



Probation and Parole Standard Operating Procedures Manual Table of Contents

Administration and Management

hh) h
U

hh) k) h
@ k

hh) hk-
) k

hh) o
t \
U

hh) " "
h
h

PPD 1.3.3600 Critical
Incident Response

hh) t o

Case Records Management

hh) h
@ k

hh) \
k k

hh) # k
\ U
k

hh) \
U @
o

hh) -
#

hh) #
U k

hh) o
t \ k
o)

hh) k V

U

Facility/Program Operations

hh) k) y 7

hh) k) y
#

hh) k) y u

hh) \)
u h

hh) o u
8 o 8
@
U

hh) k) "
u o
\

hh) h
(PRC) o
"

Facility/Program Services and Offender Programs

hh) _____ o _____
h _____

PPD 4.6.204 Parole
Placement Investigation

hh) _____ # _____
) _____ o _____

PPD 4.6.206 Early
Termination of Suspended
or Deferred Sentences

hh) _____ = _____

hh) _____) \ #

hh) _____ \ _____ o _____
o _____

hh) _____ # _____
k _____) \ # # _____

hh) _____ - _____
o _____ h _____

hh) _____ y _____
) _____ y _____
U _____ h _____

Community Corrections Operations

hh) _____ - _____
k _____

hh) _____ y _____
) _____ @ _____
- _____

hh) _____ - _____ = _____
u _____

hh) _____ k) h _____
h 7 y V _____
V _____

hh) _____ o _____
- _____

hh) _____ u _____

hh) _____ o _____ @ _____
t h _____

hh) _____ hh) - _____
j _____

hh) _____ k) k _____

hh) _____ \ _____
k _____ h _____

hh) _____ @ _____

\ _____ o _____
@ \ o @ _____
\ u _____
o @ \ u o _____

hh) _____ @ _____
_____ h _____

hh) _____ @ _____
_____ K _____ @K _____

Community Corrections Supervision

hh) U
 @ @ 8
 (MIIG) h
 h

hh) o y h
 # o

hh) @ o u
 o

hh) #
 U
 \

hh) h
 h 7 k

hh) Community
 Supervision \ u

hh) h
 h \ #

hh) \
 k) h

hh) y
 k \ K

hh) k) \

hh) u
 - u

o o

hh) \
 h y = k

hh) k
 t h

h

hh) h
 h 7 =

hh))
 # o

PFB, ACCD, and P&P Procedures (applicable to PPD)

PFB 6.1.201 Placement
 Determination Referral and
 Screening

h7" u

h7" u
 7 k

t

ACCD 5.4.300 Residential
 Alcohol Treatment Programs
 for Felony DUI Offenders

h h o
 \ h t

k #
 \ h

h h k) u
 \

h h u
 o k

U k

h h k) 7



DEPARTMENT OF CORRECTIONS
PROGRAMS AND FACILITIES BUREAU
OPERATIONAL PROCEDURE

Procedure:	PFB 6.1.202 ADMINISTRATIVE TRANSFERS
Effective Date:	01/23/2020 Page 1 of 4
Revision Date(s):	08/11/2021
Reference(s):	53-1-203, MCA; DOC/BOPP Memo of Understanding
Signature / Title:	/s/ Megan Coy, Programs and Facilities Bureau Chief

This procedure is referenced as ACCD 4.6.200 Administrative Transfers/Overrides in Section 3.G. Offender Management; Administrative Transfer/Overrides in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, Connections Corrections Program (CCP), START, and WATCH Contract.

I. PURPOSE:

The Program and Facilities Bureau's contract facilities will follow established procedures when administratively transferring an offender from a facility to an assessment/sanction facility, Montana State Prison, or Montana Women's Prison.

II. DEFINITIONS:

Administrative Transfer – A management decision whereby an offender is moved from one correctional facility to another of equal or greater level of custody for non-disciplinary or behavioral reasons. Transfer is usually a temporary move, but may become permanent due to other circumstances.

CSD-Clinical Services Division – The division within the Department responsible for the overall health care functions of medical, mental health, dental and vision for all programs and facilities.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

Relevant Medical and/or Mental Health Information – Circumstances or situations regarding an offender's medical and/or mental health needs that impacts the placement of the offender in a PFB facility.

III. REQUIREMENTS:

A. OFFENDERS ON COMMUNITY SUPERVISION:

1. An offender on probation, parole, or conditional release supervision who is experiencing severe medical or mental health issues will be encouraged to use community medical or mental health resources.
2. Offenders on community supervision cannot be administratively transferred for medical or mental health stabilization.

B. OFFENDERS IN A PFB FACILITY:

1. General Information

Subject: ADMINISTRATIVE TRANSFERS

- a. When an offender placed at a PFB facility is not be able to complete the facility's program for non-disciplinary reasons, he/she may be removed from the facility through an administrative transfer. These reasons may include:
 - 1) needed medical assessment/stabilization,
 - 2) need for mental health assessment/stabilization, or
 - 3) separation needs.
- b. Prerelease offenders with severe mental health issues: The offender's case manager will ensure that all available community resources have been exhausted prior to initiating an administrative transfer.
- c. The Board of Pardons and Parole (BOPP) must be notified prior to any parolee being returned to Montana State Prison (MSP) or Montana Women's Prison (MWP).

2. Mental Health Stabilization Transfer to Assessment Center

- a. Facilities may request an administrative transfer of an offender to an assessment center facility for mental health stabilization.

3. Transfers to MSP/MWP

- a. Facility staff may request an administrative transfer of a DOC/MSP inmate from a facility to MSP/MWP for medical or mental health stabilization for up to 90 days.
- b. This transfer will be administered under the *Understanding* between the Department of Corrections and the BOPP.
- c. In some cases, an offender who has been administratively transferred to an assessment center may need further stabilization and can be administratively transferred to MSP/MWP for up to 90 additional days, following applicable procedures.
- d. If an offender has not been determined stabilized within the 90-day period at MSP/MWP, the PFB Bureau Chief, in conjunction with the BOPP, may extend the offender's stay. An email request is sent to corao@mt.gov.

C. PROCEDURES AND RESPONSIBILITY:

1. Sending facility staff will discuss possible administrative transfer of offender with supervisor and review circumstances regarding offender.
2. Sending facility staff will contact the PFB Bureau Chief or designee to discuss and review the offender's circumstances and all information regarding the reason for the transfer, including all relevant medical and/or mental health information.
3. If transfer to assessment center is deemed necessary, PFB Bureau Chief or designee will staff with assessment center administrator, mental health professional, and IPPO.
4. If transfer to MSP/MWP is deemed appropriate, PFB Bureau Chief or designee will:
 - a. verify that the offender is not a probationer;
 - b. confer with the following:
 - 1) for male offenders: CSD, MSP Command Post (for potential admission), and MDIU Admissions (for potential admission and bed availability); or
 - 2) for female offenders: CSD, MWP Treatment and Reentry Program Manager, and MWP Admissions Officer.

Subject: ADMINISTRATIVE TRANSFERS

5. *h7* is completed by the sending IPPO or PRC Liaison.
 - a. The *k* must include the offender's circumstances and all information regarding the reason for the transfer, including a contact person for relevant medical and/or mental health information.
 - b. Document must be named as follows: \) \# ' 7 ' u
 - c. *k* is forwarded to Facility Administrator or designee for signature.
6. **Offender will not be transported to MSP/MWP until *Request for Administrative Transfer* has been approved and paperwork is forwarded IMMEDIATELY to CSD Administrator and MDIU/MWP Admissions.**
7. *k* is submitted electronically by the Facility Administrator or designee to corao@mt.gov. Email subject line must read as follows: \) \# ' 7 ' u
8. *k* will be forwarded by the Administrative Assistant to cormedical@mt.gov for the CSD Administrator's or designee's review and signature and to the PFB Bureau Chief.
 - a. For medical/mental health, CSD will include a medical and/or mental health plan for the offender on the 7 ;
 - b. CSD Administrator or designee will return *k* to corao@mt.gov and PFB Bureau Chief.
9. *k* is reviewed by the PFB Bureau Chief or designee and returned to corao@mt.gov.
10. *k* is returned to the sending IPPO or PRC Liaison by the Administrative Assistant.
 - a. If approved, copies will be included to the following on a need to know basis:
 - 1) CSD (cormedical@mt.gov);
 - 2) Facility Administrator;
 - 3) Assessment center facility administrator, mental health professional, and IPPO;
 - 4) Onsite medical and mental health supervisors;
 - 5) MSP Admissions Manager/MWP Lieutenant on Duty (if applicable);
 - 6) MSP/MWP Records;
 - 7) Other appropriate persons.
 - b. If transfer to assessment center is approved:
 - 1) Sending facility staff will contact receiving facility staff to confirm transfer and transport of offender as soon as possible.
 - 2) Offender paperwork is transferred with the offender:
 - a) approved *h7* ;
 - b) medical/mental health/medication records; and
 - c) whether offender will return to sending facility, if known at time of transfer.
 - 3) Receiving facility staff will ensure all appropriate persons are notified of the offender's transfer.
 - 4) If the offender is transferred to a mental health pod, receiving assessment/sanction facility will notify the following persons:
 - a) PFB Bureau Chief or designee;
 - b) CSD (cormedical@mt.gov); and
 - c) MSP/MWP Mental Health Director.
 - c. If transfer to MSP/MWP is approved:

Subject: ADMINISTRATIVE TRANSFERS

- 1) Paperwork is forwarded by the sending IPPO or PRC Liaison prior to transfer of offender.
- 2) Sending facility staff will contact MSP Admissions Manager/MWP Lieutenant on Duty to confirm transfer and transport of offender as soon as possible. Offender paperwork is transferred with offender:
 - a) approved health records; and
 - b) medical/mental health/medication records; and
 - c) whether offender will return to sending facility, if known at time of transfer.
11. MSP/MWP staff or the facility IPPO will meet with offender and document progress every 15 days in offender's OMIS chronologicals and communicate to Bureau Chief or designees throughout offender's stay.
12. Medical and/or mental health progress will be monitored and communicated weekly to CSD (cormedical@mt.gov) by the receiving facility's onsite medical and/or mental health staff.
13. Offender's bed will be held by the sending facility as an "off-site" count for up to 30 days, at which time an assessment for further needs will be made by PFB.
14. Onsite medical and/or mental health staff will report when stabilization has occurred, and the offender is able to return to the sending facility or to the community.
15. To return offender back to the sending facility or to community:
 - a. From the assessment center: Offender is transported back to the facility or to community.
 - b. From MSP/MWP:
 - a) Paperwork must be sent to MSP/MWP Records; and
 - b) Offender is transported back to the facility or to community by the sending facility administrator.
16. For the offender whose needs are too excessive and cannot be met at receiving assessment center, and he/she cannot be returned to the sending facility, IPPO will consult with the PFB Bureau Chief, CSD (cormedical@mt.gov), MSP/MWP medical/mental health, and the Warden or designee if necessary to determine if the offender may be administratively transferred to MSP/MWP.
 - a. Once deemed stable, MSP/MWP and CSD will coordinate with the IPPO or designee for an administrative transfer back to the assessment center, the original placement, or other placement if appropriate.
 - b. If the offender needs to remain at MSP/MWP, the procedures in *hh)* *o* *h* will be followed by the sending facility.

IV. CLOSING:

Questions regarding this procedure should be directed to the Programs and Facilities Bureau Chief or Probation & Parole Bureau Chief.

V. FORMS:

PFB 6.1.202 (A) Request for Administrative Transfer



**DEPARTMENT OF CORRECTIONS
COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU
OPERATIONAL PROCEDURE**

Procedure:	PFB 6.1.204 TRANSITIONAL ASSISTANCE FUNDS AND RENTAL VOUCHERS	
Effective Date:	10/01/2020	Page 1 of 7
Revision Date(s):	09/13/2021; 09/15/2022	
Reference(s):	46-32-Part 1, MCA; 46-23-1002, MCA; 46-23-1041, MCA; 53-1-203, MCA; 20.13.108 A.R.M.	
Signature / Title:	/s/ Megan Coy, Community Corrections Facilities and Programs Bureau Chief	

This procedure is applicable to all FPB contracted facilities; however, this procedure is referenced as ACCD 5.1.202 Prerelease Stipend and Special Needs Funding in Section 1.G.1.c. Standard Contract Terms; Compensation/Billing; Compensation; Special funds, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, and Passages.

I. PURPOSE:

Staff of the Department of Corrections and the contracted facilities of the Community Corrections Facilities and Programs Bureau will follow established procedures when requesting funds that are available to assist eligible persons with financial needs.

II. DEFINITIONS:

Claimant – A person who was convicted and subsequently imprisoned for one or more felony crimes that the person did not commit; is not currently serving a term of imprisonment; and meets the requirements of §46-32-102, MCA.

Community Corrections Facilities and Programs Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services. This Bureau is referenced interchangeably as Programs and Facilities Bureau (PFB) or Facilities and Programs Bureau (FPB) in procedures and forms.

Offender – For the purpose of this procedure, any individual serving a term of imprisonment or who is under the supervision of the Department of Corrections or its contracted service providers.

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

III. TRANSITIONAL ASSISTANCE/RENTAL VOUCHERS FOR OFFENDERS:

A. GENERAL INFORMATION FOR OFFENDERS:

1. The Department maintains funds to provide financial assistance to eligible offenders for:
 - a. *U* (see Section B below) – The requested funding must be reasonable, justifiable, and specifically allocated for a service, equipment, or other need: 1) to expedite an offender’s discharge from a prerelease center, 2) to help in an offender’s completion of a program, 3) for an offender being released from prison, and 4) for an offender’s ongoing need in the community.
 - b. *k* (see Section C below) – The requested rental voucher will be specifically allocated to aid in securing initial living arrangements that are suitable for eligible offenders upon their parole as stated in §20.13.108 A.R.M.

2. The offender must be eligible for the funds based on established criteria for the type of assistance requested.
3. Violations of supervision and/or facility write ups are not automatically disqualifying factors for transitional assistance or rental vouchers; however, these will be considered and may result in funds being denied.
4. An offender's request for transitional assistance funds and/or a rental voucher is made using *h7" u k t k*. Every *k* will be reviewed and considered by the FPB. FPB staff will determine whether the offender qualifies for transitional assistance funds, a rental voucher, or a combination.

B. TRANSITIONAL ASSISTANCE FUNDS FOR OFFENDERS:

1. Transitional assistance funds may be used for:
 - a. room and board and personal care expenses for prerelease center residents:
 - 1) these funds should be requested prior to the offender's placement whenever possible, however, if it becomes apparent during the offender's placement that funds may be necessary, the request should be made as soon as possible after that determination; and
 - 2) funds for room and board or personal care expenses may be requested for up to three (3) months prior, the current month, or future months of the offender's stay at the prerelease center.
 - b. rent assistance or rent deposit;
 - c. temporary housing (hotel/motel);
 - 1) temporary housing at a hotel/motel may only be approved for up to one (1) week (7 days);
 - 2) temporary housing at a hotel/motel beyond the first week may be considered;
 - 3) damages or extra charges caused by an offender during a stay at a hotel/motel are the responsibility of the offender to pay;
 - 4) prior to a Pro-card charge for temporary housing at a hotel/motel, the Department staff member authorizing the charge to the staff member's Pro-card at the hotel/motel must also complete a payment authorization form clearly stating the offender's name, the daily rate, any taxes/fees, and the dates authorized. This form is generally available from the hotel/motel, but *h7" " h # ° 7* can be used. A copy of the completed form provided to the hotel/motel must be submitted with the staff member's Pro-card log.
 - d. extended duration housing at a hotel or motel, paid on a monthly basis;
 - e. transportation;
 - f. medication;
 - g. treatment costs; and
 - h. essential items or services without which an offender's ability to remain in compliance with the conditions of the offender's supervision is in jeopardy.
2. Eligible offenders are those:
 - a. flat discharging their sentence from prison;
 - b. being paroled or furloughed;

- c. currently in or being released from a prerelease center, assessment and sanction center, or a treatment facility; or
 - d. currently under or being released to the direct community supervision of Probation and Parole.
3. Funds will not be used for payment of offender's overdue expenses accrued at an FPB facility and offender has left the facility or accrued while under direct community supervision of Probation and Parole (rent, utilities, etc.).
4. For offenders on community supervision, funds may not be used for services that were court-ordered to be at the offender's expense.
5. The following information must be provided for review by the FPB:
 - a. information and background explaining why the offender is in need of the funds;
 - b. information regarding the offender's case plan progress and conduct;
 - c. treatment completed or currently enrolled in, or future plans for treatment (if applicable);
 - d. the amount of money the offender has in the offender's resident account and any outstanding debts;
 - e. how long it would take for the offender to save this amount of money in the length of time the offender would have to remain in the program, should funding not be approved;
 - f. identification of needed assistance, such as estimated monthly costs, contingency plans, etc.;
 - g. the estimated timeframe that the offender will use the funds MUST be specified;
 - h. vendor information;
 - i. a payment type must be selected, such as "Facility Payment" (for transitional assistance funds for prerelease centers only) or "Vendor Invoice" or "Pro-Card" for all other costs. If the vendor invoice option is chosen, the invoice is not required for request to be approved; however, the payment cannot be made without an invoice.
6. FPB will determine the funds for which an offender is eligible during the review of *h7*
 - a. The availability of other sources of funding will be considered: Inmate Welfare Fund, rental voucher, state-contracted programs such as mental health centers and substance abuse programs, private insurance, Medicaid, etc.
 - b. Funds may not be used to pay FPB facilities for room and board or other debt for offenders who escape or are terminated from their placement unless a prior *k* for those expenses was approved. Previously approved funds will be paid only for the days up to the offender's escape or termination.
 - c. Requests for over \$1000 must be approved by the FPB Chief or designee.
 - d. A maximum of \$600 may be approved for offenders who are flat discharging upon release from a facility.
7. Payments of Transitional Assistance Funds:
 - a. may be disbursed to the vendor via a Pro-card charge or upon receipt of an invoice by the Department;
 - b. may be made to an FPB facility for room and board and personal care expenses on behalf of the offender based on offender's need; or
 - c. may be made to an FPB facility for its payment to a vendor on behalf of the offender for

allowable expenses or needs. FPB must have approved *h7" . . . u*
k t k prior to the payment made by the facility.

C. RENTAL VOUCHERS FOR OFFENDERS:

1. Funds for rental vouchers are available to eligible offenders who are being paroled from prison:
 - a. directly to Probation and Parole community supervision;
 - b. to Probation and Parole community supervision upon completion of a treatment program; or
 - c. to Probation and Parole community supervision after completion of an inmate worker placement.
2. Offenders completing a prerelease center program are NOT eligible for rental vouchers.
3. The prison Institutional Probation & Parole Officer (IPPO) must submit *h7" . . . u*
k t k for ALL offenders designated in 1. above.
4. The financial eligibility of an offender will be determined by FPB staff prior to the offender leaving the prison and pursuant to §20.13.108, A.R.M.
5. The requested funding may be specifically allocated for rent for up to (3) three months:
 - a. Payment for only one (1) month will be issued at a time upon approval of *h7" . . . u*
k t k ;
 - b. Offender must remain eligible for the program each month;
 - c. Voucher may be used for a sober living home as provided in §20.13.108, A.R.M.;
 - d. Voucher will not be used for rent deposits; and
 - e. Voucher will not be used for temporary stays in a homeless shelter or hotel/motel.
6. Rental voucher funds will be disbursed only to a vendor:
 - a. A payment type of either "Vendor Invoice" or "Pro-Card" must be selected on the *k* ; and
 - b. If the vendor invoice option is chosen, the invoice is not required for a request to be approved; however, the payment cannot be made without an invoice.
7. Offenders approved for a rental voucher must have also been referred for services in the community such as substance use disorder treatment, mental health treatment, sex offender treatment, education services, employment services, cognitive behavioral programming, or other services that help reduce the risk of recidivism.
8. Offenders determined ineligible for a rental voucher may seek transitional assistance funds for rent assistance as outlined in III.B. above.

D. OFFENDER REQUESTS FOR TRANSITIONAL ASSISTANCE FUNDS AND/OR RENTAL VOUCHERS:

1. *h7" . . . u* *k t k* must be completed as follows:
 - a. All applicable sections of the *k* must be filled out.
 - b. A request may be pre-approved when the offender's needs have been identified prior to placement, or can be requested during offender's placement.
 - c. A request must be approved prior to offender's release; therefore, requests must be submitted at least 5 (five) business days in advance of the release to determine if

the request is appropriate and meets the criteria for rental vouchers. If approval is needed prior to the 5 days, the requestor should call FPB at (406) 444-4333.

2. The *k* is submitted as follows:
 - a. IPPO/Probation & Parole (P&P) Officer submits *k* to Deputy Chief (DC) or designee for signature; OR
 - b. Facility staff submits *k* to Facility Administrator or designee for signature.
 - c. DC or Facility Administrator, or designees, submits *k* to correquests@mt.gov. Email subject line must read as follows:
 7 h h) \# u
 - d. When an offender is at risk of immediate homelessness, the *k* may be submitted as an emergency request. The person submitting the request must call FPB at (406) 444-4333 and explain the urgency of the request.
 - 1) Verbal authorization for expenditure of funds for the emergency requests may be given by FPB staff; however, the *k* must be submitted within five (5) business days of the verbal authorization.
3. Unless a request has been identified as an emergency or urgent and has been staffed with FPB, all requests will be reviewed and a final determination will be made within 5 (five) business days of the submission of a completed *k*.
4. If approved, *k* is forwarded to the staff requesting funds, the contract beds accountant, and FPB budget analyst.
5. Approved vendor(s) will be instructed to submit their invoice for processing/payment as follows, unless otherwise directed by FPB staff:
 - a. to the offender's facility case manager, facility IPPO, or supervising P&P Officer for transitional assistance funds; and/or
 - b. to the offender's supervising P&P Officer for rental voucher.
6. Staff will send a copy of the invoice by email to correquests@mt.gov. Email subject line must read as follows:
 7 h h) \# u

E. DISBURSEMENT OF FUNDS FOR OFFENDERS:

1. A vendor is required to submit a federal 7 ¢ k u @ V # with their invoice for the first approved payment.
2. Transitional assistance funds and rental vouchers will not be disbursed to family members or friends or used for their expenses unless the family member is a bona fide landlord and submits supporting documentation showing the family member is a bona fide landlord.
3. Funds will not be disbursed for expenses incurred without an approved h7" u k ¢ k unless FPB has given a verbal approval.
4. Funds not used within 120 days of approval will automatically be reallocated unless notification has been made to, and approved by, the FPB Chief or designee.

5. If an offender approved for funds has the offender's community supervision revoked before the funds are used, the funds will be reallocated by the Department.
6. Once approved, an invoice or Pro-card receipt must be submitted within the time specified, but no later than 120 days of approval. If more time is needed, offender must contact the offender's case manager or supervising P&P Officer who will contact the FPB.

IV. TRANSITIONAL ASSISTANCE AND/OR RENTAL VOUCHERS FOR CLAIMANTS:

A. TRANSITIONAL ASSISTANCE FOR CLAIMANTS:

1. Pursuant to §46-32-102, MCA, the Department maintains funds to provide financial assistance to claimants released from imprisonment who intend to file a claim for damages for a wrongful conviction of a felony crime(s).
2. The claimant will complete Section A of *h7*) # k u . Claimant must also provide the following:
 - a. *h7* - # that contains: 1) the facts explaining the basis of the claim; 2) a verification under penalty of perjury; and 3) a statement of intent to file a claim within three (3) years;
 - b. A copy of: 1) court order for dismissal of criminal charges; 2) court order reflecting a finding of not guilty on retrial; or 3) the grant of a pardon based on claimant's innocence for the act that was the basis of the conviction; and
 - c. A federal 7 ‡ k u @ V # for the claimant
 - d. All are submitted together to:

Bureau Chief, Community Corrections Facilities and Programs Bureau
Department of Corrections
PO Box 201301
Helena, MT 59620
3. Transitional assistance funds will be disbursed to the claimant only and not to family members or friends, or used for family/friend's expenses.
4. If the claimant fails to seek damages within the time period provided in §46-32-102, MCA, or if the claim is denied by the district court, claimant shall reimburse the state the full amount within one (1) year.

B. RENTAL VOUCHERS FOR CLAIMANTS:

1. Pursuant to the Department's voucher program, a rental voucher shall be provided to a claimant while the claimant's claim seeking damages for a wrongful conviction of felony crime(s) is pending.
2. Section B of *h7*) # k u " k † must be completed by the claimant and submitted with a copy of the claim filed in district court. All must be submitted to:

Bureau Chief, Community Corrections Facilities and Programs Bureau
Department of Corrections
PO Box 201301
Helena, MT 59620

3. The requested voucher may be specifically allocated for rent for up to (3) three months as long as the claimant’s claim for damages remains pending, however, rent will be issued one (1) month at a time.
4. Generally, rental voucher funds will be disbursed only to a landlord (vendor). Vouchers will not be disbursed to family members unless the family member is a bona fide landlord and submits supporting documentation showing the family member is a bona fide landlord.
5. The landlord is required to submit a federal 7 *†* *k* *u* *@* *V* *#* to the Community Corrections Facilities and Programs Bureau with the invoice for the first approved payment.

V. CLOSING:

Questions regarding this procedure should be directed to the Community Corrections Facilities and Programs Bureau.

VI. FORMS:

h7" *°* *u* *°* *k* *†* *k*

h7" *"* *h* *#* *°* *7*

h7" *#* *V* *O*

h7" *)* *#* *k* *u* *°* *k* *†*

h7" *-* *°* *#*



**ADULT COMMUNITY CORRECTIONS DIVISION
STANDARD OPERATING PROCEDURES**

Procedure No.: ACCD 5.4.300	Subject: RESIDENTIAL ALCOHOL TREATMENT PROGRAMS FOR FELONY DUI OFFENDERS	
Reference: ACCD 4.1.100; ACCD 5.1.100; 53-1-203, MCA; 61-8-731, MCA; 20.7.804, ARM	Page 1 of 2	
Effective Date: 02/11/14	Revision Dates:	
Signature / Title: /s/ Pam Bunke, ACCD Administrator		

I. DIVISION DIRECTIVE:

The Adult Community Corrections Division will provide a residential alcohol treatment program as an alternative to placement in prison for persons sentenced to the Department of Corrections after receiving a conviction of a fourth, or subsequent, felony driving under the influence of alcohol or drugs.

II. DEFINITIONS:

Correctional Facility – Montana State Prison, Montana Women’s Prison and the private and regional prisons contracted to the Department of Corrections.

Criminogenic – Producing or tending to produce crime or criminals.

Department – The Montana Department of Corrections.

DUI – Driving under the influence of alcohol or drugs.

Modified Therapeutic Community Model – Drug-free residential group settings used in correctional populations that are organized and structured to simulate a health family environment, while holding offenders accountable for their criminal conduct. Teaches offenders how to live and function within the larger society and their own families in a sober and pro-social manner. Treatment demonstrates the ripple effects of unwise behavior, instills constructive conduct, and improves communication skills.

Residential Substance Abuse Treatment Program – A course of individual and group activities, lasting between six (6) and 12 months, in residential treatment facilities set apart from the general prison population [Title 42 USC §3796ff-3(d)].

Treatment Facility Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreement between the Department and ACCD contracted facilities: START, CCP, Passages, Elkhorn, NEXUS and WATCH.

III. PROCEDURES:

- A. Section 61-8-731, MCA, provides that offenders convicted of a fourth or subsequent felony DUI are to be sentenced to the Department for a term of 13 months and may be placed in a residential alcohol treatment program operated or approved by the Department.
 - 1. The program will be at least a six (6)-month intensive treatment program for alcohol addiction.

Procedure No.: 5.4.300	Chapter: Offender Programs	Page 2 of 2
Subject: RESIDENTIAL ALCOHOL TREATMENT PROGRAMS FOR FELONY DUI OFFENDERS		

2. Upon successful completion of the program, the remaining sentence must be served on probation.
3. If the offender is denied acceptance into the program, or does not successfully complete the program, he/she will be placed in a correctional facility.
4. Pursuant to *ACCD 5.1.100 Program Structures*, the program must be structured using a modified therapeutic community model.
 - a. Offenders will be involved in treatment, programming and groups for a minimum of eight (8) hours per day, to up to ten (10) hours per day, five (5) to six (6) days a week.
 - b. Components of the program will encompass principles that demonstrate effectiveness in correctional treatment programs. Programming will include, but is not limited to:
 - 1) Chemical dependency counseling
 - 2) Mental health issues
 - 3) Cognitive principles and restructuring
 - 4) Criminal thinking errors
 - 5) Anger management
 - 6) Family relationships
 - 7) Victim issues/restorative justice
 - 8) Self-help programming
 - 9) Life skills development
 - 10) Relapse prevention

B. Warm Springs Addictions Treatment and Change (WATCh) Program

In response to the 2001 legislative change to §61-8-731, MCA, the Department awarded a contract to Community, Counseling, and Correctional Services, Inc. (CCCS, Inc.) for the operation and management of a modified therapeutic community treatment program for felony DUI offenders. The WATCh Program in Warm Springs began operations in February 2002.

Upon the Department’s adoption of §20-7-804, Administrative Rules of Montana, CCCS, Inc. opened a second felony DUI facility in Glendive in February 2005. WATCh East also provides an intensive therapeutic community model program of six (6) months duration.

WATCh West and WATCh East are the two Department-approved residential alcohol treatment programs.

1. A screening committee will determine acceptance of an offender to the program. Generally, all offenders convicted of felony DUI are accepted; however an offender may be denied acceptance if there is a history of violence or a medical or mental health condition which impacts the offender’s ability to participate in the program.
2. Screening procedures established in *ACCD 4.1.100 Adult Community Corrections Division Screening and Placement Guide* will be followed for offender placement in the WATCh Programs.

IV. CLOSING:

Questions regarding this procedure will be directed to the Treatment Facility Contract Manager.



**PROBATION AND PAROLE BUREAU
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 60-4	Subject: SEARCHES OF OFFENDER’S PERSON, VEHICLE, RESIDENCE/CONFISCATION OF OFFENDER’S PROPERTY
Chapter: SIGN-UP PROCEDURE/SUPERVISION STANDARDS	Page 1 of 8
	Revision Date: 05/07/01; 06/17/02; 9/16/02; 03/14/03; 08/01/05
Signature: /s/ Ron Alsbury	Effective Date: 06/01/00

I. BUREAU DIRECTIVE:

The Probation and Parole Bureau will ensure employees are in legal compliance with city, county, state and federal laws regulating searches and confiscation and disposal of property. This procedure provides directions for Bureau employees conducting searches of offender’s person, vehicle and/or residence; seizing offender property; storing offender property; and for the destruction or disposition of confiscated property.

II. AUTHORITY:

- 44-12-102, M.C.A. *Things Subject to Forfeiture*
- 44-12-103, M.C.A. *When Property may be Seized*
- 44-12-104, M.C.A. *Summary Forfeiture of Certain Controlled Substances*
- 44-12-201, M.C.A. *Petition to Institute Forfeiture Proceedings-Summons-Service*
- 46-5-101, M.C.A. *Searches and Seizures*
- 46-5-102, M.C.A. *Scope of Search Incident to Arrest*
- 46-5-103, M.C.A. *When Search and Seizure not Illegal*
- 46-5-305, M.C.A. *Disposition of Unclaimed Property*
- 46-5-307, M.C.A. *Petition for Destruction, Disposal or Use of Evidence*
- 46-5,308, M.C.A. *Order*
- 46-5-311, M.C.A. *Custody and Disposition-Seizure without Search Warrant*
- 46-5-312, M.C.A. *Return of Property Seized-Right to Possess*
- 46-23-1032, M.C.A. *Federal Forfeiture Funds-Use*
- 46-24-206, M.C.A. *Property Return-Right to be heard on Disposition of Evidence*
- Griffin vs. Wisconsin*
- State of Montana vs. Burke and Roth*
- ARM 20-7-1101 (Amended 7/17/92)*

III. DEFINITIONS:

Reasonable suspicion means an officer can point to specific, objective facts and rational inferences that the officer is entitled to draw from those facts in light of the officer’s experience.

Moreover, the officer’s suspicions must be individualized, i.e., specifically directed to the person who is targeted. A reasonable suspicion is something stronger than a mere hunch, but something weaker than probable cause and the officer must be able to substantiate and/or clearly articulate the suspicion.

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 2 of 8
Subject: SEARCHES OF OFFENDER'S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER'S PROPERTY		

IV. PROCEDURES:

A. Search of Offender's Property

When an officer believes reasonable suspicion exists indicating an offender has violated the conditions of his/her Probation or Parole or inmate status on Intensive Supervision Program, the officer may perform, assist, or authorize a search. The search may include inspection of the offender's person, vehicle, residence, curtilage or outbuildings, rented storage units or place of self-employment.

Officers are encouraged to request assistance from local law enforcement prior to performing a search if another P&P Officer is not available. If a law enforcement officer or another P&P Officer is not available, the search should be delayed until proper witnesses are available. Unassisted searches are initiated only for officer safety or other exigent circumstances.

In situations where law enforcement requests to search with or without an officer present, the officer must still have independent reasonable suspicion to believe the search will reveal evidence of a violation.

Forced entries - Entry into a home/building without the consent of the owner/offender, must be approved by a supervisor prior to entry. Exceptions to this may be in cases where the offender, officer, or a third party is in imminent danger and/or the situation warrants immediate action. If this situation occurs, the officer will notify the supervisor as soon after the incident as possible.

When a Probation and Parole Officer is conducting a search and discovers what appears to be evidence of a serious crime that may result in prosecution, the officer shall contact the Regional Administrator of designee, law enforcement and/or the county attorney before taking any further action. Officers must not disturb or otherwise compromise potential evidence or the crime scene.

The officer can search any area of the offender's residence to which the offender has access.

All pat searches should be performed by same-sex officers whenever possible following the guidelines in *P&P 100-4 (A) Pat Searches*. Support personnel should not be called on to perform searches unless they are trained as Probation Officer Technicians. In an emergency, and if no same sex officer is available to perform the pat search of an offender, the opposite sex officer can proceed.

It is advisable for officer's conducting opposite sex pat searches to locate a witness as a protection against allegations of an improperly conducted search.

The opposite sex officer, however, needs to use common sense and quit the pat search if the offender gets visibly upset or in some way evidences trauma.

If the officer believes the offender poses a threat to his/her personal safety or the safety of others, the officer may proceed or attempt to detain the offender until law enforcement, a same sex officer or witness can be made available.

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 3 of 8
Subject: SEARCHES OF OFFENDER’S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER’S PROPERTY		

Officers also have access to search offender’s computers when necessary to assure that the offender is adhering to their conditions as in the case of a sex offender through the use of computer searching software such as the Computer Cop. Each region will have officers trained to use such programs to assist other officers if such a search is required.

Probation and Parole officers must have reasonable *suspicion* that the offender is violating the terms and conditions of their probation/parole/Intensive Supervision Program status before they can conduct a search of the person, residence or vehicle without a warrant. This holds true even if the court has ordered the offender subject to search and seizure without a warrant.

B. Applicability:
PAROLEES

Officers may conduct a search of a parolee without a warrant. *Review Conditions of Probation and Parole, P&P 60-1 (E)*, signed by the parolee when released for specific search conditions imposed by the BOPP.

PROBATIONERS

In any case where the Court, as a condition of a suspended or deferred sentence, orders that a probationer may be searched, upon *reasonable suspicion*, and without a warrant, the Officer has the authority to perform such a search.

In the case where the Court does not specify a search without a warrant but the “offense date” is subsequent to July 17, 1992, a search without a warrant is still applicable as a standard condition of supervision.

Should the offense date precede July 17, 1992, a Court Order regarding search must exist to perform a search without a warrant.

DOC COMMITMENTS/INTENSIVE SUPERVISION PROGRAM

Offenders who are screened, accepted and placed on the Intensive Supervision Program while serving their sentence in the community as a probationer, parolee or inmate, must be notified of the search without a warrant condition while on the Intensive Supervision Program. All ISP offenders must agree to a search without a warrant as stated and signed in the Intensive Supervision Program rules, policy and handbook.

CONDITIONAL DISCHARGE FROM SUPERVISION

Offenders granted a Conditional Discharge from Supervision per P&P 60-3, shall be subject to search upon reasonable suspicion if they have violated the conditions of Supervision on CDFS, a state or federal law.

C. Control and Storage of Confiscated Property

1. The Regional Administrator shall identify staff in each office where confiscated property is stored who will be responsible for receiving, receipting, and storing confiscated property. No other staff shall be granted access to the storage area or the keys to the storage area. In

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 4 of 8
Subject: SEARCHES OF OFFENDER'S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER'S PROPERTY		

offices with only two persons, a procedure will be established to preserve the chain of custody.

2. Confiscated property will be placed in secure storage and will be maintained in a way that preserves a chain of custody. The property will be accurately inventoried by the officer and labeled with an evidence tag (See 60-4 (D)) to include:
 - a) the name of the officer confiscating the property;
 - b) the date the property was confiscated;
 - c) the time the property was confiscated;
 - d) the offender's name and DOC ID#;
 - e) an item number;
 - f) an accurate description of the property (the description will be used consistently throughout all legal proceedings).

A log will be maintained indicating when property arrives for storage and the staff responsible for placing the property in storage.

Whenever possible offenders will be issued a receipt for evidence seized. In all cases when a search warrant is served, a receipt will be issued for seized property and given to the offender, or left in plain view at the location where the warrant is served. The receipt will include a description of all property seized and will be signed by the officer confiscating the property using *P&P 60-4 (A) Confiscated Property Log*

Additionally, each region will establish a protocol for a person other than the officer that confiscated the property to enter confiscated property into the State Computer System Confiscated Property Log. In two person offices, procedures will be established to assure accountability for property seized. The Confiscated Property Log is an inventory of items seized from offenders and/or held as evidence in the Evidence Locker/Storage. The same protocol will be used to keep this Confiscated Property Log updated when any movement or disposition of this confiscated property occurs.

3. **Dangerous drugs** seized by an officer will be sealed in a tamper proof container and labeled with an evidence tag and taken to law enforcement for processing as evidence.

The evidence tag will include the initials of another Probation and Parole Officer, or Police Officer/Deputy Sheriff, to verify the validity of the evidence in the container.

4. **Currency** seized and held in custody by the officer will be placed in a tamper proof container and labeled with an evidence tag indicating the exact amount of currency confiscated. The evidence tag will include the initials of another Probation and Parole Officer, or Police Officer/Deputy Sheriff, to verify the validity of the evidence and amount of currency.

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 5 of 8
Subject: SEARCHES OF OFFENDER'S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER'S PROPERTY		

5. **Firearms** seized and held in custody by the officer will be unloaded. The bolt or slide on rifles or semi-automatic pistols will remain open. The cylinder on revolvers will remain open. The firearm(s) will be labeled with an evidence tag indicating make, model and serial number (if available). Ammunition or shell casings for the firearm will be marked indicating where they originated, packaged in a tamper proof container, labeled with an evidence tag and attached to the firearm.

The evidence tag will include the initials of another Probation and Parole Officer, or Police Officer/Deputy Sheriff, to verify the validity of the evidence. Weapons/firearms seized will never be removed from the evidence room without a court order or approval of the Regional Administrator or the Probation and Parole Bureau Chief. Department employees will not use confiscated weapons/firearms for any reason. Weapons/firearms will be disposed of when they are no longer needed as evidence.

6. **Urine samples** will be labeled with an evidence tag, packaged in a tamper proof container, and refrigerated. The person requesting the sample and the Probation and Parole Officer taking custody of the evidence will initial the container.

E. Removal, Destruction or Disposition of Confiscated Property from Storage

1. Removal

Officers needing access to confiscated property for use as evidence in court, to return to the rightful owner, or for any other legitimate purpose will first gain permission from his/her supervisor. Once permission is granted, the staff responsible for secure confiscated property shall retrieve the evidence from the storage area and have the person sign their name, and note the date, time and purpose of the removal from the area on a form designated for that purpose. Property will be returned to the storage area using the same procedure. Property returned to the rightful owner will be signed for by the owner on an inventory sheet kept in the storage area.

2. Destruction/Disposition

Confiscated property, no longer having any evidentiary value, will not be destroyed or disposed of without approval of the court or the P&P Bureau Chief/designee. The Regional Administrator will determine if it is necessary to petition the court for approval to dispose of confiscated property other than firearms. Staff will complete *P&P 60-4 (B) Request for Destruction/Disposal of Confiscated Property* and forward to the Bureau Chief for approval to destroy or dispose of confiscated property.

Firearms will require a petition to the court and an order from the court before they can be disposed. The officer will complete *P&P 60-4 (B) Request for Destruction/Disposal of Confiscated Property* and forward to the Bureau Chief for signature. The Bureau Chief will return the signed form to the officer for submission to the County Attorney. The court will be advised through the use of *P&P 60-4 (B)* referenced above, that the Forensic Sciences Division in Missoula will accept confiscated firearms. Unless the court orders otherwise, firearms will be sent to the Forensic Sciences Division. Upon receipt of a court order to transfer the firearms to the Forensic Services Division, the Regional Administrator or

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 6 of 8
Subject: SEARCHES OF OFFENDER’S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER’S PROPERTY		

designee shall ensure the firearm is transferred in a timely manner. Within 10 days following the transfer, destruction or other disposition of the firearm, a return notice must be filed with the court, indicating the date and method the order was carried out.

If possible, the Regional Administrator should establish a method of approval through the courts and/or law enforcement to dispose of all confiscated property.

If the court/law enforcement does not assist in the disposal of confiscated property other than firearms, the Regional Administrator/designee will make the arrangements for destroying and/or disposing of this confiscated property through community resources. This property would be miscellaneous items such as drug paraphernalia, pornographic materials, alcohol, illegal drugs, knives, etc. Community resources and landfill regulations will largely dictate the manner of destruction/disposal. Printed pornography may be shredded

A list of all items to be destroyed shall be prepared using form *P&P 60-4 (B) Request for Destruction/Disposal of Confiscated Property* and this form is forwarded to the P&P Bureau Chief/designee for approval and signature. If approval has been granted for destruction of the items outside the office, the items will be placed in a box or other container and sealed. A minimum of two staff will transport the items and witness the destruction/disposal. If the items are being destroyed or disposed in the office, a minimum of two staff shall carry out the destruction/disposal. Staff disposing of the property will date and sign the bottom of *P&P 60-4 (B) Request for Destruction/Disposal of Confiscated Property*. The original of this form will be filed in the offenders file and a copy forwarded to the Regional Administrator. In cases where it is a petition to the court for destruction of firearms, a copy of this form will be placed in the offenders file a the original will be submitted to the County Attorney.

Miscellaneous confiscated property will never be removed from the evidence room without a court order or approval of the Regional Administrator or the Probation and Parole Bureau Chief.

F. Search Procedure

PROCEDURE:

1. Determine if “search without a warrant” is a condition of supervision. (See applicability section)
2. Determine if reasonable *suspicion* exists. (There must be reasonable *suspicion* to believe the search will reveal evidence of a violation.
3. If is unclear that reasonable *suspicion* exists, the matter is discussed with the Regional Administrator. In situations when the law enforcement requests to search without a P&P officer present, the law enforcement officer must articulate reasonable *suspicion* for wanting to conduct the search.

RESPONSIBILITY:

- P&P Officer
- P&P Officer
- P&P Officer
Regional Administrator

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 7 of 8
Subject: SEARCHES OF OFFENDER'S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER'S PROPERTY		

- | | |
|--|--|
| 4. If reasonable <i>suspicion</i> is determined, the search is coordinated. | P&P Officer |
| 5. Upon arrival at the residence, the offender is notified of the search (whenever possible). Reasonable <i>suspicion</i> must be articulated. | P&P Officer |
| 6. The search is performed in a professional manner, and in the least demeaning and disruptive fashion possible. (The officer can search any area of the offender's residence to which the offender has access). | P&P Officer |
| 7. If evidence of a new crime is discovered during the search without a warrant the search will cease and/or Regional Administrator/designee, law enforcement or the county attorney will be contacted. | P&P Officer |
| 8. Any property confiscated during the search is to be labeled as evidence and marked with the date, time and location of the found property. | P&P Officer |
| 9. Confiscated property will be logged into the State Computer Confiscated Property Log. The Regional Protocol will dictate who this person(s) will be. This person(s) will also be responsible to enter any movement or destruction of this confiscated property. | Person other than officer that confiscated property (Follow Established Regional Protocol) |
| 10. Request destruction/disposal of confiscated property the county attorney or P&P Bureau Chief/designee if is no longer needed as evidence using <i>P&P 60-4 (B) Request for Destruction/Disposal of Confiscated Property</i> . | P&P Officer
Evidence Officer |
| 11. Dispose/Destroy property upon receipt of court order or approval from the P&P Bureau Chief/designee and document date and time of destruction on the bottom of <i>P&P 60-4 (B) Request for Destruction/Disposal of Confiscated Property</i> . | P&P Officer
Evidence Officer |
| 12. If the property was disposed or destroyed at the order of the court, send notice to the court within ten days regarding how the property was disposed or destroyed. | P&P Officer
Evidence Officer |

Procedure No.: P&P 60-4	Chapter: Sign-up Procedure/Supervision Standards	Page 8 of 8
Subject: SEARCHES OF OFFENDER'S PERSON, VEHICLE, RESIDENCE/ CONFISCATION OF OFFENDER'S PROPERTY		

V. **CLOSING:** Questions concerning this procedure will be addressed to the Regional Administrator

Forms

P&P 60-4 (A)	Confiscated Property Form
P&P 60-4 (B)	Request for Destruction/Disposal of Confiscated Property
P&P 60-4 (C)	Pat Search Procedures
P&P 60-4 (D)	Evidence Tag



P&P 100-4 RD Transportation of Arrested Offenders (Restricted Access)

u
)



**PROBATION AND PAROLE BUREAU
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 190-1	Subject: TRAINING STANDARDS, REQUIREMENTS, METHODS AND RECORDS	
Reference: Local #4464; DOC 1.1.1; DOC 1.4.1; DOC 1.4.1(A) 46-23-1003, MCA; 53-1-203, MCA	Page 1 of 9	
Effective Date: 06/01/00	Revision Dates: 09/24/01; 06/17/02; 04/22/08; 10/07/09; 06/14/10; 01/31/11; 07/10/13	
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau staff shall receive appropriate training in order to successfully perform duties and responsibilities in the workplace. The Department of Corrections and the Probation & Parole Bureau will ensure that accurate documentation is maintained on all training successfully completed by employees.

II. DEFINITIONS:

ACCD-Adult Community Corrections Division – The Division includes seven separate bureaus/units including the Probation & Parole Bureau. The ACCD Administrator reports directly to the Department Director.

Bureau – The Montana adult Probation & Parole (P&P) Bureau.

Conferences – Conventions or seminars presented by experts in a given field that provide an opportunity for staff to assimilate new information and network with professional colleagues.

Department/DOC – The Montana Department of Corrections.

Distance Education – Educational process that occurs when the student and teacher are not necessarily at the same location or interacting at the same time.

Emergency Training – Training regarding roles and for a serious situation or occurrence that happens unexpectedly and demands immediate action.

FTO/OJT-Field Training Officer/On-the-Job Training Program – A training program in which newly hired Bureau employees are teamed up with, and trained by, experienced formally-trained staff selected and assigned to mentor, train and instruct new employees.

