



DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE  
OPERATIONAL PROCEDURE

Procedure:	PPD 6.3.101	MONTANA INCENTIVES/INTERVENTIONS GRID FOR PROBATION AND PAROLE
Effective Date:	05/29/2018	Page 1 of 6
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Reference(s):	PPD 6.4.205; PPD 6.4.206; 46-18-203, MCA; 46-23-1028, MCA; 53-1-203, MCA	
Signature / Title:	/s/ Jim Anderson, Public Safety Chief	

**I. PURPOSE:**

Probation and Parole staff who supervise offenders on community supervision will follow established standard operating procedures and the *Montana Incentives/Interventions Grid for Probation and Parole* when determining the appropriate response to an offender’s compliance with the conditions of supervision ordered by the District Court, the Board of Pardons and Parole, or the Department of Corrections.

**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.

**Case Management** – Assessing an offender’s risk and needs, developing and reviewing a case plan, referring and linking the offender with appropriate services, monitoring offender progress and compliance, and responding with appropriate incentives and/or interventions to increase the probability of positive change and offender success and to help in reducing offender recidivism.

**Case Management Response** – An informal action in response to an offender’s behavior in which a Probation and Parole Officer may apply incentives or interventions based on the behavior.

- *Incentive* is a response that recognizes and/or rewards desired and targeted offender behavior.
- *Intervention* is a response that addresses offender violations of conditions of supervision or rules of a Probation and Parole program/facility without Hearings Officer involvement, unless the offender refuses to agree with the given intervention.

**Community Supervision** – Probation, parole, conditional release, or any form of supervision in the community by a Department Probation and Parole officer.

**Compliance Violation** – A violation of the conditions of supervision that is not a non-compliance violation.

**Conditional Release Hearing** – A formal administrative hearing that provides applicable due process requirements to confront violations of conditional release supervision.

**Disciplinary Hearing** – A formal administrative hearing that provides applicable due process requirements to confront violations of facility rules or furlough conditions of supervision.

**Exhaustion** – The point where an offender is not responsive to further appropriate interventions, or is a risk to the community by violating their conditions, or is not engaging in prosocial behaviors.

**Hearings Officer** – A Department employee who, as an impartial person, conducts Conditional Release, Initial “On-Site,” Disciplinary, and Intervention hearings.

**Initial “On-Site” Hearing** – A formal administrative hearing conducted at the site of the alleged violation or arrest to determine if there is probable cause or reasonable grounds to believe a parolee or interstate offender violated conditions of supervision. 46-23-1024, MCA.

**Intervention Hearing** – An informal administrative hearing conducted when a Probation and Parole Officer reasonably believes that an offender has violated conditions of supervision. 46-23-1015, MCA.

**Montana Offender Reentry and Risk Assessment (MORRA)** – A gender-neutral standardized and validated evidence-based instrument used to assess the probability of an offender recidivating and to identify risk factors and criminogenic needs to guide and prioritize appropriate programming; enhances sharing of offender information and assists in the efficient allocation of resources while an offender is under Department supervision.

MORRA Risk Categories for Males		MORRA Risk Categories for Females	
Scores	Rating	Scores	Rating
0-14	Low	0-14	Low
15-23	Moderate	15-21	Low/Moderate
24-33	High	22-28	Moderate
34+	Very High	29+	High

**Non-Compliance Violation** – A violation of the conditions of supervision that is:

- a new criminal offense;
  - as interpreted by the Department’s Legal Office and for the purposes of this procedure, an initial appearance and court advisement for a new criminal offense is sufficient evidence of a violation of the conditions of supervision;
  - an interstate offender must be convicted of the new crime.
- possession of a firearm in violation of a condition of supervision;
- behavior by the offender or any person acting at the offender’s direction that could be considered stalking, harassing, or threatening the victim of the offense or a member of the victim’s immediate family or support network;
- absconding; or
- failure to enroll in or complete a required sex offender treatment program or a treatment program designed to treat violent offenders.

**Offender** – Any individual in the custody or under the supervision of the Department of Corrections or its contracted service providers. The term includes former offenders for whom less than one year has elapsed since discharge from Department custody or supervision.

