



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

Procedure:	PPD 6.3.401 CASE MANAGEMENT FOR ADULT OFFENDERS
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Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division employees will follow standardized procedures for offender case management and supervision plans or strategies. The Division will provide direction for developing a meaningful supervision strategy for each offender to manage the offender’s risk and needs.

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.

CDFS-Conditional Discharge from Supervision – As defined in §46-23-1020, MCA, 1) a discharge from supervision by the Department of Corrections for the time remaining on the sentence imposed if the probationer or parolee complies with all the conditions imposed by the District Court or the Board of Pardons & Parole; and 2) a release from the obligation to pay supervision fees imposed as part of a sentence or as terms of parole or probation.

Carey Guides – Tools that provide Probation & Parole Officers information to support the application of evidence-based approaches in offender case management/case planning to help offenders make positive changes.

Case Management – Assessing an offender’s risks 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 & 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 PFB program/facility without a Hearings Officer involvement, unless the offender refuses to agree with the given intervention.

Case Planning – The process of developing an individualized plan for offenders designed to identify and target the offender’s identified dynamic risk factors based upon his/her assessment.

Community Networking – Actively involving community members in the monitoring, surveillance, and supervision of offenders in their community. These community members may be professionals involved in the treatment/programming of offenders, employers, educators, law enforcement, offender family members, neighbors, mentors, tutors, or other volunteers.

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

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

Contact – Having direct or indirect interaction with an offender.

- *Offender Contact* – includes meeting the offender face to face at his/her home, place of employment, another community location, or at the P&P office, or through the telephone, email, or other electronic communication. Contacts made in the community are preferred.
- *Collateral Contact* – includes Board of Pardons and Parole, employer, offender’s family, neighbors, landlord, teachers, treatment providers, victims, law enforcement, or anyone who may have meaningful or significant information about the offender.

Continuum of Care – An integrated network of treatment services and modalities designed to meet an offender’s changing needs as that offender moves through the treatment and recovery process.

Criminogenic Needs – Attributes that are directly linked to an offender’s risk to re-offend and must be addressed to achieve lower recidivism rates (identified as primary and secondary risk factors).

Life-Altering Event – Any significant happening in an offender’s life (i.e., birth, death, marriage, divorce, employment change, relapse, new crime) as determined at the discretion of the supervising Probation & Parole Officer.

MORRA-Montana Offender Reentry and Risk Assessment – 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. The Department may use the MORRA CSST as a screening tool for both male and female offenders, while using the remaining MORRA tools only for male offenders.

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.

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 used by the Department (e.g., VINE) and/or who is identified in OMOIS as registered with the Department to receive location and custody status updates about adult offenders under Department supervision.

Responsivity – Addresses the hurdles or barriers in an offender’s life that may influence the offender’s response to programming/treatment and thereby affect the offender’s risk to reoffend.

SharePoint – A web-based platform that integrates with Microsoft Office and is used for document management, storing, and sharing.

Supervision Fee – A fee assessed to each offender under Probation & Parole supervision pursuant to §46-23-1031, MCA, for basic supervision costs and as a means of offender accountability.

Supplemental Tools – Other assessments and/or evaluations used with the MORRA and/or WRNA assessments that aid in identifying an offender’s risk category. This includes crime-specific risk assessments (sexual, DUI), static/acute assessments, and clinical evaluations.

WRNA-Women’s Risk and Needs Assessment – A gender-specific standardized and validated evidence-based instrument used to assess the probability of a female 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.

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. GENERAL PROVISIONS:

A. GOALS AND OBJECTIVES:

1. The purpose of this procedure is to promote PPD’s goals of public safety, victim’s rights, and offender accountability while fulfilling the mission of the Department and provide the offender with a continuum of care.
2. It is PPD’s goal for offenders on community supervision to become and remain law abiding, self-sufficient, and contributing members of the community. The combination of managing the offender’s risk while assisting with programming needs will help in reducing the probability of offender recidivism and increase the probability of the offender successfully completing supervision.
3. PPD’s goals of providing community supervision and services to offenders will be attained by ensuring the following objectives:

- a. Visibility of PPD efforts through the monitoring and supervision of offenders through community networking;
- b. Use of effective communication strategies and other behavioral change techniques;
- c. Provide supervision and support of offenders in the community;
- d. Enforce all conditions of supervision;
- e. Deter substance abuse through drug and alcohol testing and use of meaningful incentives and/or interventions;
- f. Refer offenders to appropriate treatment services based on their assessments, and monitor attendance and progress in these programs;
- g. Victim restoration through notification, restitution, community service and referral to treatment and crime victim unit resources; and
- h. Encourage sustainable employment and vocational skills.