In-Service Training – Training to develop or maintain minimum competencies and necessary job skills.

Independent Study – Assigned or approved individual study opportunities such as correspondence courses, reading material, audio/video tapes, and web-based training. Independent study must have supervisor’s prior approval and be documented by supervisor prior to entry into the training record.

Interns and Volunteers – Persons who provide a service or services to the Bureau through an intern or volunteer program.

LMS-Learning Management System – A software application or web-based technology used to plan, implement, and assess a specific learning process.

MLEA-Montana Law Enforcement Academy Basic Training – A structured training program that provides initial knowledge and skills obtained through the MLEA POST Certified Basic Training for adult probation and parole.

Non-Department Training – Additional training available through educational programs, workshops, etc., that is not Department-sponsored training.

Orientation – Formal checklist-driven training and/or computer-based training for newly hired employees conducted prior to assuming position duties and implementation of FTO/OJT program.

P&P Officers – Employees who supervise adult offenders on probation, parole, and conditional release status including Intensive Supervision Program Officers and Institutional Probation and Parole Officers.

Part-Time and Contracted Staff– Employees assigned less than 40 hours per week, or persons contracted by the Department to provide a service or services.

PDB-Professional Development Bureau – The bureau that oversees course curriculum development, training, technical assistance, and training records management for the Department.

PO Techs-Probation Officer Technicians – Employees who provide administrative clerical support and technical assistance to the P&P Officers located in outlying/rural areas.

POST-Required Training – The annual training for P&P Officers through the Public Safety Officer Standards and Training Council as required by §46-23-1003, MCA.

Standing Training Committee – Composed of program training specialists and the PDB.

Supervisor/Managerial – ACCD employees with management or supervisory responsibilities and duties including, but not limited to, the ACCD Administrator, Bureau Chief, Bureau Programs Manager, Regional Administrators (RA), and Probation & Parole Officer IIs.

Support Staff – Employees providing administrative or other support services:

Field support staff – employees, such as the RA Assistant and others, who work in field offices and have regular face-to-face contact with offenders.

Non-field support staff – employees, such as the Bureau Chief's Administrative Assistant and others, who work in the Department's central office and do not have face-to-face contact with offenders.

Training – An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of employees. Includes classroom instruction, distance education, on-the-job training, independent study, meetings and conferences that include classroom or other instruction.

Training/Staff Development Plan – The document that shows the required training as mandated by policy, procedure, or statute and shows the optional training and staff development guides.

Training Operations Procedure Guide – Attachment to *DOC 1.4.1. Staff Development and Training* that outlines the procedures to follow when developing, implementing, conducting, providing, or requesting training.

Training Tracking Log – An Excel spreadsheet used to assist supervisors with tracking employee training and ensuring required training is completed.

Training Tracks for Pay – Training which has been approved by management and identified on a Training/Staff Development Plan as meeting the requirements for additional pay as referenced in Addendum A, Section 5 of the Local #4464 Collective Bargaining Agreement.

Yearly Regional Training Schedule – The document produced by each region that shows the fiscal year's training dates for the mandatory in-service training.

III. PROCEDURES:

At the beginning of the fiscal year, the Regional Administrator (RA) and/or regional management team will work with the PDB, the Bureau Programs Manager and Bureau instructors to develop a yearly regional training schedule. This schedule will include the dates of all mandatory in-service training, such as firearms requalification and Defensive Tactics and First Aid, and will be shared with the other regions to allow maximum sharing of resources.

During the first quarter of each fiscal year, supervisors will meet with each Bureau employee they supervise and use regional training schedules to develop an individualized training plan that emphasizes career development and meeting mandatory minimums as shown in *P&P 190-1(D-I) Training/Staff Development Plans*. Supervisors may use the training tracking log to assist in ensuring the required training is completed or scheduled. Supervisors are encouraged to review the individual training plans while conducting required performance appraisals with their employees.

At the end of each quarter, the ACCD's Professional Development Specialist (PD Specialist) will report the training status of employees in each region to the RA. RAs and/or supervisors will review this report, reconcile individual training records, and adjust individual training plans to ensure mandatory minimums are being met.

Training provided to staff may include classroom instruction and other recognized educational strategies. Credit may be given for verified prior training, if approved by the PDB. Training programs will include established goals, objectives, and requirements for course completion and will be consistent with the needs of staff job classifications and pertinent to duties. Where applicable, training programs will ensure that staff understand the importance of maintaining an awareness of victims in the course of doing their duties. Additionally, the Bureau encourages staff to attend training that will enhance upward mobility and career progression.

A. Training Methods

The Bureau's management and PDB are responsible for planning and coordinating all training programs to conform to current Montana statutes, Department policy and Bureau Standard Operating Procedures (SOP), and corrections best practices. The following training modalities may be utilized:

- DOC training packages and programs
- Instructors and speakers from within the Bureau

- Subject matter specialists and outside resources (i.e. public safety officers, colleges, universities, and federal/state/local agencies)
- Audio-visual and interactive computer-generated programs through LMS
- Centralized staff training facilities
- Training programs offered by, or with, other agencies
- Distance education

B. Mandatory Training Curricula

The Bureau Chief or designee will review the mandatory minimum required training listed on the *Training/Staff Development Plans* during the last quarter of the fiscal year to ensure all mandatory minimum required training meets Montana statutes, POST requirements, DOC policy, Bureau SOP and the vision and needs of the Bureau.

C. Minimum Criteria

All staff, including part-time, must complete the mandatory minimum training as listed in their *Training/Staff Development Plan*. New employees will not be held to this standard until the beginning of the fiscal year (July 1st) after their hire date.

Staff will be required to meet appropriate training agreed upon by the supervisor and the employee to correct any noted deficiencies in performance, or as necessary for successful performance by the employee.

Staff assigned or required to use a computer, but cannot demonstrate basic computer competency, must receive familiarization training offered or scheduled by the DOC at the earliest opportunity. Additional and/or advanced training may be required based on job requirements. This training may be by video, self-paced instruction using books, computer-based training, and/or classroom instruction.

Employees who do not complete the mandatory training through no fault of the DOC/Bureau, or without extenuating circumstances, may be disciplined up to and including termination.

D. Position-Specific Training Requirements

1. Supervisors/Managerial Staff

- a. The Bureau Chief, RAs and POIIs must complete the “Nuts & Bolts of Supervision” course. If newly hired or promoted, course must be completed within six (6) months. The hours completed will be applied to annual training requirements.
- b. Newly hired or promoted Bureau Chief, RA or POII must complete a minimum of 30 hours of position-specific initial supervisory training within the first year of hire.
- c. Following initial year of employment, all current supervisors will complete a minimum of 15 hours of annual, job-specific in-service training that must focus on leadership, management, or supervision of staff.
- d. Newly hired or promoted Bureau Chief or RA must complete the NIC Leadership course within six (6) months.

2. P&P Officers

- a. Will complete *P&P 190-1(A) New Hire Orientation Checklist* in the first week of employment.

- b. Will complete *P&P 190-1(B) OJT/FTO Phase I Checklist*; Phase II, which consists of MLEA Basic Training and use of force and firearms training; and *P&P 190-1(J) OJT/FTO Phase III Checklist* within the 12-month probationary period. Exceptions will be approved by the Bureau Chief.
 - c. Completed training checklists will be sent to the ACCD PD Specialist and Human Resources (HR) Bureau to be included in training records and personnel file.
 - d. Following initial year of employment, P&P Officers will complete a minimum of 16 hours of annual job-specific training, which includes POST-required training and one (1) hour focused on serious mental illness and recovery from serious mental illness.
3. PO Techs
- a. Will complete *P&P 190-1(A) New Hire Orientation Checklist* in the first week of employment.
 - b. Will complete *P&P 190-1(B) OJT/FTO Phase I Checklist*; Phase II, which consists of MLEA P&P Basic Training and limited use of force training; and *P&P 190-1(J) OJT/FTO Phase III Checklist* within the 12-month probationary period. Exceptions will be approved by the Bureau Chief.
 - c. Completed training checklists will be sent to the ACCD PD Specialist and HR Bureau to be included in training records and personnel file.
4. Support Staff
- a. Will complete *P&P 190-1(A) New Hire Orientation Checklist* and any site-specific program/facility training.
 - b. The completed training checklist will be sent to the ACCD PD Specialist and HR Bureau to be included in training records and personnel file.
5. Contracted Staff, Interns and Volunteers
- a. Contracted Staff will complete *P&P 190-1(C) Intern Orientation Checklist*; however some portions may be waived by supervisor.
 - b. Interns:
 - i. Will complete *P&P 190-1(C) Intern Orientation Checklist* and any site-specific program/facility training.
 - ii. The completed training checklist will be sent by the Regional Intern Coordinator to the Bureau Programs Manager to be included in intern's file.
 - c. Volunteers will complete *P&P 190-1(C) Intern Orientation Checklist*; however some portions may be waived by supervisor.

E. Career Development Training

1. All staff, in conjunction with their supervisor, may use the *Training/Staff Development Plans* to help guide them in their career development. The Optional Career Development portion of each plan is a guide and is not considered mandatory. Staff and supervisors are encouraged to develop individualized career development plans based on the staff person's abilities, goals and aspirations, and the needs of the DOC, Bureau and Regions.
2. Training Tracks for Pay
 - a. The Bureau Chief or designee will review the training courses listed on *P&P 190-1(K) Training Tracks for Pay Summary* during the last quarter of the fiscal year to ensure the training meets the needs of the Bureau.

- b. Guidelines for employees:
 - i. must have completed five (5) years of employment with the Bureau and reached increment six in his/her current job classification;
 - ii. have received a satisfactory performance appraisal in the most recent appraisal;
 - iii. his/her total compensation does not exceed the maximum identified in the current pay schedule;
 - iv. must complete a minimum of 16 hours of training for each training track;
 - v. one training of more than 16 hours only counts as one track;
 - vi. multiple trainings may be used to obtain the 16 hours.

F. Training Records

Individual training records will be established and maintained by PDB. Employees may review their own training record by contacting PDB in person, by email, written request or telephone, or through the Montana Information Network for Employees (MINE).

PDB will limit access to training records to individuals with a job-related purpose for viewing or using the records and will require the employee’s informed voluntary consent or a valid legal order before granting access to training records by any other individual.

G. PROCEDURE:

RESPONSIBILITY:

1. IN-STATE DOC-SPONSORED TRAINING

- | | |
|--|--------------------------|
| <ul style="list-style-type: none"> a. Complete <i>Training Request Form</i> and submit to supervisor with justification included on the form. The training brochure or copy of requested training must be attached. If travel advance is needed, fill out the appropriate section of the <i>Training Request Form</i> at least ten (10) business days prior to travel date. | Employee |
| <ul style="list-style-type: none"> b. <i>Request Form</i> is approved/disapproved based upon training relevancy, need for training, and budget status, then forwarded to Bureau Chief. | RA/POII |
| <ul style="list-style-type: none"> c. <i>Request Form</i> is approved/disapproved based upon training relevancy and budget status. Forwards to ACCD PD Specialist. | Bureau Chief or designee |
| <ul style="list-style-type: none"> d. Reviews approved <i>Request</i> and notifies Bureau Chief of any concerns with established training criteria. Notifies the employee of approval/ disapproval, and sends copy of <i>Request Form</i> to employee reflecting approval/disapproval. Routes original <i>Request Form</i> to PDB. If <i>Request</i> has been disapproved, sends copy to Bureau Programs Manager. | ACCD PD Specialist |
| <ul style="list-style-type: none"> e. Makes registration and payment arrangements. (The employee may register themselves and make payment, if verbal approval has been received.) | PDB/Fiscal Bureau Staff |
| <ul style="list-style-type: none"> f. Responsible for travel and accommodation arrangements. | Employee |

2. OUT-OF-STATE TRAINING

- a. Complete *Training Request Form* and submit to supervisor with justification included on the form. The training brochure or copy of requested training must be attached. If travel advance is needed, fill out the appropriate section of the *Training Request Form* at least 10 business days prior to travel date. Employee
- b. *Request Form* is approved/disapproved based upon training relevancy, need for training and budget status, then forwarded to Bureau Chief. RA/POII
- c. Bureau Chief approves/disapproves *Request Form* based upon training relevancy and budget status. If approved, *Request* is forward to ACCD Administrator for review. If disapproved, *Request* is forwarded to PD Specialist. Bureau Chief or designee
- d. Upon Administrator’s review, *Request* is forwarded to ACCD PD Specialist. Approved *Request Form* is forwarded to ACCD’s Budget Analyst to determine if resources are available. ACCD Administrator
ACCD PD Specialist
- e. Analyst returns *Request Form* to ACCD PD Specialist who reviews and notifies Bureau Chief of any concerns with established training criteria. Notifies employee of approval/disapproval, and sends copy of *Request Form* to employee reflecting approval/disapproval. Routes original *Request Form* to the PDB. If *Request* has been disapproved, sends copy to Bureau Programs Manager. ACCD Budget Analyst
ACCD PD Specialist
- f. Makes registration and payment arrangements. (The employee may register themselves and make payment, if verbal approval has been received.) PDB/Fiscal Bureau Staff
- g. Responsible for travel and accommodation arrangements. Employee

3. COMPLETION OF TRAINING

- a. Responsible for sending certificate or verification of completion to supervisor and ACCD PD Specialist. Employee
- b. Maintains training records including name of employee, date of training, number of hours, and type of training. Records will be maintained for a fiscal year (July – June) of each year. PDB
- c. *Travel Expense Voucher* Employee
 - i. Submits *Voucher* to receive reimbursement for expenses, if any and travel advance was not received, including training costs, travel expenses and per diem.
 - ii. Submits *Voucher* if travel advance was received to account for expenses:

- a) if advance did not cover actual expenses, *Voucher* will indicate the difference and reimbursement to employee will be made;
- b) if travel advance was more than actual expenses, *Voucher* will indicate the difference and arrangements will be made to reimburse the DOC for the difference.

- d. Responsible for completing required training hours. Employee
- e. Responsible for employee compliance. RA/POII

4. NON-DOC TRAINING

- a. For approval of training, follow procedures above in Section 1 for in-state, or Section 2 for out-of-state. Employee
- b. Upon completion of Non-DOC training, submit an *Independent Study Report* to supervisor for signature, including certificate or verification of completion. Employee
- c. Submit *Report* to ACCD PD Specialist for signature. RA/POII
- d. Forward *Report* to PDB. ACCD PD Specialist

5. INDEPENDENT STUDY

- a. For training completed outside the normal DOC channels, submit *Independent Study Report* to supervisor for approval/disapproval, including certificate or verification of completion. Employee
- b. Approves/disapproves the *Report*, then forwards to Bureau Chief. RA
- c. Approves/disapproves the *Report*, then forwards to ACCD PD Specialist. Bureau Chief or designee
- d. Forwards approved *Independent Study Report* to PDB for entry on the employees training record. If *Report* has been disapproved, forwards to Bureau Programs Manager. ACCD PD Specialist

6. TRAINING TRACKS FOR PAY

- Once training course is completed within the guidelines established above, a track may be awarded to an eligible employee by completing the following steps:
- a. Completes *DOC 1.3.6 (Attachment) Career Increment Request* providing applicable training and training dates; RA/POII
 - b. Attach employee's training record obtained from the PDB's Record Manager;
 - c. Submit form and records to HR Bureau.

IV. CLOSING:

Questions concerning this procedure shall be directed to the RA, Bureau Chief or the Professional Development Bureau.

Forms

P&P 190-1(A)	New Hire Orientation Training Checklist
P&P 190-1(B)	OJT/FTO Phase I Checklist
P&P 190-1(C)	Intern Training Checklist
P&P 190-1(D)	Training/Staff Development Plan BC/RA
P&P 190-1(E)	Training/Staff Development Plan POII
P&P 190-1(F 1-6)	Training/Staff Development Plans P&P Officer
P&P 190-1(G 1-6)	Training/Staff Development Plans POT
P&P 190-1(H 1-6)	Training/Staff Development Plans Field Admin./POA/RAA
P&P 190-1(I 1-6)	Training/Staff Development Plans Non-Field Admin.
P&P 190-1(J)	OJT/FTO Phase III Checklist
P&P 190-1 (K)	Training Tracks for Pay Summary
DOC 1.2.14 Attachment	Travel Expense Voucher
DOC 1.3.6 Attachment	Career Increment Request
DOC 1.4.1 Attachment	Training Request Form
DOC 1.4.1 Attachment	Independent Study Report



P&P 200-2 RD Firearms (Restricted Access)

u
)



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 1.1.200	PROCEDURE MANAGEMENT
Effective Date:	11/25/2020	Page 1 of 3
Revisions Date(s):	10/17/2022	
Reference(s):	DOC 1.1.2; 53-1-203, MCA	
Signature / Title:	/s/ Jim Anderson, Public Safety Chief	

I. PURPOSE:

Probation and Parole will provide staff with guidance by developing comprehensive operating procedures that outline and identify applicable policies, procedures, and protocol related to the duties and responsibilities of Probation and Parole staff.

II. DEFINITIONS:

Effective Date – The original date of procedure implementation. A revision date supersedes the original effective date.

Management – Probation and Parole employees with management or supervisory responsibilities and duties.

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

Policy – For the purposes of this procedure, a Department, Montana Operations Manual (MOM), or other state agency policy.

Revision Date – The date a procedure was officially revised. The revision date indicates the effective date of changes in procedure. A revised procedure supersedes all previous versions.

SOP-Standard Operating Procedure – An internal management document developed at the Department, division, bureau, facility, or program level that provides staff with direction on how to implement a Department policy, required action, or program.

SOP Manual – An electronic manual containing procedures that direct the operations of Probation and Parole.

III. PROCEDURES:

A. PROBATION AND PAROLE STANDARD OPERATING PROCEDURES:

1. SOPs specifically address how operational aspects of Probation and Parole are implemented. If a section of any SOP is found to be in conflict with policies, the Montana Code Annotated, Administrative Rules of Montana, or union contract, that portion of the SOP shall be considered null and void. The remaining sections shall be considered valid.
2. The Probation and Parole QA Supervisor will designate a staff member to maintain the original signed copies of all SOPs and maintain the current SOP manual on the Department’s intranet website. All unrestricted SOPs will be available on the Department’s internet website.

3. Restricted SOPs: To ensure the safety and security of Probation and Parole staff, some SOPs may be designated as restricted from general procedure distribution.
 - a. These SOPs must include "RD" in red print immediately following the procedure number.
 - b. At no time may offenders or the general public be given access to restricted SOPs.
 - c. Probation and Parole will establish a list for the distribution of restricted SOPs, and further distribution will be on a need-to-know basis.
 - d. If printed, all pages must be clearly marked by watermark as "Restricted Distribution" and retained in a secure location.
4. SOPs may be reviewed by staff at any time. Using *hh)* , comments or questions regarding the applicability or utility of a policy, procedure, and/or form may be submitted to a supervisor prior to submitting the comment form to the Probation and Parole QA Supervisor's designee.
5. Probation and Parole offices will provide the Department's unrestricted policies and procedures to the public when requested.

B. PROGRESSION OF NEW/REVISED SOP:

1. A proposed procedure is written utilizing the Department procedure format and divided into chapters by topic:
 - a. the title and numbering system will be consistent with Department policies;
 - b. applicable policies, statute, administrative rule, or other authority will be referenced; and
 - c. associated forms will contain the procedure reference number and effective/revision date.
2. Revision of a procedure will result in the entire procedure being reissued and reflecting the revision date.
 - a. Revision of a form associated with a procedure may not necessitate reissuing the procedure.
 - b. Any preceding procedure or form, related instruction, letter, directive, or memorandum covering the same content is thereby rescinded.
 - c. **No form may be revised by a regional office.**
3. The Probation and Parole QA Supervisor's designee will include Probation and Parole staff, DOC Legal Services, and subject matter experts within the Department to conduct a review of the proposed procedure.
 - a. In most cases, these persons will have 10 business days to review the procedure and provide comment.
 - b. Other select staff may be asked to review and comment within the time period.
 - c. An extension of the review time may be granted by the Probation and Parole QA Supervisor, Bureau Chief, or designee.
4. When the review and editing process is completed, the final procedure is reviewed, signed, and distributed to all Probation and Parole staff.
 - a. If provided in the distribution, Probation and Parole staff will complete *hh)* and forward to their supervisor.
 - b. The supervisor will sign and forward to the Department's Training Records Manager for inclusion in the staff's training file.

5. Rescission of any Probation and Parole procedure or form shall be accomplished by use of *hh)* # V k .

C. NEW EMPLOYEE ORIENTATION:

1. New employees to Probation and Parole will either review or be provided training on SOPs and forms appropriate for their duties. Management will provide or arrange policy, procedure or form training based on the employee's position, duties and responsibilities.
2. Orientation will include familiarizing new employees with the location of, and methods of access to, Department policies and Probation and Parole procedures/forms.

IV. CLOSING:

Questions regarding this procedure should be directed to the Probation and Parole QA Supervisor or designee.

V. FORMS:

hh) ° h h 7 k
hh) " h h 7 #
hh) # V k



PPD 1.1.600 RD Priority Incident Reporting (Restricted Access)

u
)



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

Procedure:	PPD 1.1.1700 PREA DISCLOSURE REPORTING	
Effective Date:	12/07/2015	Page 1 of 4
Revision Date(s):	09/12/2016; 12/26/2017; 10/01/2020	
Reference(s):	PPD 1.1.600 RD ; DOC 1.1.6; DOC 1.1.17; DOC 1.3.12; DOC 1.8.1; DOC 3.1.19; DOC 3.3.3; 41-3-201, MCA; 45-5-501, MCA; 45-5-502, MCA; 45-5-503, MCA; 28 CFR Part 115	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will comply with requirements established by the Prison Rape Elimination Act of 2003 by following established procedures for the prevention, intervention, reporting, and investigation of any sexual abuse or sexual harassment against offenders.

II. DEFINITIONS:

Department Employee (Employee) – A person employed by the Department of Corrections who has attained permanent status or is eligible to attain permanent status, as provided in 2-18-601, MCA; volunteers, interns, temporary and short-term workers; this term does not include service providers.

Office of Investigations – The office that oversees all criminal investigations for the Department.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

PREA Coordinator – The Department position responsible for administration and management of the Department-wide PREA program including, but not limited to, compliance, policy and procedure development, staff training, offender education, and records and statistical tracking.

Programs and Facilities Contract Manager – The Department’s employee(s) who acts as the liaison for services and monitors the contractual agreements between the Department and PFB contract facilities.

Service Provider – This term includes contracted persons or other vendors providing service whose assignment is primarily on Department premises, e.g. facility or program office.

Sexual Abuse of an offender by another offender – Sexual acts, sexual contact or any other intentional touching, either directly, through the clothing, or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation, in which the victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse.

Sexual Abuse of an offender by an employee or service provider – Sexual acts, sexual contact or any other intentional contact, either directly, through the clothing, or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks; any attempt, threat, or request by an employee or service provider to engage in these activities; any display by an employee or service provider of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; or voyeurism by an employee or service provider, when these acts are unrelated to official duties or where the employee or service provider has the intent to abuse, arouse, or gratify sexual desire.

Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another or repeated verbal comments or gestures of a sexual nature to an offender by an employee or service provider.

Substantiated Allegation – An event that was investigated and determined to have occurred based upon preponderance of the evidence.

Unfounded Allegation – An event that was determined not to have occurred.

Unsubstantiated Allegation – Evidence was insufficient to meet the preponderance of the evidence to make a final determination as to whether or not the event occurred.

Volunteer – Any person who has been approved to provide services for Department programs without compensation. For the purpose of this operational procedure, includes student interns with PPD.

Voyeurism – An invasion of privacy of an offender by a staff member or service provider for reasons unrelated to official duties.

III. PROCEDURES:

A. GENERAL PROVISIONS:

1. The Department and the PPD have zero tolerance for all forms of sexual abuse and sexual harassment against offenders.
2. Employee Requirements:
 - a. All PPD employees will read, understand, and comply with the following policies and procedures, have an opportunity to ask questions and receive answers about the policies and procedures, and complete *PPD 1.1.1700(B) Staff PREA Acknowledgment*:
 - 1) *DOC Policy 1.1.17, Prison Rape Elimination Act of 2003 (PREA)*,
 - 2) *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*,
 - 3) *DOC Policy 3.3.20, Offender Nondiscrimination*,
 - 4) *PPD 1.1.1700 PREA Disclosure Reporting*, and
 - 5) *PPD 6.3.405 Probation & Parole Offender Complaints*.
 - b. PPD employees who work with offenders in a PFB contract facility must also read, understand, and comply with the facility's policies/procedures regarding PREA reporting and the grievance program, as well as any applicable PFB procedures/requirements.
 - c. Prior to working with offenders, employees with direct and/or incidental physical, visual, or audio contact with offenders must receive documented PREA training. If an employee is unable to attend comprehensive PREA classroom training prior to contact with offenders,

he/she must have completed the review of the above-listed policies and procedures before contact with offenders, and then attend the next available classroom training:

- 1) refresher training is provided by the Department in odd number years; and
- 2) refresher information on current sexual abuse and sexual harassment policies is provided in even number years.

- d. All volunteers and service providers who have direct and/or incidental physical, visual, or audio contact with offenders are required to complete the review of the above-listed policies and procedures at a minimum prior to contact with offenders. Based on the services they provide and their level of contact with offenders, required training may be similar to employee training.
3. Information will be distributed to offenders regardless of their supervision level, status, disciplinary, or administrative status. At sign-up for community supervision, offenders must be provided a copy of the following policies and procedures, given the opportunity to ask questions and receive answers regarding the provided information, and complete *PPD 1.1.1700(C) Offender PREA Acknowledgement*. The *Acknowledgement* is uploaded into offender's OMIS record.
 - a. *DOC Policy 1.1.17, Prison Rape Elimination Act of 2003 (PREA)*,
 - b. *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*,
 - c. *DOC Policy 3.3.20, Offender Nondiscrimination*,
 - d. *PPD 1.1.1700 PREA Disclosure Reporting*, and
 - e. *PPD 6.3.405 Probation & Parole Offender Complaints*.
4. Employees, volunteers, and service providers must be alert to situations in which sexual abuse or sexual harassment might occur and be capable of identifying indicators of sexual abuse and sexual harassment. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility whether or not it is part of the Department, retaliation against offenders or employees who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation will be reported immediately.
5. Supervisors or designees will immediately respond to allegations of sexual abuse and sexual harassment and refer for investigation those who violate the requirements set forth in this procedure and *DOC Policy 1.1.17*.

B. REPORTING REQUIREMENTS:

1. When an offender discloses that while incarcerated, he/she was sexually abused and/or harassed by staff or another offender, staff receiving the disclosure must notify his/her supervisor and the head of the facility where the alleged incident occurred as soon as possible, but no later than 72 hours after receiving the allegation.
2. Staff receiving the disclosure will report the incident as a priority II incident by completing *Part 1, Section A of PPD 1.1.600(A) RD P&P Incident Report Form* and include information regarding when and to whom notification was made, whether the incident was previously reported and, if so, when was it reported and what was the outcome. The *Report* is submitted to the immediate supervisor as soon as possible, but no later than by the end of the shift.

3. Supervisor reviews and immediately forwards *P&P Incident Report Form* to Deputy Chief (DC).
4. DC will email *P&P Incident Report Form* as soon as possible to:
 - a. Office of Investigations at corie@mt.gov with “PREA” in email subject line;
 - b. The PREA Coordinator at CORPREAReporting@mt.gov; and
 - c. If the disclosed incident was in a PFB contract facility, the Programs and Facilities Contract Manager at coraccdreports@mt.gov with “PREA” in email subject line.
5. Additional reporting to the Department of Public Health and Human Services is required when the alleged victim is:
 - a. under the age of 18 (§41-3-201, MCA); or
 - b. at least 60 years old or is a person with a developmental disability (§52-3-811, MCA).

IV. CLOSING:

Questions regarding this procedure will be directed to the Deputy Chief, Probation & Parole Bureau Chief, or PREA Coordinator.

V. FORMS:

PPD 1.1.1700 (B)	Staff PREA Acknowledgment
PPD 1.1.1700 (C)	Offender PREA Acknowledgment
PPD 1.1.600 (A) RD	P&P Incident Report Form



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

Procedure:	PPD 1.2.1800 STATE VEHICLES OPERATION AND MANAGEMENT	
Effective Date:	07/25/2018	Page 1 of 4
Revisions Date(s):	08/31/2020	
Reference(s):	Local #4464; DOC 1.2.14; DOC 1.2.18; DOC 1.3.2; 2-9-101, MCA; 2-17-Part 4, MCA; 61-5-103, MCA; 61-7-108, MCA; 2.6.201-214 ARM; 26 CFR, 1.61-21(f)(3) IRS Reg.	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will follow establish guidelines when using state-owned or leased vehicles for Department business.

II. DEFINITIONS:

Authorized Drivers of State Vehicles include:

- Department employees conducting business on behalf of the state;
- Non-state employees relieving authorized drivers due to illness, fatigue, or other physical or mental incapacity and/or a compelling state interest is served by allowing the non-state employee to drive (no prior approval required);
- A non-state employee to assist a Department employee or other individual during a medical emergency for transportation and related purpose (no prior approval required);
- A non-state employee as an aide to a disabled employee subject to the prior written approval of the Department director and completing the Risk Management and Tort Defense Division’s vehicle use agreement; and
- Independent contractors or temporary employment agency employees contracting with the state when a state employee is not available, subject to the prior written approval of the Department director.

Authorized Passengers in a State Vehicle include:

- Department employees conducting business on behalf of the state;
- A non-state employee who is:
 - an independent contractor conducting business on behalf of the state;
 - an aide for a disabled employee subject to the prior written approval of the Department director;
 - a guest or client of the state, including a public employee, if conducting, participating in, or providing a benefit to the conduct of state business;
 - a person rendering or in need of assistance during a medical or other life-threatening emergency;
 - and
 - a nursing infant if the parent is an authorized driver or passenger
- Offenders in transport currently under the care or supervision of the Department.

Authorized Uses of State Vehicles include:

- Parking overnight at the employee’s home in order to begin travel the next day or with supervisor approval;

- Obtaining food, necessities, and lodging while in travel status;
- Responding to medical or other life-threatening emergencies; and
- Conducting after-hours personal business, recreation, or leisure within a 30-mile radius of the employee's lodging when required to stay overnight at a location other than the established work location.

Department-Owned Vehicle – A vehicle owned by the Department.

FMU-Fleet Management Unit – A centralized fleet unit located within the Department's Budget and Contracts Management Bureau, responsible for management of state vehicles.

Leased Vehicle – A vehicle the Department leases from the Department of Transportation, Motor Pool Division.

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

Prohibited State Vehicle Use:

- Transporting unauthorized passengers;
- Personal business use, e.g., shopping, medical appointments, or recreation when employee is not in travel status;
- Attending wakes, funerals or bereavement services, unless the deceased was a Department employee killed in the line of duty or with supervisor approval;
- Operate vehicle within eight (8) hours of consuming alcohol, illegal drugs, or prescription drugs that affect the person's ability to operate a vehicle safely;
- Attending retirement functions;
- Consuming alcoholic beverages;
- Smoking and the use of smokeless tobacco.

State Vehicle – A passenger motor vehicle owned or leased by the Department that is designed for travel on maintained public roads and subject to motor vehicle registration. The term includes passenger cars, vans, buses, and light duty trucks.

III. PROCEDURES:

A. GENERAL GUIDELINES:

1. PPD employees will follow this operating procedure in conjunction with the directives given in:
 - a. *DOC Policy 1.2.18, Fleet Vehicle Operation & Management* and *§2.6.201-214 A.R.M.* for:

1) agreements/driver requirements	7) maintenance and repairs
2) safety requirements	8) fueling cards
3) alcohol and drugs	9) vehicle purchases and transfers
4) cell phone use	10) vehicle disposal
5) disciplinary actions	11) insurance coverage
6) permanent vehicle assignments	12) vehicle use reporting
 - b. *DOC 1.2.14 Employee Travel*; and
 - c. Montana Federation of Probation and Parole Local #4464's collective bargaining agreement regarding personal vehicle use to Probation & Parole Basic Training.

2. Exceptions to authorized drivers, passengers, and/or uses of state vehicles require the prior written approval of the Risk Management and Tort Defense Division (RMTD). Employees must request an exception through the Deputy Chief (DC) or designee.

B. ON-CALL USE OF STATE VEHICLE:

1. The DC or designee will provide a vehicle from the regional office fleet to be used by Probation & Parole (P&P) Officers when they are on on-call status. The vehicle should be equipped with a police radio.
2. P&P Officers will use this vehicle to respond when necessary to calls from law enforcement or other emergencies during on-call hours and may use the vehicle to drive back and forth to work when on on-call status.

C. USE OF PERSONAL VEHICLE:

1. Employees requiring the use of a vehicle to travel for Department business, including training, must use a state vehicle unless circumstances justify the use of a personal vehicle. See Montana Federation of Probation and Parole Local #4464's collective bargaining agreement regarding personal vehicle use to Probation & Parole Basic Training.
2. Use of personal vehicles may be approved on a case-by-case basis. *PPD 1.2.1800(A) Personal Vehicle Use Authorization* must be completed and submitted to DC for review and approval.
3. A *Travel Expense Voucher* must be submitted for all reimbursements. Vehicle owners must attach a copy of the approved *PPD 1.2.1800(A) Personal Vehicle Use Authorization* when submitting an expense voucher.

D. RECORD-KEEPING AND REPORTING REQUIREMENTS:

1. Mileage to report:
 - a. **Department-owned** vehicle mileage is submitted by designated staff to the FMU by the 5th calendar day of each month using *DOC 1.2.18 (Attachment) State Owned Vehicle Monthly Report* (if this day is a weekend/holiday, submit in advance). The *Report* includes gas purchases, mileage and any maintenance/repair completed on the vehicle. All non-fuel related receipts **must** be attached.
 - b. **Leased vehicle** mileage must be sent to the FMU on a monthly basis by designated staff. The FMU will notify all leased vehicle drivers 5-7 days prior to the reporting deadline.
2. Maintenance/Repair:
 - a. Maintenance/repair records will be reviewed annually.
 - b. Routine maintenance, i.e., fuel, oil changes, filters, do not need prior approval.
 - c. Deputy Chief or designee will be informed prior to any non-routine maintenance or repair to be performed and must give consent.
3. Upon receipt from FMU, designated staff will complete *DOC 1.2.18 (Attachment) Vehicle Condition Report* annually by May 1 to appropriate fleet staff to evaluate the current condition of each Department-owned vehicle.
4. The FMU must be notified prior to any transfer of a state vehicle between P&P offices.

E. REPORTING ACCIDENTS INVOLVING STATE VEHICLES:

1. An employee involved in an accident while driving a state vehicle must notify the appropriate local law enforcement entity. Leaving the scene of an accident and not reporting it promptly can result in a fine and/or disciplinary action by the Department.
2. The employee must notify his/her supervisor as soon as possible. If employee is injured, supervisor will encourage the employee to obtain the required medical care.
3. An employee who is, or will be, seeking medical attention must complete with his/her supervisor *DOC 1.3.3 (Attachment) Employee/Supervisor Incident/Accident Report* and *Montana State Fund First Report* prior to the end of the shift unless precluded by reasonable circumstances. Both forms are submitted to the Office of Human Resources (OHR) within eight (8) hours of completion.
4. An employee involved in an accident, or who becomes aware of damage or vandalism to a state vehicle, must complete and submit/fax *DOC 1.2.18 Attachment RMTD Report of Incident Form* (located in glove box) to the FMU within 24 hours. If vehicle is leased, employee will:
 - a. Notify MDT-Motor Pool as soon as possible (406-444-2682). They will assist if needed for towing, temporary repairs, phone calls, etc. Any towing charges shall be directed to Motor Pool.
 - b. Take a minimum of two (2) photographs of the damage and attach to the *RMTD Report of Incident*.
5. Supervisor must sign the **original** *RMTD Report of Incident Form* by the next regular working day and forward as follows:
 - a. If Department-owned, to the FMU at P.O. Box 201301, Helena, MT 59620-1301.
 - b. If leased, to MDT-Motor Pool Division P.O. Box 201001, Helena, MT 59620-1001. A copy of the *Form* is also forwarded to FMU.

IV. CLOSING:

Questions concerning this procedure shall be directed to the Deputy Chief, POII, or Fleet Management Unit.

V. FORMS:

PPD 1.2.1800 (A)	Personal Vehicle Use Authorization
DOC 1.2.18 Attachment	Vehicle Use Agreement
DOC 1.2.18 Attachment	DOC Fuel Card Use Employee Agreement
DOC 1.2.18 Attachment	State-Owned Vehicle Monthly Report
DOC 1.2.18 Attachment	Department-Owned Vehicle Repair
DOC 1.2.18 Attachment	Vehicle Condition Report
DOC 1.3.3 Attachment	Employee/Supervisor Incident/Accident Report
RMTD	Report of Incident
Montana State Fund	First Report



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

Procedure:	PPD 1.3.3500 BLOOD-BORNE PATHOGENS EXPOSURE CONTROL PLAN
Effective Date:	08/31/2020 Page 1 of 2
Revisions Date(s):	
Reference(s):	DOC 1.3.3; DOC 1.3.35; 29 CFR 1910.1030; 24.30.102 A.R.M.
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will follow established guidelines regarding staff exposure to blood-borne pathogens and the disclosure of offender health information.

II. DEFINITIONS:

Communicable or Infectious Disease – A disease that can be transferred from one individual to another by direct or indirect contact.

Infectious Bodily Fluids – Human blood or other potentially infectious body fluids including semen, urine, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, and any bodily fluid visible with contaminated blood.

Universal Precautions – All human blood or blood products and other potentially infectious bodily fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and other blood-borne pathogens.

III. PROCEDURES:

A. EXPOSURE TO COMMUNICABLE DISEASE:

1. **All PPD staff will observe universal precautions in order to prevent contact with infectious bodily fluids.**
2. Staff who believe they have been exposed to a communicable disease will notify his/her supervisor and complete *PPD 1.1.600(A) Incident Report Form* prior to the end of his/her assigned shift unless precluded by reasonable circumstances. In necessary, medical care should be obtained as soon as possible.
3. The supervisor will be responsible for completion of the employee and supervisor sections of the Montana State Fund *First Report*, including signatures, prior to the end of the staff's assigned shift unless precluded by reasonable circumstance. The *First Report* is forwarded to the Office of Human Resources (HR) within eight (8) hours of completion. HR will complete the form, set up tracking file for the supervisor, and forward the form to the Montana State Fund.

B. HEPATITIS B IMMUNIZATION AND VACCINATION ADMINISTRATION:

1. The Hepatitis vaccination will be made available to staff in the Probation & Parole (P&P) Bureaus determined to be at occupational risk. Immunization is not required but is encouraged.

2. Bureau staff will be provided *DOC 1.3.35 (Attachments) Hepatitis B Vaccine Disclosure and Acceptance/Declination Statement* during the new hire orientation. Staff must indicate on the Statement to either receive or waive the vaccine, and the sign end dated form will be retained by HR. Staff who initially declined receiving the vaccination may decide at a later date to receive the vaccination.

C. DISCLOSURE OF OFFENDER COMMUNICABLE DISEASE:

1. Pursuant to Montana statutes regarding medical information, P&P Officers may be unaware that an offender has a communicable disease unless informed by the offender.
2. An Officer may only disclose information regarding the offender's communicable disease when authorized by the offender. To be valid, a disclosure authorization must:
 - a. be in writing, dated, and signed by the offender;
 - b. identify the nature of the information to be disclosed; and
 - c. identify the person(s) to whom the information is to be disclosed.
3. Without the needed authorization, disclosure of any offender communicable disease information will be reviewed with the P&P Bureau Chief before information is released.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or Probation & Parole Bureau Chief.

V. FORMS:

DOC 1.3.35 (Attachment) Hepatitis B Vaccine Disclosure
DOC 1.3.35 (Attachment) Acceptance/Declination Statement
PPD 1.1.600 (A) Incident Report Form
Montana State Fund First Report



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

Procedure:	PPD 1.3.3600 CRITICAL INCIDENT RESPONSE	
Effective Date:	05/24/2021	Page 1 of 4
Revisions Date(s):		
Reference(s):	PPD 1.1.600 RD ; DOC 1.3.36; 39-74-105, MCA	
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator	

I. PURPOSE:

The Probation and Parole Division will follow established procedures when responding to an employee exposed to a job-related critical incident or stressful event that may require intervention, assessment, and follow up care.

II. DEFINITIONS:

Critical Incident Stress Management (CISM) – A comprehensive, integrated, and systematic crisis intervention approach used to manage and minimize an individual(s) stress reactions after experiencing critical incidents.

CISM Team – A group of individuals which will include a mental health provider facilitator, and/or facilitator(s) trained to provide peer support, defusing, and debriefing.

Critical Incident - Unusually challenging events that have the potential to create significant human distress and can overwhelm one’s usual coping mechanisms.

Debriefing – A specific, seven-step group crisis intervention tool designed to assist a homogenous group of people after an exposure to the same specific traumatic event. It is an active, temporary, and supportive small group process that focuses on building up a group’s resistance to traumatic stressors and focuses on the group’s resilience. It is ordinarily provided within 24 to 72 hours of the incident. The debriefing is in no way to be considered psychotherapy or a replacement for psychotherapy. Only people properly trained in critical incident stress management and specifically in the small group process may provide debriefings.

Defusing – A small group discussion typically within hours following the event, consisting of a homogenous group that was exposed to the same event. If possible, it should be provided within one to two hours and must be provided by trained critical incident stress management team members only. A defusing is a shortened version of the debriefing.

Department Employee – A person employed by the Department of Corrections who has attained permanent status or is eligible to attain permanent status, as provided in §2-18-601, MCA; volunteers, interns, temporary and short term workers; this term does not include service providers.

Mental Health Professional – A licensed clinical social worker, licensed psychologist, or other licensed professional counselor trained in the critical incident trauma-debriefing model who has an understanding of, and experience with, correctional employees.

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

Peer Support – A Department employee trained to provide peer support in the form of one-to-one discussions, defusing, debriefing, and assisting a mental health professional conducting an assessment.

Service Providers - This term includes contracted persons or other vendors providing service whose assignment is primarily on Department premises, e.g. facility or program office.

III. PROCEDURES:

A. GENERAL INFORMATION:

1. Critical incidents may include situations leading to serious injury, death, or trauma that PPD staff are involved in or witnessed. These incidents specifically include the following:
 - a. use of force incidents resulting in deployment of a TASER, discharge of a firearm, or death or injury to employees, service providers, or offenders;
 - b. discharge of a Department-issued firearm not in the line of duty with injury or death;
 - c. death of offender in PPD custody or in the presence of a PPD employee or service-related death of employee, volunteer, or visitor;
 - d. serious injury, life-threatening accident, or life-threatening illness requiring transportation for medical attention;
 - e. actual, suspected, or attempted hostage action;
 - f. on-site violent act committed by an employee, on-site volunteer, or visitor that may result in criminal charges;
 - g. serious assaults either offender on offender or offender on employee resulting in injury;
 - h. any event deemed an emergency by the Deputy Chief (DC) or designee and requiring an emergency response from non-Department first responders.
2. The PPD Administrator, Probation & Parole (P&P) Bureau Chiefs, and Deputy Chiefs (DC) will establish local critical incident stress management (CISM) teams for the probation and parole regions. DOC staff participation on CISM teams is highly encouraged and must be done on a regular basis as approved by a supervisor.
3. The directives for the responsibilities of the CISM team given in *DOC Policy 1.3.36, Critical Incident Stress Management*, and the procedures of *PPD 1.1.600RD Priority Incident Reporting*, will be followed in conjunction with this procedure.
4. All discussions, meetings, and information held within CISM are confidential pursuant to section 39-74-105, MCA.

B. AT TIME OF INCIDENT:

1. Upon a critical incident occurring, P&P Officers on scene should notify local authorities of the incident immediately. A supervisor shall be called as soon as safely possible.
2. Officers on scene, in conjunction with authorities, should render medical aid to anyone in need.
3. Upon receiving notification of a critical incident, the supervisor shall notify the DC, and the DC will make appropriate notifications through the PPD chain of command. If determined

necessary, immediate notification by the supervisor to his/her supervisor and the CISM team is completed through whatever means of communication is practical.

4. Supervisor shall go to involved P&P Officer's location, whether it is on scene or otherwise. Upon arrival, if involved Officer(s) is required to stay on scene, go with the investigating authority, or needs medical attention, the supervisor or another officer of the Officer's choice shall remain with the Officer and offer support and cooperation in line with their authority.
5. If there are no immediate duties to fulfill, the P&P Officer may be taken to a quiet area away from the incident; supervisor or designee or another officer of the Officer's choice shall remain with the Officer, but are advised not to discuss the details of the incident.
6. The supervisor will assist in ensuring personal items and clothing of the Officer are secured as appropriate.
7. On scene, the supervisor should check the P&P Officer's involved firearm(s) to see if the firearm was discharged. If a firearm has been discharged, it shall be seized by the investigating authority or the supervisor.
 - a. The supervisor will immediately provide the P&P Officer a spare, loaded Department-issued firearm, unless it is determined that to do so would create an unsafe condition for the Officer or others.
 - b. Qualifying with the new firearm will be scheduled for a time that is appropriate at a later date.
8. When it is feasible and appropriate, and prior to making any formal statement to investigating authorities, the P&P Officers involved in the incident should be allowed to notify their families about the incident as soon as possible. If the Officer is unable to do so, a supervisor or official of the Officer's choice shall notify the family.

C. POST-INCIDENT:

1. The supervisor and P&P Officer(s) involved shall work in conjunction at all times with the investigating authority, if there is one (i.e., DCI, local police, other local authorities).
2. Pursuant to *PPD 1.1.600RD*, priority incident reporting shall be made as soon as practicable but no later than 72 hours after the incident and in a manner taking into account the nature of the incident, level of injuries, and whether the involved employees' families have first been notified. However, if staff who were involved in or witnessed a deadly encounter priority incident are requested to give an interview regarding the incident to an investigating party (i.e., DOC investigations, law enforcement), they will not be compelled to complete a *P&P Incident Report Form*. The interview will be used as the staff member's report.
3. Services available to employees who have been subject to an incident may include, but are not limited to, the following:
 - a. CISM leave:
 - 1) administrative leave – paid leave for up to 40 hours, where the employee is relieved of all duties;
 - 2) temporary telework – assignment of meaningful work which can be done on a temporary basis, not to exceed 40 hours, from the employee's home; or

- 3) temporary reassignment – reassignment to another worksite within the Department, which may be either within or outside the P&P office, not to exceed 40 hours, unless approved by the PPD Administrator, or designee, and in consultation with the Human Resources Bureau (HR).
 - b. defusing;
 - c. debriefing;
 - d. counseling through the state health care system, including the Employee Assistance Program (EAP) at 866-750-0512 or <http://hr.mt.gov/employeeassistanceprogram>;
 - e. hostage rehabilitation; and
 - f. assistance with benefit and insurance issues.
4. Any Officer(s) involved in a critical incident may be placed on administrative leave for a period of time to be determined by the DC in consultation with the Bureau Chief.
 - a. Officer(s) shall remain available during this period for any investigative matters.
 - b. The Officer(s) shall be returned to duty only when the Bureau Chief of the region involved, in consultation with the Deputy Chief, upon examination of appropriate reports and/or evaluations, etc., reasonably concludes that the Officer is mentally, physically, and emotionally prepared to return.
5. Supervisors should, at a minimum, check in with Officer(s) on CISM leave regularly and at a minimum of weekly to determine if the Officer's needs are being met and to provide any additional information that would be useful to assist in the return to duty.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief, Probation & Parole Bureau Chief, or the Human Resources Bureau.