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

### III. PROCEDURES:

#### A. **PPD 6.3.101 (A) MONTANA INCENTIVES/INTERVENTIONS GRID FOR PROBATION AND PAROLE (MIIG-P&P)**

1. The *MIIG-P&P* provides a consistent approach for Probation and Parole (P&P) Officers to provide interventions to offenders for compliance and non-compliance violations with the goal of promoting accountability and long-term behavioral change.
2. Response to offender behavior should be timely and as directed by the *MIIG-P&P*. Officers will select a response based on the offender's behavior, progress, targeted behavior, motivation to change, risk category, and case plan. Response should be individualized, graduated, and based on what is meaningful to the offender. Any mitigating or aggravating circumstances may influence the use of a higher or lower level response.
3. With the exception of conditional discharge from supervision (CDFS) or early termination of a deferred or suspended sentence, incentives are temporary and should be used to reinforce the offender's compliance and other current positive behavior.
4. Consideration and use of an intervention (Verbal, Case Management Response, Intervention Hearing, Report of Violation/Hearing (On-Site or Conditional Release) must be documented and include, if applicable, any aggravating or mitigating circumstances which factored into a departure from the listed intervention level.
5. The incentives portion of the *MIIG-P&P* includes:
  - a. Desired Behaviors with categories, subcategories, and response levels;
  - b. Incentive response options for level 1, level 2, and level 3 incentives; and
  - c. Sex Offender Incentives Desired Behaviors, with response options based on their overall risk category as determined by the MORRA and sex offender risk assessments.
6. The interventions portion of the *MIIG-P&P* includes:
  - a. Non-Compliance Violations: for all risk categories, the response is a level 3 intervention;
  - b. Compliance Violations: tied to the offender's overall risk category, with response levels;
  - c. Sexual/Violent Offender Specific Compliance Condition Violations: for all risk categories, the response is a level 2 intervention; and
  - d. Response options for level 1, level 2, and level 3 interventions.
7. During an offender's sign-up to community supervision, P&P Officer will review *MIIG-P&P* with the offender. Upon the review, offender will sign *PPD 6.3.101 (B) Offender MIIG-P&P Acknowledgement*, and the signed *Acknowledgement* is uploaded into offender's OMIS record.
8. Under 46-23-1028(1)(e), MCA, for compliance violations, Officer must exhaust and document *appropriate* graduated violation responses before initiating the revocation process.

#### B. INCENTIVES

1. P&P Officer shall encourage and reinforce an offender's current desired behavior using incentives from the *MIIG-P&P* that, in most cases, are temporary.

2. The initial level of incentive is determined from the offender's risk category in the associated criminogenic need domain. The incentives shall be individualized and meaningful to the offender, and appropriate for the behavior being reinforced.
3. Lower levels of incentives are available options.
4. P&P Officer will discuss with the offender the incentive chosen and the behavior for which the incentive is being given.
5. All incentives used and reasons for the incentives are documented.

## C. INTERVENTIONS

### 1. Intervention Responses:

- a. Alleged violations of an offender's conditions of community supervision are investigated and responded to in a timely manner.
- b. In most cases where reasonable suspicion has been found to substantiate an alleged violation of a supervision condition, the use of appropriate and applicable interventions is warranted.
- c. If there are multiple violations, all violations will be included and responded to as one event:
  - 1) the intervention response will be for the most serious violation; and
  - 2) a violation will not be held over for a future intervention response.
- d. Supervising P&P Officer will determine offender's overall risk category.
- e. The supervising Officer will consult the *MIIG-P&P* to determine the level of response appropriate for the violation behavior (level 1, level 2, or level 3), based on offender's overall risk category.
- f. The supervising Officer will have discretion to select an appropriate intervention within the level of response (level 1, level 2, or level 3). Factors to consider include:
  - 1) MORRA risk assessment of the offender;
  - 2) the intervention must be individualized and meaningful to the offender and appropriate for the violation being addressed;
  - 3) whether more than 1 response is appropriate;
  - 4) the presence of mitigating circumstances and if lower-level responses are appropriate options (documentation is required);
  - 5) the presence of aggravating circumstances and if higher-level responses are appropriate, with supervisory approval (documentation of aggravating circumstances and supervisory approval required);
  - 6) feedback from treatment provider; and
  - 7) court orders requiring specified action for violations.
- g. The MIIG identifies the appropriate intervention level for the first violation. The MIIG provides several options from which an officer may select. Repeating use of the same responses for the same violations is not effective. Repeat violations should be addressed through increased interventions; if an intervention is used twice in a period of 90 days, the intervention should increase in magnitude for the next violation of the same type. Any deviation requires supervisor approval.