B. GUIDELINES:

1. All Probation & Parole (P&P) Officers, upon successful completion of training requirements, will use MORRA and WRNA assessments to determine the risk of an offender to recidivate, criminogenic needs, and responsivity. These assessments, along with supplemental tools, will be used to develop a case plan and supervision strategies that will best assist the offender in obtaining needed programming and treatment to reduce his/her risk to the public.
2. Case management procedures included in this operational procedure will be used in conjunction with the following:
 - *PPD 1.5.500 Offender Records Access and Release*
 - *PPD 1.5.501 Case Records Organization, Management, and Retention*
 - *PPD 1.5.1000 Sexual and Violent Offender Registration and Level Designation*
 - *PPD 1.5.1200 Risk and Needs Assessments for Adult Case Management*
 - *PPD 3.1.2000 Offender Drug Testing Program*
 - *PPD 4.6.205 Conditional Discharge from Supervision*
 - *PPD 4.6.206 Early Termination of Deferred and Suspended Sentences*
 - *PPD 6.3.101 Montana Incentives/Interventions Grid for Adult Probation & Parole*
 - *PPD 6.3.404 Probation & Parole Offender Travel*
 - *PPD 6.4.205 Reports of Violation of Probation and Parole*
 - *PPD 6.4.206 Adult Probation & Parole Field Hearings*

C. CONDITIONS OF SUPERVISION:

1. Conditions are imposed from the following: *Standard conditions* pursuant to §20.7.1101 ARM; *Statutory conditions* pursuant to Montana Code Annotated; and *Special conditions* as ordered by the District Court, Board of Pardons and Parole, and/or the Department.
2. A Deputy Chief may use his/her discretion to allow the following on a case-by-case basis:
 - a. When determined as an appropriate incentive by *PPD 6.3.101(A) Montana Incentives/Interventions Grid for Adult Probation & Parole (MIIG-P&P)*, a non-violent offender may be given approval to use archery equipment for hunting purposes only.
 - b. An offender may be allowed to reside with a person who is lawfully able to own, possess, transfer, or control a firearm as long as the offender does not have access to the firearm(s).
 - c. These will be noted in the offender's OMIS ALERTS when approved.

IV. CASE MANAGEMENT:

A. MORRA/WRNA ASSESSMENTS:

1. Once MORRA/WRNA/supplemental risk assessment instruments have been completed to determine an offender's risk and needs category:
 - A case plan using *PPD 6.3.401 (A) Community Supervision Case Plan* is developed by the supervising Probation & Parole (P&P) Officer in conjunction with the offender addressing the identified medium and high domains from the assessment. It will be discussed during each interaction with the offender with progress noted in OMIS.
 - Effective case management practices will be used throughout the offender's supervision and compliance with conditions of supervision will be documented.
 - Officers shall use the *MIIG-P&P* and utilize appropriate incentives/interventions based on the offender's risk category.
2. Risk Reassessments: All offenders will be assessed one (1) time per year using the appropriate risk assessment tool. P&P Officer will reassess earlier if there has been a life-altering event pursuant to *PPD 1.5.1200 Risk and Needs Assessments for Adult Case Management*.