V. FORMS:

PPD 1.1.600 (A) **RD** Priority Incident Report



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

Procedure:	PPD 1.5.200 PRESENTENCE INVESTIGATIONS AND REPORTS
Effective Date:	02/11/2016 Page 1 of 9
Revision Date(s):	07/18/2016; 10/02/2017; 12/06/2017; 07/02/2018; 09/01/2019; 09/15/2021; 11/01/2023
Reference(s):	PPD 1.8.100; PPD 3.1.2400; DOC 1.8.1; 46-14-301, MCA; 46-14-311, MCA; 46-18-111 through 113, MCA; 46-18-242, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Probation and Parole employees will comply with District Court orders for presentence investigations and reports and follow standardized procedures when preparing and distributing these reports.

II. DEFINITIONS:

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.

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

Predisposition Investigation – A confidential and official court document prepared similarly to the PSI for defendants found not guilty pursuant to 46-14-301, MCA.

Presentence Investigation Report (PSI) – A confidential and official court document designed to provide essential information on a defendant and assist District Court judges in determining an appropriate sentence for the defendant.

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.

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system which provides location and custody status updates about offenders under Department supervision.

III. PROCEDURES:

A. PREDISPOSITION INVESTIGATION:

1. Pursuant to 46-14-301, MCA, when a defendant is found not guilty for the reason that due to a mental disease or disorder the defendant could not have a particular state of mind that is an essential element of the offense charged, the court shall order a predisposition investigation in accordance with 46-18-112 and 46-18-113, MCA, which must include an investigation of the present mental condition of the defendant.

2. The PSI Writer assigned to complete the predisposition investigation will use *PPD 1.5.200 (B) Presentence Investigation Report (PSI)* form to provide the appropriate information but will delete the Defendant's Statement section. The PSI Writer will consult with their supervisor and amend the PSI form further as necessary, indicating that it is being used for a predisposition investigation.

B. *PPD 1.5.200 (B) PRESENTENCE INVESTIGATION (PSI) REPORT:*

1. The PSI is primarily designed to assist judges in making appropriate sentencing decisions, including the use of alternatives to incarceration. The PSI is also used by correctional, treatment, and community alternative facilities to classify offenders, develop treatment plans, and make referrals upon the defendant's initial entrance into the corrections system. PSI content may also be considered by the Sentence Review Division of the Montana Supreme Court. However, the PSI should not be the primary factor in case planning and placement.
2. Upon acceptance of a defendant's plea, or upon a verdict or finding of a defendant's guilt to one or more felony offenses, the District Court may request and direct P&P to conduct an investigation and submit a PSI pursuant to 46-18-111, MCA, unless a PSI has been provided to the court prior to the plea or the verdict or finding of guilty. However, the court shall order a PSI if the defendant is convicted of:
 - a. a violent offense as defined in 46-23-502, MCA; or
 - b. a crime for which a victim or entity may be entitled to restitution, and the amount of restitution is not contained in a plea agreement.
3. When a PSI has been requested or ordered, the PSI Writer will state in the PSI whether there is a plea agreement. PSI Writer recommendations for special conditions are based on a nexus to the crime and on the defendant's areas of risk identified by the risk and needs assessment tool designed for use in case planning.
4. If a PSI has been requested/ordered by the court, the PSI must be completed and delivered to the court within 30 business days of the plea of guilty, a verdict of guilty, or a court finding of guilty upon bench trial unless additional information is required for:
 - a. victim input;
 - b. a defendant convicted of a sexual offense (*outlined in III.B.7. below*);
 - c. a defendant convicted of Assault on Minor (*see III.B.8. below*);
 - d. a defendant convicted of a violent offense as defined in 46-23-502, MCA, or a crime for which a victim or entity may be entitled to restitution, and the amount of restitution is not contained in a plea agreement; or
 - e. consideration of mental disease or disorder or developmental disability in sentencing (*see III.B.9. below*).
5. The court may order a PSI for a defendant convicted of a misdemeanor only if the misdemeanor was originally charged by the state as a sexual or violent offense as defined in 46-23-502, MCA.
6. The court may require that the PSI include a physical and mental examination of the defendant.

7. Conviction of Sexual Offense:

- a. If the defendant was convicted of an offense under sex offense codes 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-601(3), 45-5-602(3), 45-5-603(2)(b) or (2)(c), 45-5-625, 45-5-627, 45-5-704, 45-5-705, 45-8-218, or 46-23-507, MCA (failure to register as sexual offender), the court shall order a psychosexual evaluation of the defendant, unless the defendant was sentenced under 46-18-219, MCA (life sentence without possibility of release). This evaluation must include a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs.
- b. Unless a psychosexual evaluation has been provided to the court prior to the plea or the verdict or finding of guilty, the evaluation must be completed by a sex offender evaluator selected by the court. The psychosexual evaluation must be made available to the county attorney's office, the defense attorney, the P&P Officer, and the sentencing judge.
- c. All costs related to the evaluation, including an evaluation ordered by the court as allowed in b. above must be paid by the defendant. If the District Court determines the defendant to be indigent, all costs related to the evaluation, including an evaluation ordered by the court as allowed in b. above are the responsibility of the court and must be paid by the county or the state, or both, under Title 3, Chapter 5, Part 9, MCA. The District Court may order subsequent psychosexual evaluations at the request of the county attorney. The requestor of any subsequent psychosexual evaluations is responsible for the cost of the evaluation.

8. Conviction of Assault on Minor: If the defendant was convicted of an offense under 45-5-212(2)(b) or (2)(c), MCA, the PSI may include a mental health evaluation of the defendant.

- a. The evaluation must include a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs.
- b. The evaluation must be completed by a qualified psychiatrist, licensed clinical psychologist, advanced practice registered nurse, licensed clinical social worker, licensed clinical professional counselor, licensed marriage and family therapist, or other professional with comparable credentials acceptable to the Department of Labor and Industry. The mental health evaluation must be made available to the county attorney's office, the defense attorney, the P&P Officer, and the sentencing judge.
- c. All costs related to the evaluation must be paid by the defendant. If the District Court determines the defendant to be indigent, all costs related to the evaluation are the responsibility of the District Court and must be paid by the county or the state, or both, under Title 3, Chapter 5, Part 9, MCA.

9. Consideration of Mental Disease or Disorder or Developmental Disability in Sentencing:

When the court has ordered a PSI pursuant to 46-14-311, MCA (consideration of mental disease or disorder or developmental disability in sentencing), if requested, the PSI must include a mental evaluation by a person appointed by the Director of the Department of Public Health and Human Services (or their designee). This evaluation must also include an opinion as to whether the defendant suffered from a mental disease or disorder or developmental disability with the effect as described in 46-14-311, MCA. If the opinion concludes that the defendant did suffer from a mental disease or disorder or developmental disability with the effect as described in 46-14-311, MCA, the evaluation must also include a recommendation as

to the care, custody, and treatment needs of the defendant. The mental evaluation becomes part of the PSI and must be made available to persons and entities as provided in 46-18-113, MCA.

10. When a PSI is ordered in a jurisdiction other than where the defendant resides:
 - a. If defendant is new, the jurisdictional P&P office is responsible for completing the PSI.
 - b. If defendant is currently on supervision, their supervising P&P Officer will be responsible for completing the PSI.

Note: If the defendant is currently on supervision but is incarcerated in another county, the P&P office where the offender is detained is responsible for completing the PSI, unless virtual and/or telephonic options are available for the supervising P&P Officer.

C. PROCEDURES FOR PRESENTENCE INVESTIGATIONS AND REPORTS:

1. When a PSI is requested/ordered by the court, immediately upon entry of a plea or finding of guilt, defendant is given *PPD 1.5.200 (C) Presentence Investigation Questionnaire* while in the P&P office, courtroom, or jail (whichever is applicable). The *Questionnaire* must be completed and returned pursuant to the directions given on the *Questionnaire*, but within 48 hours.
2. Upon receipt of the *Questionnaire*, Administrative Support staff will:
 - a. complete a NCIC/CJIN report within 72 hours of receipt of *Questionnaire*;
 - b. enter required data:
 - 1) in all sections on page 1 of the PSI;
 - 2) in "Background" and "Defendant's Statement" on pages 1 and 2 of PSI; and
 - 3) when applicable, attach (copy and paste) *PPD 1.5.200 (D) Affidavit of Victim's Pecuniary Loss* and plea agreement to PSI.
 - c. create OMIS record for the defendant and document the staff assigned to complete the PSI, a sentencing date, and a PSI due date in OMIS;
 - d. take photo and add a picture of the defendant in OMIS record; and
 - e. upload the *Questionnaire* into OMIS and notify the staff member assigned to complete the PSI.
3. Upon defendant's completion of *Questionnaire*, PSI Writer will:
 - a. schedule a date for a PSI interview with defendant and enter date in defendant's OMIS Chronological History. It is strongly encouraged that the interview be scheduled to occur prior to day 24 of the 30-day period; and
 - b. conduct the interview in person, by telephone, or by virtual meeting; and
 - c. complete a MORRA CST for the PSI interview and enter it into OMIS record.
4. If defendant does not return *Questionnaire* or schedule the interview by day 10 of the 30-day period and the PSI Writer or Administrative Support has made a reasonable attempt to contact the defendant, they will notify the court, county attorney, and defense attorney of defendant's noncompliance using *PPD 1.5.200 (E) PSI Letter of Noncompliance*. The delay reason will be documented in the PSI module in OMIS.
 - a. If defendant comes back into compliance with process by contacting PSI Writer prior to expiration of the 30-day period, PSI Writer will notify the court, the county attorney, and defense attorney and request an extension for an additional 30 business days.

5. The PSI will be used to fulfill statutory requirements. Administrative Support staff, under the guidance and direction of the PSI Writer, may assist with gathering the information.
 - a. Pursuant to 46-18-112, MCA, the content of the PSI will include:
 - 1) the defendant's characteristics, circumstances, needs, and potentialities, as reflected in a validated risk and needs assessment;
 - 2) the defendant's criminal record and social history;
 - 3) other arrest cycle information, including a summary of dismissed charges and arrest cycles;
 - a) **Note:** This other information is included in its own section and should not be included in the criminal history.
 - 4) the circumstances of the offense;
 - 5) the time of the defendant's detention for the offenses charged;
 - a) **Note:** The PSI Writer does not express an opinion about whether a defendant receives credit. Credit will be granted for time served on any cause number for which the defendant had been arrested and bail was set and the person was not released pursuant to bail or otherwise.
 - 6) the harm caused, as a result of the offense, to the victim, the victim's immediate family, and the community; and
 - 7) the victim's pecuniary loss, if any.
 - a) The PSI should contain the victim's name and the specific amount owed. The PSI should not include addresses of the victim.
 - (1) However, the PSI victim information, including name and address, will be sent to the Department's Collections Unit.
 - b. The following information pertaining to the defendant may also be included or considered in the "Evaluation and Recommendation for Conditions" section of the PSI, which is used by the PSI Writer in recommending programming and placement of the defendant:
 - 1) prior criminal history;
 - 2) probation or parole history;
 - 3) official version of the offense or offenses;
 - 4) custody status;
 - 5) pending cases or charges against the defendant;
 - 6) gang affiliation;
 - 7) background and ties to the community;
 - 8) history of substance use disorder;
 - 9) physical and mental health;
 - 10) employment history and status;
 - 11) education history; and
 - 12) prescreening and placement options.
 - c. Placement options: A placement recommendation is provided as outlined in the attachment below.
 - d. Prescreening is completed when offender's plea agreement is for a DOC commitment.
 - e. The investigation must include evaluations of the defendant under guidelines established in III.B. above:
 - 1) If defendant is a sexual offender, the PSI designed for sexual offenders, *PPD 1.5.200 (B-SO)*, is used. The names of the sex offender risk assessment tools used in the psychosexual evaluation are listed and the tier level designation recommended from the evaluation is included in this PSI.
 - f. All fines, fees, and restitution ordered by the court and/or required by statute are listed as separate conditions or in the chart at the end of the PSI.

6. **PSI Fee** (in effect for offenses committed after July 1, 2005): Pursuant to 46-18-111, MCA, the defendant shall pay to the Department, online or by money order or cashier's check, a \$50 fee due upon completion of the PSI, unless the court determines the defendant is not able to pay the fee within a reasonable time. These fees are forwarded to the Department's Collections Unit.
7. The PSI will be reviewed by a supervisor during a PSI Writer's probationary period. After the probationary period, PSI Writers are encouraged to have another staff member review the report prior to submission to the court.
8. The PSI is distributed upon completion to the:
 - a. sentencing court (original);
 - b. prosecuting attorney;
 - c. defendant's attorney;
 - d. defendant;
 - e. agency or institution to which the defendant is committed; and
 - f. defendant's OMIS record as a P&P document. Amendments to PSI are also uploaded into offender's record.
9. The prosecuting attorney may disclose the contents of the PSI to a victim of the offense.
10. Pursuant to 46-18-113, MCA, the sentencing court may permit other access to the PSI as it considers necessary. A motion or petition requesting such access must be filed with the court.

D. VICTIM INFORMATION

1. Victim Information:
 - a. The PSI Writer will make a reasonable effort, and document the effort:
 - 1) to obtain victim impact statements for adults and children;
 - 2) to obtain *PPD 1.5.200 (D) Affidavit of Victim's Pecuniary Loss*, which specifically describes the pecuniary loss and replacement value in dollars and which is attached to PSI if submitted by the victim;
 - 3) to provide the following information to all victims:
 - a) <https://cor.mt.gov/Victims/> – The Department's website that provides important information on victim rights, safety, programs, notification registration, and contacts;
 - b) how to get information, from whom, and when it will be available throughout the system;
 - c) how supervision and post sentencing/adjudication work; and
 - d) DOC website Offender Search (<https://app.mt.gov/conweb>) information.
 - b. Victim will be informed about possible notifications and their preference will be recorded in an OMIS chronological entry and marked "CONFIDENTIAL" for the following:
 - 1) offender travel (PO Responsibility)
 - 2) hearing outcomes (PO Responsibility)
 - 3) potential release from custody (VINE)
 - 4) date offender taken into custody (VINE)
 - c. PSI Writer ensures victim is included in offender's OMIS record and documents victim's decision regarding notifications, including the preferred method of contact.

IV. CLOSING:

Questions concerning this procedure should be directed to the POII, Deputy Chief, or Probation and Parole Chief.

V. FORMS:

<i>PPD 1.5.200 (B)</i>	<i>Presentence Investigation Report</i>
<i>PPD 1.5.200 (B-SO)</i>	<i>Presentence Investigation Report (sexual offenders)</i>
<i>PPD 1.5.200 (C)</i>	<i>Presentence Investigation Questionnaire</i>
<i>PPD 1.5.200 (D)</i>	<i>Affidavit of Victim's Pecuniary Loss</i>
<i>PPD 1.5.200 (E)</i>	<i>PSI Letter of Noncompliance</i>
<i>PPD 3.1.2400 (A)</i>	<i>STG/Street Gang Activity Questionnaire</i>
<i>DOC 1.8.1</i>	<i>Victim Information</i>

VI. PROCEDURAL ATTACHMENTS:

<i>PFB 6.1.201</i>	<i>DOC Placement Directive Attachment 1</i>
--------------------	---

DOC PLACEMENT DIRECTIVE ATTACHMENT 1



Greg Gianforte, Governor | Brian M. Gootkin, Director

TO: Probation and Parole Staff
Programs and Facilities Bureau Staff
The Court Administrator and Judicial Branch
All County Attorneys
All Public Defenders and Defense Attorneys
Community Corrections Providers

FROM: Brian Gootkin, Director, Department of Corrections

DATE: June 30, 2021

RE: HB 2: Offender Prescreening and Placement

As directed by HB 2, effective July 1, 2021:

- Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment.
 - Per HB 2: "Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered."
- When a PSI is ordered and there is a plea agreement for a DOC commitment, Probation and Parole staff will provide a placement recommendation to the Court that is based on the risk/needs evaluation (assessment) of the offender using the guide provided on page 2 of this memo.
- When determining placement of an offender already on supervision or in cases where no PSI was ordered, DOC staff will do so based on a risk/needs assessment and using the guide provided on page 2 of this memo.
- In placing offenders in treatment facilities, DOC staff shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender's treatment dosage and needs. Clinical Substance Use Disorder (SUD) evaluations are no longer required by the DOC before placement in a treatment facility.
 - Treatment facilities will conduct SUD evaluations upon offender arrival at the facility and treatment and programming will be delivered according to the dosage indicated.
 - If the Court orders an SUD evaluation as part of the PSI process, the evaluation will be completed; however, it is not necessary for screening.

DOC Placement Determination Guidance, per HB 2 (2021):

If the Court recommended a placement in an original sentence or revocation sentence, follow the recommendation. If the DOC is unable to follow the recommendation, DOC will document the reason and provide notification to the Court of the reason within 40 days, as required by SB 47.

If Court didn't recommend a placement:

- If low risk*, community supervision placement UNLESS offender:
 - Is homeless,
 - Has a recent history of behavior that indicates a need for greater structure,
 - Was convicted of an offense that has a statutory requirement for placement,
 - The offense/violation represents a repeating offense pattern (i.e. repeated DUIs or multiple instances of domestic violence/violations of protective orders),
 - Has a victim under 12, or
 - Has a victim who died as the result of an offense.
- If moderate risk*, a facility placement (treatment only or prerelease center only) or combination of placements (treatment + prerelease center) may be appropriate if a higher level of structure is indicated by:
 - Offense history,
 - Placement/treatment** history,
 - Offender non-compliance on supervision,
 - Sustained drug use in the community despite interventions, and
 - Severity of the offense.
- If medium or high risk* on the WRNA or high or very high risk* on the MORRA, a facility placement or combination of placements** is required. If no facility will accept the offender, the DOC will document the instance and determine the most appropriate alternative placement to address the offender's risk/needs while maintaining public safety; the placement will likely be prison. In rare circumstances, a recommendation might include community placement in a structured setting such as treatment court, ISP, etc. based on an offender's particular circumstances.

*use the MORRA and WRNA. For sex offenders (SO), a SO-specific risk assessment, along with the MORRA or WRNA, will be used. Placement will be based on whichever assessment risk score is higher. The MORRA and WRNA risk levels are as follows:

MORRA	WRNA
Low	Low
Moderate	Moderate
High	Medium
Very High	High

**if offender need for substance use treatment is indicated, placement should be at a shorter-length program (90-days) if the offender has no prior residential treatment placements. If offender need for substance use treatment is indicated and the offender has previously been to a residential treatment placement, the offender will be considered for the 9-month treatment placement.



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

Procedure:	PPD 1.5.500 OFFENDER RECORDS ACCESS AND RELEASE
Effective Date:	06/17/2019 Page 1 of 5
Revision Date(s):	
Reference(s):	DOC 1.1.8; DOC 1.5.5; 2-6-1003, MCA; 41-5-208, MCA; 41-5-Part 16, MCA; 44-5-103, MCA; 44-5-301, 302, and 303, MCA; 46-18-113, MCA; Montana Constitution, Article II, Sections 9 and 10
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

The employees of the Probation and Parole Division programs will follow established procedures for the access and release of offender case records. This will ensure that applicable federal and state laws concerning the public's right to know and an individual's right to privacy are observed with respect to information concerning offenders under the supervision of the Department of Corrections.

II. DEFINITIONS:

208 Transfer – Transfer of a youth's supervisory responsibility to District Court after a juvenile disposition, pursuant to §41-5-208, MCA.

Confidential Criminal Justice Information – Criminal investigative information; criminal intelligence information; fingerprints and photographs; criminal justice information or records made confidential by law; and any other criminal justice information not clearly defined as public criminal justice information.

Criminal History – Information about an individual collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, the filing of complaints, indictments, or information and dispositions arising there from sentences, correctional status, and release.

Criminal Justice Agency – Any court with criminal jurisdiction; any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of criminal justice; any other local government agency that performs as its principal function the administration of criminal justice pursuant to an ordinance or local executive order.

Criminally Convicted Youth – Any youth convicted in adult court pursuant to §41-5-206, MCA, except a youth convicted of crime that carries a possible punishment of life, death, or 100 years in prison.

Extended Jurisdiction Transfer – Transfer of a youth's supervisory responsibility to District Court when the stayed District Court order is imposed pursuant to §41-5-Part 16, MCA.

Need-to-Know – The staff member requesting information must have that information in order to properly and adequately perform his/her job-related duties and responsibilities.

Offender Case Record – The primary records for offenders that may include, but are not limited to, certified documents that authorize the Department to maintain legal custody and/or supervise the offender, reports, classification, treatment programs, and grievances; utilized to provide basic physical, biographical, or historical information about an offender, and to aid placements, custody, classification, treatment, and supervision.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

Public Record for Adult Offenders – Information including, but not limited to: name, date of birth, race, gender, eligibility for parole, execution of warrant or sentence, term expiration, court documents, unless expressly sealed by court order, FBI number, fine(s) imposed, jail credit time, supervising facility or program, participation or non-participation in a court-ordered program, court docket number, and offense in accordance with §2-6-1003, MCA.

III. PROCEDURES:

A. OFFENDER RECORDS:

1. **Restrictions on Release of Records/Information:** Information contained in an offender's case record is public record except for information in which the offender or another person has a right to privacy that outweighs the public's right to know as demonstrated in the following circumstances:
 - a. Information protected by a right of privacy;
 - 1) medical, mental health, and treatment information,
 - 2) information that would impede an offender's supervision, rehabilitation and/or treatment/programming, and
 - 3) information that would interfere with victim rights and services.
 - b. Information that, if released, would pose a threat to the security or safety of:
 - 1) an offender,
 - 2) informants (such as identification/location),
 - 3) victims of offenses, and
 - 4) an employee(s) of the Department.
 - c. Information concerning a PPD/Department investigation;
 - d. Information made confidential by law (i.e., the presentence investigation report, which is the court's to disseminate);
 - e. Confidential criminal justice information;
 - 1) NCIC information, including criminal history,
 - 2) police reports,
 - 3) fingerprints,
 - 4) photos (may be deemed confidential), and
 - 5) information concerning a criminal investigation.
 - f. Youth offender records related to Youth Court orders and maintained in blue file within an adult offender hard copy field file:
 - 1) information within youth records is not released except by court-order; and
 - 2) P&P Officer will refer any persons requesting youth information without a court order to the clerk of court of the sentencing jurisdiction.
2. The Department's Legal Office (Legal) will determine if offender case record information is public or private on a case-by-case basis; therefore, any questions regarding a document, or information contained in a document, should be directed to Legal following the procedures set forth in *DOC Policy 1.1.9, Legal Assistance for Staff*.

- 3. Exceptions to Restrictions:** Release of information contained in the offender's case record in which the offender or another person has a right to privacy that outweighs the public's right to know is prohibited except for the following instances:

 - a. Information required by Department employees on a need-to-know basis;
 - b. Criminal justice agencies in conducting an official activity;
 - c. Information to a PFB program/facility for screening or housing an offender;
 - d. Court order releasing materials, such as a presentence investigation report;
 - e. Information for which the offender has specifically authorized release to his/her attorney or other persons authorized by statute. A signed *DOC 1.5.5 (Attachment) Authorization for the Release of Information* will be placed in the offender's field file;
 - f. Records necessary for the Department to defend itself when an offender has made a claim against the Department or an employee; and
 - g. Others specifically authorized in writing by the PPD Administrator.
- 4. On-Site Hard Copy Offender Field Files:** Probation & Parole (P&P) offender file material will not be removed from Department property or produced for any outside authority without written application to, and approval of the Deputy Chief (DC) or designee, or by court order.
- 5. Medical, Mental Health, and/or Treatment Information:**

 - a. Offender must sign the appropriate section of *DOC 1.5.5 (Attachment) Authorization for the Release of Information* when medical, mental health, and/or treatment information is to be obtained from, or released to, a provider or organization outside of the Department, not including PFB contract facilities.
 - b. In addition, any medical, mental health or other treatment records, such as substance use disorder or sex offender treatment records, cannot be released without an authorization to release information from the third party provider.
 - c. Once the information has been received, an *Authorization* is not necessary for the information to be included in presentence investigations, applications for interstate transfer of supervision, or applications for admittance to PFB contract facilities.
- 6. Adult Chronological History:**

 - a. An offender's chronological history is public information; however, certain information contained within the history may be marked as confidential or be deemed as private. When a request for the chronological history is received, the P&P Officer and his/her supervisor will review the contents of the entries and redact information that is restricted from release.
 - b. If P&P Officer and/or supervisor have any questions regarding information to be redacted, he/she may then contact Legal.
- 7. Offender's Address, Phone Number, and/or Employment:**

 - a. An offender's address, phone number and/or employment information may be given only to the following:
 - 1) Criminal justice agencies;
 - 2) Child Support Enforcement Division;
 - 3) Defense attorney; and
 - 4) Department of Public Health and Human Services.
 - b. When a request for this information is received from a source other than those entities listed above, the P&P Officer will inform the offender of the request in order for the offender to respond or not.

- 8. Tape Recording of Disciplinary Hearing:** Requests for tape recordings of disciplinary hearings must be reviewed on a case-by-case basis and responses to such requests may be different based on the nature of information discussed in the recording. Before being released, the tape must be listened to and reviewed by the DC for any discussion that can be recognized as private or threatens the safety or security of a person or institution. If necessary, DC may consult with Legal. The offender must sign the appropriate section of *DOC 1.5.5 (Attachment) Authorization for the Release of Information* to release the recording.
- 9. Presentence Investigation Report (PSI):**
- a. Pursuant to §46-18-113, MCA, the PSI is a confidential court record and is distributed only to the following:
 - 1) Sentencing court (original);
 - 2) Prosecuting attorney;
 - 3) Defendant's attorney;
 - 4) Defendant;
 - 5) Agency or institution to which the defendant is committed; and
 - 6) Offender's OMIS record.
 - 7) The prosecuting attorney may disclose the contents of the PSI to a victim of the offense.
 - b. Only the sentencing court may permit PSI access to other certain persons as needed for the offender's rehabilitation, such as treatment providers, mental health providers, and/or medical providers, as it considers necessary. A motion or petition requesting such access must be filed with the court unless the judgment contains a provision for further distribution. In addition, attachments to the PSI may NOT be released without a court order.
- 10. Predisposition Investigation:** Pursuant to §46-14-301, MCA, when a defendant is found not guilty for the reason that due to a mental disease or disorder the defendant could not have a particular state of mind that is an essential element of the offense charged, the court shall order a predisposition investigation in accordance with §§46-18-112 and 113, MCA. The predisposition investigation is a confidential court record and will only be distributed to the persons listed in section A.9 above.

B. RELEASE OF OFFENDER RECORDS/INFORMATION:

1. Media and Public Inquiry:

- a. Pursuant to *DOC Policy 1.5.5, Offender Records Management, Access and Release* and *DOC Policy 1.1.8, Media Relations*, designated public information officers (PIO) will respond to media and public inquiries for specific offender information, providing information authorized for release.
- b. For audit purposes, PIO will maintain a record of all such requests and include the date of request, person making request and disposition. A copy of this record will be placed in the offender's field file.

2. Receipt of Subpoena for Release of Offender Record:

- a. Upon receipt of a subpoena for review/copy of offender records, contact Legal at CORLegalMailbox@mt.gov as soon as possible. Legal will, in conjunction with the P&P Officer and his/her supervisor, review and evaluate the entire record carefully, and redact or remove information contained in the offender's records that is restricted from release.
- b. In addition, any medical, mental health or other treatment records, such as chemical dependency or sex offender treatment records, cannot be released without an authorization to release information from the third party provider.

3. **Release to Criminal Justice Agency:** Generally, all information from offender records may be released to criminal justice agencies with the exception of the PSI.
4. **Release of Criminal Justice Information:** Offender information obtained from other criminal justice agencies may be released only to bona fide representatives of criminal justice agencies or produced in compliance with the order of a court of competent jurisdiction. Any concerns about release of this information should be directed to Legal.
5. **Release to Offender or by Offender:**
 - a. An offender may make written request to review his/her case record. Offender and supervising P&P Officer will sign and date the request and submit to the DC. Access to non-confidential materials will be granted.
 - b. An offender may grant authorization for review of his/her record by an Attorney of Record or other person authorized by statute. Offender is required to provide consent by signing the appropriate section of *DOC 1.5.5 (Attachment) Authorization for the Release of Information*. A copy of the *Authorization* is placed in offender's field file.
 - c. P&P Officer and his/her supervisor will review and evaluate all case record information to be provided to offender as outlined in Section B.2.
 - d. An offender will not be permitted access to the records of other offenders under any circumstances.
 - e. Offender may only obtain confidential record material such as medical, psychological, or chemical dependency evaluations from the originating agency.

C. FEES:

1. A copying fee of 25¢ per page may be charged. Payment should be received before copies are delivered to the requesting party.
2. If copies are to be mailed, the requesting party may also be charged for the postage.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief, Probation & Parole Bureau Chief, or the Legal Office.

V. FORMS:

DOC 1.5.5 Attachment Authorization for the Release of Information



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

Procedure:	PPD 1.5.501 CASE RECORDS ORGANIZATION, MANAGEMENT, AND RETENTION	
Effective Date:	06/17/2019	Page 1 of 8
Revision Date(s):	03/24/2021; 09/15/2022	
Reference(s):	PPD 1.5.500; DOC 1.5.5; DOC 1.7.3; 2-6-1003, MCA; 41-5-206, MCA; 41-5-208, MCA; 41-5-Part 16, MCA; 46-23-1004, MCA	
Signature / Title:	/s/ Jim Anderson, Public Safety Chief	

I. PURPOSE:

Offender case records are the primary record on all adult and youth offenders and contain the complete sentencing, commitment and/or referral documents that authorize the Department and Probation and Parole to maintain legal custody and/or supervision of offenders. These records are used on a daily basis for routine case management and decisions regarding placements, custody, classification, treatment, and supervision, as well as the supervision activities of interstate transfers. In addition, these files are used to determine an offender’s date of release from supervision; the location of offenders; conducting research and statistical reports; providing historical information for selected requests; and for workload analysis of the Probation and Parole staff.

Probation and Parole staff will follow this procedure to ensure uniformity and consistency when creating, organizing, and managing each offender case record under their supervision.

II. DEFINITIONS:

208 Transfer – Transfer of a youth’s supervisory responsibility to District Court after a juvenile disposition, pursuant to §41-5-208, MCA.

Central Office File – Offender field files maintained in the Helena Central Office on each offender under the supervision or responsibility of the Interstate Compact Section.

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 and 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.

Correctional Facility – Montana State Prison, Montana Women’s Prison, and the private and regional prisons contracted to the Department of Corrections.

Criminally Convicted Youth – Any youth convicted in adult court pursuant to §41-5-206, MCA, except a youth convicted of a crime that carries a possible punishment of life, death, or 100 years in prison.

Destruction – The act of incinerating or shredding printed case records and deleting electronic records in a manner that renders the records permanently irretrievable.

Extended Jurisdiction Transfer – Transfer of a youth’s supervisory responsibility to District Court when the stayed District Court order is imposed pursuant to §41-5-Part 16, MCA.

Inactive Offender Case Record – The hard copy field file of an offender no longer under the supervision of Probation and Parole or Interstate Compact Section. Also referred to as “dead file.”

Need to Know – The staff member requesting information must have that information in order to properly and adequately perform job-related duties and responsibilities.

Offender Case Record – The primary records for offenders that may include, but are not limited to, certified documents that authorize the Department to maintain legal custody and/or supervise the offender, reports, classification, treatment programs, and grievances; utilized to provide basic physical, biographical, or historical information about an offender, and to aid placements, custody, classification, treatment, and supervision.

OMIS-Offender Management Information System – The Department’s electronic data collection and reporting system.

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

Public Record for Adult Offenders – Information including, but not limited to: name, date of birth, race, gender, eligibility for parole, execution of warrant or sentence, term expiration, court documents, unless expressly sealed by court order, FBI number, fine(s) imposed, jail credit time, supervising facility or program, participation or non-participation in a court-ordered program, court docket number, and offense in accordance with §2-6-1003, MCA.

Triggering Event – Any change that affects the accuracy of information stored in OMIS, such as change in custody level or location, address, gender, life-status.

III. PROCEDURES:

A. GENERAL INFORMATION:

1. Offender case records for adult offenders will be formally established at the time of sentencing or when they have been transferred to Department custody or supervision as an OMIS record and a hard copy field file. Probation & Parole (P&P) Officers will confirm that a record of the offender is not currently in OMIS before creating new records.
2. Case records will be organized, maintained, retained, and audited according to this procedure and *PPD 1.5.700 Audits of Case Management and Records*.
3. Probation and Parole will maintain at each of its locations offender records, a perpetual record of all offenders, and the status and final disposition of offenders’ case records.
4. No unauthorized person will have access to offender case records.
5. *208 transfers, extended jurisdiction transfers, or criminally convicted youth:*
 - a. Hard copy case records related to Youth Court orders and received directly from a Department youth facility, Youth Court, and Juvenile Probation or Parole will be kept in blue file folders within the adult file. The supervising P&P Officer will determine when the records must be sent back to Probation and Parole or Youth Court to be sealed as follows, and mark the date on the folder:
 - 1) 208 transfers (§41-5-208, MCA) – upon the youth’s 25th birthday, or sooner if

designated by court order.

- 2) Extended jurisdiction transfers (§41-5-Part 16, MCA) – upon termination of the District Court order.
 - 3) Criminally convicted youth (§41-5-206, MCA) – original documents are returned upon youth's 18th birthday; copies of documents are destroyed.
- b. Case records created based on a District Court order are considered and treated as adult offender records.

B. ORGANIZATION OF ADULT OFFENDER CASE RECORDS:

1. OMIS Offender Record: Offender information is entered into the proper OMIS modules:

- a. Basic Information
- b. Legal
- c. Safety
- d. Placement
- e. Case Management
- f. Compliance
- g. Relationships

2. Hard Copy Offender Field Files:

- a. Offender field files will be organized into six (6) sections as indicated below. Documents will be **filed chronologically** by date from bottom to top in the appropriate section.
- b. When it is determined that a document shall be maintained in OMIS, that document will no longer be maintained in the field file.
- c. *Criminal History Records Check*– Results of a CJIN/NCIC check must be destroyed once they have been reviewed. They **must not** be maintained in the field file.
- d. All P&P offices will use the same style of file and labeling system:
 - 1) *File Folder*: The file folder to be used in all offices is Smead® End-Tab Classification Folders, Manufacture #C4025A2D, Red (or exact equivalent). This folder has a 2" gusset with two dividers.
 - 2) *Labels*: The labels will show the offender's Last Name, First Name and DOC # only. All labels will be white, Avery File Folder Labels, Laser 5366 (or exact equivalent).
- e. Once the file has been organized according to this procedure, it will not be reorganized.
- f. P&P Officers are not precluded from reorganizing a file established prior to October 1, 2001 into this filing system if need arises, but are not required to do so. If the older file contains BOPP incarceration history documentation written on the front of the file, this information will be placed in the BOPP section.
- g. When a report, form, or other document is removed for copying, it will be filed where originally located.
- h. To reduce copying and mailing costs, files will not contain numerous copies of the same documents when they are transferred.
- i. All transfers and movements of offender field files will be noted in the offender's OMIS Chronological Notes giving details of dates sent and received and locations.
- j. All forms designated under "Probation and Parole Documents" in OMIS must be scanned into OMIS and should be disposed of after scanning. Records not scanned into OMIS must be retained for five (5) years pursuant to the state records retention schedule.

3. File Section Organization*:

Section 1–Sign Up/Supervision:

Original Parole Certificate
 Jail Sanction forms
 Police Reports obtained while under supervision (chronological)
 Request for Destruction/Disposal/Selling of Confiscated Property (includes firearms)
 DOC Inmate Escape reports/forms
 General Correspondence related to P&P Supervision
 MASC/Passages ASRC paperwork

Section 2–Court Documents (chronological):

Police Report pertaining to original offense resulting in sentence
 Bench Warrants

Section 3–Monthly Reports/Travel Permits/ Payment Receipts:

Monthly Reports
 Restitution, Fines, Fees

Section 4–Treatment:

All treatment requests, evaluations, reports, and correspondence relating to treatment (chemical dependency, mental health, sexual offender)
 Treatment attendance reports (self-help cards)
 Medical records received as part of P&P Supervision. FPB treatment/prerelease release plans, termination reports

Section 5–Victim Information/Correspondence:

Victim Letters/Information
 Letters/memos relating to victims

Section 6–BOPP Documents:

As of February 2022, the BOPP is uploading all documentation.

**If a document is scanned into OMIS, it does not have to be retained in the field file.*

4. Field Files in Place Prior to October 1, 2001: These files were organized, maintained, and audited according to the following structure:

- a. Documents are filed chronologically by date from bottom to top in the appropriate section.
- b. *Adult Chronological History* notes written prior to OMIS entries were removed from Chronological Books and placed in file on left side.
- c. The *Adult Chronological Face Sheet*, if printed, will be filed on the left side on the top.
- d. When it is determined that a document shall be maintained in OMIS, that document will no longer be maintained in the field file.

LEFT SIDE:

1. Monthly Reports, Travel Permits, original/white copy), Restitution receipts
2. DOC Inmate Escape reports/forms
3. Community Corrections Programs Screening, letters, etc. Treatment evaluations, reports, and correspondence
4. General Correspondence
5. MASC/Passages ASRC (formerly BASC) paperwork
6. Medical Records related to P&P Supervision

RIGHT SIDE (chronological):

1. Police Report pertaining to original offense resulting in sentence
2. Legal Information/Affidavit
3. Plea Agreement
4. Prison Classification forms and treatment requests/completions
5. Parole eligibility/discharge date (pink ½ sheet), Basic Information Sheet, FBI Rap Sheet, pink classification summary (these 4 items always on top during each period of incarceration until there is a new judgment or revocation).

The BOPP section starts again on top of the old information when there is a new judgment or revocation.

C. CASE RECORDS MANAGEMENT:

1. Case record entries into OMIS must be complete, accurate, and accomplished in a prompt and timely fashion, especially when providing information on a triggering event. Most record entries should be accomplished within the workday and no later than the workweek.
 - a. Offender case plans will include goals, programs, providers, completions, in progress, pending or incompletes.
 - b. Chronological entries will be made and maintained in OMIS on an ongoing basis throughout offender's supervision and must include all contact, and triggering events pertaining to offender should be documented in the chronologicals.
 - c. Medical, psychological, and pharmaceutical information entries (including note entries) should be placed only in areas specifically designed for this kind of information (for example, medical records).
2. Accommodations will be made to assist staff who are required to type entries into OMIS, but are unable to do so.

D. TRANSFER OF OFFENDER FIELD FILE:

1. All transfers and movements of offender field files will be noted in the offender's OMIS Chronologicals giving details of dates sent and received and locations. Prior to sending a file, staff will review the file. All forms designated under "Probation and Parole Documents" in OMIS must be scanned into OMIS and should be disposed of after scanning. Records not scanned into OMIS must be retained for five (5) years pursuant to the state records retention schedule.
2. When an offender is sentenced to prison or DOC commitment either as a revocation or new sentence, the file will be maintained in the probation office of the county of commitment. If there are multiple causes in different counties, the file will be maintained in the probation office of the last county where the offender was sentenced. The file will remain there until the offender is released to supervision, at which time the file will be sent to the supervising office.
 - a. If an offender is placed in MASC, START, or Passages ASRC for the purposes of assessment and placement consideration, any file material protected by HIPAA will need to be scanned and securely sent to the facility administrator or designee.
3. When a probationer absconds, the file will be sent to the probation office of the last county where the offender was sentenced. The file will remain there until revocation is resolved. When a probationer is pending revocation without absconding, the file will be maintained by the supervising Officer. When a parolee or conditional release offender absconds, and a warrant is requested from the Interstate Compact Section ("Interstate") office, the file will be sent to the Interstate office.
4. When a probationer, parolee, or conditional release offender transfers out of state, the file will be maintained in the probation office that referred the offender for Interstate transfer.
5. When an offender is deported, the offender's field files will be sent to the Interstate Compact Section.

6. Discharged or deceased offenders' field files will be returned to the county of commitment to be placed in the inactive offender case records.
7. The field file of an offender granted a conditional discharge from supervision (CDFS) will be returned to the county of commitment to be placed in a location specifically for CDFS offender files until the date of the offender's discharge. The file will then be placed with the inactive case records.

E. CENTRAL OFFICE FILES:

1. The Compact Administrator is responsible for maintaining the Department's central office file system.
2. The Interstate Compact Section uses offender field files for the supervision of offenders entering or leaving the state of Montana. The hard copy files have been transferred to the central office from P&P field offices or the BOPP and will be maintained according to this procedure.
3. The Interstate Compact Section will examine the offender's judgment(s) and other relevant documents to ensure compliance with Interstate Commission regulations, procedures and statutes.

F. OFFENDER FIELD FILE STORAGE AND SECURITY ISSUES:

1. All offender field files will be kept in a secure office or secure file cabinet.
2. Files will be maintained in alphabetical order for easy reference.
3. All appropriate file material will be placed in the file in a timely manner, not exceeding 60 days.
4. File transfers or movements will be entered into the offender's OMIS Chronologicals, both when sent and when received, and include the name and agency of the person receiving the file, date, purpose and destination of the file.
5. Records in use will be directly supervised and controlled by a staff member.
6. Only staff with a need to know will have access to offender files.

G. CONFIDENTIAL/INVESTIGATIVE FILES:

1. Confidential or investigative files may be established for offenders whose case may be particularly sensitive and require restricted and controlled access to avoid breaches of confidentiality or to protect the offender or others. The Deputy Chief or designee and the Probation and Parole Chief, in consultation with the Department's Legal Office, will determine when files will be designated confidential or investigative, whether the designation is temporary or permanent, and where the file will be stored.
2. Confidential/investigative files will:
 - a. be identifiable as to individual offenders;
 - b. be maintained separate from, and not combined with, other offender case records; and
 - c. not be reviewed under any freedom of information procedure.

H. RELEASE OF RECORDS INFORMATION:

1. Significant portions of offender records are public information. However, release of offender records information will be strictly limited to conform to *DOC Policy 1.5.5, Offender Records Management, Access and Release*, *PPD 1.5.500 Offender Records Access and Release*, and appropriate federal and state statutes.
2. Information contained in a youth record associated with an adult offender will not be released except by court order. P&P Officer will refer any persons requesting youth information without a court order to the clerk of court of the sentencing jurisdiction.
3. Information from offender records deemed confidential will be available to Department staff on a need-to-know basis.
4. No record material will be removed from the Interstate Compact Section, a P&P field office, or produced for any outside authority without written application to and approval of the DC or designee, or by court order.
5. Offenders will not be permitted access to the records of other offenders under any circumstances.

I. ADULT OFFENDER HARD COPY RECORDS RETENTION AND DESTRUCTION:

1. Administrative Support employees shall be assigned the responsibility of records retention and destruction.
2. Offenders Conditionally Discharged from Supervision (CDFS):
 - a. The field file of an offender granted a CDFS will be returned to the county of commitment to be placed in a location specifically for CDFS offender files until the date of the offender's discharge.
 - b. The file will then be placed with the inactive case records.
3. Adult Inactive Offender Case Record Retention:
 - a. The P&P office in the original sentencing jurisdiction shall retain offender field files for five (5) years after the offender has completed the offender's sentence, not counting the calendar year the file was deemed inactive.
 - b. This includes deferred offender records, records of criminally convicted youth, and records of deceased offenders.
 - c. If an offender returns to community supervision before five (5) years after completing a prior sentence, any dead files will be removed from the inactive records and maintained with offender's current records.
4. Case Records Storage:
 - a. Printed offender case records shall be stored in locked file cabinets or locked storage rooms that can only be accessed by authorized employees.
 - b. Case records stored outside of OMIS on computers, floppy disks, compact discs, or other electronic mediums shall be archived and stored in a manner that ensures electronic access is limited to the positions identified as having access to the printed records.

5. Inactive Offender Case Record Destruction:
 - a. Inactive case records may be destroyed five (5) years after termination or discharge from P&P supervision, not counting the calendar year the file was deemed inactive (for example, all records deemed inactive during 2006 are eligible to be destroyed after 1/1/2012). Records destruction shall be permanent and accomplished under direct supervision.
 - b. Regions may contract to have destruction accomplished or choose to destroy records within the region, which requires a witness be present.

6. Medical Records:
 - a. Adult offender medical records obtained in the course of P&P supervision shall be retained in the same manner as other documents in the field file.
 - b. Adult offender medical records that are part of incarceration in a correctional facility should be kept separate from the offender field file until the file is considered inactive. It will then be retained with the offender's field file for five (5) years, not counting the calendar year it was deemed inactive.

7. Approval to Destroy Records:
 - a. The Department's Central Services Division (CSD) will maintain an *RM 7 Rolling Disposal Request* with the Records and Information Management Division of the Secretary of State's office. This allows offender case records to be destroyed without further approval.
 - b. For the destruction of other types of records, an *RM 5 Records Disposal Request* form must be completed and sent to CSD for approval. This must be done whether or not the record is on the CSD Retention Schedule.

IV. CLOSING:

Questions regarding this procedure shall be directed to the Deputy Chief or Probation and Parole Chief.



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

Procedure:	PPD 1.5.502 OFFENDER MANAGEMENT INFORMATION SYSTEM
Effective Date:	01/08/2020 Page 1 of 2
Revision Date(s):	
Reference(s):	DOC 1.3.2; DOC 1.7.3; DOC 1.7.7; 46-23-1004, MCA
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will follow established procedures for inputting data into the Department's Offender Management Information System, or future generation information and reporting systems, to enable the Division and the Department in making informed management decisions with respect to staffing, offender programs, and legislation. OMIS also greatly enhances the sharing of offender information with local, state, and federal law enforcement agencies.

II. DEFINITIONS:

Accuracy, Completeness, and Timeliness – All information entered is correct; all of each record's fields are completed and contain all pertinent information; and information is entered as close to the triggering event as possible.

OMIS-Offender Management Information System – The Department's electronic data collection and reporting system.

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

Triggering Event – Any change that affects the accuracy of information stored in Department information systems, e.g., change in custody level or location, address, gender, life-status.

III. PROCEDURES:

A. GENERAL PROVISIONS:

1. By accessing resources available on Department computers (OMIS, internet, etc.), the user is agreeing to follow Department policies regarding these resources. Violators may be subject to disciplinary action up to and including termination.
2. Under no circumstances will an offender be allowed to use a computer to access OMIS.
3. PPD staff shall be trained to input necessary offender data into OMIS. Staff will promptly input offender data ensuring accuracy, completeness, and timeliness (see also *DOC Policy 1.7.3, Data Quality*).
4. All staff will complete mandatory training that promotes the awareness of information security and good practices for all.

