



DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE DIVISION  
OPERATIONAL PROCEDURE

|                    |   |                                      |
|--------------------|---|--------------------------------------|
| Procedure:         | PPD 6.5.201   | DISCHARGE FROM COMMUNITY SUPERVISION |
| Effective Date:    | 08/18/2021  | Page 1 of 4                          |
| Revision Date(s):  |   |                                      |
| Reference(s):      | PPD 1.5.501; PPD 6.1.802; 46-18-204, MCA; 46-23-216, MCA; 20.25.705 ARM |                                      |
| Signature / Title: | Katie Donath, Acting Probation and Parole Division Administrator        |                                      |

**I. PURPOSE:**

Probation and Parole staff will follow established procedures for the discharge of the sentence of an adult Montana offender under the supervision of the Division. This operational procedure is not applicable to offenders receiving a conditional discharge from supervision or to probation offenders receiving an early termination of a suspended execution of sentence or a deferred imposition of sentence.

**II. DEFINITIONS:**

**Community Supervision** – For the purpose of this procedure, probation, parole, or conditional release, supervision in the community by a Department probation and parole officer or interstate agent.

**CR-Conditional Release** – A status that applies to DOC commitments placed in a community corrections program and released to community supervision prior to the expiration of their sentence when determined appropriate by the Department.

**DOC Commitment** – A commitment by the District Court of an adult offender or criminally convicted youth to the authority of the Department for the determination of offender’s appropriate placement; or the Court may require the offender be released to community supervision upon sentencing or disposition. §46-18-201, MCA

**Discharge To Balance Suspended** – An offender has completed the incarceration portion of his/her sentence, however, has a probationary term to follow.

**Flat Discharge** – An offender has completed his/her sentence and does not have a probationary term to follow.

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

**Probationer** – For the purpose of this procedure, an offender ordered by the District Court to serve a period of commitment time for a suspended or deferred imposition of sentence (probation); or an adult offender committed to the authority of the Department and required to be released by the District Court to community supervision upon sentencing or disposition (DOC probation). §46-18-201, MCA

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

**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.

### III. PROCEDURES:

#### A. DISCHARGE TO BALANCE SUSPENDED:

1. A probation, parole, or conditional release offender who has a sentence expiring may continue supervision under another concurrent/consecutive probation sentence.
2. The supervising Probation & Parole (P&P) Officer will meet with the offender before he/she discharges to balance suspended:
  - a. P&P Officer will explain to the offender that he/she will continue supervision under another probation sentence; and
  - b. The Officer will follow the procedures of *PPD 6.3.201 Administrative and Sign-Up Procedures for Community Supervision* for completing *PPD 6.3.201 Conditions of Probation and Parole* for the remaining probation sentence.
3. In offender's OMIS record, the past conditions of supervision are closed out and the new probation conditions are added.

#### B. FLAT DISCHARGE OF SENTENCE:

1. When a supervising Probation & Parole (P&P) Officer/Interstate Agent is aware that, due to an imminent expiration of sentence(s), an offender will be flat discharging from community supervision, the officer/agent will verify there is no pending petition or request to revoke the offender's probation, parole, or conditional release.
2. *Victim Notifications*: The supervising P&P Officer will check OMIS and VINE for registered victims and contact the BOPP and/or the county attorney's office serving in the county of the presiding district court to help in determining victim contact information. Officer will then notify any victims regarding the offender's expiring sentence.
  - a. Officer will explain what the discharge means regarding the offender's supervision and provide answers to any of the victim(s) questions.
  - b. Notification to victim(s) is noted in offender's OMIS record;
3. *Probationer*: No contact with the sentencing court is required for expiration of a probation sentence.
  - a. If there is no pending petition to revoke the offender's probation, the supervising P&P Officer/Interstate Agent will complete *PPD 6.5.201(A) Probation Final Discharge Letter*.
  - b. Prior to an offender's flat discharge of his/her sentence(s), the P&P Officer will meet with offender and complete the following:
    - 1) section II of *PPD 6.3.201(B) Firearm and Voting Regulations Form*. A copy is uploaded into OMIS and the original is provided to the offender;
    - 2) if offender must register as a sexual and/or violent offender, he/she will complete section II of *PPD 1.5.1000(A) Duty to Register Letter*. A copy is uploaded into OMIS and the original is provided to the offender;

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- 3) have offender sign *PPD 6.5.201(A) Probation Final Discharge Letter*. A copy is uploaded into OMIS and the original is provided to the offender.
- 4) For an offender terminating a deferred imposition of sentence, P&P Officer/Interstate Agent will inform the offender of his/her right to petition the Court for dismissal of the deferred sentence.
  - a) If the court order for dismissal of charges is received, P&P Officer will upload the order into offender's OMIS record and email a copy of the court order to [MSRecords@mt.gov](mailto:MSRecords@mt.gov).