B. RISK CLASSIFICATION:

1. Risk classification is determined by the results on the MORRA/WRNA assessments and other applicable supplemental tools. Strategies are used with case plans and for compliance monitoring.
2. Supplemental tools include Sexual Offender Risk Assessments: The timeframes and guidelines for completing the MORRA/WRNA is in accordance with *PPD 1.5.1200 Risk and Needs for Case Management*.
 - a. Male sex offender's risk is determined by using the MORRA and the appropriate sex offender risk assessment:
 - 1) A "qualifying adult male offender" is a male who was 18 or more years old at the time of release to supervision and whose offense may have been a charge or conviction for an offense that is known to have a sexual motivation. The victim must have been a child or a non-consenting adult or others (i.e. animals or corpses).
 - 2) Assessments:
 - a) STATIC-99R – for qualifying adult male offenders;
 - b) STABLE-2007 – for qualifying adult male offenders or male offenders with child pornography conviction;
 - c) ACUTE-2007 – for qualifying adult male offenders or male offenders with child pornography conviction.
 - 3) The STABLE-2007 level combined with the MORRA score is used when the STATIC-99R cannot be used for assessing the offender.
 - b. Female sex offenders – There are currently no validated risk and needs assessments for female offenders. Female sex offenders are supervised according to the WRNA score. The STATIC-99R, STABLE-2007, and ACUTE-2007 will **not** be utilized with female offenders. P&P Officer will use the WRNA, polygraph reports, offense-specific factors, participation in treatment, and P&P Officer's discretion to determine female sex offender risks and needs.

C. RISK CATEGORIES:

1. For all risk categories:

- a. The offender will report any change in status (residence/employment/family situation) immediately to the supervising P&P Officer;
- b. When required, *PPD 6.3.401(C) Monthly Report* is filed with the P&P office in person, by mail, email, or other approved means of submission based on the offender's risk category; and
- c. One of an offender's contact requirements may be modified as an incentive or intervention when determined appropriate by the *MIIG-P&P*. A Chronological entry is made describing the modification. When modified as an intervention, *PPD 6.4.206(C) MIIG-P&P Intervention: Hearing Summons and/or Violation Response* is also completed.

2. High (MORRA +34; WRNA +37): Multiple criminogenic needs. They may have multiple responsivity issues.

- a. Develop case plan using *PPD 6. (A)* to be signed off by P&P Officer and offender.
 - 1) CASE PLAN: Court-ordered conditions will be priority followed by the high-risk areas that will help lower the offender's risk to reoffend. One (1) to two (2) goals to be worked on at a time.
- b. Contacts:
 - 1) minimum of two (2) offender contacts per month;
 - 2) additional contacts:
 - a) a face-to-face offender contact is made in the community every two (2) months;
 - b) a minimum of three (3) collateral contacts every three (3) months; and
 - c) other contacts/referrals are made based on identified dynamic risk factors in the case plan.
- c. No *Monthly Report* is required.
- d. After 24 months, a CDFS recommendation shall be submitted if offender meets statutory guidelines.

3. Medium (MORRA 24-33; WRNA 22-36): Multiple criminogenic needs, varying in severity with some responsivity issues.

- a. Develop case plan using *PPD 6.3.401 (A)* to be signed off by P&P Officer and offender.
 - 1) CASE PLAN: Court-ordered conditions will be priority followed by the high-risk areas that will help lower the offender's risk to reoffend. One (1) to two (2) goals to be worked on at a time.
- b. Contacts:
 - 1) minimum of one (1) offender contact per month;
 - 2) additional contacts:
 - a) one (1) face-to-face offender contact in the community every two (2) months;
 - b) a minimum of three (3) collateral contacts every three (3) months; and
 - c) additional contacts/referrals are made based on identified dynamic risk factors in the case plan.
- c. No *Monthly Report* is required.
- d. After 18 months, a CDFS recommendation shall be submitted if offender meets statutory guidelines.

4. Moderate (MORRA 15-23; WRNA 10-21): Minimal criminogenic needs which are transitory or acute and not sustained over time.

- a. Develop case plan using *PPD 6.3.401 (A)* and court-ordered conditions/ special conditions.
 - 1) CASE PLAN: Court conditions will be priority followed by the higher-risk area that will help lower the offender’s risk to reoffend. Multiple goals can be worked on at one time.
- b. Contacts:
 - 1) minimum of one (1) offender contact every three (3) months; and
 - 2) additional contacts:
 - a) one (1) face-to-face offender contact must be in the community every six (6) months; and
 - b) a minimum of two (2) collateral contacts in a 6-month period.
- c. A Monthly Report is required during the months in which there is no offender contact.
- d. After 12 months, a CDFS recommendation shall be submitted if offender meets statutory guidelines.

5. Low (MORRA 0-14; WRNA -9): Few if any identifiable criminogenic or non-criminogenic needs. Any needs exhibited are minimal and/or transitional.