Subject: OFFENDER MANAGEMENT INFORMATION SYSTEM

5. Directives and OMIS computer desktop or reference guides with directions for entering offender information will be followed by all staff. *Computer User Guides* are found on the DOC intranet under "Employee Resources".
6. Staff may be expected to participate in the design, testing, and implementation of new data collection and reporting systems being developed by the Department.

B. USE OF OMIS:

1. OMIS is considered an official record of the Department and is used to conduct state business only.
2. There is no right of privacy in the use of OMIS and all aspects of staff usage may be monitored.
3. The procedures of *PPD 1.5.500 Offender Records Access and Release* will be followed in determining offender OMIS information that is allowed to be released.
4. An OMIS record is formally established at the time of an adult offender's sentencing or when he/she has been transferred to Department custody or supervision. Offender information is entered into the proper OMIS modules.
5. Chronological notes will be entered and maintained on an ongoing basis throughout an offender's supervision. They must include all contact and triggering events pertaining to the offender.
6. Most OMIS entries should be accomplished within the workday and no later than the workweek.

IV. CLOSING:

Questions concerning this procedure should be directed to the Deputy Chief or Probation & Parole Bureau Chief.



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

Procedure No.: PPD 1.5.505	Subject: EXECUTIVE CLEMENCY
Reference: 46-23-301, MCA; 20.25.901 ARM; Section 12, Article VI, Montana Constitution	Page 1 of 1
Effective Date: 12/19/16	Revised:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will follow procedures established for investigating and reporting requests for executive clemency.

II. DEFINITIONS:

Executive Clemency – Refers to the powers of the governor as provided by section 12 of Article VI or the constitution of Montana.

III. GENERAL PROCEDURES AND RESPONSIBILITIES:

- A. Applications for executive clemency may be investigated for the Board of Pardons and Parole (BOPP) and/or the Governor's Office.
- B. When the BOPP has considered an application for clemency and favors a hearing, or if the governor favors a hearing, the hearing panel may forward an investigation request to the Probation & Parole (P&P) Office nearest the applicant's current residence.
- C. Once assigned by the Deputy Chief, a P&P Officer will conduct the investigation within 45 days using *BOPP Executive Clemency Investigation*.
- D. Investigation report will include:
 - 1. all circumstances surrounding the crime for which the applicant was convicted;
 - 2. applicant's criminal history; and
 - 3. the individual circumstances relating to social conditions of the applicant prior to commission of the crime, at the time the offense was committed, and at the time of the clemency application.
- E. P&P Officer returns *BOPP Executive Clemency Investigation* to the hearing panel upon completion.

IV. CLOSING:

Questions concerning this procedure should be directed to the Deputy Chief.

V. FORMS:

BOPP Executive Clemency Investigation



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

Procedure:	PPD 1.5.700	AUDITS OF CASE MANAGEMENT AND RECORDS
Effective Date:	06/17/2019	Page 1 of 3
Revision Date(s):	09/21/2020	
Reference(s):	PPD 1.5.501; DOC 1.5.5; DOC 1.5.7; DOC 1.7.3; 46-23-1004, MCA	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation & Parole Bureau supervisory staff will conduct regular audits on active offender case records to ensure employee case management performance is in compliance with all applicable standards, procedures, and statutory requirements, and reinforces the mission of the Probation & Parole Bureau.

II. DEFINITIONS:

Audit – A process by which supervisors review adult offender case records to ensure supervision standards are met and records are organized according to applicable Department policies and the Probation & Parole Bureaus’ standard operating procedures.

Current – For the purpose of this procedure, means information regarding an offender is up-to-date and in the appropriate, respective OMIS module.

Offender Case Record – The primary records for offenders that may include, but are not limited to, certified documents that authorize the Department to maintain legal custody and/or supervise the offender, reports, classification, treatment programs, and grievances; utilized to provide basic physical, biographical, or historical information about an offender, and to aid placements, custody, classification, treatment, and supervision.

OMIS-Offender Management Information System – The Department’s electronic data collection and reporting system.

III. PROCEDURES:

A. GENERAL INFORMATION:

1. The case management and records audit system ensures that Probation & Parole Officers (Officer) are meeting job performance standards and complying with applicable policies and procedures. Audits are used to identify personnel, offender case record, and Officer case management compliance. Feedback is provided to the Officer.
2. Offender case record audits will ensure case records are current and that appropriate, timely, and accurate information and documents are being entered and maintained in OMIS and hard copy of record (also known as “field file”). Every effort will be made to ensure compliance with Probation & Parole Bureau, Department, federal, and state guidelines.
3. The content of all offender case records will be maintained in compliance with *PPD 1.5.501 Case Records Organization, Management, and Retention*.

4. Supervisors conducting case records audits will also refer to *PPD 1.5.501* to ensure Officers are properly entering information and storing and handling offender records.

B. AUDITING GUIDELINES:

1. The case records to be audited will be determined by the supervisor until such time as random lists can be generated by OMIS for supervisors.
2. A minimum of three (3) case record audits per Officer will be conducted on a quarterly basis.
3. Supervisors will review the records using *PPD 1.5.700(A) Case Management/Record Audit Form* and may include additional records if deemed necessary.
4. Forms usage will also be reviewed to determine if the appropriate and approved forms are being used.
5. Audits will verify whether the supervision standards are being met and reassessments are current.

C. AUDIT PROCESS:

1. Officers assigned to the case record will be notified of each upcoming audit.
2. Supervisors will complete the audits through a two-part process.
 - a. The first process is an audit of the offender's OMIS entries and field files. If a document listed in *PPD 1.5.700(A) Case Management/Record Audit Form* is not in OMIS but is in offender's hard file, Officer will be directed to add the document in OMIS.
 - b. The second process is to meet with the Officer and audit his/her case management of the offender by reviewing the following:
 - 1) Presentence investigation reports written by the Officer: To determine the conditions are appropriate, connected to assessment domains, and a nexus to the crime was provided;
 - 2) Officer's case management: Offender's assessment and Officer's discussion of domains and corresponding case plan. Supervisor will check for compliance with supervision standards contained within *PPD 6.1.203 Case Management for Adult Offenders*;
 - 3) Reports of Violation written by Officer: To determine whether violations, exhaustion of *PPD 6.3.101(A) Montana Incentives/Interventions Grid for Adult Probation & Parole*, and street time are properly recorded;
 - 4) OMIS Data: To include informational and chronological entries made and documents required in OMIS; and
 - 5) Offender Centric Reports: Review and discuss the Officer's use of these reports regarding his/her total case load.
 - a) Assessments,
 - b) CDFS Reviews Needed,
 - c) PSI Overdue,
 - d) MIIG Responses by Date Range, and
 - e) Random Substance Tests.
 - 6) MIIG Responses by Date Range report is attached to the *Case Management/Record Audit Form*.

3. Supervisor will review and discuss audit findings which specifically identify compliance or non-compliance with the Officer:
 - a. provide Officer an opportunity to discuss/explain any non-compliance;
 - b. corrective action, if necessary, will be noted to rectify non-compliance and Officer has 10 working days to respond in writing to the action taken; and
 - c. files not meeting standards will be rechecked to ensure appropriate action has been taken to correct non-compliance.
 - d. Supervisor maintains original audit form and provides a copy to the Officer; and
 - e. Copy of audit form will be attached to appropriate performance evaluation and maintained in Officer's local personnel file.

4. Supervisors will meet quarterly with the Deputy Chief to discuss audit process and results, as well as any recommendations made to management regarding the auditing process.

IV. CLOSING:

Questions regarding this procedure shall be directed to the Deputy Chief or Probation & Parole Bureau Chief.

V. FORMS:

PPD 1.5.700 (A) Case Management/Record Audit Form



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

Procedure:	PPD 1.5.1000 SEXUAL AND VIOLENT OFFENDER REGISTRATION AND LEVEL DESIGNATION	
Effective Date:	02/11/2016	Page 1 of 9
Revision Date(s):	07/18/2016; 11/13/2017; 09/01/2019; 10/13/2021	
Reference(s):	DOC 1.5.10; DOC 1.5.13; 45-5-513, MCA; 46-18-201, MCA; 46-18-203, MCA; 46-23-501 through 509, MCA; 53-1-203, MCA; <i>State v. Sample</i>	
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will enforce the applicable Montana statutes in the notification and registration requirements for sexual and violent offenders. In addition, established procedures will be followed for requesting a sexual offender level designation if not previously provided by the courts.

II. DEFINITIONS:

High-Risk Sexual Offender – A person 18 years of age or older designated as a sexually violent predator under §46-23-509, MCA, who committed a sexual offense against a victim 12 years of age or younger.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

Registration Agency – The police department of the city or town in which an offender resides; or the sheriff’s office of the county in which an offender resides, if the residence is in a place other than a city or town.

Release from Custody – Placement of an offender outside of the confines of a state correctional facility or PFB program/facility (i.e., parole, probation, conditional release, discharge) in or out of the state of Montana.

Residence – The location at which a person regularly resides, regardless of the number of days or nights spent at that location, that can be located by a street address, including a house, apartment building, motel, hotel, or recreational or other vehicle. The term does not mean a homeless shelter.

Sexual Offender Evaluator – A person qualified under §20.7.Subchapter 3, Administrative Rules of Montana to conduct psychosexual evaluations of sexual offenders and sexually violent predators.

Sexual Offender Level Designation – A level given to a person convicted of a sexual offense that indicates the risk of a repeated sexual offense by that person and the threat posed to public safety (also referred to as “tier-level designation”):

- Level 1 – the risk of a repeat sexual offense is low;
- Level 2 – the risk of a repeat sexual offense is moderate;

Level 3 – the risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes the offender is a sexually violent predator.

Sexual Offense – Any violation of, or attempt, solicitation, or conspiracy to commit a violation of the offenses contained in the definition under §46-23-502, MCA; any violation of a law of another state, a tribal government, or the federal government that is reasonably equivalent to a violation listed in §46-23-502, MCA or for which the offender was required to register after an adjudication or conviction.

Sexual or Violent Offender – A person who has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual or violent offense.

Transient – An offender who has no residence.

Violent Offense – Any violation of, or attempt, solicitation, or conspiracy to commit a violation of the offenses contained in the definition under §46-23-502, MCA; any violation of a law of another state, a tribal government, or the federal government reasonably equivalent to a violation listed in §46-23-502, MCA.

III. PROCEDURES:

A. APPLICABLE OFFENSES:

1. The Montana Department of Justice (DOJ) maintains the Sexual/Violent Offender Registry (SVOR). Information contained on the registry must be disseminated per §46-23-508, MCA.

2. **Sexual Offender Registration:**

a. Montana Code Annotated Applicable Offenses:

Conviction on or after 7/1/1989:

- §45-5-301 Unlawful Restraint (victim is <18 and offender is not parent of victim)
- §45-5-302 Kidnapping (victim is <18 and offender is not parent of victim)
- §45-5-303 Aggravated Kidnapping (victim is <18 and offender is not parent of victim)
- §45-5-502 Sexual Assault (offender is professional licensed under Title 37, MCA)
- §45-5-502(3) Sexual Assault (victim is <16 and offender is 3 or more years older)
- §45-5-503(1) Sexual Intercourse w/out Consent
- §45-5-504(1) Indecent Exposure (1st conviction-victim is <18 and offender is 18 or older)
- §45-5-504(2)(c) Indecent Exposure (3rd or subsequent conviction)
- §45-5-507 Incest (victim is <18 and offender is 3 or more years older)
- §45-5-603(1)(b) Aggravated Promotion of Prostitution (victim is <18)
- §45-5-625 Sexual Abuse of Children

Conviction on or after 5/11/2007:

- §45-5-507(5) Incest (victim is 12 or younger and offender is 18 or older at time of offense)
- §45-5-601(3) Prostitution (victim is <18 and offender is 18 or older at time of offense)
- §45-5-602(3) Promoting Prostitution (victim is <12 and offender is 18 or older at time of offense)
- §45-5-603(2)(b) Aggravated Promotion of Prostitution (victim is <12 and offender is 18 or older at time of offense)

Conviction between 7/1/2013 and 7/1/2015:

- §45-5-310 Sexual Servitude of Child
- §45-5-311 Patronizing a Child

Conviction on or after 4/2/2015:

§45-5-502 Sexual Assault (offender is professional licensed under Title 37 and offense committed during treatment, consultation, interview, or evaluation of a person's physical or mental condition, ailment, disease, or injury)

Conviction on or after 7/1/2015:

§45-5-704 Sexual Servitude

§45-5-705 Patronizing Victim of Sexual Servitude

Conviction on or after 10/1/2015:

§45-5-504(3) Indecent Exposure (victim is <16 and offender is more than 4 years older)

Conviction on or after 10/1/2017:

§45-5-503(1) Sexual Intercourse without Consent

§45-5-503(3) Sexual Intercourse without Consent (victim is <16 and offender is more than 4 years older)

§45-5-503(4) Sexual Intercourse without Consent (victim is 12 or younger and offender is 18 or older at time of offense)

§45-5-508 Aggravated Sexual Intercourse without Consent

Conviction on or after 05/07/2019:

§45-5-603(2)(c) Aggravated Promotion of Prostitution (victim is victim of human trafficking or was subject to force, fraud, or coercion and offender is 18 or older at time of offense and knew or reasonably should have known victim is victim of human trafficking or was subject to force, fraud, or coercion)

b. Sexual offenders sentenced by any state or federal court on or after July 1, 1989, or who, as a result of sentencing, are under the supervision of the Department on or after July 1, 1989 are required to register with the DOJ's SVOR.

c. An offender convicted of an applicable offense is required to register for life.

1) Except for certain circumstances, (see §46-23-506, MCA):

a) a Level 1 sexual offender may return to the court after 10 years and request this requirement be removed.

b) a Level 2 sexual offender may return to the court after 25 years and request this requirement be removed.

2) Release from probation or parole does not automatically relieve the offender of the duty to register.

3) The DOJ will review the cases of those offenders convicted of Sexual Servitude of Child (§45-5-310, MCA, repealed 7/1/2015) and/or Patronizing a Child (§45-5-311, MCA, repealed 7/1/2015) to determine if registration is still required.

d. Offenders ordered by the court to register regardless of the offense are no longer required to register once their sentence is discharged.

3. Violent Offender Registration:**a. Montana Code Annotated Applicable Offenses:**

§45-5-102 Deliberate Homicide

§45-5-103 Mitigated Deliberate Homicide

§45-5-202 Aggravated Assault

§45-5-206 Partner/Family Member Assault (3rd or subsequent offense)

§45-5-210(1)(b) Assault on a Peace Officer (reasonable apprehension of serious bodily injury)

§45-5-210(1)(c) Assault on a Peace Officer (bodily injury with a weapon)

§45-5-210(1)(d)	Assault on a Peace Officer (serious bodily injury)
§45-5-212	Assault on a Minor
§45-5-213	Assault with a Weapon
§45-5-302	Kidnapping (if victim is not a minor)
§45-5-303	Aggravated Kidnapping (if victim is not a minor)
§45-5-401	Robbery
§45-6-103	Arson
§45-9-132	Operation of a Clandestine Lab (conviction on or after 10/1/2003)

Conviction on or after 5/19/2017:

- | | |
|-----------|---|
| §45-5-215 | Strangulation of a Partner or Family Member |
|-----------|---|
- b. Violent offenders sentenced by any state or federal court on or after October 1, 1995, or who, as a result of sentencing, are under the supervision of the Department on or after October 1, 1995 are required to register with the DOJ.
- c. A violent offender is required to register for 10 years following the date of sentencing or release from a state correctional facility, whichever is later; however, this does not include time in PFB programs/facilities.
- 1) If the offender is convicted of failing to register or maintain registration, or another felony offense during this time, he/she will be required to register for life.
 - 2) If the offender is not convicted of failing to register or maintain registration, or another felony offense during this time, he/she will not be required to register after 10 years and will be removed from the Violent Offender Registry by the DOJ.
 - 3) Being released from probation or parole does not automatically relieve the offender of the duty to register.
- d. Offenders ordered by the court to register regardless of the offense are no longer required to register once their sentence is discharged.
4. *Crimes of Attempt, Solicitation, Conspiracy, or Accountability:* The definitions of sexual offense and violent offense include the crimes of attempt (§45-4-103, MCA), solicitation (§45-4-101, MCA), and conspiracy (§45-4-102, MCA); therefore, offenders who are found guilty of the crimes of attempt, solicitation, or conspiracy of one of the qualifying offenses are required to register as a sexual or violent offender (§46-23-502, MCA). The Attorney General's Office also considers accountability an offense for which registration is required (§§45-2-301 and 302, MCA).
5. When an offender has served his/her deferred sentence, the offender is not automatically removed from the SVOR. The DOJ requires a dismissal order before the offender is removed.
6. Effective October 1, 2013, an offender required to register as a sexual or violent offender under §46-23-504, MCA, shall provide a biological sample for DNA analysis (§44-6-103, MCA).
7. *Mandated Continuous Satellite-Based Monitoring* (§46-23-1010, MCA):
- a. Some convictions of applicable offenses require an offender to participate in continuous satellite-based monitoring when released on parole.
 - b. If an offender designated as a Level 3 sexual offender by the court committed his/her offense on or after July 1, 2005, the sentencing judge shall, as a condition of probation, parole, conditional release, or deferment or suspension of sentence, require the offender to

participate in continuous satellite-based monitoring program for sexual offenders (§46-18-206, MCA).

- c. An offender on continuous satellite-based monitoring:
 - 1) will review with supervising P&P Officer, initial, and sign *PPD 1.5.1000(D) GPS Monitoring Equipment Agreement*; and
 - 2) shall pay to the Department or designee a supervisory fee of no more than \$4000 a year (§46-23-1031, MCA). The offender may complete and submit *PPD 1.5.100(B) GPS Fee Waiver Request*.

B. REGISTRATION OF SEXUAL AND VIOLENT OFFENDERS:

1. Registration of Offenders Due to be Released from Custody:

- a. At least 10 days prior to the release of custody of a sexual/violent offender, the IPPO or Prerelease Liaison will:
 - 1) use *PPD 1.5.100(A) Duty to Register Letter* to inform the offender in writing of his/her statutory obligation to register with the appropriate registration agency (agency) within three (3) business days of arrival in a city or county. Offender must read and sign *Letter*;
 - 2) complete the *SVOR Registration Form* including the address at which the offender intends to reside and ensuring offender has initialed and signed the 3rd page;
 - a) when applicable for high-risk sexual offenders being released to Probation & Parole supervision, IPPO/PRC Liaison will verify the offender's residence and place of employment comply with court-ordered conditions and/or the requirements of §45-5-513, MCA.
 - 3) send the *SVOR Registration Form* and a copy of the *Duty to Register Letter* to DOJ. If emailing forms to dojsvor@mt.gov, email subject line must have the offender's registration type, name, and date of birth.
 - 4) provide copies of the forms to the agency where the offender intends to reside.
 - 5) if an offender registered previously with the local agency upon arrival at a prerelease, inform the offender using *PPD 1.5.100(A) Duty to Register Letter* to re-contact the local agency within three (3) business days to inform officials of the offender's intended address change.
 - 6) verify that a DNA sample has been collected (see *DOC Policy 1.5.13, DNA Testing/Collection of Biological Samples*).
- b. Offenders failing to register may be prosecuted under §46-23-507, MCA, and will be subject to disciplinary action.

2. Registration of Offenders under Probation & Parole (P&P) Supervision:

- a. P&P Officers will verify that each sexual/violent offender remanded to their supervision has complied with the statutory obligation to register with the appropriate agency within three (3) business days of arrival. Verification can be completed through written documentation, a phone call, or DOJ's SVOR registry on the internet and will be documented in offender's OMIS chronological history:
 - 1) the intended address of the offender must be recorded in OMIS/YMS:
 - 2) when applicable for high-risk sexual offenders, P&P Officer will verify the offender's residence and place of employment comply with court-ordered conditions and/or the requirements of §45-5-513, MCA.

- b. If the offender has not registered, P&P Officer will follow the procedures outlined in section B.1 above.
- c. The offender must register a change in residence, name, student, employment, or transient status with the agency last registered with, in person, within three (3) business days. The agency must be contacted to verify the offender has registered these changes.
 - 1) Offender must complete *SVOR-Change of Information Form* to inform the DOJ of any changes in status.
 - 2) When applicable for high-risk sexual offenders, P&P Officer will verify the offender's residence and place of employment comply with court-ordered conditions and/or the requirements of §45-5-513, MCA.
 - 3) P&P Officer will forward a copy to the DOJ. If e-mailing to dojsvor@mt.gov, email subject line must have the offender's registration type, name, and date of birth.
 - 4) Documentation that these notifications were completed should be maintained in OMIS.
- d. If an offender fails to register or keep registration current, Officer will complete *PPD 3.4.102(A) Report of Violation* pursuant to *PPD 3.4.102 Report of Violation of Probation or Parole*. If the offender is residing in a county other than the sentencing county, the Officer will also contact the county attorney of the county where new criminal charges may be pursued.
- e. Officer will inform offender of the requirement to provide a DNA sample following *DOC Policy 1.5.13, DNA Testing/Collection of Biological Samples*.

3. Registration of Offenders Placed in any PFB Program/Facility:

- a. Verification will be made by the IPPO, PRC Liaison, or P&P Officer that each sexual/violent offender being referred to or placed in a PFB program/facility has complied with the statutory obligation to register with the appropriate local agency. The Officer can do this through written documentation, a phone call, or DOJ's SVOR registry on the Internet. This contact will be documented in the offender's OMIS chronological history.
- b. If the offender has not ever registered, the Officer will follow the procedures outlined in Section B.1 above.
- c. If the offender has previously registered, the Officer must notify DOJ of the change in residence status by having the offender complete the *SVOR-Change of Information Form* and forwarding a copy to the DOJ. If e-mailing to dojsvor@mt.gov, email subject line must have the offender's registration type, name, and date of birth. Documentation that this notification was completed should be maintained in OMIS.
- d. Verification will be made that a DNA sample has been collected (see *DOC Policy 1.5.13, DNA Testing/Collection of Biological Samples*).

4. Registration of persons moving to Montana on interstate transfer:

- a. The Adult Interstate Compact Section will review all interstate applications coming in to the state of Montana to determine if the offender meets the registration requirements of a sexual or violent offender. If registration is required, the offender shall provide a biological sample for DNA analysis. The supervising Officer will be notified so that these requirements are included in the supervision conditions if the offender is accepted.
- b. If an offender has a tier-level designation from the other state or the federal government, Interstate Compact Section will notify DOJ, which will determine whether to give the offender the level designation assigned by the other state or federal government.

- c. The supervising P&P Officer will be responsible for having the offender complete registration following the procedures outlined in Section C.1 above upon acceptance.

C. SEXUAL OFFENDER LEVEL DESIGNATION OF RISK TO RE-OFFEND:

1. When a P&P Officer/IPPO determines that the court did not impose a sexual offender level designation at the time of sentencing on an offender who was sentenced after October 1, 1997 and is required to register with the DOJ as a sexual offender, the P&P Officer/IPPO will research the offender's record to determine whether a psychosexual evaluation was completed. The evaluation must be completed by a qualified evaluator and recommend a tier-level designation.
 - a. *PPD 1.5.1001(C) Request for Sexual Offender Level Designation* is completed by the P&P Officer/IPPO, noting whether the psychosexual evaluation was completed and the tier-level designation recommended.
 - b. If evaluation was completed, the P&P Officer/IPPO will:
 - 1) Review *Request* with the offender and advise that he/she may seek counsel before signing the document.
 - 2) Advise offender that, if he/she objects to the recommended designation, he/she is entitled to a hearing before the court pursuant to §46-23-509, MCA, and has a right to counsel at the hearing.
 - 3) Offender seeks counsel or signs *Request* form agreeing or disagreeing to the tier-level designation.
 - c. *Request for Sexual Offender Level Designation* is submitted to Deputy Chief/POII for review and signature, then forwarded to the County Attorney in the sentencing jurisdiction or the county in which the offender resides. A copy of the *Request* will be placed in offender's record and a copy is forwarded to the DOJ's Prosecution Services Bureau Chief.
 - d. County Attorney files a petition with the sentencing District Court or the District Court for the county in which the offender resides, requesting a tier-level designation be assigned to the offender.
 - e. P&P Officer/IPPO will add tier-level designation to OMIS under Offender Information when notified of the designation given by the court.

D. SEXUAL/VIOLENT OFFENDER REGISTRATION REQUIREMENTS:

1. The offender must remain aware of continuing registration requirements after his/her period of supervision expires.
2. A sexual/violent offender must register with the local agency within three (3) business days of entering a county of Montana if he/she:
 - a. will be residing or setting up a temporary residence for 10 days or more or for an aggregate period exceeding 30 days in a calendar year;
 - b. was sentenced for a sexual or violent offense in another state and will reside in Montana for a period of 10 days or more,
 - c. returns to Montana after residing out of state;
 - d. temporarily works or attends school in Montana for a period of 10 days or more; or
 - e. is a transient.
3. If the offender regularly resides in more than one county or city or town, he/she is required to register with the appropriate agency of each county or city or town. The agency will require the

offender to provide the locations of all residences and designate one of them as the offender's primary residence.

4. If the offender is a transient, he/she must report monthly, in person, to the agency in the county where he/she is living on the day designated by the agency and during normal business hours.
5. Offenders must appear in person at the agency last registered with and give notice within three (3) business days when changing name, residence, employment, or student or transient status. A post office box is not sufficient unless a street address is also provided. If an offender does not have a street address, he/she must register as a transient and provide a description of the physical location(s) where he/she stays.
 - a. Before the offender moves to another state, he/she must inform the last agency registered with in person of the move to keep their Montana registration file current; and
 - b. He/she must register in the new state within the time frame required by the new state.
 - c. If the offender moves back to Montana, registration is required within three (3) business days.
6. Offenders physically absent from their county of residence for more than 10 consecutive days will register in the county where they are physically located on the 11th day even if they claim to maintain a residence in that county. If offender is present in any subsequent county for more than 24 hours, he/she is required to register in that subsequent county until he/she registers again in his/her county of residence.
7. Registered sexual offenders and violent offenders designated as a Level 1 offender will receive a verification letter in the mail from the Montana DOJ once a year; every 180 days if offender was designated a Level 2 sex offender; or every 90 days if offender was designated a Level 3 sex offender. If the offender has not received an offender verification letter within a year [or within 180 or 90 days (based on Level)], the offender should call (406) 444-2497 (for sexual offender) or (406) 444-9877 (for violent offenders).
 - a. For a transient offender, the DOJ will mail the verification form to the agency with which he/she last registered.
 - b. Offenders will have 10 days to sign the letter before a notary public and return it, in person, to the local agency with which they last registered.
 - c. Offenders are required to provide fingerprints and have a current photograph taken when necessary in order to keep registration current.
8. Failure to register or keep registration current and accurate, may result in conviction of a separate felony offense and a sentence to prison for up to five (5) years, a fine of \$10,000, or both.
9. The offender must pay for costs associated with registration if able and will be notified of the costs and to what agency they must be paid.
10. Sexual/violent offenders must register in states where they work or attend school.
11. Violent offenders who received notification from the Department of Justice, Sexual and Violent Offender Registry, that they have been removed from the requirement to register, will notify their supervising P&P Officer of the notification.

IV. CLOSING:

Questions concerning this procedure shall be directed to the Deputy Chief or designee, Probation & Parole Bureau Chief, or the DOJ Sexual/Violent Offender Registry.

V. FORMS:

PPD 1.5.1000 (A)	Duty to Register Letter
PPD 1.5.1000 (B)	GPS Fee Waiver Request
PPD 1.5.1000 (C)	Request for Sexual Offender Level Designation
PPD 1.5.1000 (D)	GPS Monitoring Equipment Agreement
SVOR	DOJ Change of Information Form
SVOR	DOJ Sexual/Violent Offender Registration Form



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

Procedure No.: PPD 1.5.1200	Subject: RISK AND NEEDS ASSESSMENTS FOR ADULT CASE MANAGEMENT
Reference: DOC 1.5.12	Page 1 of 6
Effective Date: 08/08/17	Revised: 07/02/18
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

The programs and facilities of the Probation and Parole Division will follow standardized procedures for adult offender risk and needs assessments. Assessment tools will provide evidence-based assessments to address programming needs, risk reduction, and case management to increase the likelihood of positive change and offender success.

II. DEFINITIONS:

Abscinding – 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 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.

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).

Current Assessment – An assessment is current if completed in the past 12 months and the offender has experienced no life-altering events during that period.

Life-Altering Event – Any significant happening in an offender’s life (i.e., birth, death, marriage, divorce, employment change, relapse, new crime) as determined by the supervising P&P Officer that has the potential of raising or lowering the offender’s risk to reoffend.

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. MORRA Assessment Tools used by the Department are as follows:

- *CSST-Community Supervision Screening Tool* – used for reassessment of low-risk male and female offenders in the community.
- *CST-Community Supervision Tool* – used with male offenders in the community, including PPD facilities.
- *PIT-Prison Intake Tool* – to assess male offenders’ risk as they enter prison.
- *PST-Prison Screening Tool* – to screen male offenders entering prison. Individuals who score “Moderate” or “High” should be assessed with the PIT.
- *RT-Reentry Tool* – for male offenders currently in a secure facility and who have served more than four (4) consecutive years. RT is to be administered prior to an offender’s expected release date and is conducted annually beginning 18 months prior to offender’s parole eligibility and reassessed

Procedure No.: 1.5.1200	Chapter: Administration and Management	Page 2 of 6
Subject: RISK AND NEEDS ASSESSMENTS FOR ADULT CASE MANAGEMENT		

annually until release from a secure correctional facility.

- *SRT-Supplemental Reentry Tool* – focused on male offenders currently in a secure facility and who have served four (4) consecutive years or less. SRT is designed to be administered prior to an offender’s expected release date and is conducted annually beginning 18 months prior to offender’s parole eligibility and reassessed annually until release from a secure correctional facility.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, prerelease, and treatment services.

Responsivity – Addresses the non-criminogenic or non-predictive 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.

Supplemental Tools – Other assessments and/or evaluations used with the MORRA and/or WRNA assessment tools 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. WRNA Assessment Tools used by the Department for female offenders are as follows:

- *INA-Institutional Assessment* – administered shortly after prison intake and not as a part of a pre-sentence investigation.
- *PPA-Probation/Parole Assessment* – given after offender’s arrival in the community to assist initial case planning.
- *PRA-Prerelease Assessment* – given after offender’s arrival at prerelease or possibly treatment centers.

III. PROCEDURES:

A. ASSESSMENTS

1. Assessments must be administered pursuant to Department-approved training and must include an interview with the offender.
 - a. The applicable interview guide will **NOT** be shared with the offender.
 - b. The assessment may be administered through video-conferencing, but should not be administered over the phone unless there is an exceptional situation and a supervisor approves.
2. As well as using the Department-wide tools of MORRA and WRNA, supplemental tools such as sex offender risk assessments, crime-specific risk assessments, and clinical evaluations should be used as available and applicable.
3. All offenders under community supervision or in a PPD facility will have a current assessment completed unless there is or has been an acceptable extenuating circumstance:
 - a. offender is in jail;
 - b. offender absconded/escaped;
 - c. current assessment expires during placement process; or
 - d. PSI was not ordered and assessment has yet to be completed pursuant to Section B procedures.

Procedure No.: 1.5.1200	Chapter: Administration and Management	Page 3 of 6
Subject: RISK AND NEEDS ASSESSMENTS FOR ADULT CASE MANAGEMENT		

4. PPD staff and employees of PPD facilities who have successfully completed the appropriate training requirements (Motivational Interviewing, MORRA, WRNA) will use MORRA/WRNA interviews and assessments, supplemental tools, and case file reviews and/or collateral contact information to determine the risk of an offender to reoffend, criminogenic needs, responsivity, and to develop the case plan and supervision strategies to be used. (See *PPD 6.1.203 Case Management for Adult Offenders*.)
5. **OMIS Entry/Documents for Probation & Parole, MASC, Pine Hills, and Riverside staff:**
 - a. Upon completion of a MORRA/WRNA interview and assessment or reassessment, the assessment will be scored in OMIS. Unless further information is needed, the scoring will occur the same day the interview is conducted.
 - b. The completed Interview Guide and offender's Self-Report used in the assessment/reassessment will be uploaded into OMIS as a "Risk Assessment" Document Class, and the appropriate assessment/reassessment chosen for Document Type.
 - c. The paper copies of the assessment forms are not required to be kept or maintained; therefore, the paper copies will be destroyed once the Interview Guide and offender's Self-Report are uploaded into OMIS.
6. **OMIS Entry/Documents for Prerelease Center, Passages ASRC and ADT, START, CCP, Elkhorn, Nexus, and WATCH staff:**
 - a. All documents associated with the interview/assessment will be uploaded in OMIS as a "Risk Assessment" Document Class and the appropriate assessment chosen for Document Type. If facility staff are unable to upload into OMIS, all documents associated with the interview/assessment will be submitted electronically to coraccdreports@mt.gov within 15 calendar days of intake.
 - b. Email subject line must read as follows: Offender last name, first name, DOC#: Facility: MORRA or WRNA.

B. MORRA/WRNA RISK ASSESSMENTS/REASSESSMENTS

1. Pre-Adjudicated Defendants:

- a. A MORRA CST (male) or WRNA PPA (female) interview/assessment must be completed during the pre-sentence investigation (PSI) process (see *PPD 1.5.200 Pre-Sentence Investigations and Reports*):
 - i. upon completion of *PPD 1.5.200(C) Presentence Investigation Questionnaire*, PSI writer will enter and score the assessment in OMIS; and
 - ii. if a PSI was not ordered by the court, assessments are completed as noted in the appropriate sections below.
- b. Reassessments are completed pursuant to the appropriate section below.

2. Offenders under Community Supervision: Officer will complete a risk assessment instrument as follows:

- a. Male offenders:
 - i. If there is no current assessment, complete MORRA CST interview/assessment for case plan and supervision strategies within 45 days of offender's arrival in community.
 - 1) Interstate transfer offenders: Complete within 45 days of the *return* of a Montana resident back to Montana or the *acceptance* of an out-of-state offender to Montana.
 - ii. Reassessments:
 - 1) Low-risk offender: A CSST is completed one (1) time per year unless there has been a life-altering event and an earlier reassessment is deemed necessary using the CST.

Procedure No.: 1.5.1200	Chapter: Administration and Management	Page 4 of 6
Subject: RISK AND NEEDS ASSESSMENTS FOR ADULT CASE MANAGEMENT		

- 2) Moderate, Medium, or High-risk offender: A CST interview/reassessment is completed one (1) time per year unless there has been a life-altering event and an earlier reassessment is deemed necessary using the CST.
 - iii. Annual reassessment during the revocation process:
 - 1) reassessment is NOT required if offender is in jail;
 - 2) reassessment shall be completed if offender is not incarcerated.
 - iv. Annual reassessment for offender with less than 6 months prior to expiration of sentence will not be required.
 - b. Female offenders:
 - i. If there is no current assessment, complete WRNA PPA interview/assessment for risk category within 45 days of offender's arrival in community.
 - 1) Interstate offender transfers: Complete within 45 days of the *return* of a Montana resident back to Montana or the *acceptance* of an out-of-state offender to Montana.
 - ii. Reassessments:
 - 1) Low-risk offender: A MORRA CSST is completed one (1) time per year unless there has been a life-altering event and an earlier reassessment is deemed necessary using the PPA
 - 2) Moderate, Medium, or High-risk offender: WRNA PPA interview/reassessment is completed one (1) time per year unless there has been a life-altering event and an earlier reassessment is deemed necessary using the PPA.
 - iii. Annual reassessment during the revocation process:
 - 1) reassessment is NOT required if offender is in jail;
 - 2) reassessment shall be completed if offender is not incarcerated.
 - iv. Annual reassessment for offender with less than 6 months prior to expiration of sentence will not be required.
 - c. Reassessments for offenders for whom a CDFS or early termination recommendation was submitted but was denied by the Court:
 - i. Low-risk offender: A MORRA CSST is completed one (1) time per year unless there has been a life-altering event and an earlier reassessment is deemed necessary using the MORRA CST/WRNA PPA.
 - ii. Moderate, Medium, or High-risk offender: MORRA CST/WRNA PPA interview/reassessment is completed one (1) time per year unless there has been a life-altering event and an earlier reassessment is deemed necessary using the MORRA CST/WRNA PPA.
 - iii. Using the time requirements mandated by statute, a CDFS recommendation shall be resubmitted if offender continues to meet statutory guidelines.
- 3. Offenders in Prerelease Center (PRC): Interviews/ Assessments completed:**
- a. If a current MORRA CST/RT/SRT or WRNA PPA/PRA interview/assessment is available, facility staff **must** use that assessment for case management purposes.
 - b. If current assessment is not available due to an acceptable extenuating circumstance (see section A.3.), facility staff **must** complete MORRA CST or WRNA PRA interview/assessment within 10 business days of offender's intake for case management purposes.
 - c. If an assessment expires during an offender's placement, facility staff **must** complete MORRA CST or WRNA PRA interview/assessment for case management purposes **unless** the offender is expected to transition to another placement within the next 30 days after the date of expiration, in which case the next placement completes the reassessment.

Procedure No.: 1.5.1200	Chapter: Administration and Management	Page 5 of 6
Subject: RISK AND NEEDS ASSESSMENTS FOR ADULT CASE MANAGEMENT		

4. Offenders in a Chemical Dependency Treatment Facility:

a. Passages ADT, CCP, Elkhorn, Nexus, Pine Hills, and Riverside:

- i. Prior to transfer to any chemical dependency treatment facility, the offender **must** have a substance use disorder evaluation completed within the past 12 months unless circumstances dictate an earlier assessment is needed. If the offender has been in jail, it may be appropriate to staff the case with the original evaluator.
- ii. If there is a current assessment for the offender entering the program that expires during the offender's program placement, facility staff **must** complete MORRA CST or WRNA PRA interview/assessment for case management purposes **unless** the offender is expected to transition to another placement within the next 30 days after the date of expiration, in which case the next placement completes the reassessment.
- iii. If there is no current assessment for the offender entering the program due to an acceptable extenuating circumstance (see section A.3.), facility staff **must** complete MORRA CST or WRNA PRA interview/assessment for case management purposes.

b. WATCH:

- i. If there is a current assessment for the offender entering the program that expires during the offender's placement, facility staff **must** complete MORRA CST or WRNA PRA interview/assessment for case management purposes **unless** the offender is expected to transition to another placement within the next 30 days after the date of expiration, in which case the next placement completes the reassessment.
- ii. If there is no current assessment for the offender entering the program due to an acceptable extenuating circumstance (see section A.3.), facility staff **must** complete MORRA CST or WRNA PRA interview/assessment for case management purposes.

5. Offenders in MASC, Passages ASRC, or START:

- a. MORRA/WRNA is used in conjunction with screening process to identify the offender's risk and needs to ensure appropriate placement.
- b. If there is a current assessment, staff will use it for intake and assessment purposes along with supplemental information.
- c. If there is no current assessment for the offender, complete MORRA SRT or WRNA PRA interview/assessment as part of offender's intake process.

C. SUPPLEMENTAL TOOLS

1. Impaired Driving Assessment (IDA): The main goal of the IDA is to provide substantive information that can help to determine the most appropriate level of alcohol and drug education and treatment services needed for a Felony DUI offender (only) to increase the effectiveness of his/her community supervision.

- a. IDA assessment may be given during sign-up and if given, is used for case management purposes for one (1) year:
 - i. if offender's IDA score is low or moderate, the score is used to guide offender's CDFS period;
 - ii. after one (1) year, a full MORRA CST or WRNA PPA is given and used for supervision/case management/CDFS purposes.

2. Sexual Offender Risk Assessments:

- a. Male sex offenders' risks are determined by using the MORRA and the appropriate sex offender risk assessment.
 - i. A qualifying adult male sex offender is a male who was 18 or more years old at the time of release to supervision whose offense may have been a charge or conviction for an

Procedure No.: 1.5.1200	Chapter: Administration and Management	Page 6 of 6
Subject: RISK AND NEEDS ASSESSMENTS FOR ADULT CASE MANAGEMENT		

- 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).
- ii. Assessments: (Prerelease case managers will coordinate with the sex offender’s treatment provider for the completion of the appropriate assessment)
 - 1) *STATIC-99R* – for qualifying adult male offenders: Completed once by the Montana Sex Offender Treatment Association (MSOTA) evaluator at the time of the psychosexual evaluation. If not completed by evaluator, is completed by the P&P Officer within 45 days of offender’s arrival in the community.
 - 2) *STABLE-2007* – for qualifying adult male offenders or male offenders with child pornography conviction: Completed by the P&P Officer within 45 days of offender’s arrival in the community and at 12-month intervals thereafter.
 - 3) *ACUTE-2007* – for qualifying adult male offenders or male offenders with child pornography conviction: Completed by P&P Officer at each designated office visit with offender and as determined necessary by the Officer.
 - iii. The *STABLE-2007* level combined with the *MORRA* score is used when the *STATIC-99R* cannot be used for assessing the offender.
 - iv. Risk categories are determined as follows:
 - 1) Low-Risk: *MORRA/WRNA* score of low, and sex offender risk score of “I” as determined by the *STATIC-99R* and *STABLE-2007* Rules for Combining *STABLE-2007* with *STATIC-99R* (as indicated on page 10 of the 2017 *STABLE-2007* Evaluator Workbook) or *STABLE-2007* score of low when the *STATIC-99R* cannot be utilized for assessing the offender.
 - 2) Moderate-Risk: *MORRA/WRNA* score of moderate or low, and sex offender risk score of “II” as determined by the *STATIC-99R* and *STABLE-2007* Rules for Combining *STABLE-2007* with *STATIC-99R* (as indicated on page 10 of the 2017 *STABLE-2007* Evaluator Workbook) or *STABLE-2007* score of moderate when the *STATIC-99R* cannot be utilized for assessing the offender.
 - 3) Medium-Risk: *MORRA/WRNA* score of medium, moderate, or low, and sex offender risk score of “III” as determined by the *STATIC-99R* and *STABLE-2007* Rules for Combining *STABLE-2007* with *STATIC-99R* (as indicated on page 10 of the 2017 *STABLE-2007* Evaluator Workbook) or *STABLE-2007* score of moderate when the *STATIC-99R* cannot be utilized for assessing the offender.
 - 4) High-Risk: *MORRA/WRNA* score of high, medium, moderate, or low, and sex offender risk score of “IVa” or “IVb” as determined by the *STATIC-99R* and *STABLE-2007* Rules for Combining *STABLE-2007* with *STATIC-99R* (as indicated on page 10 of the 2017 *STABLE-2007* Evaluator Workbook) or *STABLE-2007* score of high when the *STATIC-99R* cannot be utilized for assessing the offender.
- b. Female sex offenders:** There are currently no validated risk and needs assessments for female sex offenders.
- i. Female sex offenders are supervised according to the *WRNA* score.
 - ii. The *STATIC-99R*, *STABLE-2007*, and *ACUTE-2007* will **not** be utilized with female sex offenders.
 - iii. P&P Officer will use the *WRNA*, polygraph reports, offense-specific factors, participation in treatment, and discretion to determine female sex offender risks and needs.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII, Deputy Chief, Probation & Parole Bureau Chief, or Programs and Facilities Bureau Chief.



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

Procedure:	PPD 1.8.100 VICTIM SERVICES
Effective Date:	05/28/2015 Page 1 of 3
Revisions Date(s):	05/24/2021
Reference(s):	DOC 1.1.8; DOC 1.5.5; DOC 1.8.1; 2-15-112, MCA; 41-5-1416, MCA; 46-18-241, MCA; 46-24-101, MCA; 46-24-203, MCA; 46-24-212, MCA; 46-24-213, MCA; 53-1-203, MCA
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator

I. PURPOSE:

The Probation and Parole Division will reflect the Department of Corrections’ mission to support victims of crime and treat victims with respect, dignity, and sensitivity by being familiar with and comply with applicable statutes, regulations, and policies regarding crime victim information and notification.

II. DEFINITIONS:

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 (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.

Restorative Justice – A criminal justice concept that focuses on offender accountability and healing for victims, families, communities, and offenders.

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.

Victim Liaison (VL) – A Department employee supervised by the VPM, who performs specific tasks to implement the Department’s victim programs and policies including providing direct victim services, collaborating with community entities serving victims, and acting as a liaison between victims and Department staff or Department-contracted facility staff to mitigate risk in high danger situations.

Victim Programs Manager (VPM) – A Department employee located in the Director’s Office who manages victim liaisons, programs, and policies. With victim liaisons, responds to victims’ requests for information and referrals, educates victims about the post-conviction criminal justice system, provides victim services training, and represents victim interests in all Department matters.

III. PROCEDURES:**A. ACCESS TO INFORMATION:**

1. When Probation & Parole (P&P) Officers have contact with victims through presentence investigations, or when victims inquire about notification, Officers will provide information that includes the following:
 - a. <https://cor.mt.gov/Victims> – The Department’s website that provides important information on victim rights, safety, programs, notification registration, and contacts;
 - b. how to get information, from whom, and when it will be available throughout the system;
 - c. how supervision and post sentencing/adjudication work; and
 - d. CONWeb information.
2. The Department Victim Programs Manager (VPM) will provide victim services training upon request. Training includes victim information requests, VINE and other notification procedures, victim sensitivity and staff communication skills, policy and procedure requirements, and Department programs for victims.
3. Information on offenders will be provided as authorized in *DOC Policy 1.1.8, Media Relations, DOC Policy 1.5.5, Offender Records Management, Access, and Release, PPD 1.1.800 Media Relations, PPD 1.5.500 Offender Records Access, and Release*, and §46-24-101, MCA. P&P Officers may also contact the Department’s VPM, Legal Office, or a victim liaison for guidance regarding information that can and cannot be released to the victim.

B. VICTIM NOTIFICATION:

1. Section 46-24-212, MCA, requires the Department to provide certain information about offenders to registered victims that includes:
 - a. date of discharge from prison;
 - b. community in which the offender will reside on probation, parole, or conditional release;
 - c. any change in location or custody status;
 - d. escape/apprehension;
 - e. decisions of the Board of Pardons and Parole;
 - f. decision of Governor to commute sentence;
 - g. conditions of community supervision; and
 - h. the offender’s death.
2. Once victims have requested registration in writing or online, designated Department staff will enter victim information into OMIS. This will include the victim’s direction regarding future notifications about the offender (i.e., travel to certain areas, hearing outcomes, potential release, etc.) and victim’s preferred contact method for notifications (phone call, text, email, mail).
3. Victim information will be used to make immediate notifications regarding any changes in the above-listed information. All notifications will comply with the requirements in applicable policies, procedures, and statutes.
4. Offenders may not appeal any delay or other impairment of case decisions or actions caused by statutory victim notification requirements or the processing of such notifications.

C. FACILITATED CONTACT WITH OFFENDERS:

1. Unless there is a “no contact with victim” condition in an offender’s judgment, or a victim has an order of protection against the offender, contact between victims and offenders may be initiated through local services and/or victim programs established by the Department, such as Victim Impact Panels, Victim-Offender Dialogue, and the Offender Accountability Letter Program.
2. In cases of domestic violence, stalking, and sexual assaults, the Department will determine the severity of the risk of contact between an offender and victim by performing an applicable risk assessment. Each case is unique and mitigation of the risk requires evaluation of the assessment, research by Department staff, releases of information, and/or therapists willing to provide services in high-risk cases.
3. The offender’s supervising P&P Officer must be informed of and involved in any facilitated contact.
4. The VPM should be contacted for information regarding the victim programs, and participation in a victim program will be in accordance with *DOC Policy 1.8.1, Victim Services* and *DOC 1.8.1(A) Victim Services Standard Operations Procedure Guide*.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII, Deputy Chief, or the Department Victim Programs Manager.



