a. If there is reasonable suspicion that an offender has absconded, the receiving state shall attempt to locate the offender. Such attempts are documented in OMIS and on the *OVR* and should include dates of attempts, who was contacted, and how. Documented attempts shall include, but are not limited to:
 - 1) communication attempts directly to the offender, including dates of each attempt;
 - 2) conducting a field contact at the last known place of residence;
 - 3) contacting the last known place of employment, if applicable; and
 - 4) contacting known family members and collateral contacts, which includes contacts identified in original transfer request.
- b. If offender is not located, P&P Officer will immediately:
 - 1) make status and location change in the offender's OMIS file as absconded;
 - 2) notify the Victim Services Bureau Chief or designee if the offender's current sentence is for a sexual or violent offense requiring registration under 46-23-504, MCA, or stalking or negligent homicide. Victim Services Bureau Chief or designee will also contact victims; and
 - 3) complete the *OVR* and email it to MT Interstate. The *OVR* must include detailed information regarding steps in 4.a.
- c. MT Interstate will close case.

B. MONTANA OFFENDERS SUPERVISED IN OTHER STATE:

1. The *OVR* is forwarded by receiving state to MT Interstate advising of pending violation(s) within 30 days of the violation.

2. If the offender is in custody on new charges, all other pertinent documents are included in the *OVR*.
 - a. Upon a request from the receiving state, a sending state shall retake an offender from the receiving state or a subsequent receiving state after the offender's conviction for a new felony offense or new violent crime and require:
 - 1) completion of a term of incarceration for that conviction; or
 - 2) placement under supervision for that new felony or new violent crime offense.
 - b. When a sending state is required to retake an offender, the sending state shall issue a warrant and, upon apprehension of the offender, file a detainer with the holding facility where the offender is in custody.
 - c. The Compact Administrator (CA) will issue a warrant/detainer within 15 business days. Warrant/detainer will be entered into the NCIC by the Powell County Sheriff's Office or directly sent to the facility by the CA.
3. A probable cause hearing may be conducted by the receiving state on violation reports requesting retake unless the offender has waived the hearing and admitted to at least one violation.
 - a. The hearing report or waiver of hearing is forwarded to MT Interstate requesting a response.
 - b. If there are new charges, copies of the disposition are forwarded to MT Interstate.
4. Offender behavior requiring retaking:
 - a. Upon a request by the receiving state and documentation that the offender's behavior requires retaking, a sending state shall issue a warrant to retake or order the return of an offender from the receiving state or a subsequent receiving state within 15 business days of the receipt of the *OVR*.
 - 1) The CA or the court of jurisdiction will issue a warrant. All warrants will be entered into the NCIC:
 - a) Powell County Sheriff's Office will enter the warrant into the NCIC for the CA; or
 - b) the warrant issued by the court of jurisdiction will be entered into the NCIC by the county's sheriff's office.
 - 2) If the offender is ordered to return in lieu of retaking, the receiving state shall request reporting instructions per ICAOS Rule 4.111 within 7 business days following the receipt of the *OVR* response.
 - b. The receiving state retains authority to supervise until the offender's directed departure date. If the offender does not return to the sending state as ordered, then the sending state shall issue a warrant, no later than 10 business days following the offender's failure to appear in the sending state.
 - 1) The CA or the court of jurisdiction will issue a warrant. All warrants will be entered into NCIC:
 - a) Powell County Sheriff's Office will enter the warrant into the NCIC for the CA; or
 - b) the warrant issued by the court of jurisdiction will be entered into the NCIC by the county's sheriff's office.
5. Mandatory retaking for absconders:
 - a. Upon receipt of an absconder *OVR* and case closure, the sending state shall issue a warrant within 15 business days and, upon apprehension of the offender, file a detainer with the

holding facility where the offender is in custody.