- a. Case plan using *PPD 6.3.401(A)* and court-ordered conditions, special programming/ treatment conditions (court, BOPP, or DOC) and/or offender-requested goals;
 - 1) CASE PLAN: Court conditions will be priority followed by goals identified by the offender.
- b. Contacts:
 - 1) minimum of one (1) face-to-face offender contact every 3 months; and
 - 2) minimum of (1) one collateral contact every six (6) months.
- c. A Monthly Report is required during the months in which there is no offender contact.
- d. After nine (9) months, a CDFS recommendation shall be submitted if offender meets statutory guidelines.

6. Offenders for whom a CDFS or early termination recommendation was submitted but was denied by the Court shall be supervised using these guidelines.

- a. As mandated by the requirements for CDFS or early termination, offenders on this status will have completed all court-orders and components of their case plan and have met all required financial obligations.
- b. A *Monthly Report* is required during the months in which there is no offender contact.
- c. Contacts: minimum of one (1) face-to-face offender contact per year, either in the office or in the community.
- d. The offender continues to pay supervision fees during this period.
- e. Using the time requirements mandated by statute, a CDFS recommendation shall be resubmitted if offender continues to meet statutory guidelines.

7. Offenders pending revocation. If an offender has a pending revocation and has bonded out, conduct a reassessment (as a revocation is a life-altering even) and supervise the offender according to that risk category.

D. CASE PLANNING:

1. Case Planning includes:

- a. prioritizing primary risk factors over secondary risk factors;

- b. focusing on one (1) to two (2) goals at a time and aiding offenders in identifying personal goals;
- c. ensuring treatment and programming needs are automatically identified based on conditions ordered by the court, Board of Pardons and Parole (BOPP), or the Department.
- d. determining additional programming needs based on assessment tools (i.e. MORRA, WRNA, sex offender) and interview with offender;
- e. referring offenders to appropriate community-based service providers based on their criminogenic needs;
- f. tracking in OMIS and/or case plan the offender’s progress on meeting/completing goals, court-ordered conditions, programming, and treatment, including completions and failures; and
- g. addressing the individualized responsivity.
- h. Tasks including supervision, referrals, and in-person meetings are assigned to the P&P Officer.

2. Risk Factors:

- a. Primary risk factors include:
 - 1) those identified by both the MORRA and WRNA:
 - Antisocial attitudes
 - Antisocial peers
 - Antisocial personality
 - Antisocial behavior
 - 2) also known as the “Big 4” or the “Drivers”.
- b. Secondary risk factors include:
 - 1) those identified by the MORRA and WRNA:
 - Family
 - Prosocial/Leisure
 - Employment/Education
 - Substance Use
 - 2) additional risk factors identified by the WRNA:
 - Housing
 - Anger/Hostility
 - History of mental illness
 - Depression/Anxiety (Symptoms)
 - Psychosis (Symptoms)
 - Abuse/Trauma
 - PTSD
 - Relationship Dysfunction
 - Parental Stress
- c. The primary risk factors are the principal indicators of an offender’s risk of recidivism. Secondary risk factors, when co-occurring with primary risk factors, increase an offender’s risk of recidivism.
- d. The most effective way of aiding an offender in reducing their risk is by focusing on the “Risk Principle,” which states that priority is given to medium- and high-risk factors when delivering programming and services, as this will yield the highest impact. *Secondary risk factors should also be addressed, but this should occur after, or in coordination with, addressing primary risk factors.*

3. Protective Factors:

- a. Protective factors and impacts to those factors should be considered when developing an offender’s case plan or responding to violations.
- b. Research has shown that protective, or resilience, factors reduce an offender’s risk of engaging in criminal behavior. These are also known as strengths when identified by WRNA and can include:

- Education
- Employment
- Self-Efficacy: One's belief in one's ability to succeed in specific situations or accomplish a task. One's sense of self-efficacy can play a major role in how one approaches goals, tasks, and challenges.
- Housing
- Relationship Support

4. Case Plan: The document for each offender used in case management that identifies the outcomes and actions required for the offender to achieve established goals and provides the structure for ongoing incentives and/or interventions. Effective case plans are dynamic instruments that organize an offender's behavioral expectations and are adapted to the offender's risk, needs, and actions while on supervision.