PPD 3.1.800 RD Use of Force (Restricted Access)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



PPD 3.1.801 **RD** Use of Chemical Agents (**Restricted Access**)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



PPD 3.1.802 RD Use of Tasers (Restricted Access)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



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

Procedure:	PPD 3.1.2000 OFFENDER DRUG TESTING PROGRAM
Effective Date:	06/23/2015 Page 1 of 6
Revisions Date(s):	08/12/2020; 04/28/2021
Reference(s):	DOC 3.1.20; 45-9-102, MCA; 53-1-203, MCA
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator

I. PURPOSE:

The Probation and Parole Division staff will follow established policies and procedures for offender drug testing to promote a drug-free standard and offender accountability.

II. DEFINITIONS:

Cause – Any indication that an offender may be using an unauthorized substance or any substance in an unauthorized manner. Such indication may be direct (observed by a staff person), hearsay (relayed through other individuals), circumstantial (perceived via reasonable inference), or self-admission.

Confirmatory Testing – Refers to a laboratory testing process performed by the Montana Forensic Science Division, State Crime Lab or a Department-approved private lab to confirm the presence of a drug or molecule within a testing sample.

Drug Testing Liaison – A designated staff member selected by a division administrator to oversee and track the division’s drug testing program for the Department.

Drug – Any substance described in §50-32-101, MCA, or any substance taken through any means of administration, which alters the mood, the level of perception, or brain functioning. Such substances range from prescription medications to illegal substances, as well as alcohol, synthetic intoxicants and solvents.

Drug Testing – The chemical analysis of a body fluid, typically urine, using specialized equipment and techniques to identify the presence of a drug or drug metabolite in a sample collected from an individual.

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

Presumptive Positive Sample – A screening showing the presence of a controlled or prohibited substance meeting or exceeding levels determined by the test-kit vendor.

III. PROCEDURES:

A. GENERAL REQUIREMENTS:

1. The PPD will promote a drug-free standard and offender accountability with a standardized drug screening and intervention program, which includes a random testing requirement, for the following purposes:

- a. to identify offenders who are using drugs and identify types of drugs used;
 - b. to identify offender treatment needs and provide treatment strategies designed to meet those identified needs;
 - c. to provide appropriate interventions for every offender who tests positive for drugs;
 - d. to properly identify supervision level of offenders who pose a risk to public safety due to their drug abuse; and
 - e. to reduce drug use/abuse among offenders, which is intended to reduce disciplinary actions among offenders and reduce returns to secure facilities.
2. Staff will be trained on the process of specimen collections and will implement this procedure without discrimination on the basis of race, religion, gender, national origin, creed, or political belief. Law enforcement and other trained professionals may also conduct the test at the request of the Department.
 3. The PPD Administrator will designate staff to act as the Drug Testing Liaison.

B. OMIS SUBSTANCE TEST RECORD:

1. An OMIS Substance Test record must be completed and saved:
 - a. with each drug test,
 - b. when an offender refuses to submit a specimen, and
 - c. upon an offender's admittance to substance use prior to testing and a urinalysis test is not completed.
2. If ordered by the court, offenders will be required to provide a urine specimen within the first 45 days of initial meeting. Thereafter, offenders will be tested:
 - a. by random testing as determined by OMIS;
 - b. as necessary for cause;
 - c. as a condition of release to prerelease, parole, or an intensive supervision program; or
 - d. upon return to a correctional facility from the community.
3. *DOC 3.1.20 (Attachment) Drug/Alcohol Screening Information Form (OMIS) or PPD 3.1.2000(B) Substance Use Admission Form* is completed and printed for the offender to initial and sign under the following circumstances and the form used is uploaded to offender's OMIS record:
 - a. if the offender admits to substance use prior to testing; or
 - b. if the offender admits to the use upon a positive test result after given an opportunity to admit.

C. URINALYSIS DRUG TESTING:

1. Random Testing as Determined by OMIS:
 - a. Offenders will be made aware that they are subject to random testing at any time during their supervision or placement.
 - b. Supervising Probation & Parole (P&P) Officers will run a *Random Substance Tests Due for Probation* centric report on a monthly basis and complete random urinalysis testing on the offenders listed on the report.
 - c. Officers receiving notice from OMIS of offenders chosen for testing will complete urinalysis test and OMIS Substance Test record within 30 days.

2. For Cause Testing: For cause testing may be administered at any time for reasons including, but not limited to the following circumstances:
 - a. any time there is reason to suspect an 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.
3. Rapid-Result Screening Tests:
 - a. Urine will be the primary specimen tested using the rapid-result screening test.
 - 1) Offenders will be given an opportunity to admit substance use prior to providing a urine specimen.
 - 2) The offender will be given reasonable time to comply with a request for a urine specimen. If necessary, the offender will be given water and remain under staff supervision until the specimen is provided, or the option of obtaining a saliva-based specimen using an oral swab will be offered.
 - 3) Failure to provide a specimen will be considered a refusal. Officer will complete OMIS Substance Test record selecting "sample not taken" and add a comment.
 - 4) Offenders refusing to provide a specimen demonstrate an admission of guilt. A hearing or other intervention(s) will be necessary as a result of a refusal. Officer will complete OMIS Substance Test record selecting "sample not taken" and add a comment.
 - 5) A hearing will be required if an offender is found tampering with the sample collection (i.e. flushing, adulteration, substitution). Officer may send sample for confirmatory testing if tampering is suspected.
 - 6) Offender will also be given an opportunity to admit substance use upon a positive sample test result.
 - b. Staff will provide saliva-based testing for transgender offenders.
 - c. If the offender admits to the use of illegal substances prior to testing, no urinalysis is required; however, Officer may complete for cause testing to ensure other drug use not admitted to is present.
 - 1) Steps outlined below for conducting test are followed if urinalysis is taken.
 - 2) If urinalysis is not completed, Officer will complete OMIS Substance Test record using the steps outlined above in Section B, selecting "sample not taken" and add a comment. Subsequent disciplinary action will follow.
 - 3) Confirmatory testing will not be done to track drug usage or drug quantity levels.
 - d. Staff conducting testing must:
 - 1) complete OMIS Substance Test record each time an offender is tested;
 - 2) use one of the test-kits provided by the Department-contracted vendor for all rapid-result screening tests. Re-testing using additional strips/cups will **NOT** be done except in cases of faulty testing, such as the control line doesn't appear or there was not enough saliva for oral testing;
 - 3) wear protective gloves when obtaining sample. Additional personal protective equipment is optional;
 - 4) comply with the specimen collection procedures recommended through training and by Department-contracted vendor;
 - 5) be thoroughly trained in collection procedures;

- 6) be the same gender as offender; however, if it is not possible to have staff of the same gender as the offender witness the sample collection, one of the following may be done to establish the chain of evidence procedures:
 - a) allow the offender to collect his/her specimen unobserved;
 - b) request local law enforcement to assist; or
 - c) use saliva-based testing equipment.
 - 7) label the collection cup with offender's DOC ID number, date, employee's initials, and note test type – random or for cause – prior to requesting sample;
 - 8) collect sample in a private setting;
 - 9) carefully, closely, and directly observe the offender's urine flow from body to collection cup;
 - 10) keep specimen under observation at all times from collection to secure storage following preservation of evidence procedures;
 - 11) enter all testing information into OMIS record, including medications being taken by the offender;
 - 12) complete OMIS Substance Test Record; and
 - 13) if offender admits to substance use, upload *DOC 3.1.20 (Attachment) Drug/Alcohol Screening Information Form (OMIS)* or *PPD 3.1.2000(B) Substance Use Admission Form* to the offender's OMIS record upon offender signing the form.
- e. Offenders providing the urine sample will:
- 1) remove all excess clothing such as coats, sweaters, roll up sleeves, etc.;
 - 2) wash hands with soap and water, and dry hands before giving the sample; and
 - 3) place the cover on the urine specimen container before returning the container to the staff.

D. PORTABLE BREATH TESTING:

1. Breath testing for offenders suspected of alcohol use shall be conducted using a Portable Breath Test Device (PBT) by P&P Officers or local law enforcement and in accordance with the instructions of the testing device manufacturer. The device shall be maintained in a secure location.
2. Each test will be recorded in the offender's OMIS Substance Test Record and will include the date and time of test, a brief statement describing the reason for the test, and the results.
3. The P&P Officer will appropriately confront the offender when test results are positive. The offender will be asked to provide a statement of admission on *DOC 3.1.20 (Attachment) DOC Drug/Alcohol Screening Information* or *PPD 3.1.2000(B) Substance Use Admission Form* and then given an appropriate intervention, which could include a referral to treatment. The form used will be uploaded in OMIS upon offender signing the form.

E. SALIVA-BASED TESTING USING ORAL SWAB:

1. The supervising P&P Officer has the option of obtaining a saliva-based specimen for drug testing using an oral swab.
2. Staff conducting testing must:
 - a. use one of the test-kits provided by the Department-contracted vendor;

- b. wear protective gloves when obtaining sample;
- c. comply with the specimen collection procedures recommended through training and by Department-contracted vendor;
- d. be thoroughly trained in collection procedures;
- e. collect sample in a semi-private setting;
- f. keep specimen under observation at all times from collection to secure storage following preservation of evidence procedures;
- g. enter all testing information into OMIS record, including medications being taken by the offender;
- h. complete OMIS Substance Test Record;
- i. upon offender admitting to the use, save *DOC 3.1.20 (Attachment) Drug/Alcohol Screening Information Form (OMIS)* or *PPD 3.1.2000(B) Substance Use Admission Form* to the offender's OMIS record upon offender signing the form; and
- j. when submitting for confirmation testing, label the specimen with offender's DOC ID number, date, staff's initials, and note test type – random or for cause.

F. COLLECTIONS OUTSIDE OF P&P OFFICE:

1. Urine samples or oral swabs collected during a visit to an offender will be gathered using the appropriate evidence kit. Samples will be labeled with an evidence tag, packaged in a tamper-proof container, and refrigerated as soon as possible. The Officer requesting the sample and the Officer taking custody of the evidence will both initial the container.
2. *PPD 3.1.200(B) Substance Use Admission Form* will be used if an offender admits to substance use prior to collection or upon a positive result.
3. An OMIS Substance Test record must be completed upon admission of use and/or testing. *PPD 3.1.200(B) Substance Use Admission Form* with offender's signature is uploaded into OMIS if completed.

G. POSITIVE SAMPLE RESULTS:

1. A positive sample is sufficient reason for interventions or return to a correctional facility. P&P Officers will use particular discretion in how to handle positive test results given the nature of relapse in recovery from addiction, available options for interventions, and concerns for community safety.
2. Confirmatory testing will not be done when offender admits to drug use upon positive sample result.
3. If results from the initial screening test is presumptive positive and the offender does not admit use:
 - a. Supervising Officer will NOT re-test using additional strips or oral swabs, but, following preservation of evidence procedures, will forward the specimen for confirmatory testing only to determine precisely which drug or drugs are present in the specimen; confirmatory testing will not be done to track drug usage or drug quantity levels if not for cause;
 - b. Officer will discuss with offender that increased interventions will result if the lab confirms positive test result; and

- c. OMIS Substance record must be updated and completed once results are received from the lab.
4. Offenders may request, at their own expense, additional screening at the State Crime Lab or other approved screening site, such as a prerelease center. This additional screening will not delay disciplinary action that results in jail time or removal to a more secure environment.
5. All offenders testing positive and not returned to a correctional facility may be referred to chemical dependency for appropriate programming. The referral will be noted in the offender's file. Within 45 days of a positive result, the offender must be retested unannounced. Volunteering for treatment does not dismiss interventions or reports of violation.
6. Offenders who test positive and have previously completed drug treatment may be considered for referral to a relapse program. Offender's privileges may be curtailed while in the program, and the offender will be expected to pay for the cost of treatment.
7. The above actions do not preclude disciplinary action or, when applicable, transfer to a secure facility.

H. BLOOD DRAWS:

1. Officers will NOT request an offender to submit to an involuntary blood draw by law enforcement.

I. FINANCIAL RESPONSIBILITIES OF OFFENDERS:

1. Offenders may be charged the cost of the preliminary test kit when he/she refuses to admit drug use and a preliminary result is confirmed by the laboratory testing.
2. Offender will only be charged the unit price associated with the preliminary Department-approved test kit; offenders may be exempt if on indigent status or is current on all restitution and supervision fees.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII, Deputy Chief, or Probation & Parole Bureau Chief.

V. FORMS:

PPD 3.1.2000 (B) Substance Use Admission Form
DOC 3.1.20 (Attachment) Drug/Alcohol Screening Information Form



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

Procedure No.: PPD 3.1.2400	Subject: SECURITY THREAT GROUP AND STREET GANG IDENTIFICATION AND MANAGEMENT
Reference: DOC 3.1.24; 41-Chapter 5, MCA; 44-5-103, MCA; 44-5-303, MCA; 46-18-101, MCA	Page 1 of 6
Effective Date: 01/11/16	Revision Dates: 06/08/16; 04/06/18
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

The Probation and Parole Division maintains a zero tolerance for any security threat group activities within its facilities or street gang-related activities that are criminal activities or are a violation of an adult offender's conditions of supervision or a youth offender's parole supervision.

II. DEFINITIONS:

Associate – An offender who has accrued a minimum of five and less than ten validation points of validation criteria and maintains ties with a security threat group.

Contact Staff – Staff who have frequent offender contact as a normal job function including, but not limited to, administrators, correctional officers, correctional counselors, investigators, teachers, work supervisors, probation and parole officers, mental health and health care providers and staff, and staff working in offices where offenders may be assigned full-time work.

Department STG Manager – The individual(s) designated to coordinate STG information and validate STG members on behalf of the entire Department.

Facility STG Coordinator – An individual located at a PPD or youth facility designated to provide STG activity information to the RIL, disseminate information to staff, and provide updates as needed.

MATIC-Montana Analysis and Technical Information Center – Multi-agency entity operating through the Montana Department of Justice that collects, stores, and analyzes crime information and disseminates that information to law enforcement, community, and government officials.

Moniker – A slang expression used as a nickname for an STG member to denote membership.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, prerelease, and treatment services.

RIL-P&P Regional Intelligence Liaison – An individual appointed by the Deputy Chief to track street gang activity within a specific region/city and is the liaison to MATIC and RMIN.

RMIN-Rocky Mountain Information Network – A regional center which is part of the Regional Information Sharing System that provides information sharing and other services supporting law enforcement.

STG-Security Threat Group – A group within a secure facility consisting of three or more individuals with a common interest, bond, or activity typically characterized by criminal or delinquent conduct.

Procedure No.: 3.1.2400	Chapter: Security Operations	Page 2 of 6
Subject: SECURITY THREAT GROUP AND STREET GANG IDENTIFICATION AND MANAGEMENT		

STG Member – An offender identified and validated as a member of an STG by having accumulated ten or more points in validation criteria.

STG/Street Gang Activity – Offender behavior in the community or behavior that poses a significant threat to the safe and secure operation of a facility including, but not limited to, STG/gang recruitment, threatening or inflicting bodily injury on another person, promoting or engaging in disruptive group behavior, distributing controlled substances, or maintaining STG/gang paraphernalia/ graffiti.

STG/Street Gang Paraphernalia/Graffiti – Any material or document evidencing STG/street gang affiliation or activity, e.g., rosters, constitutions, structures, codes, pictures, training material, clothing, or communications (including gang signs), or other STG-related contraband.

Street Gang – Any organization, association, or group of three or more persons within the community, whether formal or informal, which has continuity of purpose, seeks a group identity, and has members who individually or collectively engage in or have engaged in a pattern of criminal activity.

Validation – A process by which an STG member or associate is officially recognized through accumulation of validation points by completion and signature of the STG Validation Worksheet by the Department STG Manager.

III. PROCEDURES:

A. YOUTH OFFENDERS

1. Pine Hills Correctional Facility (PHCF) and contracted facilities screen youth offenders for street gang history and involvement at intake.
2. There is a designated facility STG coordinator at PHCF who will:
 - a. collect and track information regarding STG/street gang members and affiliates and validate, when necessary, according to *DOC 3.1.24 (Attachment) RD STG Validation Worksheet*; and
 - b. enter STG/street gang-related information and validation status into the Youth Management System (YMS).
3. POs will cooperate with and provide information to secure youth facilities and appropriate law enforcement agencies regarding street gang related information.
4. POs will confirm youth's STG status prior to the youth's release onto parole supervision.
5. POs who have new reasons to believe that a youth is a member of, or affiliated with, a street gang will report the information to his/her supervisor and the RIL or designee and make appropriate chronological entries into YMS. The following factors should be considered:
 - a. confirmed self-admission (preferably in writing);
 - b. use of moniker;
 - c. physical appearance including tattoos or marks;
 - d. possession of street gang paraphernalia, including graffiti;
 - e. prior identification by law enforcement, criminal justice agencies, or court records;
 - f. photos reflecting gang affiliation/activity;
 - g. association with street gang members or affiliates; and
 - h. credible information obtained from pre-sentence investigation reports, facility intelligence reports, confidential informants, offenders, the internet, or other sources.

Procedure No.: 3.1.2400	Chapter: Security Operations	Page 3 of 6
Subject: SECURITY THREAT GROUP AND STREET GANG IDENTIFICATION AND MANAGEMENT		

6. The following may serve as the basis for a parole intervention:
 - a. engaging in recruitment;
 - b. participating in street gang-related activities; and/or
 - c. any display of street gang paraphernalia/graffiti.
7. The PO should maintain some separation and/or a balance of suspected street gang members within community programs, as much as is possible.
8. If a youth parolee expresses the intent to terminate his/her membership or participation in a street gang, the PO will:
 - a. consider whether the youth should be placed somewhere different for the youth's protection; and
 - b. closely monitor the youth for possible retaliation from the street gang.

B. ADULT OFFENDERS: STG/STREET GANG ACTIVITY QUESTIONNAIRE

1. If not completed previously, *PPD 3.1.2400(A) STG/Street Gang Activity Questionnaire* will be completed while interviewing an offender during one of the following:
 - a. Completion of *PPD 1.5.506(B) Pre-Sentence Investigation (PSI)* prior to sentencing (*Questionnaire* is not made part of the PSI unless the crime is related to gang activity):
 - i. completed *Questionnaire* is forwarded to appropriate RIL or designee;
 - ii. if offender is new to DOC, RIL or designee will make OMIS STG chronological entry noting completion of *Questionnaire* once offender's field file is created and ensure a copy of the *Questionnaire* is placed in the file;
 - iii. if offender has current field files, PSI writer makes OMIS STG chronological entry noting completion of *Questionnaire* and places copy of *Questionnaire* in file.
 - or**
 - b. Sign-up to probation or conditional release supervision:
 - i. if offender is new to DOC, contact RIL or designee to determine if *Questionnaire* was previously completed;
 - ii. if not, complete *Questionnaire* and forward to appropriate RIL or designee, make OMIS STG chronological entry noting completion of form, and place copy of *Questionnaire* in offender's field file.
 - or**
 - c. In-take/orientation process at a PPD facility:
 - i. if offender is new to DOC, contact appropriate RIL or designee to determine if *Questionnaire* was previously completed;
 - ii. if not, complete *Questionnaire* and forward to appropriate RIL or designee, placing copy in offender's field file;
 - iii. RIL or designee will make OMIS STG chronological entry noting completion of *Questionnaire*.
2. The RIL or designee will review the information from the *Questionnaire* and make a preliminary determination as to whether:
 - a. a second interview with the offender is necessary; and/or
 - b. documentation of activity in OMIS STG record is necessary; and/or
 - c. *DOC 3.1.24 (Attachment) RD STG Validation Worksheet* needs to be completed and forwarded to the Department STG Coordinator.

Procedure No.: 3.1.2400	Chapter: Security Operations	Page 4 of 6
Subject: SECURITY THREAT GROUP AND STREET GANG IDENTIFICATION AND MANAGEMENT		

3. RIL or designee will notify local law enforcement, MATIC, and RMIN of offender's gang-related activity and/or affiliation.

C. INFORMATION/MOVEMENT FLOW: Contact staff with reason to believe that an adult or youth offender under P&P supervision or an adult offender in a PPD facility has become involved in street gang/STG activity, or upon becoming aware of gang-related activity or paraphernalia/graffiti, will be responsible to report the information to the appropriate persons as noted below.

1. Contact staff in PPD Facilities:

- a. Staff notifies the Facility STG Coordinator.
- b. Facility STG Coordinator:
 - i. during in-take/orientation process, interviews offender and completes *PPD 3.1.2400(A) STG/Street Gang Activity Questionnaire* if not done previously. If *Questionnaire* is completed, forwards to RIL or designee;
 - ii. notifies RIL or designee of STG-related activity/paraphernalia/graffiti in facility; and
 - iii. notifies RIL or designee of STG-validated offender movement out of facility.
- c. RIL or designee will make OMIS STG entry on behalf of facility STG coordinators.

2. Adult Interstate Compact Section notifies supervising P&P Officer of any interstate offender who has STG validation or street gang-related activity or affiliation noted in OMIS.

3. P&P Officer (adult offender):

- a. Completes *PPD 3.1.2400(A) Street Gang Activity Questionnaire* during interview of offender for pre-sentence investigation, post-sentence investigation, or supervision sign-up and forwards *Questionnaire* to RIL or designee;
- b. Notifies RIL or designee of any STG-validated or street gang-affiliated interstate offender;
- c. Notifies appropriate RIL or designee of movement of any STG-validated offender under his/her supervision;
- d. Reports any offender gang-related activity/paraphernalia/graffiti to RIL or designee; and
- e. Makes OMIS STG entry on gang-related activity in offender's record.

4. PO (youth offender):

- a. Notifies appropriate RIL or designee of movement of any STG-validated offender under his/her supervision;
- b. Reports any offender gang-related activity/paraphernalia/graffiti to RIL or designee; and
- c. Makes YMS entry on gang-related activity in offender's record.

5. Prison IPPO notifies appropriate RIL or designee of release of STG-validated offender into the region, including movement to any PPD facility within the region.

6. RIL-P&P Regional Intelligence Liaison:

- a. Makes determination as to whether the offender will be interviewed and *PPD 3.1.2400(A) Street Gang Activity Questionnaire* is completed, if not done previously;
- b. When necessary, conducts interviews with offender suspected of street gang affiliation and completes *Questionnaire* or collects and analyzes completed *Questionnaire*. If completed, copy of *Questionnaire* is placed in offender's field file;
- c. Determines if *DOC 3.1.24(Attachment) RD STG Validation Worksheet* needs to be completed and forwarded to Department STG Coordinator;
- d. Notifies Department STG Coordinator of STG-validated offender release from or return to prison;

Procedure No.: 3.1.2400	Chapter: Security Operations	Page 5 of 6
Subject: SECURITY THREAT GROUP AND STREET GANG IDENTIFICATION AND MANAGEMENT		

- e. Notifies supervising P&P Officer of STG-validated offender being released from prison to P&P;
- f. Notifies Facility STG Coordinators, IPPOs, P&P Officers, and/or Interstate Compact Section of movement of STG-validated offender;
- g. Notifies local law enforcement and MATIC of noted street gang activity/paraphernalia/ graffiti and STG-validated offenders in the community;
- h. Ensures OMIS STG entries are made, noting completion of *Questionnaire* and noting reported gang-related activity from PPD facilities and P&P Officers; and
- i. Coordinates with Department STG Coordinator.

D. TRAINING/MEETINGS

- 1. All contact staff will receive documented training to include, at a minimum, identification and management of STG/street gang members and associates.
- 2. RIL(s) will receive advanced STG training when available, as well as the Intelligence Liaison Officer Training provided by MATIC, and is expected to attend Department STG meetings.

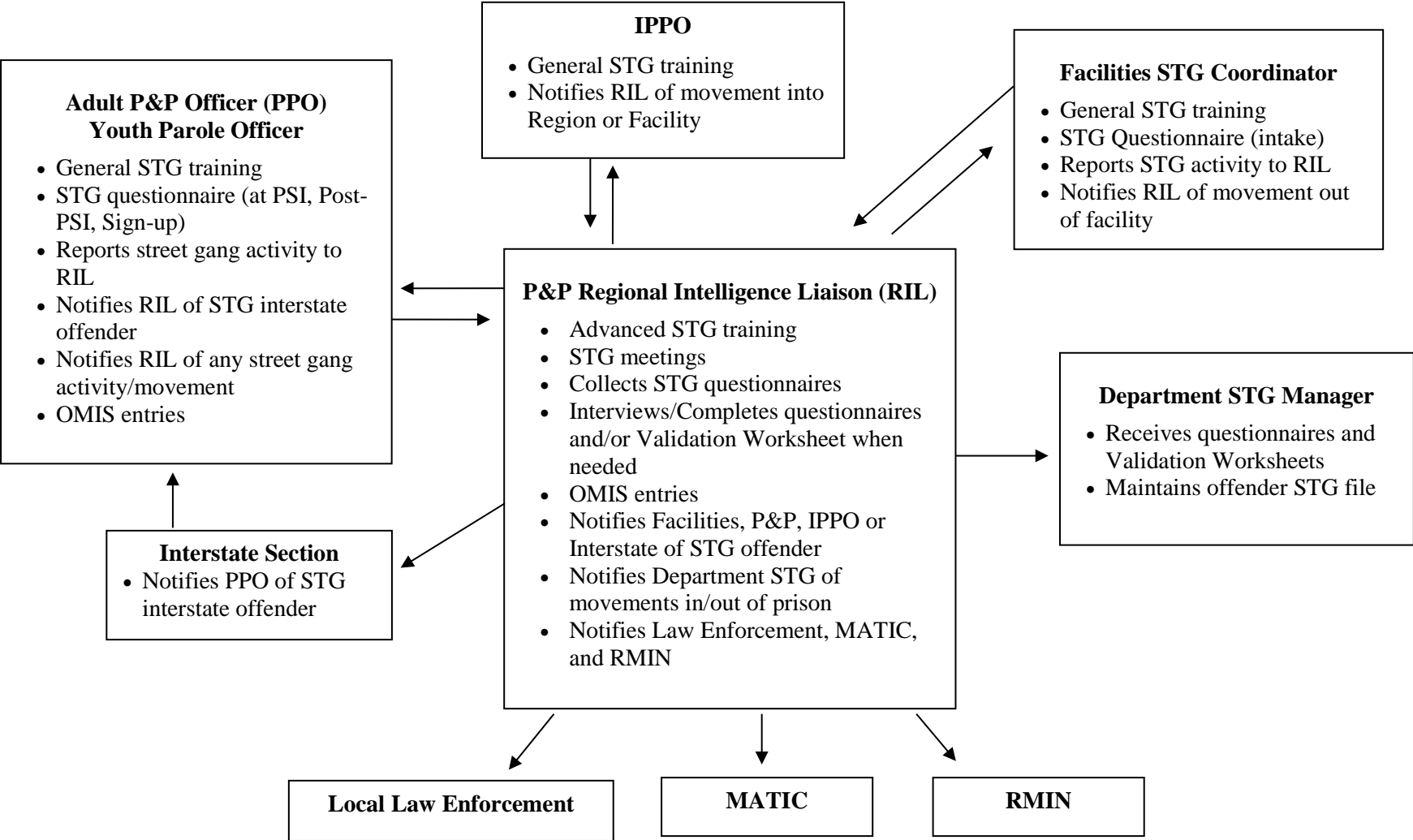
IV. CLOSING:

Questions regarding this procedure should be directed to the Department STG Coordinator or P&P Regional Intelligence Liaison.

V. FORMS:

PPD 3.1.2400 (A) STG/Street Gang Activity Questionnaire
DOC 3.1.24 (Attachment) **RD** STG Validation Worksheet

STG/Street Gang Activity Flow Chart



**Adult P&P Officer (PPO)
Youth Parole Officer**

- General STG training
- STG questionnaire (at PSI, Post-PSI, Sign-up)
- Reports street gang activity to RIL
- Notifies RIL of STG interstate offender
- Notifies RIL of any street gang activity/movement
- OMIS entries

IPPO

- General STG training
- Notifies RIL of movement into Region or Facility

Facilities STG Coordinator

- General STG training
- STG Questionnaire (intake)
- Reports STG activity to RIL
- Notifies RIL of movement out of facility

P&P Regional Intelligence Liaison (RIL)

- Advanced STG training
- STG meetings
- Collects STG questionnaires
- Interviews/Completes questionnaires and/or Validation Worksheet when needed
- OMIS entries
- Notifies Facilities, P&P, IPPO or Interstate of STG offender
- Notifies Department STG of movements in/out of prison
- Notifies Law Enforcement, MATIC, and RMIN

Department STG Manager

- Receives questionnaires and Validation Worksheets
- Maintains offender STG file

Interstate Section

- Notifies PPO of STG interstate offender

Local Law Enforcement

MATIC

RMIN



PPD 3.2.400 **RD** Bomb Threats and Suspicious Objects (**Restricted Access**)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



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

Procedure No.: PPD 3.4.201	Subject: PRC SANCTION BEDS
Reference: DOC 3.4.1	Page 1 of
Effective Date: 03/28/16	Revised:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will follow established procedures in using sanction programs for offenders who violate the conditions of probation, parole or conditional release.

II. DEFINITIONS:

Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreements between the Department and PPD contract treatment facilities and prerelease centers.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, training, prerelease, and treatment services.

III. PROCEDURES:

A. PRC SANCTION BED PROGRAM

1. Depending on bed availability and staff resources, prerelease centers may provide beds for up to 30 days for placement of offenders who have violated the conditions of their supervision and have been referred and approved by the PPD.
2. As part of this program, the offender will be considered to be in lockdown status and will generally not be allowed to leave the facility during the placement period. If specified as an exception by the Hearings Officer, an offender may be able to leave the facility for work-related purposes and must return immediately following the end of the work shift.
3. Offenders will be separated from the general offender facility population at all times and their access to television, radio, or other audio or video players will be limited as determined by the facility.
4. Urinalysis and breathalyzer testing will be conducted on sanctioned offenders on a random basis or upon suspicion of use.

IV. CLOSING:

Questions regarding this procedure should be directed to the Facility Administrator or Contract Manager.



**DEPARTMENT OF CORRECTIONS
COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU
OPERATIONAL PROCEDURE**

Procedure:	PFB 6.1.201 PLACEMENT DETERMINATION, REFERRAL, AND SCREENING
Effective Date:	07/01/2023 Page 1 of 18
Revision Date(s):	
Reference(s):	46-18-201, MCA; 46-18-203, MCA; 46-23-1002, MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1015, MCA; 46-23-1021, MCA; 46-23-1024, MCA; 46-23-1025, MCA; 46-23-1028, MCA; 53-1-203, MCA; 61-8-731, MCA
Signature / Title:	/s/ Megan Coy, Community Corrections Facilities and Programs Bureau Chief

This procedure is referenced as *ACCD 4.1.100 Screenings for Incarcerated Adult Offenders* in Section 2.B. Program Requirements; Screening/Eligibility, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Connections Corrections Program (CCP), Elkhorn, Nexus, START, and WATCH Contract.

I. PURPOSE:

All facilities contracted with the Community Corrections Facilities and Programs Bureau (FPB) will follow established guidelines and procedures to determine appropriate placement of offenders committed to the Department and refer offenders to available programs for placement and treatment.

II. DEFINITIONS:

BOPP – Board of Pardons and Parole.

Community Corrections Facilities and Programs Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services. This Bureau is referenced interchangeably as Programs and Facilities Bureau (PFB) or Facilities and Programs Bureau (FPB) in procedures and forms.

Community Corrections Facility – Includes assessment/sanction centers, prerelease centers, and residential substance use disorder treatment facilities.

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).

Current Risk and Needs Assessment – An assessment tool version as required by *PPD 1.5.1200 Risk and Needs Assessments for Case Management* is current if completed in the past 12 months and the offender has experienced no life-altering events during that period.

Discrimination – Unfair treatment including statements, decisions, or acts based upon the offender’s race, color, religion, creed, political ideas, sex, pregnancy, age, marital status, physical or mental disability, or national origin.

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.

Exclusionary Criteria – A set of clinical, community, and/or legal reasons for the exclusion of certain offender types from participation in a program. Offender lack of motivation is not an appropriate exclusionary criterion.

Facilities and Programs Contract Managers – The Department’s employees who act as the liaisons between the Department and FPB contract facilities regarding services and offender management. These employees also monitor compliance with the terms of contractual agreements between the Department and FPB contract facilities.

Facility Screening Committee – A group of people representing the community, facility, and Department that screens offenders referred to a program or facility for acceptance or denial.

Hearings Officer – A Department employee who, as an impartial person, conducts hearings for offenders on community supervision or in a Community Corrections program/facility.

Placement Determination – The process used by Department staff and/or assessment center staff to decide the best placement of an offender based on an offender’s current risk assessment, criminogenic needs, and the *DOC Placement Directive*.

Placement Decision – The decision made by Department staff and/or assessment center staff regarding which program(s) an offender must complete. This decision cannot be made until after all screening committee results have been reviewed.

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

Responsivity – Addresses the non-criminogenic or non-predictive 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.

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

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.

Up to 90-Day Intervention Referral – A probation, parole, or conditional release offender referred for placement in a Community Corrections facility for up to 90 days by a Hearings Officer in accordance with the *Montana Incentives and Interventions Grid for Probation and Parole* and resulting from an intervention hearing. 46-23-1015, MCA and 46-23-1024, MCA.

Up to 9-Month Revocation Referral – A probation or parole offender referred for placement in a Community Corrections facility for up to 9 months as a requirement of the court or Board of Pardons and Parole and resulting from a revocation hearing. 46-18-203, MCA and 46-23-1025, MCA.

III. PROCEDURES:

A. GENERAL PROVISIONS:

1. The purpose of a placement referral is to give the offender the most appropriate placement opportunity to address criminogenic needs as determined by current risk assessments and supplemental tools, court- or BOPP-ordered requirements, criminal history, placement history, victim input, public safety concerns, institutional behavior, correctional status, and offender request.

Subject: PLACEMENT DETERMINATION, REFERRAL, AND SCREENING

- a. Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment. Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence or a prison commitment, or when no PSI is ordered.
2. Chronological entries in the offender's OMIS record will be maintained by the referral source throughout the placement determination and referral processes for all offenders referred to facilities for screening. Designated DOC staff will complete OMIS chronological entries of all facility screening results.

B. PLACEMENT DETERMINATION PROCESS AND MAKING REFERRALS:

1. Depending on the location of the offender and offender case type, staff making determinations regarding potential placements and subsequent referrals for screening must follow the specific processes and requirements outlined in *Attachment 1* through *Attachment 5*:
 - a. **Prescreening Process:** Use *DOC Placement Directive Attachment 1* and *Prescreening Requirements Attachment 2* for offenders who:
 - 1) have not yet been sentenced and have a plea agreement for a DOC Commitment; or
 - 2) have a new case and a revocation pending simultaneously, if a PSI was ordered in the new case. These are considered prescreening cases.
 - b. **New DOC Commitments Process:** Use *DOC Placement Directive Attachment 1* and *New DOC Commitments Placement Requirements Attachment 3* for offenders who:
 - 1) are new DOC Commitments; or
 - 2) have had their probation revoked by the Court and were sentenced to a DOC Commitment.
 - c. **DOC Revocations Process:** Use *DOC Placement Directive Attachment 1* and *DOC Revocations for Placement Requirements Attachment 4* for offenders who are:
 - 1) revoked from Conditional Release; or
 - 2) Community Corrections facility revocations or probationers or parolees who have only a pending revocation.
 - d. **Board of Pardons and Parole Process:** Use the *Guidelines for Placements from Secure Facility Attachment 5* for offenders from secure facilities or Community Corrections facilities who are under the jurisdiction of the BOPP.
2. The referral source must respond timely to any inquiries made by a facility screening committee to clarify information.
 - a. Staff may arrange for the offender to have a telephonic or in-person interview with the facility screening committee's screening coordinator.
 - b. If a provisional acceptance is offered (*see III.C.7. below*), staff will discuss the provisional acceptance with the offender and provide a timely response to the screening coordinator.
3. The referral source will make an OMIS chronological entry detailing when the referral was submitted and where it was sent.

C. FACILITY SCREENING COMMITTEE:

1. Facility screening committees shall consist of a minimum of three (3) members and facilities are encouraged to support diversity among committee members. The following positions should be represented on the membership on the committee and are not mutually exclusive:

Subject: PLACEMENT DETERMINATION, REFERRAL, AND SCREENING

- a. one local law enforcement officer;
- b. one Probation and Parole Officer; and
- c. one member of the public.

Note: Facilities should make every effort to encourage attendance by screening committee members. However, screening may still be completed even if only some of the members are in attendance.

2. To better align with the *Correctional Programs Checklist* and evidence-based practices, all FPB contracted prerelease centers and treatment facilities must develop criteria for offenders within the facility's screening policy/procedure that may be used to exclude an offender's participation in the facility's program.
 - a. The specific criteria will be provided on *PFB 6.1.201 (G) Community Corrections Facility Exclusionary Criteria (Facility Exclusionary Criteria)* and submitted to correquests@mt.gov for review, with the policy/procedure, within 30 days from the effective date of this procedure for the current fiscal year.
 - b. Exclusionary criteria will not discriminate against offenders based upon the offender's race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status, except as required by male-only and female-only facilities and the placement(s) available to transgender offenders.
 - c. Within 15 business days of receipt of criteria, FPB staff will provide input or coordinate with facility staff on clarification of submitted criteria.
 - d. Finalized criteria will be used for the following fiscal year.
 - e. If the facility wishes to make changes to the criteria during the year, a new *Facility Exclusionary Criteria* form will be submitted for FPB review prior to implementation.
 - f. Facility administrators and assigned Contract Manager will meet annually to review criteria in place and/or possible need for revisions to criteria.
3. Facility screening committees may only accept placement referrals from Department or contracted assessment/sanction center staff. Referrals from outside parties such as attorneys, offender family members, offenders, the court, or other facility screening committees may not be accepted for screening.
4. Facility screening committees will consider and accept or deny referrals within 10 business days (not including state holidays) beginning the next business day after receipt or upon an established schedule as approved by the Contract Manager.
 - a. If a screening meeting will be delayed, the committee will notify the Contract Manager in advance by email and provide the reason for the delay.
 - b. If a referral must be held past the 10 business days or past the established schedule approved by the Contract Manager, pending clarification or because more information is needed, the specifics must be noted on the *PFB 6.1.201 (E) Screening Report*.
5. At each screening meeting, the committee must review each referral and consider each offender's criminogenic needs, responsivity issues, supplemental assessments, and the requirements of the *DOC Placement Directive Attachment 1*. Blank answers on offender application should not be considered by committees as an indication of offender lack of interest or motivation as all offender information should be confirmed in the referral form by

the referral source.

- a. The Screening Coordinator will note if potential accommodations may be needed for any offender accepted into the program due to known physical or mental limitations of an offender.
 - b. It is the policy of the Department of Corrections that discrimination against offenders based upon the offender's race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status is expressly forbidden except as required by male-only and female-only facilities and the placement(s) available to transgender offenders.
6. The committee may deny a referral only for the following reasons and must include a narrative description of the reason on the *PFB 6.1.201 (E) Screening Report*:
- a. The offender meets one of the program's established exclusionary criteria per their program's written policy (must note on the Screening Report the specific exclusionary criteria the offender meets);
 - b. The offender presents an unacceptable level of risk of harm to other facility offenders or staff as demonstrated by specific behavior (must note on the Screening Report the specific behavior and date or range of dates of the behavior);
 - c. The offender's criminogenic needs identified by the referral source or the screening committee cannot be addressed by the program (must note on the *Screening Report* the specific needs that cannot be addressed);
 - d. The offender has insufficient time remaining on the offender's sentence to benefit from the program;
 - e. The referral was incomplete or information was not provided when requested (note specifically what is missing and the dates it was requested);
 - f. Offender refused provisional acceptance;
 - g. The location of this facility is inappropriate for the offender at this time due to victim input, separation needs, co-defendant placement, strong objection by law enforcement, or other concerns related to a conflict of interest (must note on the *Screening Report* the specific reason the facility location is inappropriate);
 - h. The facility is full and has a long waiting list which would prevent timely placement;
 - i. The referral source withdrew the referral; or
 - j. The offender will not be able to complete the requirements of the program with or without a reasonable accommodation. This reason must be staffed with the FPB contract manager or FPB case manager and the referral source prior to the denial.
 - k. For prerelease centers only: Offender's behavior presents an unacceptable level of risk to community public safety at this time and is not currently appropriate for placement into the prerelease center (must note on the *Screening Report* the specific behavior and date of the behavior).
7. The facility screening committee may provisionally accept an offender with recommended conditions of acceptance that include local requirements to participate in their program (for example, sex offender treatment, batterer's intervention, inmate worker, extended stay). However, the committee may not require placement in another program/facility not already identified by the referral source as a provision of acceptance or make a referral to another program/facility (*see the requirements of III.C.3. above*).

Subject: PLACEMENT DETERMINATION, REFERRAL, AND SCREENING

- a. If a provisional acceptance is made, the Screening Report must list this status and the conditions of acceptance.
 - b. The referral source and offender must agree to the requirement(s) prior to acceptance. The referral source must review the *Referral* form with the offender and obtain the offender's signature of acceptance on the form. Staff must note the agreement in an OMIS chronological entry and return a copy of the signed form to the facility screening coordinator.
 - 1) For offenders in jail, the review may occur by telephone and must include review of all acceptance conditions. Staff must document the conversation in OMIS.
 - 2) If there is a short period of time between facility acceptance and offender transfer to the facility, offender transfer should not be delayed pending the review, and the review may be completed by facility staff upon the offender's arrival. If the requirement is not accepted by the offender and they are already at the facility, facility staff shall contact the referral source or the Contract Manager, who shall facilitate removal of the offender from the facility.
 - 3) In the event the requirement(s) is not accepted, the facility screening committee may deny the offender pursuant to III.C.6.f. above.
8. All screening meeting results must be reported to the Contract Manager and referral source. The facility will submit the *Screening Report* form by email to coraccdreports@mt.gov within 3 business days after the screening committee meets, with the email subject line as follows: "Facility, Report Name, Date (for example, Nexus Screening Report 2/5/2023)." The full denial reason must be stated for each offender in the report with any required notes based on the denial reason.
- a. Any questions regarding screening results should be directed to the Facility Screening Coordinator first.
 - b. Any disputes regarding screening decisions may be forwarded to FPB at correquests@mt.gov after the referral source attempts to resolve the issue with the Facility Screening Coordinator.
9. **For prerelease centers only:** Prerelease center's Screening Coordinator will forward all denied referrals based on offender case type to the next facility in an established screening rotation within 3 business days of the screening meeting except as otherwise directed in *Prescreening Requirements Attachment 2*. The Screening Coordinator will note on the *Screening Report* form if the screening committee denied an offender and the facility was the last in the specified screening rotation as required by *Attachments 3, 4, and 5*.
10. If the local screening committee accepts an Up to 90-Day Intervention Referral or an Up to 9-Month Revocation Referral, the offender's placement must be expedited by the facility due to the limited amount of time allowed in the placement.
11. Each contracted facility will arrange an annual meeting between its screening committee members and FPB staff.

D. FINAL PLACEMENT DECISION AND OFFENDER TRANSFER

1. An offender may not be placed until notice of acceptance has been received from the facility and there is a confirmed bed available. For offenders placed directly from county jails, the offender cannot be placed/transferred until the *PPD 4.6.300 (A) Notification and Placement*

Warrant is completed by Probation and Parole staff.

2. Offender warrants/detainers do not necessarily prevent an offender's placement. Please refer to the specific case type attachments for directions on considering warrants/detainers (*Attachments 2, 3, and/or 4*).
3. If accepted as an Inmate Worker or into the Culinary Arts Program and prior to placement, the referral source and facility will follow the requirements of *PFB 6.2.466 Inmate Workers* and *PFB 6.2.440 Culinary Arts Program*.
4. If, for any reason, it is determined the offender will not be placed in the facility or facilities by which the offender was accepted, the referral source or other DOC staff member should notify the applicable facility or facilities of the offender's alternate placement as soon as possible.
5. Assessment centers and secure facilities must transfer an offender with a minimum 30-day medication supply. If it is not possible to provide a 30-day supply, the sending facility staff will communicate the specific reasons/circumstances with the placement facility staff prior to placement.
6. Each facility will manage their wait list and will determine bed dates for their facility. Bed date information is not to be released to the offender or general public for security reasons. The facility will inform the referral source of the offender's anticipated bed date and will make any transportation requests as needed and/or make transportation arrangements for the offender to be moved to the facility.

IV. CLOSING:

Questions regarding this procedure should be directed to the Community Corrections Facilities and Programs Bureau or the Facility Screening Coordinator.

V. FORMS:

- PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement*
- PFB 6.1.201 (B) Prescreening Referral for Placement*
- PFB 6.1.201 (C) Referral for Placement*
- PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)*
- PFB 6.1.201 (E) Screening Report*
- PFB 6.1.201 (F) Program Referral*
- PFB 6.1.201 (G) Community Corrections Facility Exclusionary Criteria*

VI. PROCEDURAL ATTACHMENTS:

- PFB 6.1.201 DOC Placement Directive Attachment 1*
- PFB 6.1.201 Prescreening Requirements Attachment 2*
- PFB 6.1.201 New DOC Commitments Placement Requirements Attachment 3*
- PFB 6.1.201 DOC Revocations for Placement Requirements Attachment 4*
- PFB 6.1.201 Guidelines for Placements from Secure Facility Attachment 5*

DOC PLACEMENT DIRECTIVE ATTACHMENT 1



Greg Gianforte, Governor | Brian M. Gootkin, Director

TO: Probation and Parole Staff
Programs and Facilities Bureau Staff
The Court Administrator and Judicial Branch
All County Attorneys
All Public Defenders and Defense Attorneys
Community Corrections Providers

FROM: Brian Gootkin, Director, Department of Corrections

DATE: June 30, 2021

RE: HB 2: Offender Prescreening and Placement

As directed by HB 2, effective July 1, 2021:

- Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment.
 - Per HB 2: “Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered.”
- When a PSI is ordered and there is a plea agreement for a DOC commitment, Probation and Parole staff will provide a placement recommendation to the Court that is based on the risk/needs evaluation (assessment) of the offender using the guide provided on page 2 of this memo.
- When determining placement of an offender already on supervision or in cases where no PSI was ordered, DOC staff will do so based on a risk/needs assessment and using the guide provided on page 2 of this memo.
- In placing offenders in treatment facilities, DOC staff shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender’s treatment dosage and needs. Clinical Substance Use Disorder (SUD) evaluations are no longer required by the DOC before placement in a treatment facility.
 - Treatment facilities will conduct SUD evaluations upon offender arrival at the facility and treatment and programming will be delivered according to the dosage indicated.
 - If the Court orders an SUD evaluation as part of the PSI process, the evaluation will be completed; however, it is not necessary for screening.