- 1) The CA or the court of jurisdiction may issue a warrant/detainer. All warrants/detainers will be entered into the NCIC:
 - a) the CA will issue the warrant within 15 business days and it is entered into the NCIC by the Powell County Sheriff's Office for the CA, or directly sent to the facility by the CA; or
 - b) the court of jurisdiction may issue a warrant within 30 days and it is entered into the NCIC by the county sheriff's office.
 - b. The sending state shall keep its warrant and detainer in place until the offender is retaken pursuant to the finding of probable cause, or supervision is resumed if probable cause is not established.
6. MT Interstate will make a determination on the *OVR* and respond to the request within 10 business days utilizing the *Response to Violation Report*.
 7. If the offender is not returned, the receiving state's OOS P&P Officer will maintain supervision.
 8. **Offenders ordered to return to Montana by the CA will be placed back on supervision in Montana as a sanction for violations.**
 9. A MORRA CST (male) or WRNA PPA (female) interview/assessment must be completed by the supervising P&P Officer within 45 days of the *return* of the Montana offender (see *PPD 1.5.1200 Risk and Needs Assessments for Case Management*).
 10. If a revocation is to be requested from the court, the *OVR* with attached *Notice of Violation* is forwarded by MT Interstate to the probation and parole office for submission to the District Court.
 11. If a parole offender is retaken by Montana and returned to custody for revocation proceedings, the MT *Report of Violation* form and interstate *OVR* are uploaded in OMIS and the Board of Pardons and Parole (BOPP) is notified by MT Interstate. *Request for Secure Placement* is completed by CA. Conditional release offenders will be transported to START/jail (males) or jail (females) for custody unless another placement is determined. Files are sent to the field office of current conviction, and OMIS moves are entered.
 12. ****Pursuant to ICAOS Rule 5.111, an interstate offender who has been arrested in any state shall not be admitted to bail while Montana is in the process of retaking the offender.**
 13. A sending state shall retake an offender within 30 calendar days after the offender has been taken into custody on the sending state's warrant if the offender is being held solely on the sending state's warrant.

V. CLOSURE NOTICE PROCEDURES:

A. OFFENDER REQUEST TO RETURN TO THE SENDING STATE:

1. Supervising P&P Officer will submit an email to MT Interstate requesting reporting instructions and include the offender's reason(s) for returning, the address of residence, phone number, name, and relationship of the person offender wishes to reside with. Offender must remain in

Montana until reporting instructions are approved.

2. If offender is under active criminal investigation or is charged with a subsequent felony or violent crime, the offender shall remain in the receiving state.
3. Upon receiving reporting instructions, Officer will email MT Interstate and include the date offender is leaving, when the offender is expected to arrive in sending state, and mode of travel. MT Interstate will complete OMIS moves releasing offender.

B. OTHER CASE CLOSURES:

1. P&P Officer will email MT Interstate with information needed to close a case in most of the following circumstances:
 - a. **Discharging Supervision or Receiving Early Discharge:** If offender receives early discharge, immediate notification to MT Interstate upon notice of release.
 - b. **Notification of Death:** Email MT Interstate with proof of the offender's death attached, such as the death certificate, obituary from a newspaper, police report, or a statement from a coroner.
 - c. **Offender Incarcerated for 180 Days or Longer in Receiving State:** Email MT Interstate with information regarding offender's location with copies of the judgment and sentencing documents attached.
2. MT Interstate shall review, verify, and approve the reason for closing the case and, if approved, will close the case.
3. Upon verification, OMIS release moves and chronological entries will be completed by the supervising P&P Officer and MT Interstate.

VI. CLOSING:

Questions about this procedure should be directed to the Montana Compact Administrator.

VII. FORMS:

<i>MT Interstate</i>	<i>Transfer Request Excel Sheet</i>
<i>ICAOS</i>	<i>Offender's Application for Interstate Compact Transfer</i>
<i>ICAOS</i>	<i>Progress Report</i>
<i>ICAOS</i>	<i>Notice of Violation (only used by MT Interstate)</i>
<i>ICAOS</i>	<i>Offender Violation Report</i>
<i>ICAOS</i>	<i>Response to Violation Report (only used by MT Interstate)</i>
<i>PPD 6.4.206 (H)</i>	<i>Notice/Waiver of On-Site Hearing for Interstate Offender</i>
<i>PPD 6.4.206 (I)</i>	<i>Summary of On-Site Hearing</i>