- a. *PPD 6.3.401(A) Community Supervision Case Plan* is used to document the appropriate case plan.
- b. Case plan should be reviewed by the officer before contacts with the offender. Periodically, the officer should review the case plan with the offender to assess progress on their goals and identify any barriers or needed action steps.
- c. Officer and offender must sign the case plan document. POII review and signature is required for case plans for medium- and high-risk offenders.
- d. Case plan should be updated upon completion of identified goals or identification of new needs, barriers, or action steps.
- e. Updated case plan is saved with date of update in name of document and uploaded into SharePoint.

5. Use of Carey Guides (Guides):

- a. Generally, the Guides are not intended for use with those offenders whose risk of recidivism is low or moderate. Use of the Guides should be targeted to those who are at medium- or high-risk of recidivating.
- b. The Guides are designed to help structure one-on-one interactions with an offender in order to target the highest areas of risk and needs, as well as skill deficits.
 - 1) The structure of the interview is as follows:

• Check in with the offender	4-5 minutes
• Review previous exercises/sessions	4-5 minutes
• Provide an intervention (new material from the Guides)	10 minutes
• Provide a take-home exercise to reinforce the material	1-2 minutes
- c. The Guides should be used as interventions:
 - *Stand-Alone Interventions:* When an offender cannot get into a program due to lack of availability, time constraints, or other barriers.
 - *Reinforcement for Other Program Interventions:* When an offender is participating in or has completed a program and the P&P Officer wants to gauge or reinforce the skills learned through program participation.
 - *Impromptu Interventions:* When an offender has an event that exposes a thinking error, skill deficit, or has an issue related to a criminogenic need.
- d. Responding to violations:
 - 1) When responding to violations, P&P Officers should refer to the *MIIG-P&P*.
 - 2) In general, violations warrant a two-pronged response which includes an accountability response included in the *MIIG-P&P* and a behavior change response meant to aid an

offender in changing the behavior which led to the response. **The Guides may be used as a behavior change response but should not be mandated as part of a disciplinary process.**

- e. Accessing the Guides: The Guides may be accessed in a paper format in each P&P Office or in an electronic format through POIIs. Blank paper Guides may be copied but cannot be scanned and stored as blank copies.
- f. Documenting use of the Guides:
 - 1) use of the Guides should be documented in OMIS chronological history; and
 - 2) completed exercises may be uploaded in OMIS.

E. COMPLIANCE MONITORING:

1. Contacts:

- a. P&P Officers shall use a combination of ways to have contact with the offender for effective supervision:
 - 1) contacts that take place in the community are the preferred method of contact;
 - 2) all contacts must be documented in the offender's OMIS chronological history; and
 - 3) when, in an attempt to contact the offender at his/her home and the offender is not present, but another person is present, the contact will be documented as a collateral contact.
- b. For all offenders under supervision, P&P Officer must verify an offender's residence within 30 business days of initial sign-up, transfer, or any reported change of address by contacting the offender at the residence. This contact will be documented as a home contact.

2. Restitution, Supervision Fees, and Other Fines and Fees:

a. General Information:

- 1) The sentencing courts will order victim restitution, supervision fees, and other fines and fees as established by Montana statutes.
- 2) Discuss, pursue, and monitor the collection of victim restitution, fees, and fines. A payment plan will be developed and entered in OMIS during case planning process. All payments for restitution and supervision fees must be made with either a money order or cashier's check, and offender will list his/her name, District Court Judgment Number (ex. DC-01-45), and the County of Sentence on money order/check.
 - a) All payments should be submitted by the offender to the DOC Collections Unit. In the event the offender brings their payment to the P&P Office, he/she will be provided an additional envelope with instructions to mail directly to DOC Collections Unit.
 - b) One money order or cashier's check may be submitted for payment; however, the offender must specify how much money is to go to restitution and how much to supervision fees. If the offender fails to do so, the entire amount will be applied to restitution.
 - c) Staff will not collect cash or payments from offenders.
- 3) During contacts, P&P Officer shall confirm the status of offender payments and balances with the offender and document status in OMIS.

b. Restitution:

- 1) The offender's obligation to pay full victim restitution remains until paid.
- 2) If the offender is under supervision, payment of restitution is a condition of any probation, parole, or conditional release.