DOC Placement Determination Guidance, per HB 2 (2021):

If the Court recommended a placement in an original sentence or revocation sentence, follow the recommendation. If the DOC is unable to follow the recommendation, DOC will document the reason and provide notification to the Court of the reason within 40 days, as required by SB 47.

If Court didn't recommend a placement:

- If low risk*, community supervision placement UNLESS offender:
 - Is homeless,
 - Has a recent history of behavior that indicates a need for greater structure,
 - Was convicted of an offense that has a statutory requirement for placement,
 - The offense/violation represents a repeating offense pattern (i.e. repeated DUIs or multiple instances of domestic violence/violations of protective orders),
 - Has a victim under 12, or
 - Has a victim who died as the result of an offense.
- If moderate risk*, a facility placement (treatment only or prerelease center only) or combination of placements (treatment + prerelease center) may be appropriate if a higher level of structure is indicated by:
 - Offense history,
 - Placement/treatment** history,
 - Offender non-compliance on supervision,
 - Sustained drug use in the community despite interventions, and
 - Severity of the offense.
- If medium or high risk* on the WRNA or high or very high risk* on the MORRA, a facility placement or combination of placements** is required. If no facility will accept the offender, the DOC will document the instance and determine the most appropriate alternative placement to address the offender's risk/needs while maintaining public safety; the placement will likely be prison. In rare circumstances, a recommendation might include community placement in a structured setting such as treatment court, ISP, etc. based on an offender's particular circumstances.

*use the MORRA and WRNA. For sex offenders (SO), a SO-specific risk assessment, along with the MORRA or WRNA, will be used. Placement will be based on whichever assessment risk score is higher. The MORRA and WRNA risk levels are as follows:

MORRA	WRNA
Low	Low
Moderate	Moderate
High	Medium
Very High	High

**if offender need for substance use treatment is indicated, placement should be at a shorter-length program (90-days) if the offender has no prior residential treatment placements. If offender need for substance use treatment is indicated and the offender has previously been to a residential treatment placement, the offender will be considered for the 9-month treatment placement.

PRESCREENING REQUIREMENTS ATTACHMENT 2

A. PRESCREENING PLACEMENT DETERMINATION PROCESS:

1. Probation and Parole staff will complete prescreening of offenders who have one or more pending felony charges where a PSI is ordered and there is a plea agreement for a DOC Commitment on at least one of the pending cases. If an offender has multiple pending cases, especially in more than one county, the *PFB 6.1.201 (B) Prescreening Referral for Placement (Prescreening Referral)* form may be submitted for one or more of the causes while the others have not yet been adjudicated or sentenced. However, *Prescreening Referral* forms will not be submitted for a case that has a plea agreement for a suspended or deferred sentence or a prison commitment, or when no PSI is ordered.
 - a. Offenders who have a new case and a revocation pending simultaneously are considered prescreening cases if a PSI was ordered in the new case.
 - b. Probation and Parole staff will make referrals based on the risk/needs assessment of the offender as outlined in the *DOC Placement Directive Attachment 1*.
 - c. If an offender has an escape conviction within the past 3 years, *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* must be submitted to the FPB Chief or designee at corao@mt.gov for approval prior to the *Prescreening Referral* being submitted.
 - d. Staff will inform the offender of the referral(s) being made and the reason(s) for the referrals, and will explain the prescreening process. Prior to making the referral, staff making the referral must confirm the offender will consent to placement if accepted by a program/facility. If the offender does not readily consent, Motivational Interviewing techniques should be used to gain the offender's consent. If the offender persists in refusal, staff should consider placement at an assessment center after sentencing.

B. PRESCREENING APPLICATION PROCESS:

1. Probation and Parole staff must complete the *Prescreening Referral* form and *PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement ("Application")*. Full narrative answers must be provided on the *Prescreening Referral* by staff for every question ("see PSI" or "see OMIS" are not appropriate answers and the *Prescreening Referral* will be returned for completion).
 - a. A search of offender chronological entries and documents in OMIS is required to verify that all documented restraining orders and court-ordered no-contact requirements are accurately reflected on the *Prescreening Referral*.
 - b. **Warrants/Detainers/Pending Felony Matters:** Staff making the referral must verify that any known felony warrants, detainers, or pending felony matters, including revocations, are communicated clearly on the *Prescreening Referral*. Not all warrants/detainers will prohibit an offender's placement:
 - 1) Misdemeanor warrants will not prevent an offender's placement;
 - 2) Felony offenses that are still pending will be considered on a case-by-case basis after consult with the receiving facility and FPB. Factors to consider are severity of offense, timeliness of case resolution, the court's willingness to allow remote appearances, and the receiving facility's ability to accommodate remote appearances; and
 - 3) Immigration detainers are a civil matter and will not prevent an offender's placement.
2. At the time of application, the offender will identify the prerelease center (PRC) that is their preference for placement.
 - a. If the offender is a sex offender, they are eligible for the following PRC programs:

- 1) Female: Missoula PRC, Passages PRC, and Great Falls PRC (Great Falls PRC eligibility criteria: offender must reside in Cascade County for 1 year or more prior to conviction; offender must have immediate family currently residing in Cascade County; offender must have a tier designation at the time of sentencing; offender must have been prescreened and approved by a local MSOTA sex offender therapist, and offender must have been prescreened and approved by the local P&P Sex Offender Specialist.)
 - 2) Male: Alpha House PRC, Great Falls PRC (*see eligibility criteria above*), Helena PRC, and Missoula PRC
- b. The documents listed below will be submitted **simultaneously** to all PRC screening committees electronically by the file transfer service or by e-mail. Paper documents will no longer be sent by referral sources or accepted by facilities.
- 1) Documents submitted electronically for prescreening cases include:
 - a) *Prescreening Referral* form
 - b) *Application*
 - c) Approved *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* (if applicable)
 - d) PSIs completed within the last 3 years (if available)
 - (1) Attach plea agreement and affidavit if not included in PSI for current/pending offenses only
 - (2) Provide plea agreement and affidavit if no PSI is available for current/pending offenses only
 - e) Judgments (or VOCs) for all cases the offender is serving on (if available)
 - f) Information(s) for all cases the offender is serving on (if available)
 - g) Recent behavioral health reports/evaluations (SUD or Mental Health) (if available)
 - h) Reports of Violation related to the current placement process
 - 2) Facility Screening Committee will meet regularly to review *Application* forms and *Prescreening Referral* forms and the other documents listed above so that the referred offender can be screened within 10 business days.
 - 3) PRCs will not forward denied prescreening documents. PRC staff will delete any denied referrals.
3. The referral source must document in an OMIS chronological entry the specific referral(s) made.

C. PRESCREENING PLACEMENT DECISION

1. After the facility screening meeting, the facility will notify the referral source and FPB of the screening results by sending the *PFB 6.1.201 (E) Screening Report* by the end of the next business day.
 - a. Referral source must wait the required 10-business-day period to ensure all facilities have had the opportunity to screen the offender prior to making the determination for placement as follows:

- 1) If the offender is accepted by their preferred PRC, the offender will go to that center.
- 2) If the offender is accepted by more than one non-preferred PRC, the offender will go to the center listed after the preferred PRC in the placement order indicated to the right. There are exceptions to the placement order based on victim concerns, offender separation concerns, and facility wait list times as outlined in C.2. below.

Male PRC Placement Order: Butte, Helena, Great Falls, Alpha House, Missoula, Gallatin Reentry.
Male SO PRC Placement Order: Helena, Great Falls, Alpha House, Missoula.
Female PRC Placement Order: Butte, Great Falls, Passages, Missoula.
Female SO PRC Placement Order: Great Falls, Passages, Missoula.

- b. Referral source must inform the offender and PRC Screening Coordinators of the screening results and which placement was determined immediately above.
- c. If the offender is denied by all of the programs to which staff made referrals, the placement decision will be made after sentencing.

2. Prescreening Placement Exceptions for PRC Placements:

- a. Generally, the offender will go to the facility identified using the direction given above. However, should the facility have an estimated waiting period longer than 6 weeks at the time of acceptance (and the offender has no treatment placement requirement before the PRC placement), the offender may be placed in the facility next in the placement order that has open beds or beds available in the next 2 weeks. The *Community Corrections Bed Availability* website <https://cor.mt.gov/Facilities/CommunityCorrectionsBedAvailability> displays estimated waiting periods.
- b. If an alternative PRC is identified as appropriate due to an extended waiting period or other circumstances at the initially identified prerelease center (for example, outbreak status, separation needs, victim opposition, etc.), the offender may opt to wait for the preferred PRC. The offender may be placed in a hold bed (30-day limit) or assessment center while waiting for their bed.
- c. If an offender is placed at an alternative PRC, the referral source must notify the initially identified PRC and document the alternative placement and the reason for the alternative placement in an OMIS chronological entry.

D. FORMS:

- PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement*
PFB 6.1.201 (B) Prescreening Referral for Placement
PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)

NEW DOC COMMITMENTS PLACEMENT REQUIREMENTS ATTACHMENT 3

A. PLACEMENT DETERMINATION PROCESS:

1. Upon sentencing to the Department of Corrections with specific recommendations made by the court for placement, staff will make referral(s) to the facilities recommended by the court as outlined in the *DOC Placement Directive Attachment 1*.
 - a. For new DOC commitments, *PPD 4.6.300 (E) DOC Commitment Pending Placement Notice* must be completed by the P&P Officer or staff of the assessment/sanction center after acceptance by a facility screening committee, but prior to placement, and the form must be submitted as directed in *PPD 4.6.300 DOC Commitments*.
2. If there was no PSI completed prior to sentencing and the court did not make a specific recommendation for placement, staff will follow the placement determination process as outlined in the *DOC Placement Directive Attachment 1*.
3. New DOC commitments may be referred by Probation and Parole while offender is in the community or jail, or by an assessment/sanction center. If Probation and Parole staff are unable to determine the best placement for an offender, or the offender needs clinical evaluations or assessments which cannot be obtained in the community, the case should be staffed with a supervisor and the offender may be placed at the following assessment/sanction center for placement determination and referral:
 - a. new male DOC commitments to MASC (or as a MASC Diversion to START or Pine Hills Correctional Facility); or
 - b. female DOC commitments to Passages ASRC.
4. Staff will review all relevant information contained in the offender's case records and criminal history to properly summarize the offender's information in descriptive narratives on the *PFB 6.1.201 (C) Referral for Placement (Referral)* form.
 - a. Staff making the referral must verify that any known felony warrants, detainers, or pending felony matters are communicated clearly on the *Referral* form. Not all warrants/detainers will prohibit an offender's placement:
 - 1) Misdemeanor warrants will not preclude placement;
 - 2) Felony offenses that are still pending will be considered on a case-by-case basis after consult with the receiving facility and FPB. Factors to consider are severity of offense, timeliness of case resolution, the court's willingness to allow remote appearances, and the receiving facility's ability to accommodate remote appearances; and
 - 3) Immigration detainers are a civil matter and will not preclude placement.
 - b. If an offender has an escape conviction within the past 3 years, *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* must be submitted to the FPB Chief or designee at corao@mt.gov for approval before making the referral.
 - c. The stacking of referrals to multiple treatment programs and/or multiple PRC programs is not allowed unless there is justification for successive programs. Approval for stacking must be obtained prior to making the referral by submitting a request and justification to correquests@mt.gov.
5. Staff will inform the offender of the referral(s) being made and the reason(s) for the referrals. Staff making the referral must confirm the offender will consent to placement if accepted by a program/facility prior to making the referral. If the offender does not readily consent, Motivational Interviewing techniques should be used to gain the offender's consent. If the offender persists in refusal, staff should consider placement at an Assessment Center. If the offender persists in refusal for placement while at an Assessment Center, Department staff should follow the established placement refusal process.

B. APPLICATION PROCESS

1. Staff must complete the *Referral* form and *PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement (Application)*. Full narrative answers must be provided on the *Referral* by staff for every question (“see PSI” or “see OMIS” are not appropriate answers and the *Referral* will be returned for completion).
 - a. A search of offender chronological entries and documents in OMIS is required to verify that all documented restraining orders and court-ordered no-contact requirements are accurately reflected in the *Referral*.
2. The documents listed below will be submitted to the facility screening committee(s) electronically through the file transfer service or by e-mail. Paper documents will no longer be sent by referral sources or accepted by facilities.
 - a. Documents submitted electronically for new DOC commitments include:
 - 1) *Referral*
 - 2) *Application*
 - 3) *Approved PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s) (if applicable)*
 - 4) PSIs completed within the last 3 years (if available)
 - a) Attach plea agreement and affidavit if not included in PSI for current/pending offenses only
 - b) Provide plea agreement and affidavit if no PSI is available for current/pending offenses only
 - 5) Judgments (or VOCs) for all cases the offender is serving on (if available)
 - 6) Information(s) for all cases the offender is serving on (if available)
 - 7) Recent behavioral health reports/evaluations (SUD or Mental Health) (if available)
 - 8) Report(s) of Violation related to the current placement process
3. Applications to prerelease centers (PRCs) will follow the established screening rotation which allows for an offender to be considered by other PRC programs if denied by the preferred center. Staff will indicate on the *Referral* which of the screening rotations (indicated below) the *Application* is to follow as well as the offender’s preferred PRC. The *Application* will begin at the preferred PRC’s spot in the rotation. If no preferred PRC is indicated, the *Application* will be sent to the first PRC in the specific rotation indicated on the *Referral*.
 - a. **Male Rotation:** Butte PRC – Helena PRC – Great Falls PRC – Alpha House PRC – Missoula PRC – Gallatin Reentry Program.
 - b. **Male Sex Offender Rotation:** Helena PRC – Great Falls PRC – Alpha House PRC – Missoula PRC.
 - c. **Female PRC Programs Rotation:** Butte PRC – Great Falls PRC – Passages PRC – Missoula PRC.
 - d. **Female Sex Offender Rotation:** Great Falls PRC – Passages PRC – Missoula PRC.
4. Staff making the referral must respond timely to any inquiries made by a facility screening committee to clarify any information or provide additional information as needed.
 - a. Staff may arrange for the offender to have a telephonic or in-person interview with the facility screening committee’s Screening Coordinator.
5. The referral source must document in an OMIS chronological entry the specific referral(s) made.
6. If an offender is denied by all PRC programs, staff making the referral must contact the Screening Coordinators to determine if the reason for denial can be addressed and resolved. If it can be resolved, the staff making the referral will submit a new *Application* and *Referral* (do not resubmit the previous information) and make all OMIS chronological entries throughout the process. If the reason for denial cannot be resolved, the staff making the referral will determine the next best placement for the offender using the *DOC Placement Directive Attachment 1*.

C. FORMS:

<i>PFB 6.1.201 (A)</i>	<i>Offender Application for Prerelease or Treatment Placement</i>
<i>PFB 6.1.201 (C)</i>	<i>Referral for Placement</i>
<i>PFB 6.1.201 (D)</i>	<i>Approval of Offender Placement with Escape Conviction(s)</i>
<i>PPD 4.6.300 (E)</i>	<i>DOC Commitment Pending Placement Notice</i>

DOC REVOCATIONS FOR PLACEMENT REQUIREMENTS ATTACHMENT 4

A. PLACEMENT DETERMINATION PROCESS FOR DOC REVOCATIONS FOR PLACEMENT:

1. This process applies to all conditional release revocations as well as offenders terminated from a community corrections residential facility or probationers or parolees who have only a pending revocation. All referrals will be made following the placement determination process as outlined in the *DOC Placement Directive Attachment 1*. Staff will use the offender's current risk and needs assessment to establish overall risk. If the offender does not have a current assessment or the assessment cannot be located, Assessment Center staff will complete a risk assessment as required in Department procedure.
 - a. Staff will review all relevant information contained in the offender's case records including all disciplinary hearing dispositions and criminal history to properly summarize in descriptive narratives on the appropriate form the offender's current circumstances, strengths, needs, and potential barriers.
 - 1) A search of offender chronological entries and documents in OMIS is required to verify that all documented restraining orders and court-ordered no-contact requirements are accurately reflected on the *PFB 6.1.201 (C) Referral for Placement (Referral)*.
 - b. Staff will require the offender to undergo other clinical evaluations (such as substance use disorder or mental health evaluations) as part of this determination process if 1) indicated by the risk and needs assessment results or other screening tools used in this process, or 2) if ordered by the court as a condition. The recommendations made by clinical evaluation will be used by staff to match the offender to a program/facility that can best address the offender's specific needs.
 - c. Staff will consider any victim input and information as well as orders of protection and/or restraining orders or requests for no contact before making the referral.
 - d. Staff making the referral must verify that any known felony warrants, detainers, or pending felony matters are communicated clearly on the *Referral*. Not all warrants/detainers will prohibit an offender's placement:
 - 1) Misdemeanor warrants will not preclude placement;
 - 2) Felony offenses that are still pending will be considered on a case-by-case basis after consult with the receiving facility and FPB. Factors to consider are severity of offense, timeliness of case resolution, the court's willingness to allow remote appearances, and the receiving facility's ability to accommodate remote appearances; and
 - 3) Immigration detainers are a civil matter and will not preclude placement.
 - e. If an offender has an escape conviction within the past 3 years, *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* must be submitted to the FPB Chief or designee at corao@mt.gov for approval before making the referral.
 - f. The stacking of referrals to multiple treatment programs and/or multiple PRC programs is not allowed unless there is justification for successive programs. Approval for stacking must be obtained prior to making the referral by submitting a request and justification to correquests@mt.gov.
 - g. It may be appropriate for the offender to repeat a previously completed program after considering the offender's identified risks and needs, prior performance in previous placements, length of time since prior program completion, and programming received since the prior program participation.
 - h. Staff will inform the offender of the referral(s) being made and the reason(s) for the referrals. Staff making the referral must confirm the offender will consent to placement if accepted by a program/facility prior to making the referral. If the offender does not readily consent, Motivational Interviewing techniques should be used to gain the offender's consent. If the offender persists in refusal for placement while at an Assessment Center, Department staff should follow the established placement refusal process.

B. APPLICATION PROCESS:

1. Staff must complete the *Referral* form and *PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement (Application)*. Full narrative answers must be provided on the *Referral* by staff for every question (“see PSI” or “see OMIS” are not appropriate answers and the *Referral* will be returned for completion).
 - a. A search of offender chronological entries and documents in OMIS is required to verify that all documented restraining orders and court-ordered no-contact requirements are accurately reflected in the *Referral*.
2. The documents listed below will be submitted to the facility screening committee(s) electronically through the file transfer service or by e-mail. Paper documents will no longer be sent by referral sources or accepted by facilities.
 - a. Documents submitted electronically for DOC Revocations (revoked from CR or facility) include:
 - 1) *Referral*
 - 2) *Application*
 - 3) Approved *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* (if applicable)
 - 4) PSIs completed within the last 3 years (if available)
 - 5) Judgments (or VOCs) for all cases the offender is serving on (if available)
 - 6) Information(s) for all cases the offender is serving on (if available)
 - 7) Recent behavioral health reports/evaluations (SUD or Mental Health) (if available)
 - 8) Reports of Violation/disciplinary hearing information related to the current placement process
3. Applications to prerelease centers (PRCs) will follow the established screening rotation which allows for an offender to be considered by other PRC programs if denied by the preferred center. Staff will indicate on the *Referral* which of the screening rotations (indicated below) the *Application* is to follow as well as the offender’s preferred PRC. The *Application* will begin at the preferred PRC’s spot in the rotation. If no preferred PRC is indicated, the *Application* will be sent to the first PRC in the specific rotation indicated on the *Referral*.
 - a. **Male Rotation:** Butte PRC – Helena PRC – Great Falls PRC – Alpha House PRC – Missoula PRC – Gallatin Reentry Program.
 - b. **Male Sex Offender Rotation:** Helena PRC – Great Falls PRC – Alpha House PRC – Missoula PRC.
 - c. **Female PRC Programs Rotation:** Butte PRC – Great Falls PRC – Passages PRC – Missoula PRC.
 - d. **Female Sex Offender Rotation:** Great Falls PRC – Passages PRC – Missoula PRC.
4. Staff making the referral must respond timely to any inquiries made by a facility screening committee to clarify any information or provide additional information as needed.
 - a. Staff may arrange for the offender to have a telephonic or in-person interview with the facility screening committee’s screening coordinator.
5. The referral source must document in an OMIS chronological entry the specific referral(s) made.
6. If an offender is denied by all PRC programs, staff making the referral must contact the Screening Coordinators to determine if the reason for denial can be addressed and resolved. If it can be resolved, the staff making the referral will submit a new *Application* and *Referral* (do not resubmit the previous information) and make all OMIS chronological entries throughout the process. If the reason for denial cannot be resolved, the staff making the referral will determine the next best placement for the offender using the *DOC Placement Directive Attachment 1*.

C. FORMS:

- PFB 6.1.201 (A)* *Offender Application for Prerelease or Treatment Placement*
PFB 6.1.201 (C) *Referral for Placement*
PFB 6.1.201 (D) *Approval of Offender Placement with Escape Conviction(s)*

GUIDELINES FOR PLACEMENTS FROM SECURE FACILITY ATTACHMENT 5

A. PLACEMENT DETERMINATION PROCESS FOR BOARD OF PARDONS AND PAROLE (BOPP) CASES:

1. The following guidance is applicable to offenders in a secure facility or a community corrections facility and who are under the jurisdiction of the Board of Pardons and Parole.
2. Offenders may be referred only by Department staff if the BOPP granted an offender parole contingent upon completion of a prerelease center (PRC) and/or treatment program. If an offender has appeared before the BOPP and received a disposition that does not support a placement, staff will not make a referral.
3. Staff will consider any victim input and information as well as orders of protection and/or restraining orders or requests for no contact before making the referral. A search of offender chronological entries and documents in OMIS is required to verify that all documented restraining orders and court-ordered no-contact requirements are accurately reflected on the *PFB 6.1.201 (C) Referral for Placement (Referral)*.
4. Staff making the referral must verify that any known felony warrants, detainers, or pending felony matters are communicated clearly on the *Referral* form. Not all warrants/detainers will prohibit an offender's placement:
 - a. Misdemeanor warrants will not preclude placement;
 - b. Felony offenses that are still pending will be considered on a case-by-case basis after consult with the receiving facility and FPB. Factors to consider are severity of offense, timeliness of case resolution, the court's willingness to allow remote appearances, and the receiving facility's ability to accommodate remote appearances; and
 - c. Immigration detainers are a civil matter and will not preclude placement.
5. If an offender has an escape conviction within the past 3 years, *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* must be submitted to the FPB Chief or designee at corao@mt.gov for approval before making the referral.
6. The stacking of referrals to multiple treatment programs and/or multiple PRC programs is not allowed unless there is justification for successive programs. Approval for stacking must be obtained prior to making the referral by submitting a request and justification to corerequests@mt.gov.
7. Staff will inform the offender of the referral(s) being made and the reason(s) for the referrals. Staff making the referral must confirm the offender will consent to placement if accepted by a program/facility prior to making the referral. If the offender does not readily consent, Motivational Interviewing techniques should be used to gain the offender's consent.

B. APPLICATION PROCESS:

1. Staff must complete the *Referral* and *PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement (Application)*. Full narrative answers must be provided on the *Referral* by staff for every question ("see PSI" or "see OMIS" are not appropriate answers and the *Referral* will be returned for completion).
2. The documents listed below will be submitted to the facility screening committee(s) electronically through the file transfer service or by e-mail. Paper documents will no longer be sent by referral sources or accepted by facilities.

- a. Documents submitted electronically for BOPP cases include:
 - 1) *Referral*
 - 2) *Application*
 - 3) Approved *PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)* (if applicable)
 - 4) PSIs completed within the last 3 years (if available)
 - 5) Judgments (or VOCs) for all cases the offender is serving on (if available)
 - 6) Information(s) for all cases the offender is serving on (if available)
 - 7) Recent behavioral health reports/evaluations (SUD or Mental Health) (if available)
 - 8) Reports of Violation/disciplinary hearing information related to the current placement process
 - 9) Parole report related to the current parole hearing
 - 10) Applicable BOPP Disposition

3. Applications to prerelease centers (PRCs) will follow the established screening rotation which allows for an offender to be considered by other PRC programs if denied by the preferred center. Staff will indicate on the *Referral* which of the screening rotations (indicated below) the *Application* is to follow as well as the offender's preferred PRC. The *Application* will begin at the preferred PRC's spot in the rotation. If no preferred PRC is indicated, the *Application* will be sent to the first PRC in the specific rotation indicated on the *Referral*.
 - a. **Male Rotation:** Butte PRC -- Helena PRC – Great Falls PRC – Alpha House PRC – Missoula PRC – Gallatin Reentry Program.
 - b. **Male Sex Offender Rotation:** Helena PRC – Great Falls PRC – Alpha House PRC – Missoula PRC.
 - c. **Female PRC Programs Rotation:** Butte PRC – Great Falls PRC – Passages PRC – Missoula PRC.
 - d. **Female Sex Offender Rotation:** Great Falls PRC – Passages PRC – Missoula PRC.

4. Staff making the referral must respond timely to any inquiries made by a facility screening committee to clarify any information or provide additional information as needed.
 - a. Staff may arrange for the offender to have a telephonic or in-person interview with the facility screening committee's Screening Coordinator.

5. The referral source must document in an OMIS chronological entry the specific referral(s) made.

6. If an offender is denied by all PRC programs, staff making the referral must contact the Screening Coordinators to determine if the reason for denial can be addressed and resolved. If it can be resolved, the staff making the referral will submit a new *Application* and *Referral* (do not resubmit the previous information) and make all OMIS chronological entries throughout the process. If the reason for denial cannot be resolved, the staff making the referral will notify the BOPP that the offender was not approved by any PRC programs.

C. FORMS:

- PFB 6.1.201 (A) Offender Application for Prerelease or Treatment Placement*
PFB 6.1.201 (C) Referral for Placement
PFB 6.1.201 (D) Approval of Offender Placement with Escape Conviction(s)



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

Procedure:	PPD 4.6.202 SECURE PLACEMENTS	
Effective Date:	01/20/2015	Page 1 of 4
Revision Date(s):	11/03/2015; 10/17/2016; 12/19/2016; 03/25/2019	
Reference(s):	PPD 4.6.300; PPD 6.4.206; 53-1-203, MCA; DOC/BOPP Memo of Understanding	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

This procedure is referenced as *ACCD 4.6.200 Administrative Transfers/Overrides* in Section 3.G. Offender Management; Administrative Transfer/Overrides in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, Connections Corrections Program (CCP), START, and WATCH Contract.

I. PURPOSE:

Probation and Parole Division employees will follow established procedures when transferring an offender from the community to prison.

II. DEFINITIONS:

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

Programs and Facilities Contract Manager – The Department’s employee who acts as the liaison for services and monitors the contractual agreements between the Department and PPD contract treatment facilities and prerelease centers.

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.

Relevant Medical and/or Mental Health Information – Circumstances or situations regarding an offender’s medical and/or mental health needs that impacts the placement of the offender in a PPD facility.

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system that the Department purchases on contract from Appriss, Inc., which provides location and custody status updates about adult offenders under Department supervision.

III. PROCEDURES:

A. GENERAL GUIDELINES FOR SECURE PLACEMENTS:

1. Probationers cannot be sent to Montana State Prison (MSP) or Montana Women's Prison (MWP) unless their probation is first revoked by the court and a prison sentence or DOC commitment is given.
2. Offenders newly committed to the DOC, on parole or conditional release supervision, or placed at a PFB facility may be transferred to a secure facility if found to be inappropriate for their current placement, or any further placement, due to disciplinary reasons, assessment results, or placement refusals.
3. This may include the inability to place an offender at a PFB facility for the disciplinary reasons or assessment results, as well as:
 - a. offender is a public safety risk based on criminal history and as demonstrated by recent behavior. Justification must be made during staffing;
 - b. offender has a confirmed and extraditable felony warrant – attach copy of the warrant to secure placement request if possible;
 - c. court mandates, statutory requirements, or necessary/appropriate treatment or programming are not available at PFB facilities. These cases must be staffed with the Probation & Parole Bureau Chief (e.g., SOP2 or WATCH);
 - d. offender placement refusal;
 - e. program terminations and failures due to program non-compliance and disciplinary termination;
 - f. Board of Pardons and Parole (BOPP) requires return to MSP/MWP; or
 - g. offender has pending felony charges:
 - 1) Parolee – BOPP will be contacted to make decision regarding secure placement.
 - 2) Conditional release offender – is not automatic secure placement; may be placed in jail as PPD hold pending placement decision.
 - 3) PFB facility offender – hearing is held to determine placement.
4. **Medical and/or mental health issues should not be the sole justification for a secure placement.**

B. SECURE PLACEMENTS:

1. A determination may be made that a parolee, conditional release offender, or new DOC commitment is not a viable candidate for community placement and MSP/MWP is the most appropriate option.
 - a. Parolees, conditional release offenders, and offenders in PFB prerelease or treatment facility:** Determined by Hearings Officer following appropriate hearing procedures.
 - b. New DOC commitment in jail:** Determined by Deputy Chief (DC) and/or POII after staffing case with Probation & Parole (P&P) Bureau Chief. Ensure the following documents are available in OMIS for staffing:
 - 1) Verification of Commitment or certified court order
 - 2) Pre-Sentence Investigation Report
 - 3) Report of Violation.
 - c. Offenders in assessment/sanction center:** Determined by facility staff during placement. Determination is staffed with PFB Bureau Chief or designee. Appropriate staff submits *PPD 4.6.202(A) Request for Secure Placement*.
2. **Submission of *PPD 4.6.202(A) Request for Secure Placement*:**
 - a. When completed by appropriate staff, *PPD 4.6.202(A) Request for Secure Placement* will describe offender's circumstances and all information regarding the reason and justification

for the secure placement, and include the following when applicable:

- 1) type of hearing and type of violations (compliance or non-compliance); and
 - 2) whether there is relevant medical and/or mental health information.
- b. *Request* must be saved as follows: “Offender last name, first name: Facility/P&P: Secure Placement.”
- c. *Request* is submitted electronically to corao@mt.gov. Email subject line must read: “Offender last name, first name, DOC#: Facility/P&P: Secure Placement.”

3. Review of *PPD 4.6.202(A) Request for Secure Placement*:

- a. Once submitted to corao@mt.gov, the PPD Administrative Assistance will forward the *Request* as follows:
- 1) From MASC, Passages ASRC, or START, or if offender is an escapee: To the PFB Bureau Chief or designee. Upon Bureau Chief or designee’s review and signature, *Request* is returned to corao@mt.gov.
 - 2) To the BOPP members if offender is under BOPP jurisdiction. Upon BOPP’s review and signature, *Request* is returned to corao@mt.gov.
 - 3) To the PPD Administrator or designee if offender is under DOC jurisdiction. Upon PPD Administrator or designee’s review and signature, *Request* is returned to corao@mt.gov.
- b. Once returned, a chronological entry is made regarding the approval or denial. The *Request for Secure Placement* is uploaded into OMIS record and distributed by the PPD Administrative Assistant to referring sources and others as follows:
- 1) **If approved**, copies to:
 - a) Facility Administrator for offenders in PFB facility;
 - b) BOPP for all parolees;
 - c) Contract Placement Bureau Administrative Officer;
 - d) MSP/MWP Records;
 - e) MDIU Admissions for males or MWP Admissions Officer for females; and
 - f) Clinical Services Division and, if applicable, MSP or MWP Medical Services Manager.
 - 2) **If denied, request is returned to the referring sources.** If the secure placement recommendation is rejected, referring source can request a discussion and review with the BOPP/PFB Bureau Chief/PPD Administrator or designees.

4. Transfer of Offender to Secure Placement:

- a. The referring source will complete *PPD 4.6.300(A) Notification and Placement Warrant* for the determined placement and forward to the appropriate parties as noted on the *Notification*:
- 1) The approved *PPD 4.6.202(A) Request for Secure Placement* is transferred with offender.
 - 2) Once placement has been determined:
 - a) P&P offender – supervising P&P Officer forwards field file to BOPP;
 - b) PFB facility offender – offender file put together with all relevant documents by IPPO/PRC Liaison and forwarded to the BOPP.
- b. Upon approval, transport details will be determined by MSP/MWP and sending facility. The approved *PPD 4.6.202(A) Request for Secure Placement* is transferred with offender.
- c. Appropriate changes are made to offender’s OMIS record reflecting the location change. This initiates notifications to any registered victim(s) regarding the offender’s placement in MSP/MWP.

C. OFFENDER PLACEMENT REFUSALS:

1. If an offender refuses to participate in a program or requests to quit a program, facility staff, PFB, and/or PPD staff will discuss the offender's reasons and the consequences of quitting with the offender using *PPD 4.6.202(B) Offender Placement Refusal*.
 - a. The outcome will be provided to the facility's administrator and IPPO/PRC Liaison and the Programs and Facilities Contract Manager and documented in OMIS.
 - b. If offender refuses to sign the *Placement Refusal* form, facility staff or the IPPO will write "Offender refuses to sign form" across the form and sign the form, and document offender refusal to sign in OMIS record.
2. If the offender refuses to stay in the program, he/she will be sent to MSP or MWP by following the procedures of Section B above.
3. *PPD 4.6.202(B) Offender Placement Refusal* will be attached to and submitted with *PPD 4.6.202(A) Request for Secure Placement*.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief, P&P Bureau Chief, or the Programs and Facilities Bureau.

V. FORMS:

PPD 4.6.202 (A)	Request for Secure Placement
PPD 4.6.202 (B)	Offender Placement Refusal
PPD 4.6.300 (A)	Notification and Placement Warrant



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

Procedure No.: PPD 4.6.204	Subject: PAROLE PLACEMENT INVESTIGATION
Reference: DOC 1.8.1; 46-23-201, MCA; 46-24-212, MCA	Page 1 of 3
Effective Date: 10/24/17	Revised:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will follow established procedures when evaluating the parole plan for offenders who have been granted a parole by the Board of Pardons and Parole (BOPP).

II. DEFINITIONS:

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, prerelease, and treatment services.

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system that the Department purchases on contract from Appriss, Inc., which provides location and custody status updates about adult offenders under Department supervision.

III. PROCEDURES AND RESPONSIBILITY:

- A. When considering parole for an offender, the Board of Pardons and Parole (BOPP) will complete *BOPP Request for Investigation* and submit it to an IPPO. BOPP
- B. IPPO will look in VINE for registered persons and make notification at least 10 calendar days prior to parole date, providing the following information: IPPO
 - 1. change in location and custody status;
 - 2. date of parole;
 - 3. community in which the offender will reside;
 - 4. conditions of parole; and
 - 5. victim has opportunity to respond with written or oral input; provide name, address, and phone number to whom the victim should respond.
 - 6. Complete victim/witness notification section on *Request*.
- C. *BOPP Request for Investigation* is submitted to all POIIs in the Probation & Parole (P&P) office that will be supervising the offender to verify a parole plan. IPPO
- D. Parole plan is assigned to P&P Officer. A chronological entry in offender’s OMIS record is made noting assignment. POII
- E. Assigned P&P Officer must complete review, investigation, and evaluation of plan within 5 business days: P&P Officer

Procedure No.: 4.6.204	Chapter: Facility/Program Services	Page 2 of 3
Subject: PAROLE PLACEMENT INVESTIGATION		

1. Investigation and evaluation of plans may be extended to 15 business days for an offender with extenuating or prohibitive circumstances (i.e., sexual or violent offender).
 2. Extension must be approved by the Deputy Chief (DC) or designee, and a chronological entry is made documenting reason for extension. DC/designee
- F. The initial plan review, investigation, and evaluation includes: P&P Officer
1. *Residence*: Appropriateness and public safety concerns.
 2. *Employment and/or Program*: Adequacy and appropriateness.
 3. *Other Pertinent Information*: Risk/needs and community resources.
 4. *Special Conditions*: Special conditions that would enhance the prospects of success.
 5. *Victim Input*: Provide whether victim response was received.
- G. Completion of *PPD 1.5.504(A) Investigation and Recommendation for Acceptance/Denial of Parole Plan*, and chronological entry made including findings based on investigation and review: P&P Officer
1. RECOMMENDATION FOR ACCEPTANCE: Enters conditions into OMIS and completes *P&P 60-1(E&F) Conditions of Probation & Parole-OMIS* including conditions from BOPP disposition and forwards to BOPP with *Investigation and Recommendation for Acceptance/Denial of Parole Plan* and reporting instructions. To request additional special conditions, Officer must also include a completed *BOPP Waiver of Appearance for Additional Special Conditions*. If approved, special conditions will be added to offender's *Conditions*.
 2. RECOMMENDATION FOR NON-ACCEPTANCE: Recommendation must be complete and specify the reasons for denial of the plan. P&P Officer
 - a. Officer must offer all alternatives to the plan that could result in an accepted plan.
 - b. Officer will consult with IPPO or PRC Liaison for appropriate alternatives and note adjustments to the plan.
 - c. Officer's supervisor must review and sign the *Investigation and Recommendation* if initial review finds plan unacceptable. POII
 - d. *Investigation and Recommendation for Acceptance/Denial of Parole Plan* is returned to BOPP for further consideration.
 3. RECOMMENDATION FOR PARTIAL ACCEPTANCE: If the plan is found to be partially acceptable, Officer contacts IPPO or PRC Liaison to determine acceptable alternatives to make plan successful and notes adjustments to the plan. P&P Officer
 - a. *Investigation and Recommendation for Acceptance/Denial of Parole Plan* is returned to BOPP for further consideration.
 - b. The file will not be returned to BOPP until case is discussed.

Procedure No.: 4.6.204	Chapter: Facility/Program Services	Page 3 of 3
Subject: PAROLE PLACEMENT INVESTIGATION		

- H. Informs P&P Officer and IPPO or PRC Liaison of the parole date. P&P Officer provides specific reporting instructions. BOPP
P&P Officer
- I. Offenders are not to be released or placed onto parole until official parole certificate (gold seal) is received from the BOPP and *P&P 60-1(E&F) Conditions of Probation & Parole-OMIS* is signed. A parole certificate for offender paroling from a furlough will be issued the next day. IPPO or PRC Liaison
- J. A change in the offender's OMIS Location and Status will initiate VINE notification. IPPO, PRC Liaison,
or P&P Officer
- K. A weekly notification of the plan status list will be sent to [CORAO@mt.gov](mailto:CORA@mt.gov). BOPP

IV. CLOSING:

Questions regarding this procedure should be directed to the POII, Deputy Chief, or Board of Pardons and Parole.

V. FORMS:

- PPD 4.6.204 (A) Investigation and Recommendation for Acceptance/Denial of Parole Plan
- BOPP Request for Investigation
- BOPP Waiver of Appearance for Additional Special Conditions



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

Procedure:	PPD 4.6.205 CONDITIONAL DISCHARGE FROM SUPERVISION
Effective Date:	10/13/2017 Page 1 of 6
Revision Date(s):	07/29/2019; 02/10/2020; 08/16/2021
Reference(s):	PPD 6.3.401; 46-23-1011, MCA; 46-23-1020, MCA; 46-23-1021, MCA; 46-24-212, MCA; 20.25.704 A.R.M.
Signature / Title:	/s/ Kim Lahiff, Acting Probation and Parole Division Administrator

I. PURPOSE:

Probation & Parole Officers will follow established procedures when recommending a conditional discharge from supervision for probationers and parolees.

II. DEFINITIONS:

Conditional Discharge from Supervision (CDFS) – 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.

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 (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.

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. PROCEDURES:

A. GENERAL PROVISIONS:

1. An offender granted a conditional discharge from supervision (CDFS) will no longer be under Probation & Parole (P&P) supervision but will remain under the jurisdiction of the District Court or the Board of Pardons and Parole (BOPP) until the date of his/her sentence expiration or termination.
2. A District Court may conditionally discharge a probationer, or the BOPP may conditionally discharge a parolee, from standard supervision if the Court or BOPP determines a conditional discharge is in the best interests of the offender and society and will not present unreasonable risk of danger to the victim(s) of the offense.

- a. The Court must find all restitution and court-ordered financial obligations have been paid in full.
 - b. The BOPP must consider the following:
 - 1) per §46-23-218, MCA, the parolee's compliance with his/her supervision, residential stability, employment stability, engagement in treatment, and other factors indicative of adequate reentry stability; and
 - 2) parole achievement credits of §46-23-1027, MCA.
 - c. If parolee is granted a CDFS, the BOPP may provide conditions while the parolee is on CDFS.
3. An offender on conditional release is not eligible for a CDFS.
4. Because Montana CDFS statutes are not applicable to out-of-state interstate offenders being supervised in Montana, these interstate offenders are not eligible for CDFS.
5. For the purpose of this CDFS procedure, an offender is in compliance with his/her supervision when he/she:
- a. is demonstrating stability in residence. Housing stability means offender has a permanent residence and is self-sufficient regarding the costs associated with housing with or without public assistance, is not homeless or at risk of homelessness;
 - b. is demonstrating stability in employment or the ability to be financially self-sufficient. Stability in employment means offender is currently employed and has been employed for most of his/her supervision, is in a position or positions which provide adequate income for self-support with or without public assistance, or if not employed, is financially able to support themselves through personal resources or public assistance;
 - c. has successfully completed all court- and/or BOPP-ordered treatment and programming;
 - d. has not had any positive drug or alcohol tests or any drug or alcohol use admissions in last six (6) months;
 - e. have been free of non-compliance violations during the supervision time required based on risk level;
 - f. has been accountable in working towards and meeting goals established in his/her case plan or through supervision with P&P Officer;
 - g. has paid all restitution and court-ordered financial obligations in full. 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; and
 - h. the Department finds there are no objective reasons for victim's strong opposition.
6. A sexual or violent offender on lifetime supervision is not eligible for CDFS.
7. After determining an offender is eligible for a CDFS pursuant to part B or C below, the supervising P&P Officer will complete either *PPD 4.6.205(A) Parolee Eligible for Conditional Discharge from Supervision* OR *PPD 4.6.205(B) Probationer Eligible for Conditional Discharge from Supervision*.
- a. If offender is a sexual or violent offender, the appropriate eligibility form and attachments are submitted for review and approval to the Deputy Chief. For out-of-state Montana cases, the eligibility form and attachments are submitted to the Compact Administrator (CA) for review and approval.
 - b. Electronic signatures are NOT accepted on the eligibility form; it MUST be signed by the P&P Officer.

- c. The eligibility form will contain the following:
 - 1) information on the instant offense and criminal history;
 - 2) offender's employment history while under supervision;
 - 3) information regarding the offender's general attitude;
 - 4) supervision history including length of supervision period and the offender's involvement in treatment;
 - 5) verification of compliance with Department, court-ordered, and/or BOPP conditions;
 - 6) payment of restitution, fees, and fines;
 - 7) offender's risk assessment;
 - 8) victim notification information, when applicable; and
 - 9) whether the supervising P&P Officer "opposes" or "does not oppose" a *probationer's* CDFS.

8. Revocation of CDFS:

- a. A probationer's CDFS granted by the District Court may be revoked by the court if, within the time remaining on the sentence that was conditionally discharged, the offender:
 - 1) is charged with a felony offense;
 - 2) is charged with a misdemeanor offense for which the offender could be sentenced to incarceration for a period of more than six (6) months; or
 - 3) violates any court-ordered condition.
- b. A parolee's CDFS granted by the BOPP may be revoked and the parolee returned to active supervision or the conditions of the CDFS may be amended if the BOPP determines it to be in the best interest of society.

9. Notifications made to P&P regarding any alleged violation by a CDFS offender being charged with one of the above-listed offenses will be forwarded as follows:

- a. to the county attorney of record for probationer; or
- b. to the BOPP for parolee.

B. PROCEDURES FOR PAROLEE CDFS:

- 1. To determine if a parolee is eligible for a CDFS, his/her file will be initially reviewed by the supervising P&P Officer after the parolee has served one (1) year of active supervision, and then annually thereafter until the parolee is eligible.
- 2. The parolee may be eligible for a CDFS upon the following considerations:
 - a. the judgment does not prohibit early release;
 - b. the parolee's compliance with his/her supervision, residential stability, employment stability, engagement in treatment, and other factors indicative of adequate reentry stability as defined in section A.5. above and the parolee's achievement credits; and
 - c. the supervising P&P Officer will check OMIS and VINE for victims and also 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 eligibility for a CDFS and the filing with the BOPP.
 - 1) Officer will explain the process of CDFS and what it means in regard to the offender's supervision;
 - 2) Victim(s) is given an opportunity to ask questions and provide written or oral input. Officer will inform victim that the offender will receive the input as part of the process;

- 3) Name of the P&P Officer to whom the victim should respond is provided, including Officer's address and phone number. The name and contact information of the county attorney serving in the county of the presiding district court is also provided to the victim(s);
 - 4) Notification to victim(s) is noted in offender's OMIS record;
 - 5) Officer will review all victim input and will staff with supervisor if victim opposes the CDFS; and
 - 6) Officer will provide victim input to the BOPP and the county attorney.
3. If parolee is eligible for CDFS, P&P Officer completes *PPD 4.6.205(A) Parolee Eligible for Conditional Discharge from Supervision*. The eligibility form and any attachments are uploaded into offender's OMIS record and forwarded to the BOPP.
4. Approval of CDFS:
- a. The BOPP will prepare a certificate for distribution upon CDFS approval and provide it to the supervising P&P Officer.
 - b. Upon receipt of the certificate, P&P Officer will complete *PPD 4.6.205(D) Conditional Discharge from Supervision Information*. Both the certificate and *Information* are uploaded into offender's OMIS record.
 - c. Supervising P&P Officer will meet with the offender and complete the following:
 - 1) review circumstances that may result in revocation of CDFS (see section A.8. above);
 - 2) provide and review the BOPP's certificate of CDFS and the *Conditional Discharge from Supervision Information*:
 - a) review conditions given on BOPP certificate, including the written report due to the BOPP in January of each year that gives the parolee's address and any contacts he/she had with law enforcement;
 - b) a parolee discharging to suspended time will be given a date to report to a P&P office upon his/her parole expiration. *PPD 6.3.201 Administrative and Sign-Up Procedure for Adult Community Supervision* will be followed when the offender reports; and
 - c) remind offender that his/her sentence has not yet expired and therefore, his/her right to possess a firearm is not possible; offender should contact ATF prior to possessing firearms once sentence is expired.
 - 3) have a sexual/violent offender review and sign part II of *PPD 1.5.1000 (A) Duty to Register Letter* and remind offender of his/her duty to continue to register. Copy is uploaded into OMIS record and original is given to offender.
 - d. P&P Officer will complete OMIS termination moves. Date entered should be the date on the BOPP's certificate. A change in the offender's OMIS Location and Status will initiate VINE notification.
 - 1) Correctional Status showing release to BOPP jurisdiction;
 - 2) Location (end date); and
 - 3) Officer (end date).
 - e. The parolee's field file is returned to the BOPP. Upon expiration of offender's sentence, BOPP will send file to county of commitment. File is then placed with inactive files and retained pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention*.
5. **Offenders for whom an eligibility form was denied by the BOPP shall be supervised using the guidelines provided in *PPD 6.3.401 Case Management for Adult Offenders*.**

C. PROCEDURES FOR PROBATIONER CDFS:

1. Supervising P&P Officers will review every probationer's record to determine the following:
 - a. judgment does not prohibit early release;
 - b. compliance with supervision as outlined in section A.5. above;
 - c. statutory provisions as follows:
 - 1) under the women's risk/needs assessment using the probation and parole tool (WRNA PPA):
 - a) a low-risk probationer has served nine (9) months;
 - b) a moderate-risk probation has served 12 months;
 - c) a medium-risk probationer has served 18 months; and
 - d) a high-risk probationer has served 24 months.
 - OR
 - 2) under the Montana offender reentry and risk assessment using the community supervision tool (MORRA CST) and the community supervision screening tool (MORRA CSST):
 - a) a low-risk probationer has served nine (9) months;
 - b) a moderate-risk probation has served 12 months;
 - c) a high-risk probationer has served 18 months; and
 - d) a very high-risk probationer has served 24 months.
 - 3) When a probationer is serving consecutive sentences, the number of months to be served based on risk level is applicable to each consecutive sentence and added together (i.e., low-risk is 9-months and three consecutive sentences = 27 months). Probationer may be recommended for CDFS once the aggregate period is served, he/she is in compliance with his/her supervision, and victim input has been received when applicable. One *PPD 4.6.205 (B) Probationer Eligible for Conditional Discharge from Supervision* is completed.
 - d. victims in OMIS and VINE and also contact 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 eligibility for a CDFS and the process of a court filing.
 - 1) Officer will explain the process of CDFS and what it means in regard to the offender's supervision;
 - 2) Victim(s) is given an opportunity to ask questions and provide written or oral input. Officer will inform victim that the offender will receive the input as part of the court process;
 - 3) Name of the P&P Officer to whom the victim should respond is provided, including Officer's address and phone number. The name and contact information of the county attorney serving in the county of the presiding district court is also provided to the victim(s);
 - 4) Notification to victim(s) is noted in offender's OMIS record;
 - 5) Officer will review all victim input and will staff with supervisor if victim opposes the CDFS; and
 - 6) Officer will provide victim input to the court and the county attorney.
-
2. A probationer with a deferred sentence may qualify for a CDFS prior to being eligible for an early termination of the deferred sentence. If a probationer is eligible for CDFS prior to the time needed to be eligible for an early termination, and the probationer opts to motion for a CDFS, then the Officer will complete the procedures beginning in part 3. below.