**4. Parolee:**

- a. Within 60 days prior to a parolee achieving completion of parole with no probation time to follow, and there is no pending petition to revoke the offender's parole, the supervising P&P Officer/Interstate Agent will:
  - 1) determine the offender has achieved or has nearly achieved completion of parole;
  - 2) after verifying all information, complete and sign the *BOPP Final Discharge* certificate (type or print name under signature);
  - 3) forward *BOPP Final Discharge* certificate to the Board of Pardons and Parole (BOPP) located at 1002 Hollenbeck Rd., Deer Lodge, MT 59722. This is the only document used to inform the BOPP of the offender's completion of parole.
  - 4) BOPP, upon verification of all information, will sign and seal the *BOPP Final Discharge* certificate and forward it to the Governor's Legal Counsel;
  - 5) The *BOPP Final Discharge* certificate will be signed by the Governor and forwarded to the Interstate Compact Administrator;
  - 6) Interstate Compact Administrator or designee will forward the *BOPP Final Discharge* certificate to the supervising P&P Officer/Interstate Agent.
- b. Prior to an offender's completion of terms of parole, the supervising P&P Officer will meet with offender and complete the following:
  - 1) section II of *PPD 6.3.201(B) Firearm and Voting Regulations Form*. A copy is uploaded into OMIS and the original is provided to the offender;
  - 2) if offender must register as a sexual and/or violent offender, he/she will complete section II of *PPD 1.5.1000(A) Duty to Register Letter*. A copy is uploaded into OMIS and the original is provided to the offender; and
  - 3) copy of *BOPP Final Discharge* certificate is uploaded into OMIS record and original certificate is given to the offender.

**5. Conditional Release Offender:**

- a. The MSP or MWP Records Department will notify the P&P offices/Interstate Compact Section of imminent discharges by emailing a copy of the Discharge List each month. All P&P Officers/Interstate Agents are responsible for reviewing the list to determine if an offender they are supervising on conditional release has an upcoming discharge date.
- b. If the offender is flat discharging his/her conditional release, the Records Department will forward a *Discharge Certificate* to the supervising P&P Officer/Interstate Agent.
- c. Prior to an offender's completion of terms of conditional release, and there is no pending request to revoke the offender's conditional release, the supervising P&P Officer will meet with offender and complete the following:
  - 1) section II of *PPD 6.3.201(B) Firearm and Voting Regulations Form*. A copy is uploaded into

- OMIS and the original is provided to the offender;
- 2) if offender must register as a sexual and/or violent offender, he/she will complete section II of *PPD 1.5.1000(A) Duty to Register Letter*. A copy is uploaded into OMIS and the original is provided to the offender; and
  - 3) copy of *Discharge Certificate* is uploaded into OMIS record and original certificate is given to the offender.

**C. ON DISCHARGE DATE:**

1. P&P Officer/Interstate Agent completes OMIS entries:
  - a. Placement, Correctional Statuses (Change Placement, Released, Reason-Sentence Expired)
  - b. Placement, Location Terms (under the current location listed, View/Edit Location Term-Add End Date and Time)
  - c. Case Management, Officer Case Worker Assignment (View/Edit-Add End Date and Time)
2. Interstate Agent will also complete case closure procedures for interstate offender pursuant to *PPD 6.1.802 Adult Interstate Commission Procedures*.
3. Offender's field file is returned to the P&P office of original commitment and retained pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention*.

**IV. CLOSING:**

Questions concerning this procedure shall be directed to an immediate supervisor or Deputy Chief.

**V. FORMS:**

|                 |   |
|-----------------|---|
| PPD 6.5.201 (A) | Probation Final Discharge Letter          |
| BOPP            | BOPP Final Discharge                      |
| MSP/MWP         | Conditional Release Discharge Certificate |