- 3) If an offender is not compliant or is not making a good faith effort to pay victim restitution on a regular basis and has income, the P&P Officer should refer to the MIIG.
- 4) If restitution is not paid in full 3-months prior to discharge for probationers, this is a compliance violation. Therefore, the supervising P&P Officer will contact the county attorney to see if a report of violation should be filed. If so, *PPD 6.4.205(A) Report of Violation* is completed and submitted pursuant to *PPD 6.4.205 Report of Violation for Probation or Parole*. In the *Report of Violation*, Officer must communicate/document the steps taken to obtain restitution from offender, offender's financial situation, and offender's good faith efforts to pay.

c. Supervision Fees:

- 1) Statute requires:
 - a) Offenders residing in the state of Montana are required to pay a supervision fee ranging from \$120 to \$360 per year.
 - b) Under §45-9-202, MCA, offenders convicted of a dangerous drug felony offense and placed on ISP in lieu of imprisonment will pay a fee of not less than \$50 per month.
 - c) Offenders under continuous satellite-based monitoring shall pay a supervisory fee of no more than \$4,000 per year (see *PPD 1.5.1000 Sexual and Violent Offender Registration and Level Designation*).
- 2) PPD has determined that supervision fees will be required as follows:
 - a) Standard supervision: \$21 per month
 - b) Intensive Supervision Program: \$25 per month
 - c) GPS (with or without placement on ISP):
 - (1) Passive Monitoring: \$3.69 per day.
 - (2) GPS costs are billed directly to and collected from the offender by PPD's vendor and should not be collected by PPD/DOC staff.
 - (3) This fee may be reduced, waived, or suspended by PPD if it is determined that the payment would cause the person a significant financial hardship.
- 3) *PPD 6.3.401(E) Supervision Fee Modification/Waiver* is used for the following:
 - a) **PART A: INCENTIVE** is completed by the P&P Officer on *Modification/Waiver* form when supervision fees are reduced as an incentive following the *MIIG-P&P*. The fees may be reduced to a minimum of \$10 per month for periods of one (1), two (2), or three (3) months:
 - (1) offender signs to acknowledge reduction;
 - (2) modification is documented in OMIS chronological history;
 - (3) signed copy of form is forwarded to DOC Collection Unit; and
 - (4) original form is uploaded into OMIS record as "Supervision Fee Incentive [With Date]" under P&P Documents.
 - b) **PART B: REQUEST PURSUANT TO FINANCIAL HARDSHIP** is completed for those offenders determined to be unable to pay the full amount of their supervision fees due to significant financial hardship. The fee may be reduced, suspended, or waived. Any failure to pay supervision fees without securing a hardship is a violation of Montana law:
 - (1) Reduction or Suspension of Fee:
 - (a) supervising P&P Officer completes the request;
 - (b) form is submitted to DC or designee for review and final approval/denial.

- (2) Hardship Total Payment Waiver:
 - (a) supervising P&P Officer completes the request;
 - (b) form is submitted to DC or designee for review;
 - (c) form is filed with the court for final approval/denial **for all offenders**;
 - (d) court's response is documented in OMIS chronological history;
- (3) signed copy of form showing a modification is forwarded to DOC Collection Unit; and
- (4) original form is uploaded into OMIS record as "Supervision Fee Reduction/Waiver [With Date]" under P&P Documents.
- 4) Upon sign-up, Officers will approximate an offender's total supervision fees that will be due during the offender's supervision to establish a baseline and make a chronological entry on the approximation.
 - a) Future waivers or time periods that fees are not required to be paid (i.e., when offender is not on supervision) are not included in the approximation.
 - b) For CDFS purposes, offenders are determined to be in compliance if they have made payments since their most recent status change, not including jail sanctions. Payments made during any prior status or discharged offenses will not be considered.
- 5) Offenders who are placed out of state will pay supervision fees to the state providing supervision.

3. Online Presence and Research (OP&R):

- a. To effectively monitor and track offenders' compliance with conditions of supervision, or to aid in recovering absconders, Officers may conduct online research and/or investigations of Internet websites to determine an offender's Internet use and activity, as well as gathering information regarding the offender.
- b. Upon completion of a period of research, Officer will make a chronological entry in the offender's OMIS record noting the results of the investigation.