3. If probationer is eligible for CDFS, supervising P&P Officer will:
 - a. complete *PPD 4.6.205(B) Probationer Eligible for Conditional Discharge from Supervision* and *PPD 4.6.205(D) Conditional Discharge from Supervision Information* and upload both into offender's OMIS record;
 - b. meet with the offender and:
 - 1) review circumstances that may result in revocation of CDFS (see section A.8. above);
 - 2) inform offender of procedures for possible early termination of the remaining portion of his/her suspended or deferred sentence, including the dismissal of underlying charges of the deferred sentence.
 - 3) remind offender that during the CDFS, his/her sentence has not yet expired and therefore, his/her right to possess a firearm is not possible; offender should contact ATF prior to possessing firearms once sentence is expired or terminated;
 - 4) have a sexual/violent offender review and sign part II of *PPD 1.5.1000(A) Duty to Register Letter* and remind offender of his/her duty to continue to register. Copy is uploaded into OMIS record and original given to offender;
 - 5) provide *PPD 4.6.205(B)* and *PPD 4.6.205(D)* to the offender, along with a packet containing the forms for use in applying to the court for a CDFS in which the offender may complete and file "pro se." The motion and eligibility form must be served on the county attorney serving in the county of the presiding district court.
 - 6) explain to offender that he/she must ensure the Officer receives a copy of the signed order for CDFS in order to terminate offender's supervision.

4. If offender is granted CDFS by the court, P&P Officer will:
 - a. complete OMIS termination moves using the date on the court order. A change in the offender's OMIS Location and Status will initiate VINE notification.
 - 1) Correctional Status showing release to court jurisdiction;
 - 2) Location (end date); and
 - 3) Officer (end date).
 - b. return offender's field file to county of commitment. File is placed in CDFS files until date of offender's sentence expiration/termination. Files are then placed with inactive files and retained pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention*.

5. **Offenders for whom an eligibility form was provided and submitted with the offender's motion for CDFS, but the motion was denied by the Court shall be supervised using the guidelines provided in *PPD 6.3.401 Case Management for Adult Offenders*.**

IV. CLOSING:

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

V. FORMS:

- | | |
|-----------------|---|
| PPD 4.6.205 (A) | Parolee Eligible for Conditional Discharge from Supervision |
| PPD 4.6.205 (B) | Probationer Eligible for Conditional Discharge from Supervision |
| PPD 4.6.205 (D) | Conditional Discharge from Supervision Information |



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

Procedure:	PPD 4.6.206 EARLY TERMINATION OF SUSPENDED OR DEFERRED SENTENCES
Effective Date:	10/13/2017 Page 1 of 4
Revision Date(s):	07/29/2019; 02/10/2020; 05/05/2020; 08/16/2021
Reference(s):	PPD 4.6.205; PPD 6.3.401; 46-18-204, MCA; 46-18-208, MCA
Signature / Title:	Kim Lahiff, Acting Probation and Parole Division Administrator

I. PURPOSE:

Probation & Parole Officers will follow established procedures for the early termination of the remaining portion of an offender’s suspended or deferred sentence.

II. DEFINITIONS:

Early Termination of Deferred or Suspended Sentence – When imposition of a sentence has been deferred or execution of a sentence has been suspended, a motion may be filed with the court to terminate the time remaining on the sentence if certain circumstances are met. §46-18-208, MCA

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 (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.

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. PROCEDURES:

A. ELIGIBILITY FOR EARLY TERMINATION:

1. Pursuant to §46-18-208, MCA, when imposition of a sentence has been deferred or execution of a sentence has been suspended, the prosecutor, offender, or offender’s attorney may file a motion to terminate the time remaining on the sentence if:
 - a. *Deferred Sentences*: The offender has served two (2) years or one-half (1/2) of the deferred sentence, whichever is less, and has demonstrated compliance with supervision requirements.
 - b. *Suspended Sentences*: The offender has served three (3) years or two-thirds (2/3) of the time suspended, whichever is less, AND has been granted a conditional discharge from supervision

(CDFS) under §46-23-1011, MCA, and has demonstrated compliance with the CDFS for a minimum of 12 months.

2. The court may hold a hearing on its own volition or on request of the county attorney or the offender. The court may grant the motion if it finds that termination of the remainder of the sentence:
 - a. is in the best interests of society and the offender;
 - b. termination will not present an unreasonable risk of danger to the victim of the offense; and
 - c. the offender has paid all restitution and court-ordered financial obligations in full.

B. SUSPENDED SENTENCE - PROCEDURES:

1. If a court requests input from a supervising P&P Officer regarding the early termination of a probationer's suspended sentence, the Officer will complete a NCIC check on the offender for any outstanding warrants and provide the results to the court.
2. If the probationer is granted early termination, Officer will request to meet with the offender and be provided a copy of the signed order for early termination. Officer will complete the following with the offender. If offender does not make him/herself available to Officer, Officer will note this on the forms and in an OMIS chronological entry.
 - a. Section II of *PPD 6.3.201(B) Firearms and Voting Regulations* unless the offender is an out-of-state offender. A chronological note is made to document the section review of the *Regulations* and a signed form is retained in offender's file. Offender should contact ATF prior to possessing firearms;
 - b. Section II of *PPD 1.5.1000(A) Duty to Register Letter* if applicable for a sexual or violent offender; and
 - c. upload the order and forms into offender's OMIS record; and
 - d. complete OMIS termination moves using the date the Officer received notification that early termination was granted, even if significant time has passed since the termination was granted. If significant time has passed, a chronological note will be made to explain why the OMIS termination date differs from the date early termination was granted. A change in the offender's OMIS Location and Status will initiate VINE notification.
 - 1) Correctional Status to *Court-ordered early release*;
 - 2) Location (end date); and
 - 3) Officer (end date).
3. The probationer's field file will be placed with inactive files and retained pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention*.

C. DEFERRED SENTENCE - PROCEDURES:

1. When a probationer with a deferred sentence may be eligible for early termination of his/her remaining time on the sentence, the supervising P&P Officer may consider an early termination after a review of the following;
 - a. probationer's judgment to determine if early release is not prohibited; and
 - b. probationer's compliance with statutory provisions and with supervision requirements by completing all court-ordered conditions including treatment mandates, restitution, court-ordered fines, etc.; and

- c. the supervising P&P Officer will check OMIS and VINE for victims and also contact 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 victims regarding the offender's eligibility for an early termination and the court filing.
 - 1) Officer will explain the process of early termination and what it means in regards to the offender's supervision;
 - 2) Victim(s) is given an opportunity to ask questions and provide written or oral input. Officer will inform victim that the offender will receive the input as part of the court process;
 - 3) Name of the P&P Officer to whom the victim should respond is provided, including Officer's address and phone number. The name and contact information of the county attorney serving in the county of the presiding district court is also provided to the victim(s);
 - 4) Notification to victim(s) is noted in offender's OMIS record; and
 - 5) Officer will review all victim input and will staff with supervisor if victim opposes the early termination. Officer will provide victim input to the county attorney.
2. If offender is eligible for early termination, the P&P Officer will complete *PPD 4.6.206(A) Probationer Eligible for Early Termination of Deferred Sentence* and upload it into offender's OMIS record.
 - a. If offender is a sexual or violent offender, *PPD 4.6.206(A)* and attachments are submitted for review and approval to the Deputy Chief. For out-of-state Montana cases, the *PPD 4.6.206(A)* and attachments are submitted to the Compact Administrator for review and approval.
 - b. Electronic signatures are NOT accepted on the form; it MUST be signed by the P&P Officer.
 - c. *PPD 4.6.206(A)* will contain the following:
 - 1) information on the instant offense and criminal history;
 - 2) offender's employment history while under supervision;
 - 3) information regarding the offender's general attitude;
 - 4) supervision history including length of supervision period and the offender's involvement in treatment;
 - 5) verification of compliance with court-ordered conditions;
 - 6) payment of restitution, fees, and fines;
 - 7) offender's risk assessment;
 - 8) risk to the victim, when applicable;
 - 9) victim notification information, when applicable.
3. P&P Officer will meet with offender, discuss the process for early termination, and provide the following:
 - a. *PPD 4.6.206(A) Probationer Eligible for Early Termination of Deferred Sentence*;
 - b. a packet containing the forms for use in applying to the court for early termination or remaining sentence and dismissal of underlying charges of the deferred sentence in which the offender may complete and file "pro se." The motion and eligibility form must be served on the county attorney serving in the county of the presiding district court; and
 - c. explain to offender that he/she must ensure the Officer receives a copy of the signed order for early termination in order to terminate offender's supervision.

4. If the probationer is granted early termination, P&P Officer will meet with the offender and complete the following. If offender does not make him/herself available to Officer, Officer will note this on the forms and in an OMIS chronological entry. Both forms are uploaded into offender's OMIS record, a chronological note is made to document the section II review of the forms, and a signed form is retained in offender's file:
 - a. Section II of *PPD 6.3.201(B) Firearms and Voting Regulations Form* unless the offender is an out-of-state offender. Offender should contact ATF prior to possessing firearms;
 - b. Section II of *PPD 1.5.1000(A) Duty to Register Letter* if applicable for a sexual or violent offender; and
5. Upon receipt of the court order for early termination and dismissal of charges, P&P Officer will:
 - a. upload the order into OMIS record;
 - b. complete a *Special Records Handling (SRH) Order* following the SRH Instructions;
 - c. email the *SRH Order* and a copy of the court order to MSPrecords@mt.gov;
 - d. complete OMIS termination moves using the date the Officer received notification that early termination was granted, even if significant time has passed since the early termination was granted. If significant time has passed, a chronological note will be made to explain why the OMIS termination date differs from the date early termination was granted. A change in the offender's OMIS Location and Status will initiate VINE notification.
 - 1) Correctional Status to *Court-ordered early release*;
 - 2) Location (end date); and
 - 3) Officer (end date).
 - e. place offender's field file with inactive files and retain pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention*.
6. **Offenders for whom *PPD 4.6.206(A) Probationer Eligible for Early Termination of Deferred Sentence* form was submitted with the offender's motion for early termination, but the motion was denied by the Court shall be supervised using the guidelines provided in *PPD 6.3.401 Case Management for Adult Offenders*.**

IV. CLOSING:

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

V. FORMS:

PPD 4.6.206 (A)	Probationer Eligible for Early Termination of Deferred Sentence
PPD 1.5.1000 (A)	Duty to Register Letter
PPD 6.3.201 (B)	Firearm and Voting Regulations Form
MSP Records	Special Records Handling (SRH) Order



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

Procedure:	PPD 4.6.207 HOME ARREST	
Effective Date:	06/21/2017	Page 1 of 3
Revision Date(s):	08/29/2018	
Reference(s):	46-18-201, MCA; 46-18-1001 through 1006, MCA; 46-23-1011, MCA; 46-23-1021, MCA; 46-23-1031, MCA	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will follow established guidelines and procedures when implementing §46-18-Part 10, Montana Code Annotated, Home Arrest.

II. DEFINITIONS:

Monitoring Device – An electronic device or apparatus capable of recording or transmitting information concerning the offender’s presence in or absence from the home. The device may include an apparatus for testing the offender’s breath for the presence of alcohol. A telephone alone is not a monitoring device.

Home – The temporary or permanent residence of an offender consisting of the actual living area approved by the supervising authority. When more than one residence or family are located on a single piece of property, the term does not include the residence of any other person who is not part of the social unity formed by the offender’s immediate family.

Home Arrest – The use of a person’s home for purposes of confinement and home arrest procedures and conditions imposed under this part. It does not include intensive supervision by the Department.

Supervising Authority – For adult felons, the Department; for adult misdemeanants, a court-approved entity other than the Department; or for juveniles, the juvenile probation division of the youth court or any other person or entity appointed by the court.

Violent Felony Offense – Deliberate homicide, mitigated deliberate homicide, negligent homicide, aggravated assault, negligent vehicular assault, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, sexual abuse of children, arson, aggravated burglary, escape, any criminal attempt to commit an enumerated offense, or conviction as a persistent felony offender when the offender has a felony conviction for any of the listed offenses within the 5-year period preceding the date of the present conviction.

III. PROCEDURES:

A. GENERAL REQUIREMENTS:

1. A sentencing judge may impose home arrest upon an offender with a deferred or suspended imposition of sentence.
2. A person being held under a detainer, warrant, or process issued by some other jurisdiction is not eligible for home arrest. A person convicted of a violent felony offense is not eligible.

3. An offender with a sentence of imprisonment may petition a sentencing court for an order of home arrest prior to and throughout his/her sentence. The term of home arrest may not exceed six (6) months.
 - a. The petition must include the following as the home arrest plan:
 - 1) The type of monitoring device to be used that is:
 - a) received either through the Department if available; or
 - b) received through a private company that can and will implement the home arrest, along with the name and credentials of the company;
 - 2) The place of any employment of the offender and the name of the supervisor;
 - 3) A plan for participation in an educational, treatment, or training program if the offender has been accepted into one;
 - 4) The source and amount of any income of the offender; and
 - 5) The address at which the home arrest will occur and a list of any other persons who will reside at that address during all or part of the home arrest including their ages and relationship to the offender.
4. An offender under home arrest is subject to the decisions and applicable rules of the supervising authority during the period of supervision.
5. An offender under home arrest is responsible for all living and medical care expenses and costs associated with the program. The offender is eligible for government benefits to the same extent as a probationer or parolee.

B. PROCEDURES AND RESPONSIBILITIES:

1. The sentencing judge will refer an adult offender's petition for an order of home arrest to the Department for review.
2. The petition will be reviewed by a POII in the office that will supervise the offender and is accepted or rejected.
 - a. If rejected, the petition will be dismissed; or
 - b. If accepted, the sentencing judge may conduct a hearing and grant or deny the petition.
3. If petition is granted, the order must incorporate the home arrest plan with any modifications by the court, require compliance with the plan, and set forth the conditions of home arrest.
 - a. Conditions may include but are not limited to the following:
 - 1) Offender must be confined to his/her home at all times except when:
 - a) working at approved employment, traveling directly to and from employment, or seeking employment;
 - b) undergoing medical, psychiatric, or mental health treatment or participating in an approved counseling or aftercare program;
 - c) attending an approved educational institution or program;
 - d) attending a regularly scheduled religious service at a place of worship;
 - e) participating in approved community service; or
 - f) conforming to scheduled prepared by supervising P&P Officer which sets specific times offender may be absent from home and the locations the offender may be during those times.
 - 2) The place of home arrest or offender's schedule may not be changed without prior approval of P&P Officer.

- 3) The offender will maintain a telephone (includes cell phone) in the home and the ordered monitoring device on his/her person at all times.
- 4) Other conditions to include:
 - a) restitution;
 - b) supervision fees;
 - c) any condition imposed on probation offenders.
- b. The order will provide for arresting authority and violation procedure.
4. A written agreement with the court that includes all court-ordered conditions is signed by offender.
 - a. Agreement must include specific procedures regarding monitoring and the immediate reporting of all violations to the P&P Officer and/or law enforcement in the event the P&P Officer is not available.
5. The offender will file with the court a written and notarized consent signed by each adult residing with the offender during all or part of the home arrest.
6. When order and agreement is received by P&P office, offender is assigned to supervising P&P Officer and given reporting date to begin supervision of home arrest.
7. At least once every 30 days, each P&P Officer supervising offenders on home arrest will provide a list of those offenders to his/her local and county law enforcement agencies. The list will include the following information on each offender:
 - a. place of home arrest;
 - b. offense for which the offender was charged, convicted, or otherwise placed under home arrest;
 - c. date the sentence of home arrest will be completed; and
 - d. supervising Officer's name, address, and phone number.

IV. CLOSING:

Questions regarding this procedure will be directed to the Deputy Chief or P&P Bureau Chief.



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

Procedure:	PPD 4.6.300 DOC COMMITMENTS
Effective Date:	01/09/2017 Page 1 of 4, plus attachment
Revision Date(s):	10/24/2017; 02/27/2019; 03/25/2019; 06/15/2020; 04/01/2021; 08/16/2021
Reference(s):	PPD 4.6.301; PPD 4.6.302; DOC 1.5.11; DOC 1.8.1; DOC 4.6.3; DOC 4.6.9; 2-15-112, MCA; 41-5-206, MCA; 41-5-2503, MCA; 41-5-2510, MCA; 45-5-104, MCA; 46-18-201, MCA; 46-23-502, MCA; 46-23-1004, MCA; 46-23-1023, MCA; 46-23-1115, MCA; 46-24-203, MCA; 53-1-201, MCA; 61-8-731, MCA
Signature / Title:	/s/ Kim Lahiff, Acting Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division employees will follow established procedures for the placement of felony offenders committed to the Department of Corrections by a District Court.

II. DEFINITIONS:

Criminally Convicted Youth – Any youth convicted in adult court pursuant to §41-5-206, MCA, except a youth convicted of a crime that carries a possible punishment of life, death, or 100 years in prison is a criminally convicted youth.

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

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

Self-Surrender – Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved PFB facility and waiting for an available bed in the facility. The offender must meet established criteria and remains in the custody and control of the PPD.

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. PROCEDURES:**A. YOUTH OFFENDERS:**

1. When an offender under the age of 18 has been committed to the Department, the directives given in *DOC Policy 4.6.9, Placement & Reporting of Youth with Adult Sentences* are followed for the offender's placement, transfer and removal, and reporting requirements for criminally convicted youth.
2. Supervising Probation & Parole (P&P) Officers and facility case managers will complete the required *Report for Criminally Convicted Youth* every six (6) months until the youth's 21st birthday and submit *Report* appropriately.

B. ADULT OFFENDERS:

1. If an offender sentenced as a DOC commitment has pending charges elsewhere, officers should verify status of plea agreement in the pending case prior to screening. If plea agreement is not for secure placement, officer should proceed with screening.
2. Adult offenders sentenced to the Department (DOC commits) will be immediately placed in the county jail except under the following circumstances:
 - a. Offender was court-ordered to be released to community supervision upon sentencing or disposition (DOC Probation);
 - b. Offender is placed on self-surrender status (see *PPD 4.6.301 Offender Self-Surrender*); or
 - c. Offender's sentence has been stayed pending placement.
3. DOC Probationer: An offender sentenced to the Department and court-ordered to be released to community supervision upon sentencing or disposition. Any subsequent violation must be addressed as provided in §§46-23-1011 through 46-23-1015, MCA; therefore, the following apply to a DOC Probationer:
 - a. applicable jail credit;
 - b. signed-up to probation conditions of supervision;
 - c. modifications to supervision conditions must go through the county attorney;
 - d. *Authorization to Pick Up and Hold Probationer* is used for arrest;
 - e. subject to *Montana Incentives and Intervention Grid for Adult Probation & Parole*;
 - f. a *Report of Violation* is filed with the court for revocation purposes; and
 - g. designated as "DOC Probation" in OMIS Commit Status.
4. Offenders in jail will be placed as outlined in the attachment below.
5. When a secure placement has been deemed necessary, the procedures of *PPD 4.6.202 Secure Placements* are followed.
6. P&P Officer or designee will ensure the following offender information is available in OMIS:
 - a. *PPD 1.5.200(B) Presentence Investigation Report*;
 - b. Certified judgement or *PPD 4.6.300(B) Verification of Commitment* (contact icorlegal@mt.gov for status of signed judgement);
 - c. *PPD 6.4.205(A) Report(s) of Violation* (if applicable); and
 - d. Current photograph, if available.

7. Once placement has been determined, but prior to placement:
- a. P&P Officer will complete *PPD 4.6.300(A) Notification and Placement Warrant* and submit it to the DC or designee for approval and signature within five (5) working days. Upon approval and signature, the DC or designee will upload it into offender's OMIS record, and forward it to:
 - 1) the detention facility housing the offender; and
 - 2) the specific email distribution group given on the bottom of the form.
 - b. If the placement determined appropriate is different than the court's recommendation, *PPD 4.6.300(E) DOC Commitment Pending Placement Notice* must be completed and submitted as follows within five (5) working days of the acceptance of the offender by a facility screening committee, or when a secure placement has been determined appropriate and approved:
 - 1) by the P&P Officer/PSI Writer for an offender approved for a direct placement in a treatment facility, prerelease center, or conditional release after acceptance, or after a secure placement has been approved when applicable.
 - a) Officer emails the completed *Pending Placement Notice* to CORAO@mt.gov
 - b) PPD Administrative Assistant will forward the *Pending Placement Notice* to the appropriate P&P Bureau Chief or designee for electronic signature.
 - c) P&P Bureau Chief or designee will forward the signed form to the clerk of court with a copy to the sentencing judge and CORAO@mt.gov.
 - d) PPD Administrative Assistant will retain the form in offender's OMIS record.
- OR
- 2) by assessment/sanction center staff for an offender placed in the center for assessment and evaluation and approved for placement in a treatment facility, prerelease center, or conditional release after acceptance, or after a secure placement has been approved when applicable.
 - a) Staff emails the completed *Pending Placement Notice* to CORAO@mt.gov.
 - b) PPD Administrative Assistant will forward the *Pending Placement Notice* to the PFB Bureau Chief or designee for electronic signature.
 - c) PFB Bureau Chief or designee will forward the signed form to the clerk of court with a copy to the sentencing judge and CORAO@mt.gov.
 - d) PPD Administrative Assistant will retain the form in offender's OMIS record.
 - 3) Should the placement decision change after a *Pending Placement Notice* has been submitted due to a disciplinary issue, an offender sign-out, or other circumstances, and prior to the offender's placement, the original *Notice* will be updated to explain the reason for the change in placement and sent to CORAO@mt.gov to be forwarded to the appropriate Bureau Chief.
- c. Chronological entries will be made noting the *Notification and Placement Warrant* and the *DOC Commitment Pending Placement Notice* have been completed and submitted.

IV. CLOSING:

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

V. FORMS:

- PPD 4.6.300 (A) Notification and Placement Warrant
- PPD 4.6.300 (B) Verification of Commitment
- PPD 4.6.300 (C) Offender Sentences and Placement Options
- PPD 4.6.300 (D) Where Files Go
- PPD 4.6.300 (E) DOC Commitment Pending Placement Notice



Greg Gianforte, Governor | Brian M. Gootkin, Director

TO: Probation and Parole Staff
Programs and Facilities Bureau Staff
The Court Administrator and Judicial Branch
All County Attorneys
All Public Defenders and Defense Attorneys
Community Corrections Providers

FROM: Brian Gootkin, Director, Department of Corrections

DATE: June 30, 2021

RE: HB 2: Offender Prescreening and Placement

As directed by HB 2, effective July 1, 2021:

- Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment.
 - Per HB 2: “Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered.”
- When a PSI is ordered and there is a plea agreement for a DOC commitment, Probation and Parole staff will provide a placement recommendation to the Court that is based on the risk/needs evaluation (assessment) of the offender using the guide provided on page 2 of this memo.
- When determining placement of an offender already on supervision or in cases where no PSI was ordered, DOC staff will do so based on a risk/needs assessment and using the guide provided on page 2 of this memo.
- In placing offenders in treatment facilities, DOC staff shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender’s treatment dosage and needs. Clinical Substance Use Disorder (SUD) evaluations are no longer required by the DOC before placement in a treatment facility.
 - Treatment facilities will conduct SUD evaluations upon offender arrival at the facility and treatment and programming will be delivered according to the dosage indicated.
 - If the Court orders an SUD evaluation as part of the PSI process, the evaluation will be completed; however, it is not necessary for screening.

DOC Placement Determination Guidance, per HB 2 (2021):

If the Court recommended a placement in an original sentence or revocation sentence, follow the recommendation. If the DOC is unable to follow the recommendation, DOC will document the reason and provide notification to the Court of the reason within 40 days, as required by SB 47.

If Court didn't recommend a placement:

- If low risk*, community supervision placement UNLESS offender:
 - Is homeless,
 - Has a recent history of behavior that indicates a need for greater structure,
 - Was convicted of an offense that has a statutory requirement for placement,
 - The offense/violation represents a repeating offense pattern (i.e. repeated DUIs or multiple instances of domestic violence/violations of protective orders),
 - Has a victim under 12, or
 - Has a victim who died as the result of an offense.
- If moderate risk*, a facility placement (treatment only or prerelease center only) or combination of placements (treatment + prerelease center) may be appropriate if a higher level of structure is indicated by:
 - Offense history,
 - Placement/treatment** history,
 - Offender non-compliance on supervision,
 - Sustained drug use in the community despite interventions, and
 - Severity of the offense.
- If medium or high risk* on the WRNA or high or very high risk* on the MORRA, a facility placement or combination of placements** is required. If no facility will accept the offender, the DOC will document the instance and determine the most appropriate alternative placement to address the offender's risk/needs while maintaining public safety; the placement will likely be prison. In rare circumstances, a recommendation might include community placement in a structured setting such as treatment court, ISP, etc. based on an offender's particular circumstances.

*use the MORRA and WRNA. For sex offenders (SO), a SO-specific risk assessment, along with the MORRA or WRNA, will be used. Placement will be based on whichever assessment risk score is higher. The MORRA and WRNA risk levels are as follows:

MORRA	WRNA
Low	Low
Moderate	Moderate
High	Medium
Very High	High

**if offender need for substance use treatment is indicated, placement should be at a shorter-length program (90-days) if the offender has no prior residential treatment placements. If offender need for substance use treatment is indicated and the offender has previously been to a residential treatment placement, the offender will be considered for the 9-month treatment placement.



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

Procedure:	PPD 4.6.301 OFFENDER SELF-SURRENDER
Effective Date:	12/19/2016 Page 1 of 3
Revision Date(s):	10/24/2017; 04/23/2018; 02/27/2019; 10/21/2019
Reference(s):	PPD 4.6.202; PPD 4.6.300; PPD 6.3.201; PPD 6.4.102; PPD 6.4.206
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will follow established procedures for offenders on self-surrender status.

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.

Disciplinary Hearing – A formal hearing that provides applicable due process requirements to confront violations of PFB facility rules, or conditional release or furlough conditions of supervision.

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

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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 (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.

Self-Surrender – Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved PFB facility and waiting for an available bed in the facility. The offender must meet established criteria and remains in the custody and control of the PPD.

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. PROCEDURES:**A. GENERAL REQUIREMENTS:**

1. An incarcerated DOC commitment who has a pending conditional release request or who has been approved for placement in an approved PFB facility may be placed on self-surrender status if it is determined appropriate upon staffing with the Deputy Chief (DC) or designee and the offender meets the following criteria:
 - a. low risk on appropriate risk assessment;
 - b. moderate risk on appropriate risk assessment with P&P Bureau Chief approval;
 - c. no history of escape, bail jumping, or absconding;
 - d. first time as DOC commitment or significant period of time between previous convictions;
 - e. if history of PFMA, residence approved by supervising Probation & Parole (P&P) Officer;
 - f. has the means to self-pay for 24/7 and/or GPS monitoring if determined to be necessary;
 - g. has the means to report to supervising P&P Officer and travel to the PFB facility (when applicable);
 - h. has a stable residence; and
 - i. agrees to possible curfew, if imposed.
2. OMIS chronological entry is made to document staffing and offender's eligibility.
3. Once the determination for self-surrender has been made, Offender will be assigned a supervising P&P Officer who will:
 - a. when applicable, make notification to registered victims and provide the following information, and document that notification was made:
 - 1) change in offender's location and/or custody status;
 - 2) date of self-surrender;
 - 3) community in which the offender will reside;
 - 4) conditions of self-surrender; and
 - 5) victim has opportunity to respond within five (5) calendar days with written or oral input. Provide the name of the P&P Officer to whom the victim should respond, including Officer's address and phone number.
 - b. complete *PPD 4.6.302(A) Notification and Placement Warrant* within five (5) working days and forward it to:
 - 1) the specific email distribution group given on the bottom of the form; and
 - 2) the detention facility housing the offender, including a completed *PPD 6.4.102(D) Authorization to Release Offender*.
 - c. provide the offender a date to report to the Officer; and
 - d. create an offender file with all relevant documents and forward it to the appropriate location (see *PPD 4.6.300(D) Where Files Go* for offenders going to a PFB facility).
4. Unless a date is specified in court, the designated facility should notify the offender waiting for an available bed, and the supervising P&P Officer, the date and where the offender is to surrender for service of the sentence.

B. SUPERVISION OF OFFENDER:

1. Offender will report to the supervising P&P Officer as directed.

2. P&P Officer will follow the procedures of *PPD 6.3.201 Administrative and Sign-Up Procedures for Adult Community Supervision*.
 - a. Standard and special conditions of supervision will reflect court-ordered conditions;
 - b. When applicable, condition of reporting to the specified facility on the specified date (if given) will be added;
 - c. Special conditions may include a 24/7 program, GPS monitoring, or enhanced supervision services if available. If services are not available, P&P Officer will staff with supervisor to determine continued, regular drug testing of offender.
 - d. Offender will complete all applicable sign-up forms.
3. Offender must agree to abide by all conditions of the self-surrender.
4. P&P Officer will provide a travel permit for offender to travel to the facility when applicable.
5. Upon approval of conditional release request, procedures of *PPD 4.6.302 Conditional Release of DOC Commitment* will be followed for offender's release and sign-up to conditional release.
6. If the offender violates the conditions of supervision prior to placement, a Disciplinary hearing is held pursuant to *PPD 6.4.206 Adult Probation & Parole Field Hearings* to determine whether the self-surrender will be revoked:
 - a. Offender may be placed in jail and:
 - 1) a pending request for conditional release may be rescinded and new placement determined; or
 - 2) offender remains in jail pending bed date at facility.
 - b. Offender may be sent to Montana State Prison/Montana Women's Prison following the procedures of *PPD 4.6.202 Secure Placements*.
 - c. Offender unaccounted for will be considered an absconder and appropriate procedures of *PPD 6.3.413 RD Offender Absconding* are followed.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or Probation & Parole Bureau Chief.



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 4.6.302 CONDITIONAL RELEASE OF DOC COMMITMENT
Effective Date:	01/09/2017 Page 1 of 10
Revision Date(s):	10/24/2017; 02/27/2019; 03/25/2019; 06/15/2020; 08/16/2021; 09/15/2022
Reference(s):	PPD 4.6.300; PPD 4.6.301; DOC 1.5.11; DOC 1.8.1; DOC 4.6.3; 2-15-112, MCA; 41-5-206, MCA; 41-5-2503, MCA; 41-5-2510, MCA; 45-5-104, MCA; 46-18-201, MCA; 46-23-502, MCA; 46-23-1004, MCA; 46-23-1023, MCA; 46-23-1115, MCA; 46-24-203, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

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

II. DEFINITIONS:

Community Corrections Facilities and Programs Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services. This Bureau is referenced interchangeably as Programs and Facilities Bureau (PFB) or Facilities and Programs Bureau (FPB) in procedures and forms.

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

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

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

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

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system which provides location and custody status updates about adult offenders under Department supervision.

Victim - The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

III. ELIGIBILITY FOR CONDITIONAL RELEASE:

A. DOC COMMITMENTS (“DOC Commits”):

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

B. CONDITIONAL RELEASE OFFENDER WITH NEW FELONY CONVICTION:

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

IV. CONDITIONAL RELEASES:

A. REQUEST FOR CONDITIONAL RELEASE:

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

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

B. PROCEDURES AND RESPONSIBILITIES FOR CR:

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

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

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

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

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

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

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

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

C. PLACEMENT INVESTIGATION:

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

Subject: CONDITIONAL RELEASE OF DOC COMMITMENT

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

D. FINAL REVIEWS OF CONDITIONAL RELEASE REQUEST:

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

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

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

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

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

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

F. RELEASE AND SIGN-UP TO CR:

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

G. CR DISCHARGES:

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

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

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

V. CLOSING:

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

VI. FORMS:

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

VII. PROCEDURAL ATTACHMENTS:

PPD 4.6.302 DOC Placement Directive Attachment 1



Greg Gianforte, Governor | Brian M. Gootkin, Director

TO: Probation and Parole Staff
Programs and Facilities Bureau Staff
The Court Administrator and Judicial Branch
All County Attorneys
All Public Defenders and Defense Attorneys
Community Corrections Providers

FROM: Brian Gootkin, Director, Department of Corrections
DATE: June 30, 2021
RE: HB 2: Offender Prescreening and Placement

As directed by HB 2, effective July 1, 2021:

- Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment.
 - Per HB 2: “Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered.”
- When a PSI is ordered and there is a plea agreement for a DOC commitment, Probation and Parole staff will provide a placement recommendation to the Court that is based on the risk/needs evaluation (assessment) of the offender using the guide provided on page 2 of this memo.
- When determining placement of an offender already on supervision or in cases where no PSI was ordered, DOC staff will do so based on a risk/needs assessment and using the guide provided on page 2 of this memo.
- In placing offenders in treatment facilities, DOC staff shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender’s treatment dosage and needs. Clinical Substance Use Disorder (SUD) evaluations are no longer required by the DOC before placement in a treatment facility.
 - Treatment facilities will conduct SUD evaluations upon offender arrival at the facility and treatment and programming will be delivered according to the dosage indicated.
 - If the Court orders an SUD evaluation as part of the PSI process, the evaluation will be completed; however, it is not necessary for screening.

DOC Placement Determination Guidance, per HB 2 (2021):

If the Court recommended a placement in an original sentence or revocation sentence, follow the recommendation. If the DOC is unable to follow the recommendation, DOC will document the reason and provide notification to the Court of the reason within 40 days, as required by SB 47.

If Court didn't recommend a placement:

- If low risk*, community supervision placement UNLESS offender:
 - Is homeless,
 - Has a recent history of behavior that indicates a need for greater structure,
 - Was convicted of an offense that has a statutory requirement for placement,
 - The offense/violation represents a repeating offense pattern (i.e. repeated DUIs or multiple instances of domestic violence/violations of protective orders),
 - Has a victim under 12, or
 - Has a victim who died as the result of an offense.
- If moderate risk*, a facility placement (treatment only or prerelease center only) or combination of placements (treatment + prerelease center) may be appropriate if a higher level of structure is indicated by:
 - Offense history,
 - Placement/treatment** history,
 - Offender non-compliance on supervision,
 - Sustained drug use in the community despite interventions, and
 - Severity of the offense.
- If medium or high risk* on the WRNA or high or very high risk* on the MORRA, a facility placement or combination of placements** is required. If no facility will accept the offender, the DOC will document the instance and determine the most appropriate alternative placement to address the offender's risk/needs while maintaining public safety; the placement will likely be prison. In rare circumstances, a recommendation might include community placement in a structured setting such as treatment court, ISP, etc. based on an offender's particular circumstances.

*use the MORRA and WRNA. For sex offenders (SO), a SO-specific risk assessment, along with the MORRA or WRNA, will be used. Placement will be based on whichever assessment risk score is higher. The MORRA and WRNA risk levels are as follows:

MORRA	WRNA
Low	Low
Moderate	Moderate
High	Medium
Very High	High

**if offender need for substance use treatment is indicated, placement should be at a shorter-length program (90-days) if the offender has no prior residential treatment placements. If offender need for substance use treatment is indicated and the offender has previously been to a residential treatment placement, the offender will be considered for the 9-month treatment placement.



PPD 5.1.204 Enhanced Supervision Program (under revision)

This procedure is under revision and is not currently available.



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

Procedure:	PPD 6.1.101 EMPLOYEE RELATIONSHIPS AND COMMUNICATIONS
Effective Date:	11/25/2020 Page 1 of 4
Revisions Date(s):	
Reference(s):	PPD 6.3.405; DOC 1.3.2; DOC 1.3.12; DOC 1.3.31; DOC 1.3.39; DOC 1.3.45; DOC 1.3.52; 2-15-112, MCA; 53-1-203, MCA; Local #4464
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division employees will follow established procedures which maximize the ability of managers to communicate with their staff; ensures all employees effectively convey the rules, regulations and standard operating procedures of the Division to offenders; and allows offenders and non-offenders to convey concerns to staff in an appropriate manner.

II. DEFINITIONS:

Complaint – An allegation of misconduct against a Department employee.

Department Employee – A person employed by the Department of Corrections who has attained permanent status or is eligible to attain permanent status, as provided in *2-18-601, MCA*; volunteers, interns, temporary and short-term workers; this term does not include service providers.

Management – PPD employees with management or supervisory responsibilities and duties.

Misconduct – Alleged violations of state and/or Department rules, policies or procedures, and/or state or federal law by staff.

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

III. PROCEDURES:

A. LABOR AND MANAGEMENT:

1. Under the National Labor Relations Act, Department employees are divided into two (2) groups: Labor and Management.
 - a. The PPD Administrator is the point of contact for all representatives of any collective bargaining unit.
 - b. Management will comply with all applicable state requirements and the collective bargaining agreements to which the Probation & Parole (P&P) Bureaus are a party and will coordinate labor relations activities with the Department’s Office of Human Resources.
 - c. Labor will be encouraged to bring problems and concerns to management following the chain of command.

Subject: EMPLOYEE RELATIONSHIPS AND COMMUNICATIONS

2. Management's Role: It is important that management realizes the importance of his/her actions as part of the P&P Bureaus' team. Each supervisor will be guided by the following principles in day-to-day activities with those they supervise:
 - a. Supervisors are the connecting link between management and labor and represent management in day-to-day activities. Employees receive their first and strongest impression of management from supervisors;
 - b. Always treat employees impartially;
 - c. Support and enforce the policies and standard operating procedures generated by the Department and PPD;
 - d. Help develop a good organization by promoting the Department and PPD and being a morale builder;
 - e. Make suggestions concerning the improvement of efficiency and personnel relations;
 - f. At all times treat employees with consideration and respect their feelings;
 - g. Accurately represent employees' viewpoints to management;
 - h. Set a positive example both on and off duty;
 - i. Be fair and consistent with discipline;
 - j. Help employees develop professionally;
 - k. Insist upon high standards of work; and
 - l. Evaluate employees objectively.
3. A copy of the current collective bargaining agreement will be kept in each P&P Office. The agreement should be reviewed at least annually by P&P staff and referenced as necessary.
4. Employees may submit agreement issues to supervisors or shop stewards for discussion at the quarterly labor/management meetings.

B. COMMUNICATION WITH STAFF AND OFFENDERS:

1. A high priority of the P&P Bureaus is the availability of management to communicate with staff and offenders.
2. Management should ensure that staff is provided with current information on PPD activities and allow opportunities for questions and input.
3. The following will be reviewed on a semi-annual basis:
 - DOC 1.1.17 Prison Rape Elimination Act of 2003 (PREA)*
 - PPD 1.1.1700 PREA Disclosure Reporting*
 - P&P 200-1 RD Use of Force and Restraints (during firearms re-qualification)*
 - P&P 200-2 RD Firearms (during firearms re-qualification)*
4. The following will be reviewed on an annual basis. These reviews can be conducted as in-service training by the DC or designee and/or can be done independently by PPD staff.
 - Local #4464 Labor Agreement*
 - P&P 60-4 Searches of Offender's Person Vehicle, Residence/Confiscation of Offender's Property*
 - P&P 100-4 RD Transportation of Offenders*
 - PPD 1.1.600 RD Priority Incident Reporting*
 - PPD 1.8.100 Victim Services*

Subject: EMPLOYEE RELATIONSHIPS AND COMMUNICATIONS

<i>PPD 3.1.2000</i>	<i>Offender Drug and Alcohol Testing Program</i>
<i>PPD 3.3.3500</i>	<i>Blood-Borne Pathogens Exposure Control Plan</i>
<i>PPD 4.6.204</i>	<i>Parole Placement Investigation</i>
<i>PPD 4.6.205</i>	<i>Conditional Discharge from Supervision</i>
<i>PPD 4.6.206</i>	<i>Early Termination of Suspended or Deferred Sentences</i>
<i>PPD 6.1.203</i>	<i>Case Management for Adult Offenders</i>
<i>PPD 6.1.211</i>	<i>Probation & Parole Adult Offender Travel</i>
<i>PPD 6.1.802</i>	<i>Adult Interstate Commission Procedures</i>
<i>PPD 6.4.102</i>	<i>Offender Arrest/Pick Up and Hold/Release</i>
<i>PPD 6.4.206</i>	<i>Adult Probation & Parole Field Hearings</i>

5. Reviews of Standard Operating Procedures:
 - a. Upon semi-annual and annual reviews, or revisions of a procedure, staff will complete *PPD 1.1.200(A) Policy/Procedure/Form Review* and forward to their supervisor. The supervisor will sign and forward to the Department's Professional Development Bureau for inclusion in the Officer's training file.
 - b. *PPD 1.1.200(B) Policy/Procedure/Form Comment* form is also available for staff to complete at any time and submit to the supervisor (see *PPD 1.1.200 Procedure Management*).
6. New or transferred employees or employees returning from leave should be informed of changes pertaining to their assigned duties as determined by the supervisor.
7. To further enhance the communication, management should conduct regular meetings with staff under their direct supervision. An agenda should be distributed prior to the meeting, and minutes of the meeting should be distributed to all attendees.
8. Communication With Offenders:
 - a. All communication by staff will be respectful and professional at all times.
 - b. To aid in communication with offenders, staff may hold meetings and use other contact methods to distribute information, such as bulletin boards.
 - c. All employees will conduct themselves pursuant to *DOC Policy 1.3.2, Performance and Conduct* and *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*.
9. Gifts from Offenders: PPD employees are not allowed to receive any gifts from an offender, their family members, or anyone else associated with the offender.

C. COMPLAINTS:

1. Complaints from Offenders: Offenders will follow the procedures of *PPD 6.3.405 Offender Complaints* using the appropriate form.
2. Complaints from Non-Offenders:
 - a. Telephone or In Person:
 - 1) staff receiving a complaint from a non-offender over the telephone or in person will address the complaint or forward the complainant to another staff who can better address the issue;
 - 2) a complaint at this level does not necessarily require the complaint or response to be documented;

- 3) complainant can be offered the opportunity to submit the complaint in writing for a more formal response;
 - 4) if complainant identifies as a crime victim, he/she can be forwarded to another staff or supervisor who can better address the complaint, or to a Victim Liaison for a response.
- b. Written Complaint:
- 1) normally requires a timely written response;
 - 2) may be received by P&P staff for investigation and/or response if received at the P&P Bureau Chief or Department (central office) level;
 - 3) a complaint regarding a legal or personnel issue will be forwarded to the Deputy Chief who may discuss the issue with the P&P Bureau Chief or PPD Administrator;
 - 4) a complaint regarding an Interstate Compact agent will be forwarded to the Compact Administrator at the DOC central office;
 - 5) may be forward to a different Department unit for response, such as the Office of Human Resources, the Legal Unit, or Victims Services.
3. Staff who receive information or have personal knowledge regarding misconduct will immediately report the details to their immediate supervisor, or the next supervisor in the chain of command not involved in the complaint. Staff may also report directly to the P&P Bureau Chief or PPD Administrator.

IV. CLOSING:

Questions regarding this procedure should be directed to a POII, Deputy Chief, or Probation & Parole Bureau Chief.



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

Procedure:	PPD 6.1.103 USE OF DEPARTMENT-ISSUED EQUIPMENT
Effective Date:	11/25/2020 Page 1 of 3
Revisions Date(s):	
Reference(s):	DOC 1.3.41; DOC 1.3.42; 46-23-1004 MCA;
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

To establish procedures for Probation and Parole Division staff in the use of Department-issued equipment. The use of state property for personal use is strictly prohibited.

II. DEFINITIONS:

Department-Issued Equipment – Includes clothing, duty weapons, badges, and other items needed for probation and parole duties and to ensure the safety of officers, offenders, and the community.

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

III. PROCEDURES:

A. GENERAL GUIDELINES:

1. PPD will issue or assign equipment to staff to assist with their performance of duties.
 - a. Equipment is not to be used for non-duty related activities; and
 - b. Staff will not purchase their own equipment.
2. All clothing and office furniture will be purchased through Montana Correctional Enterprises; exceptions are outlined in *DOC Policy 5.2.3, Department/MCE Product Sales*.
3. It is expected the equipment shall be properly maintained and immediately reported if lost, stolen, or damaged using *PPD 6.1.103(C) Notification of Lost Equipment*. Staff shall be responsible for reimbursing the Department for the cost of equipment that is damaged or lost through an act of negligence.
4. All Department-issued equipment, clothing, or other items with the DOC logo embossed on them, must be returned to the regional office upon termination of employment and staff may be charged for equipment that is not returned.
5. The equipment purchased by each probation & parole (P&P) region for its staff will be a priority and depends upon the availability of funds from that P&P Bureau's supervision fee fund.
 - a. Regional designees will use a PPD-approved inventory program to maintain an inventory of the equipment issued or assigned:
 - 1) The program must be kept current by entering equipment assignments in a timely manner, as well as updating to return equipment no longer being used.

- b. Replacement items may be purchased as needed, and additional items beyond those listed may be purchased by Deputy Chiefs (DC) after conferring with the P&P Bureau Chief.

B. CLOTHING:

1. In the interest of presenting a professional image to the public and serving as a positive role model for offenders, all PPD staff will wear appropriate clothing and observe good habits of grooming and personal hygiene for normal working hours, training, and court appearances. Supervisors are responsible for enforcing appropriate standards of personal appearance and cleanliness of staff in their work areas.
2. Jewelry worn by employees must be appropriate to the work setting.
3. Fragrances may be worn pursuant to *DOC Policy 1.3.42, Fragrance-Free Workplace*.