- h. The intervention selected will determine the process required:
    - 1) Verbal Response: Discuss with offender the behavior for which the intervention is being given and document conversation in OMIS.
    - 2) Case Management Response: P&P Officer will complete *PPD 6.4.206 (C) MIIG-P&P Intervention: Hearing Summons and/or Violation Response* as a case management response, discuss with the offender the intervention chosen and the behavior for which the intervention is being given, and have offender sign the form.
    - 3) Intervention Hearing (see *PPD 6.4.206 Probation and Parole Field Hearings*):
      - a) If the Hearings Officer determines by a preponderance of the evidence that a compliance violation has occurred, the Hearings Officer will determine appropriate and applicable *MIIG-P&P* violation response options.
      - b) The least restrictive placements must be recommended for violations based on risk and needs assessments. Placement decisions must be documented. If the placement decision is for a custodial placement, justification for the decision must be included in the documentation.
      - c) Hearings Officer will complete *PPD 6.4.206 (C) MIIG-P&P Intervention: Hearing Summons and/or Violation Response* for intervention hearing summons and response, discuss with the offender the intervention chosen and the behavior for which the intervention is being given, and have offender sign the form.
      - d) If offender refuses to comply with the imposed interventions, the Hearings Officer may direct the supervising P&P Officer to initiate the revocation process. Officer will:
        - (1) complete and submit *PPD 6.4.205 (A) Report of Violation* following the procedures of *PPD 6.4.205 Report of Violation of Probation or Parole* for a probationer;
        - (2) follow the procedures for an on-site hearing for a parole or interstate offender (see *PPD 6.4.206 Probation and Parole Field Hearings*); or
        - (3) follow procedures for a conditional release hearing for a conditional release offender (see *PPD 6.4.206 Probation and Parole Field Hearings*).
    - 4) Conditional Release/On-Site Hearing and/or Report of Violation:
      - a) If a supervising P&P Officer reasonably believes a conditional release or parole offender has violated a condition(s) of supervision, the offender may be arrested, and the appropriate hearing is held pursuant to standard operating procedures in *PPD 6.4.206 Probation and Parole Field Hearings*.
        - (1) The Hearings Officer may determine prior to the hearing that an intervention hearing is more appropriate. The intervention hearing is scheduled, at which time applicable intervention responses are given; or
        - (2) The Hearings Officer may determine during the hearing that an intervention hearing is more appropriate. The hearing is converted to an intervention hearing and applicable intervention responses are given.
      - b) The procedures of *PPD 6.4.205 Report of Violation of Probation or Parole* are followed for a probationer.
2. Because appropriate interventions are selected on an offender's case-by-case basis, the exhaustion of appropriate interventions is individualized.

#### D. MITIGATING AND AGGRAVATING CIRCUMSTANCES

1. Mitigating and aggravating circumstances should be used when a deviation from the required responses within the grid is necessary to adequately or appropriately address the violation behavior.
  - a. If mitigating and/or aggravating circumstances are present, it is not required that they be applied in the imposition of incentives or interventions.
  - b. Deviation from the required *MIIG-P&P* response should occur in less than 10% of instances.
  - c. Use of mitigating and/or aggravating circumstances only allows for a deviation in a level that is one (1) higher or one (1) lower than the required *MIIG-P&P* response.
    - 1) Exception: For offenders requiring a Level 1 response, if there are public safety concerns, victim concerns, or all appropriate options in both Level 1 and aggravated Level 2 have been exhausted and an increased response is necessary to address current behavior, Officer will staff with a supervisor the option to aggravate to Level 3.
  - d. When there are public/victim safety concerns, deviation from the *MIIG-P&P* designated level may be permitted after staffing with a supervisor.
  - e. The reason for the deviation from the required response is documented in OMIS.
2. Mitigating Circumstances:
  - a. strong support system – including family, friends, and/or members of the community
  - b. demonstrated willingness to cooperate with supervising PO
  - c. positive attitude toward supervision
  - d. extended amount of time of successful supervision since last violation
  - e. stable period of employment
  - f. substance addiction –abstaining, or relapsing while actively engaged in treatment
  - g. other – any other circumstances which make a decrease in level of response appropriate
3. Aggravating Circumstances: (requires supervisory approval)
  - a. excessive compliance violations – three (3) or more compliance violations within 90 days
  - b. violence or threat of violence during violation
  - c. failure to demonstrate positive attitude toward supervision – offender behaves in a way that shows blatant disregard for the conditions of supervision and for the safety of offender or others
  - d. other – any other circumstances which make an increase in level of response appropriate

#### IV. CLOSING:

Questions regarding this procedure should be directed to the P&P Officer II, Deputy Chief, or Probation and Parole Chief.

#### V. FORMS:

<i>PPD 6.3.101 (A)</i>	<i>Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&amp;P)</i>
<i>PPD 6.3.101 (B)</i>	<i>Offender MIIG-P&amp;P Acknowledgement</i>
<i>PPD 6.4.205 (A)</i>	<i>Report of Violation</i>
<i>PPD 6.4.206 (C)</i>	<i>MIIG-P&amp;P Intervention: Hearing Summons and/or Violation Response</i>