4. Drug Testing: See *PPD 3.1.2000 Offender Drug Testing Program* for all procedures to be followed for random or for-cause drug testing of offenders under P&P supervision:

- a. Offenders will be required to submit to drug and/or alcohol testing within the first 45 days of initial meeting. Thereafter, offenders will be tested:
 - 1) as determined by OMIS;
 - 2) as necessary for cause. Examples include:
 - a) any time there is reason to suspect offender has recently used drugs/alcohol;
 - b) testing is a requirement of a treatment or training program;
 - c) an incarcerated offender has had community contact; or
 - d) offender misses a commitment/meeting.
- b. Offenders will be made aware that they are subject to testing at any time during their supervision.
- c. Upon offenders testing positive, the officer will refer to *MIIG-P&P* for appropriate response and document response in OMIS.

5. Travel: See *PPD 6.3.404 Probation & Parole Offender Travel* for the requirements and procedures for the issuance of travel permits for in-state and out-of-state travel to offenders under P&P supervision, including sexual and violent offenders.

- a. Travel permits may be approved consistent with the offender's risk category.

- b. Additional travel restrictions or permissions may be implemented through the *MIIG-P&P*. A Chronological entry is made describing the modification:
 - 1) when used as an incentive, the chronological entry will describe whether the offender will be allowed to travel in-state or out-of-state and the timeframe involved; and
 - 2) when used as an intervention, *PPD 6.4.206(C) MIIG-P&P Intervention: Hearing Summons and/or Violation Response* is also completed.

F. VIOLATIONS OF SUPERVISION CONDITIONS:

- 1. Following an investigation of the offender’s alleged violation(s), an appropriate response to the violation will be determined by using *PPD 6.3.101(A) Montana Incentives/Intervention Grid for Adult Probation & Parole (MIIG-P&P)*.
- 2. If it is determined that a formal administrative hearing is appropriate, see *PPD 6.4.205 Report of Violation of Probation or Parole* and *PPD 6.4.206 Adult Probation & Parole Field Hearings* for appropriate procedures to follow.

G. REQUEST FOR MODIFYING CONDITIONS OF SUPERVISION: P&P Officers may recommend that a condition of supervision be added or amended due to an offender’s improved or deteriorating response to supervision. The Officer must provide his/her reasons for the modification.

- 1. Probationer:
 - a. *PPD 6.3.401(F) Request to Modify Conditions of Probation Supervision* is completed and reviewed with probationer prior to submission to the County Attorney in the sentencing jurisdiction.
 - b. Probationer may seek counsel before signing the *Request* and indicating agreement or disagreement with the modification.
 - c. If County Attorney files a petition to modify conditions, and probationer has disagreed, he/she is entitled to a hearing before the court and will be informed of the right to counsel.
 - d. Upon the court granting the modification, probationer will sign new *Conditions of Probation and Parole*.
- 2. Parolee:
 - a. *BOPP Waiver of Appearance for Additional Special Conditions* is completed and reviewed with parolee prior to submission to the BOPP.
 - b. Upon the BOPP granting the modification, parolee will sign new *Conditions of Probation and Parole*.
- 3. Conditional Release offender:
 - a. *PPD 6.3.401(G) Request to Modify Conditions of Conditional Release* is completed and submitted to [COR Conditional Release](#) for approval by the final authority approving the original conditional release.
 - b. Upon PPD approval of modification, offender will sign new *Conditions of Conditional Release*.

V. CLOSING:

Questions concerning this procedure shall be directed to the Probation & Parole Officer II, Deputy Chief, or Probation & Parole Bureau Chief.

VI. FORMS:

PPD 6.3.401 (A)	Community Supervision Case Plan
PPD 6.3.401 (C)	Monthly Report
PPD 6.3.401 (E)	Supervision Fee Modification/Waiver
PPD 6.3.401 (F)	Request to Modify Conditions of Probation Supervision
PPD 6.3.401 (G)	Request to Modify Conditions of Conditional Release
PPD 6.3.401 (I)	Financial Obligations Compliance Form
BOPP	Waiver of Appearance for Additional Special Conditions