C. BADGES:

1. P&P Officers will be issued a badge upon hiring and placement in a work location.
2. Each regional office will keep an accounting of all badges issued to current officers, awarded to a former officer, or in storage.
3. Permanently Awarded Badges:
 - a. P&P Officers must complete a minimum of 10 years of service and be in good standing with the P&P Bureau in order to be permanently awarded his/her badge upon retirement from the Bureau.
 - b. Consideration of the Officer's performance and qualities such as integrity and dedication/commitment to the Bureau, will determine his/her standing.
 - c. The Officer or a supervisor may submit a written request to the DC for a permanently awarded badge.
 - d. DCs will make a request for their badge to the P&P Bureau Chief.
 - e. Exceptions may be allowed at the discretion of the Bureau Chief.
 - f. If the Officer has years of service at different Department facilities that equal 10 years or more, and those years have been determined to be in good standing, the P&P Bureau Chief and Officer will determine which badge is received. In the event of disagreement, the Bureau Chief will make the final decision.
 - g. The awarded badge must be affixed to a plaque so that it can no longer be used as a functional badge.

D. DUTY WEAPONS AND WEAPON-RELATED EQUIPMENT:

1. Firearms: Requirements for Department-issued firearms and related equipment are provided in *P&P 200-2 RD Firearms*.
2. TASERS: Requirements for the Department-issued TASER are provided in *PPD 3.1.802 RD Use of TASERS*.
3. Chemical Agents: Requirements for the Department-issued chemical agent are provided in *PPD 3.1.801 RD Use of Chemical Agents*.

E. DEPARTMENT-ISSUED EQUIPMENT:

1. All P&P staff will receive a Department identification card and approved apparel after hiring.
2. After hiring a new P&P Officer, a supervisor will complete and submit *PPD 6.1.103(A) Request for Equipment Bag* to the Operations Program Specialist as soon as possible and provide the appropriate size and gender information.
 - a. The equipment bag with the necessary gear will be delivered to the P&P office for the new hire.
 - b. The region will be billed for the bag to ensure current stock is maintained.
 - c. The equipment bag will contain the following:
 - Duty belt
 - OC holder
 - Flashlight/holder/batteries/charger
 - First-Aid kit
 - Holster
 - Electronic ear protection
 - Magazine holders
 - Search gloves
 - Badge holder
 - OC spray
 - Gun cleaning kit
 - Handcuffs/case/key
 - Shooting/safety glasses
 - d. If funding allows, P&P regions may purchase additional items to include, but not limited to:
 - Badge
 - Cell phone
 - Flex cuffs
 - Duty weapon lockbox
 - Radio
 - Body armor
 - Approved apparel
 - Leg irons
 - Ammunition
 - Naloxone
 - Duty weapon and case
 - Magazines

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or Probation & Parole Bureau Chief.

V. FORMS:

- PPD 6.1.103 (A) Request for Equipment Bag
PPD 6.1.103 (C) Notification of Lost Equipment



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

Procedure:	PPD 6.1.104 EMPLOYEE HIRING AND TRANSFERS
Effective Date:	02/10/2020 Page 1 of 2
Revisions Date(s):	
Reference(s):	Local #4464; 46-23-1003, MCA; 2.21.Subchapter 37, ARM
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will follow established selection procedures when hiring for probation and parole bureau positions or any subsequent transfers to a vacant position in another district office or region within the state.

II. DEFINITIONS:

Employment Standard – Any job-related physical, intellectual, character, educational, or other characteristic used to measure an applicant’s suitability for a job opening.

Hiring Authority – A member designated by the division administrator to assume responsibility for overseeing the hiring, promoting, and/or transfer of PPD employees.

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

III. PROCEDURES:

A. HIRING:

1. The Probation & Parole (P&P) Eastern and Western Bureaus will adhere to the following when hiring for positions within the Bureaus:
 - a. §46-3-1003, MCA, Qualifications for probation and parole officers; and
 - b. Montana Federation of Probation and Parole Local #4464’s collective bargaining agreement regarding the posting and selection process for employees within the bargaining unit.

B. TRANSFERS:

1. The controlling factors in the selection of staff for voluntary transfer within the bargaining unit and within classification series shall be based upon eligibility, seniority, qualifications, and capabilities.
2. The same posting and selection process, and controlling factors, will also apply to those staff who are not members of the bargaining unit.
3. Staff can only be transferred within the same job classification.
4. Anyone who does not meet eligibility requirements is not prohibited from applying and competing for the desired position.

C. TRANSFER PROCEDURES:

1. A notice of vacancy is posted by the Office of Human Resources (HR) indicating the closing date for applicants to apply and must be posted for 10 calendar days.
2. Staff interested in the transfer will submit a resume and letter of intent requesting the transfer to the P&P Bureau Chief or designee. A State of Montana application is optional.
3. Selection for the transfer is based upon eligibility, seniority, qualifications, and capabilities. Measurable employment standards for assessment of applicants will be designed and documented by HR and Bureau Chief or designee.
4. Performance appraisal evaluations and personnel file will be reviewed by HR/Bureau Chief or designee for applicants not within the bargaining unit, noting both commendations and disciplinary actions. Applicant must have successfully completed any assigned performance improvement plan.
5. Eligibility requirements:
 - a. Requirements for transfer are established and will be followed under the collective bargaining agreement for staff governed by the agreement.
 - b. Requirements for transfer for staff not under the collective bargaining agreement:
 - 1) POII must have held current position for two (2) years;
 - 2) Deputy Chief must have held current position for three (3) years; and
 - 3) P&P Bureau Chief must have held current position for three (3) years.
 - c. Exceptions can be made on a case-by-case basis for P&P Bureaus' interests in meeting an operational need or for extenuating circumstances in an employee's life. Seniority, qualifications, and capabilities will be recognized and documented at the time of decision.
6. The final decision notification is given by the Bureau Chief or designee to all applicants.
7. The date for transfer is confirmed by the Bureau Chief or designee.
8. Staff chosen for transfer may use up the three (3) business days with pay, and receive mileage and per diem one way, to assist with moving and expenses.

IV. CLOSING:

Questions regarding this procedure should be directed to the Probation & Parole Bureau Chief, Probation and Parole Division Administrator, or the Office of Human Resources.



PPD 6.1.105 **RD** Probation & Parole Field Use of Naloxone (Narcan)
(Restricted Access)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



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

Procedure:	PPD 6.1.106 SECONDARY EMPLOYMENT
Effective Date:	02/10/2020 Page 1 of 2
Revisions Date(s):	
Reference(s):	DOC 1.3.2; <i>Wadsworth v. State of Montana</i>
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

In addition to complying with *DOC Policy 1.3.2, Performance and Conduct*, Probation and Parole Division employees will follow established procedures regarding secondary employment.

II. DEFINITIONS:

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

Secondary Employment – Any work, including self-employment, performed by a Probation & Parole Bureau employee apart from his/her official assigned duties and required duty times.

Volunteer Work – Outside work performed by employees' own free will without any form of compensation (e.g., law enforcement reserves) that rises above volunteer work for charity and church organizations, etc.

III. PROCEDURES:

A. GENERAL INFORMATION:

1. Secondary employment, self-employment, or volunteer work by Probation & Parole (P&P) Bureau staff shall:
 - a. not interfere with the staff's obligation to efficiently perform his/her P&P assignment, nor be conducted during assigned work; and
 - b. not conflict with the interest of the PPD or Department, or be conducted in a way which could have the perception of conflicting interests of duty.
2. The state of Montana and the Department will not accept liability for any actions of P&P staff while performing work at a secondary job.
3. State of Montana resources may not be used in secondary employment or volunteer work.

B. PROCESS FOR APPROVAL:

1. Staff desiring to undertake secondary employment/volunteer work will disclose all facts concerning any such work in writing to the Deputy Chief (DC), or the P&P Bureau Chief when applicable.

2. The DC will determine if the secondary employment/volunteer work will interfere with the regular and efficient performance of assigned duties, or if it will physically or mentally affect the staff's capacity to accomplish normal or extraordinary duties.
 - a. The staff and DC shall agree that the additional work will not create a conflict of interest.
 - b. No employment will be undertaken that will influence the administrative functions or decisions compromising the goals and objectives of the Department, PPD, and the P&P Bureau.
3. If approved, staff may engage in requested activity provided no conditions, conflicts, or changes in basis for the request occur.
4. Staff may appeal a request that has been denied to the P&P Bureau Chief. The Bureau Chief will confer with the staff's supervisor before any decision is made and will demonstrate a compelling reason to deny the request.
5. All correspondence will be placed in the staff's permanent personnel record.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or Probation & Parole Bureau Chief.



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

Procedure:	PPD 6.1.107 TESTIFYING IN COURT
Effective Date:	02/10/2020 Page 1 of 2
Revisions Date(s):	
Reference(s):	DOC 1.3.2; DOC 1.3.41; 46-23-1011, MCA; 46-23-1021, MCA; Local #4464
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

In addition to complying with *DOC Policy 1.3.2, Performance and Conduct*, Probation and Parole Division staff will follow established procedures when testifying in court.

II. DEFINITIONS:

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

III. PROCEDURES:

A. GENERAL REQUIREMENTS:

1. PPD staff testify in court in support of presentence investigation reports, violation investigations, and at any other time required by a court of record.
2. The information contained in *PPD 6.1.107(A) Mechanics of Testifying* should be reviewed in preparation for these appearances.
3. Staff will comply with the following:
 - a. Be prepared before testifying by reviewing records, notes, chronological history, etc.;
 - b. Be prepared for predictable questions from both the prosecutor and defense attorney;
 - c. Discuss case with prosecutor, including whether offender's field file should/should not be brought into court. Prosecutor will explain what testimony they need from you;
 - d. Dress appropriately (see *Mechanics of Testifying*); follow local judicial policy and *DOC Policy 1.3.41, Employee Dress, Hygiene and Badges*; and
 - e. Maintain composure, tell the truth, and answer with facts.

B. OFFENDER FILES AND DOCUMENTS:

1. Staff must be aware that offender files and other documents brought into the courtroom may become subject to examination by all parties.
2. If there is no subpoena for the offender's field file, avoid taking the file. If certain documents, notes, and/or specific chronological entries are needed to recall or confirm specific dates, staff should bring additional copies of those documents, notes, and/or chronological entries for possible examination by others.

3. If staff is served with “subpoena duces tecum,” which requires the file is brought to court, the DOC Legal Office at CORLegalMailbox@mt.gov should be contacted as soon as possible. If required to bring the file, staff may be directed to also bring a complete, true, and accurate copy of the file to leave with the court. (See also *PPD 1.5.500 Offender Records Access and Release.*)
4. Maintain control of the offender’s file. Do not release the file to anyone other than the prosecutor except by court order.

IV. CLOSING:

Questions regarding this procedure should be directed to a supervisor, Deputy Chief, or Probation & Parole Bureau Chief.

V. FORMS:

PPD 6.1.107 (A) Mechanics of Testifying



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

Procedure:	PPD 6.1.108 STUDENT INTERN AND VOLUNTEER PROGRAMS
Effective Date:	08/05/2020 Page 1 of 4
Revisions Date(s):	
Reference(s):	DOC 1.1.17; DOC 1.3.16; DOC 1.3.17; 2-18-101, MCA
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

The Probation and Parole Division will follow established procedures when providing student intern programs and volunteer services. These programs encourage increased personal contact for offenders, broaden community resources, and increase public awareness. Interns/volunteers can assist in meeting the needs and mission of the Division.

II. DEFINITIONS:

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

RIVC-Regional Intern/Volunteer Coordinator – The person appointed by the Deputy Chief to oversee the student intern and volunteer programs in a region/office.

Student Intern – A person who has been accepted or is currently enrolled in an accredited school, college, or university and trains with the PPD for a specific length of time to gain learning experience in adult probation and parole services.

Volunteer – Any person who has been approved to provide services for Department programs without compensation.

- Professional Service Volunteer – An individual who provides a volunteer service that requires a certificate or license by state law, such as an attorney, doctor, or psychologist;
- Short-Term or Guest Volunteer – An individual who provides volunteer services for a single event or within a limited time frame.

III. PROCEDURES:

A. PROGRAM REQUIREMENTS:

1. The Deputy Chief (DC) will appoint staff to serve as the RIVC in each region/office that utilizes student interns or volunteers. The RIVC will:
 - a. oversee the student intern program and volunteer services for the region/office;
 - b. assign an appropriate staff member to directly supervise the intern/volunteer;
 - c. evaluate the performance of all student interns on an ongoing basis;
 - d. inform the DC of any concerns or suggestions arising from the intern’s performance appraisals; and
 - e. liaison with the student’s school, college, or university.

2. All racial, ethnic, and social-cultural segments of the community are encouraged to participate in a student intern program or volunteer service. Recruiting efforts for volunteers may include the public, media, civic organizations, appropriate educational facilities, public agencies, local businesses, and individuals.
3. Interns and volunteers must not displace paid staff. Volunteers will not perform duties that are normally performed by paid staff.
4. Interns/volunteers may travel in state vehicles as an authorized passenger. Under no circumstances will offenders be transported in the personal vehicles of interns/volunteers.
5. Eligibility Requirements:
 - a. Any person of good character at least 18 years of age and able to handle the responsibilities involved.
 - b. Intern must be a student enrolled in an accredited school, college, or university.
 - c. Former offenders may be accepted as interns/volunteers subject to the approval of the PPD Administrator or designee, using the same criteria for considering a former offender for a staff position.
 - d. Relatives or victims of offenders wishing to serve as an intern/volunteer must receive special approval from the PPD Administrator or designee.
 - e. Individuals may only act in the capacity of a professional service volunteer when certified or licensed to do so and only with the written approval of the PPD Administrator or designee.
6. Interns/volunteers must receive documented PREA training during orientation pursuant to *PPD 1.1.1700 PREA Disclosure and Reporting*.
7. Student interns/volunteers may be suspended or terminated at any time, with or without cause, by the Deputy Chief or POII. In such cases, the DC or designee will advise the intern/volunteer of the reason for the termination.

B. APPLICATION AND PROCESSING:

1. Prospective interns/volunteers will contact the regional office either by phone or email to receive information about the program and the required paperwork. All inquiries about the program will be referred to the RIVC.
2. The RIVC will:
 - a. establish an electronic folder on all prospective interns/volunteers for saving correspondence and copies of completed paperwork;
 - b. establish an email link with prospective interns/volunteers, if possible, to send the following documents:
 - 1) *PPD 6.1.108 Student Intern and Volunteer Programs*;
 - 2) *PPD 6.1.108(A) Intern/Volunteer Program Application* – must include where and when applicant would like to intern/volunteer and must be returned electronically;
 - 3) *PPD 6.1.108(B) Intern/Volunteer Authorization for Reference/Criminal Background Check*; and
 - 4) *PPD 6.1.108(C) Intern/Volunteer Program Agreement*.

3. The RIVC will contact interested intern/volunteer and provide information on the availability of openings and requests completion of the above-listed forms for the approval process. Electronic signatures will be accepted on the forms.
4. The RIVC is responsible for:
 - a. conducting interviews and obtaining character references using *PPD 6.1.108(E) Intern/Volunteer Reference Check*;
 - b. obtaining a criminal background check; and
 - c. approving intern/volunteer using established local criteria approved by the DC.
5. RIVC will forward the *Program Application, Program Agreement, and Intern/Volunteer Reference Check* for all locally approved interns/volunteers to the Deputy Chief or designee for review.
6. Once intern/volunteer is approved, the RIVC is responsible for:
 - a. forwarding copies of all paperwork to DOC's Human Resources (HR) to establish coverage for workers' compensation – *interns/volunteers will not be allowed to begin the program until coverage begins*;
 - b. acting as liaison with the intern's school/college/university;
 - c. training and supervision of the intern/volunteer;
 - 1) interns: ensuring *PPD 6.1.108(D) Officer Intern Job Duties Checklist* or *PPD 6.1.108(H) Administrative Intern Job Duties Checklist* is completed and electronic copies are filed;
 - 2) volunteers: ensuring *PPD 6.1.108 (H) Volunteer Orientation Checklist* is completed and electronic copies are filed.
 - d. maintaining *PPD 6.1.108(G) Intern/Volunteer Timekeeping Records* submitted weekly by intern/volunteer's supervisor;
 - e. completing the student intern's performance appraisal provided by the school/college/university at the end of an internship, saving a copy to file, and providing a copy to intern; or
 - f. participate in an evaluation with the volunteer and use the evaluation to develop recommendations for improvement in the program.
7. RIVC may forward copy of the intern's performance appraisal to HR and request an exit interview with the intern, which may be completed by HR.
8. DC will determine, based on the appropriate *Intern Job Duties Checklist* and the intern's performance appraisal, whether the intern will receive work experience credit during any subsequent hiring process for Probation & Parole Officers.

C. RECOGNITION OF STUDENT INTERN/VOLUNTEER:

1. Probation & Parole Officers, supervisors, or other PPD staff utilizing student interns and/or volunteers are encouraged to provide special recognition for participants who exhibit extraordinary commitment or performance.
2. Recognition can be achieved through recommendations for federal, state, or local awards or local letters of appreciation, etc.

IV. CLOSING:

Questions regarding this procedure should be directed to the Regional Intern/Volunteer Coordinator or Deputy Chief.

V. FORMS:

- PPD 6.1.108 (A) Student Intern/Volunteer Program Application
- PPD 6.1.108 (B) Intern/Volunteer Authorization for Reference and Criminal Background Check
- PPD 6.1.108 (C) Intern/Volunteer Program Agreement
- PPD 6.1.108 (D) Intern/Volunteer Reference Check
- PPD 6.1.108 (E) Intern/Volunteer Timekeeping Record
- PPD 6.1.108 (F) Officer Intern Job Duties
- PPD 6.1.108 (G) Administrative Intern Job Duties
- PPD 6.1.108 (H) Volunteer Orientation Checklist



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

Procedure:	PPD 6.1.109	PPD EMPLOYEE OF THE QUARTER
Effective Date:	10/19/2020	Page 1 of 2
Revision Date(s):		
Reference(s):		
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division staff will follow established procedures to recognize co-workers who have given outstanding performances in job duties.

II. DEFINITIONS:

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

III. PROCEDURES:

A. ELIGIBILITY REQUIREMENTS:

1. Nominees should have displayed the highest standards of ethics and professionalism during the quarter.
2. Nominees cannot have had any disciplinary action against them during the quarter for which they are nominated.

B. NOMINATIONS:

1. In each region, staff may nominate co-workers they feel deserve recognition by completing *PPD 6.1.109(A) Nomination for Employee of the Quarter* for each nominee and submitting it to the Deputy Chief (DC)

C. SELECTION PROCESS:

1. For each region, the DC and local management team will review all nominations and select a recipient for the award.
2. If nominations have not been submitted, the DC and local management team may select an employee whom they feel deserves this recognition; however, there is no requirement to have an employee of the quarter.

D. INCENTIVES FOR RECOGNITION:

1. The staff selected will receive an “Employee of the Quarter” certificate signed by the Probation & Parole Bureau Chief and DC. A copy of the certificate will be placed in the staff’s personnel file.

Subject: EMPLOYEE OF THE QUARTER

2. The certificate will be presented at an appropriate ceremony.
3. The DOC Communications Director will be notified of the selection so that the employee can be recognized by the Department.
4. The employee may be given preferred parking for the quarter if possible, and/or other incentives as determined by the DC and local management team.
5. Recipients of the quarterly award will be considered for recommendation for the annual Montana Correctional Association awards.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief, Probation & Parole Bureau Chief or designees.

V. FORMS:

PPD 6.1.109 (A) Nomination for Employee of the Quarter



PPD 6.1.110 **RD** Radio Communications (**Restricted Access**)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



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

Procedure:	PPD 6.1.113 OBSERVATION AND RIDE-ALONG PROGRAM
Effective Date:	12/10/2018 Page 1 of 3
Revision Date(s):	08/05/2020
Reference(s):	PPD 1.2.1800; DOC 1.1.8; DOC 1.2.18; DOC 3.3.4
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

The Observation and Ride-Along Program may be offered through a probation and parole office when authorized by a Probation & Parole Bureau Chief. All employees and participants involved will follow procedures established for the program.

II. DEFINITIONS:

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

State Vehicle – A passenger motor vehicle owned or leased by the Department that is designed for travel on maintained public roads, is subject to motor vehicle registration, and is used for the purpose of state business according to applicable policies and procedures.

III. PROCEDURES:

A. OBSERVATION AND RIDE-ALONG PROGRAM:

1. This program will provide the opportunity for adult individuals outside of the PPD to accompany a Probation & Parole (P&P) Officer while performing his/her duties in the supervision of adult offenders.
2. The activities a participant may choose to observe include:
 - a. offender reporting at P&P office;
 - b. parole, conditional release, or interstate transfer field investigation;
 - c. offender home visits;
 - d. hearings;
 - e. risk and needs assessments;
 - f. presentence investigation interview; and/or
 - g. District Court Law and Motion Court Officer coverage.
3. Some activities will require the participant to ride with a P&P Officer in a state vehicle.
4. The participant may suggest another activity he/she is interested in observing. The Deputy Chief or designee will determine if the suggested activity is appropriate for the program.

B. PROVISIONS OF THE PROGRAM:

1. *PPD 6.1.113(B) Program Request-Participant Guidelines and Agreement* must be completed, signed, and submitted to the Deputy Chief at least 72 hours prior to the participant's proposed dates.
2. Once a request to participate in the program has been made, the Deputy Chief or designee will consider the request. If approved, an attempt to schedule the observation and/or ride-along during the proposed dates will be made; however, if this is not possible, the DC or designee will determine an appropriate date.
3. A news media representative may request a formal interview with the offender during the observation pursuant to *DOC Policy 1.1.8, Media Relations* and *DOC Policy 3.3.4, Media Access to Offenders*.
 - a. The request must be approved by the Deputy Chief (DC) or designee; and
 - b. The offender must consent to the interview and complete the Department's *Interview/Photo Consent* form prior to the interview.
 - c. When approved by the DC or designee and consented to by the offender, the DC or designee will notify the P&P Bureau Chief, PPD Administrator, and the DOC's Communications Director of the interview.
4. Each participant will be paired with a P&P Officer and a supervisor.
5. The Officers chosen for the program must be aware of the guidelines given in *PPD 6.1.113(A) Program Guidelines for P&P Officers* prior to the Officer being accompanied by a participant.
6. *Participants*: The participant must complete *PPD 6.1.113(C) Observation and Ride-Along Program Waiver* prior to accompanying and observing the P&P Officer.
 - a. The participant must present identification when arriving at the P&P office. When the participant is a news media representative, his or her credentials will be visible at all times during the program.
 - b. The participant must wear a ballistic vest provided by the P&P Officer at all times.
 - c. At the discretion of the P&P Officer, the participant may carry small personal items (e.g., cell phone, wallet, small clutch) when on a ride-along; however, larger items (e.g., large handbag, briefcase, cameras) will be secured in the participant's private vehicle.
 - d. The participant will not take pictures or record an offender at any time during the activity. The exception is when a formal interview during the observation has been approved as outlined above.
 - e. The participant may ask questions of an offender at the discretion of the P&P Officer unless a formal interview has been approved as outlined above.
7. *Offenders*: When initially meeting with the chosen offender on the day of the activity, the P&P Officer will inform the offender of the *Observation and Ride-Along Program* and of a participant's interest in the program.
 - a. The Officer will obtain the offender's consent to the participant's presence during the activity.
 - b. The offender must always agree prior to the participant entering the offender's residence during a home visit.

- c. The offender may, at any time during the observation, decline to participate in a formal interview to which he/she previously gave consent.

IV. CLOSING:

Questions regarding this procedure will be directed to the Deputy Chief, Probation & Parole Bureau Chief, or Probation and Parole Division Administrator.

V. FORMS:

- PPD 6.1.113 (A) Program Guidelines for P&P Officers
- PPD 6.1.113 (B) Program Request-Participant Guidelines and Agreement
- PPD 6.1.113 (C) Observation and Ride-Along Program Waiver



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 6.1.801 INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION (ICAOS) AND INTERSTATE COMPACT OFFENDER TRACKING SYSTEM (ICOTS)	
Effective Date:	06/12/2018	Page 1 of 2
Revision Date(s):	03/11/2019; 08/05/2020; 06/19/2023	
Reference(s):	ICAOS; ICOTS; NRS 213.215	
Signature / Title:	/s/ Jim Anderson, Public Safety Chief	

I. PURPOSE:

To set forth a uniform approach for the processing and supervision of Montana offenders who qualify for transfer under the rules and requirements of the Interstate Commission for Adult Offender Supervision and to set forth a uniform approach for the processing and supervision of offenders from other states who qualify for transfer to the state of Montana.

II. DEFINITIONS:

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.

ICOTS-Interstate Compact Offender Tracking System – A web-based application that allows ICAOS member states to facilitate all compact business processes and other case-based activities.

III. PROCEDURES:

A. GENERAL REQUIREMENTS:

1. For the purpose of processing the transfer of a qualifying offender from Montana or into Montana under ICAOS, the Montana Interstate Compact Section (MT Interstate) staff will utilize the ICOTS web-based system to facilitate the request. Requests will be submitted for investigation based on the rules, requirements, guidelines, and criteria set forth by ICAOS.
2. Interstate staff will follow the *ICAOS Privacy Policy for ICOTS* in accordance with the rules, guidelines, and criteria set forth by ICAOS.

B. ICOTS USERS:

1. User roles must be appropriate in accordance with their specific duties and as designated by the ICOTS Administrator (Montana Compact Administrator). Users will be trained on their ICOTS role, ICOTS procedure, ICAOS rules, and the privacy policy.
2. Each user will sign the electronic *User Agreement* in ICOTS prior to being given access to ICOTS.
3. Users will be deactivated from ICOTS if they have no login activity for 12 months or more. Any Interstate staff member who leaves employment with the Department will be deactivated from ICOTS immediately.
4. Training on ICAOS updates will be provided as required for all existing users through on-demand training or ICAOS Webex training.

Subject: INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION (ICAOS) AND
INTERSTATE COMPACT OFFENDER TRACKING SYSTEM (ICOTS)

C. SHARING OF OFFENDER INFORMATION:

1. Offender information retained by ICOTS may be shared as outlined in the *ICAOS Privacy Policy for ICOTS (Privacy Policy)*.
2. The *Privacy Policy* provides that information may be shared as follows:
 - a. within ICOTS and to member agencies;
 - b. with other justice system partners authorized to have access and used only in the performance of official duties:
 - 1) legitimate law enforcement,
 - 2) public protection,
 - 3) public prosecution,
 - 4) public health, and/or
 - 5) justice purposes;
 - c. for specific purposes upon request by persons authorized by law to obtain the information for use as specified in the law;
 - d. with the public if the information is defined by law to be public information; is not exempt by law from being disclosed; and is disclosed pursuant to state statutes and agency policy and/or procedure; and
 - e. with the offender upon satisfactory verification of the offender's identity and subject to the conditions outlined in the *Privacy Policy*.
3. ICOTS users will not confirm the existence or nonexistence of information to any person or agency not eligible to receive the information.

IV. CLOSING:

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



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 6.1.802 ADULT INTERSTATE COMMISSION PROCEDURES
Effective Date:	03/21/2016 Page 1 of 14
Revision Date(s):	06/20/2018; 01/14/2019; 08/21/2019; 08/05/2020; 09/16/2020; 06/19/2023
Reference(s):	46-23-1031, MCA; 46-23-1115, MCA
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>



DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE
OPERATIONAL PROCEDURE

Procedure:	PPD 6.1.803 INTERSTATE COMPACT FOR JUVENILES (ICJ)
Effective Date:	08/05/2020 Page 1 of 4
Revision Date(s):	06/19/2023
Reference(s):	41-4-101, MCA; 41-6-101 through 106, MCA; 46-23-504, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Federal and state statutes regarding the Interstate Compact for Juveniles (ICJ) govern movements of youth across state lines to include the transfer of supervision of juveniles, temporary travel of defined offenders, and return of juveniles who have absconded, escaped, fled to avoid prosecution, or run away. Youth Court Services staff will follow the rules of ICJ.

II. DEFINITIONS:

Montana ICJ (Interstate Compact for Juveniles) Office – Consists of the ICJ Commissioner/Compact Administrator, and ICJ staff.

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

Receiving State – A state to which a juvenile is sent for supervision under the provisions of the ICJ.

Sending State – A state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

III. PROCEDURES:

A. GENERAL PROVISIONS:

1. All communication regarding interstate compact juveniles must go through the Montana ICJ office. Youth Court Services staff must not contact local officers in other states directly without prior permission from the Montana ICJ officer and the other state’s ICJ office.
2. ICJ forms are located at <https://www.juvenilecompact.org/forms> and must be submitted in the ICJ’s data system by the Montana ICJ office staff.
3. ICJ information on training, age of majority, sex offenders, and rules are found at the same website.
4. If a proposed placement is with a licensed foster home, group home, child care facility, psychiatric residential treatment facility, or other licensed program out of state, Youth Court Services staff need to follow the Interstate Compact on the Placement of Children (ICPC) procedures found at <https://dphhs.mt.gov/CFSD/icpc>.

B. REQUESTS FOR TRANSFER OF SUPERVISION OUT OF STATE:

1. A juvenile on conditional release supervision or who is being placed directly out of a youth correctional facility (YCF) into a placement in another state with a parent or other person must obtain prior approval from the receiving state and the Montana ICJ office.
2. Prior to requesting interstate compact supervision for a Montana juvenile in another state, the juvenile probation officer (JPO) or YCF caseworker/case manager will determine whether a proposed out-of-state placement is a feasible placement option for the juvenile.
3. For sex offenders, the JPO or YCF caseworker/case manager will ensure the juvenile is aware of, and is willing to comply with, the receiving state's registration requirements.
4. ICJ rules do not cover violent offender or arsonist registration. However, because individual states may require registration, contact the Montana ICJ office for clarification.
5. The YCF is responsible for ensuring a DNA sample is obtained prior to a juvenile's placement out of state, if required by the receiving state.
6. When it is determined by a JPO or YCF caseworker/case manager that a juvenile should be placed in another state, an ICJ transfer packet should be completed and sent to the Montana ICJ office 60 days prior to the expected placement.
7. When it is not feasible to wait 60 days for a placement investigation to occur, the JPO or YCF caseworker/case manager will contact the Montana ICJ office for further directions. Written justification will be required.
 - a. In certain circumstances approved only by the Montana ICJ office, a juvenile may be issued an *Out of State Travel Permit and Agreement to Return* for "testing placement."
 - b. Contact the Montana ICJ office first before discussing travel permits with sexual offenders.
 - c. Until an ICJ plan of supervision is approved in writing, the JPO will maintain telephone contact with the juvenile and parent/guardian/custodian/representative according to the supervision standards at the time of the placement.
8. The Montana ICJ office will notify the JPO and YCF caseworker/case manager following approval from the receiving state.
 - a. Upon receiving the approved *Home Evaluation*, the JPO or YCF caseworker/case manager will complete a *Travel Plan* and an *ICJ Travel Permit*.
 - 1) The plan and permit are sent to the Montana ICJ office before the juvenile leaves the state.
9. The receiving state will provide a *Quarterly Progress, Violation, or Absconder Report* and other pertinent information every 90 days and when specifically needed due to violations and when juveniles abscond. Requests for additional information can be made.
10. If a juvenile is unable to make an adequate adjustment in the out-of-state placement, the receiving state should advise the Montana ICJ office. The Montana ICJ office and JPO will make a placement decision regarding the juvenile.
11. If a juvenile violates the conditional release agreement and/or commits a new offense while residing in another state:

Subject: INTERSTATE COMPACT FOR JUVENILES (ICJ)

- a. the juvenile may be detained in a juvenile detention center pending disposition of charges. The Montana JPO may be required to issue a warrant;
 - b. a decision will be made by the Montana JPO after consultation with the supervising state to:
 - 1) retain the juvenile in placement;
 - 2) place the juvenile in an alternate placement; or
 - 3) return the juvenile to Montana; and
 - c. pending charges in the receiving state must be resolved by dismissal or disposition before arrangements can be made to return the juvenile to Montana.
12. Any conditional release violation by a Montana juvenile under ICJ supervision in another state is subject to the procedures regarding conditional release revocations in Montana when the juvenile is returned to Montana.
13. Upon successful completion of a juvenile's sentence, the supervising officer in the receiving state may recommend a discharge from Montana supervision by noting this in *the Quarterly Progress Report*.
- a. Probation discharges are approved in accordance with Montana law and procedures and are not effective until a written order of discharge is signed by the Judge of record.
 - b. Conditional discharges are completed and signed by Pine Hills Correctional Facility staff when the juvenile discharges from the original court order.

C. RECEIVING A REQUEST FOR TRANSFER OF SUPERVISION FROM OUT OF STATE:

1. Upon receiving an interstate compact transfer packet from a sending state, the Montana ICJ office will review the packet and forward it to the appropriate JPO.
2. The JPO will conduct a *Home Evaluation Report* and will send this to the Montana ICJ office within 30 days. If the JPO cites enough evidence that the placement is not suitable, the JPO should strongly advise against placement.
3. The Montana ICJ unit can deny a placement; however, placement with a parent or legal guardian cannot be denied if there are no other viable placement options with a parent or guardian.
4. When a juvenile is placed in Montana while "testing placement," the *Home Evaluation Report* will be expedited by the JPO.
 - a. The Montana ICJ office will review the completed *Home Evaluation Report*, approve or deny the placement, and notify the sending state through the ICJ data system.
 - b. If the placement is denied, the Montana ICJ office will notify the sending state that placement is not appropriate and the juvenile needs to be returned.
5. If the juvenile is placed, the Montana JPO will complete the *Quarterly Progress Report* every 3 months and will attach any pertinent information when sending it to the Montana ICJ office.
6. In the event the juvenile is unable to make an adequate adjustment in the Montana placement, the JPO should advise the Montana ICJ office regarding the JPO's recommendation for an alternate placement or return to the sending state.

Subject: INTERSTATE COMPACT FOR JUVENILES (ICJ)

7. If the juvenile violates conditions that cannot be handled with an intervention:
 - a. the JPO will notify the Montana ICJ office immediately and submit a *Quarterly Progress Report* or *Violation Report* describing the violations; and
 - b. the Montana ICJ office will forward this to the sending state and may request a warrant be issued for the juvenile to be placed in custody.

8. Juveniles from a sending state who are on ICJ parole supervision in Montana can be detained.
 - a. The Montana JPO will contact the Montana ICJ office to request the sending state detain the juvenile.
 - b. An accompanying *Violation Report* will be submitted in conjunction with the request to detain the juvenile.
 - c. In rare circumstances, the Montana JPO may need to detain the juvenile; however, this must be done cautiously due to a juvenile's adjudication being in another state.
 - 1) Whenever possible, there should be an identified residence the juvenile could return to following a release from detention.
 - d. A decision is made between the Montana ICJ unit and the sending state's ICJ unit to:
 - 1) retain the juvenile in placement;
 - 2) place the juvenile in an alternate placement; or
 - 3) return the juvenile to the sending state.
 - e. Pending charges in Montana must be resolved by dismissal or disposition before arrangements can be made to return the juvenile to the sending state.

9. The JPO may recommend the sending state discharge the juvenile from supervision when the juvenile meets Montana standards for discharge, in conjunction with the sending state's court order.
 - a. The recommendation for discharge is completed in the *Quarterly Progress Report*.
 - b. The Montana JPO will continue to supervise the juvenile until notified of the sending state's decision.
 - c. Only the sending state can close an ICJ case.

D. JUVENILE CONDITIONAL RELEASE ABSCONDERS:

1. Whenever a Montana juvenile has absconded, the JPO shall follow Youth Services Bureau procedures for entering a warrant. Entry into the CJIN/NCIC system will usually be entered as a nationwide pick up and hold.

IV. CLOSING:

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

V. FORMS:

Applicable ICJ forms



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

Procedure:	PPD 6.2.470 UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS
Effective Date:	05/01/2023 Page 1 of 8
Revision Date(s):	
Reference(s):	PFB 6.1.202; PFB 6.2.422 RD ; PPD 6.4.102; PPD 6.4.205; PPD 6.4.206; PFB 6.2.424; PFB 6.2.437; 7-32-2242, MCA; 46-18-203, MCA; 46-23-1015, MCA; 46-23-1024, MCA; 46-23-1025, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

46-18-203, MCA provides options to courts in the handling of revocations of suspended or deferred sentences for probation violations that are either non-compliance or compliance violations and 46-23-1015, MCA creates additional requirements and options for Hearings Officers during intervention hearings for responding to probation violations.

46-23-1025, MCA provides options to the Board of Pardons and Parole (BOPP) in the handling of revocations of parole for violations that are non-compliance or compliance violations and 46-23-1024, MCA creates additional requirements and options for Hearings Officers during intervention hearings for responding to parole violations.

These laws include options for placement for up to 90 days or up to 9 months in certain facilities and programs. Staff will follow established procedures for handling offenders subject to these placements.

II. DEFINITIONS:

Community Corrections Facilities and Programs Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services. This Bureau is referenced interchangeably as Programs and Facilities Bureau (PFB) or Facilities and Programs Bureau (FPB) in procedures and forms.

Community Corrections Facility – Includes assessment/sanction centers, prerelease centers, and residential substance use disorder treatment facilities.

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.

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

Hearings Officer – A Department employee who, as an impartial person, conducts hearings for offenders on community supervision or in an FPB program or facility.

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.

Subject: UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS

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

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

Up to 90-Day Intervention Referral – A probation, parole, or conditional release offender referred for placement in an FPB facility for up to 90 days by a Hearings Officer in accordance with the Montana Incentives/Interventions Grid for Probation and Parole and resulting from an intervention hearing. 46-23-1015, MCA and 46-23-1024, MCA.

Up to 9-Month Revocation Referral – A probation or parole offender referred for placement in an FPB facility for up to 9 months as a requirement of the court or Board of Pardons and Parole and resulting from a revocation hearing. 46-18-203, MCA and 46-23-1025, MCA.

III. UP TO 90-DAY PLACEMENTS

A. HOW UP TO 90-DAY PLACEMENTS ARE ORDERED

1. Probationers, Parolees, and Conditional Releases –

- a. During an intervention, on-site, or conditional release hearing, the Hearings Officer shall consult *PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)* and determine an appropriate response, including whether to recommend placement in a community corrections facility or program for up to a 90-day period, including but not limited to placement in a:
 - 1) prerelease center
 - 2) sanction or hold bed
 - 3) enhanced supervision program
 - 4) chemical dependency treatment program
 - 5) 24/7 sobriety program
- b. Additionally, it is possible to impose a combination of jail and community corrections time. However:
 - 1) The jail time may not exceed 30 days and does not count toward the 90-day placement.
 - a. P&P Officers are responsible for ensuring that jail time served does not exceed 30 days.
 - 2) The jail time must be specifically ordered in a hearing by the Hearings Officer and should be worded as such:

“Sanction to community corrections facility or program [be specific] for up to 90 days. Offender is additionally sanctioned to a jail placement for not more than 30 days while awaiting screening and transport to the facility/program.”
 - 3) Cost of jail time is the Department’s responsibility.
 - 4) Offenders must be released from jail on or before the 30th day.
- c. If the Hearings Officer does not order the offender to wait in jail pending their program placement, the offender must remain on community supervision until their bed date.
- d. If the offender is moved to a Probation and Parole hold bed to wait for their program placement, the offender’s time in the hold bed does count toward the 90 days.

Subject: UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS

B. FACILITIES AVAILABLE FOR UP TO 90-DAY PLACEMENTS

1. Facilities available for up to 90-day placements:
 - a. All prerelease facilities
 - b. CCP (both programs)
 - c. Elkhorn Treatment Center (90-day treatment track)
 - d. Passages ADT
 - e. Pine Hills (90-day treatment track)
2. Program availability is dependent on geographic location and program capacity/waiting lists. The screening process should follow *PFB 6.1.201 Placement Determination, Referral, and Screening*.
3. Referrals should clearly designate the following:
 - a. the offender's status as an up to 90-day placement
 - b. the offender's primary focus areas during their placement (for example, cognitive behavioral programming, employment, residence, SUD treatment)
 - c. the offender's Supervising Officer and contact information
 - d. the Hearings Officer who issued the intervention
 - e. the on-call contact information for the region where the offender originated
 - f. details on the expected housing placement upon completion
4. The Hearings Officer should determine the start date of the sanction to include jail time if applicable or the start date of the placement if jail time is not ordered.
5. The P&P Officer/Hearings Officer should coordinate with the facility and the Community Corrections Facilities and Programs Bureau to expedite screening and transport.

C. MANAGEMENT OF OFFENDER'S CASE IN THE FACILITY DURING UP TO 90-DAY PLACEMENTS:

1. In general, offenders in these placements are expected to follow the general rules/procedures of Probation and Parole and the facility.
2. Since the placement is a 90-day placement, which may be shorter than the "traditional" time required to complete the program, the Hearings Officer placing offenders in these types of placements should identify 1-2 areas on which the offender should focus while in the facility.
3. The facility should be mindful of the timeframes for the offender's placement in management of the offender's case.
4. P&P Officers must request monthly updates during an offender's placement at a facility. Facilities must follow *PFB 6.2.437 Lengths of Stay (LOS)* in regard to progress reporting.
5. An offender in an up to 90-day placement is eligible for administrative transfer to an assessment/sanction center for stabilization but is ineligible for transfer to a secure facility, and the time spent on administrative transfer status must count toward the 90-day period. See *PFB 6.1.202 Administrative Transfers*.
6. Hospital coverage and travel permit requirements apply based on the facility type in which the offender is located. See *PFB 6.2.433 Facility Offender Travel*.
7. It is expected that the Supervising P&P Officer and IPPO will coordinate release planning throughout the offender's stay.

D. HANDLING VIOLATIONS DURING UP TO 90-DAY PLACEMENTS

(see also PFB 6.2.424 Disciplinary Process in Contract Facilities)

1. General Information

- a. The offender's Supervising P&P Officer or FPB staff should be contacted by facility staff when there are any questions or issues that arise during an offender's intervention or revocation referral placement.
- b. Offenders cannot be placed in jail without the Supervising P&P Officer's authorization and following specific time limitations *(see PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release)*.
- c. Placement in another FPB facility pending hearing is not allowed unless that facility generally holds offenders on pre-hearing status.
- d. Outside of business hours, facility staff should contact the on-call Officer in the region where the offender originated, who will document the contact in OMIS and email the offender's officer of record and supervisors. Supervising P&P Officer will follow-up with facility staff the next working day. On-call contact numbers are as follows:
 - 1) Missoula Region: Missoula – 406-240-2031 and Butte – 406-491-1618
 - 2) Helena Region: Helena – 406-439-4861 and Bozeman – 406-580-0462
 - 3) Great Falls Region: 406-231-1399
 - 4) Billings Region: 406-860-0523
 - 5) Kalispell Region: 406-253-1876
 - 6) Havre Region: 406-879-9421
- e. Intervention or revocation referral offenders who leave the facility or attempt to leave without authorization from the facility or Probation and Parole are not considered escapees; however, the procedures specific to these offenders are outlined in III.F. in *PFB 6.2.422 RD Facility Escapes*.

2. Probationers:

- a. Supervising P&P Officer will determine whether to respond to the violation with an appropriate intervention or whether it warrants the removal of the offender from the facility based on information provided by the facility. If offender will be removed, the Supervising P&P Officer will determine an appropriate response pursuant to *PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)*.
- b. When necessary, interventions are addressed through an intervention hearing following the procedures of *PPD 6.4.206 Probation and Parole Field Hearings*.

3. Parolees:

- a. Violations are addressed by a Hearings Officer through an initial on-site hearing following the procedures of *PPD 6.4.206 Probation and Parole Field Hearings*.
- b. If an intervention is determined to be appropriate, the hearing is converted to an intervention hearing.
- c. If offender will be removed from the facility, offender is arrested pursuant to *PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release*. *PPD 6.4.205 (A) Report of Violation* is completed and submitted to the Board of Pardons and Parole pursuant to the procedures of *PPD 6.4.205 Report of Violation of Probation or Parole*.

IV. UP TO 9-MONTH PLACEMENTS

A. HOW UP TO 9-MONTH PLACEMENTS ARE ORDERED

1. Probationers –

- a. During the revocation process (46-18-203, MCA), the court may continue the suspended or deferred sentence with modified or additional terms and conditions, including placement in:
 - 1) a secure facility designated by the Department for up to 9 months; or
 - 2) a community corrections facility or program designated by the Department for up to 9 months, including but not limited to placement in a:
 - a) prerelease center
 - b) sanction or hold bed
 - c) enhanced supervision program
 - d) chemical dependency treatment program
 - e) 24/7 sobriety program
- b. Courts should be advised of this suggested wording for the court order:

“It is Ordered that Defendant’s previously imposed [suspended or deferred] sentence of _____ years is hereby reinstated and continued with the added condition that Defendant be placed into [a secure facility designated by the Department for up to 9 months] or [a community corrections facility or program designated by the Department for up to 9 months] pursuant to 46-18-203(7)(a)(ii), MCA.”
- c. If the court orders the offender to a secure facility, the offender may await their final placement in jail. The time spent in jail awaiting placement must count toward the 9-month period, and jail costs associated with these stays are the Department’s responsibility.
- d. Unless the court remands an offender to jail to wait for their placement, the offender must be released and wait for screening and placement while on community supervision.
 - 1) If the court does order an offender to jail to await a community corrections facility placement, the time spent in jail must count toward the 9-month period and the jail costs associated with the stay are the Department’s responsibility.
- e. If the offender is rejected by the needed program, the Supervising Officer should send a memo to the court outlining the screening results and presenting a recommendation for an alternate option.

2. Parolees –

- a. During the revocation process (46-23-1025, MCA), the Board of Pardons and Parole (BOPP), upon conclusion of a formal hearing may continue the parole with modified or additional terms and conditions, including placement in:
 - 1) a secure facility designated by the Department for up to 9 months; or
 - 2) a community corrections facility or program designated by the Department for up to 9 months, including but not limited to placement in a:
 - a) prerelease center
 - b) sanction or hold bed
 - c) enhanced supervision program
 - d) chemical dependency treatment program
 - e) 24/7 sobriety program

Subject: UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS

- b. If the BOPP orders the offender to a secure facility, the offender may await their final placement in jail. Jail costs associated with these stays are the responsibility of the Department.
- c. Unless the BOPP remands an offender to jail to wait for their placement, the offender must be released and wait for screening and placement while on community supervision.
 - 1) If BOPP does order an offender to jail to await a community corrections facility placement, the time spent in jail must count toward the 9-month period and the jail costs associated with the stay are the responsibility of the Department.
- d. If the offender is rejected by the needed program, the Supervising Officer/IPPO should send a memo to the BOPP outlining the screening results and presenting a recommendation for an alternate option.

B. CALCULATING 9-MONTH PERIOD

1. The 9-month period is 270 calendar days, and offenders must be released on or before the 270th day.
 - a. For offenders placed in a combination of facilities, all days are applied to the 270 calendar days.
2. If an offender is remanded to jail following sentencing, the period starts on the first day of placement in jail.
3. If an offender is not remanded to jail following sentencing, the period starts on the first day of placement in a facility.

C. FACILITIES AVAILABLE FOR UP TO 9-MONTH PLACEMENTS

1. Facilities available for secure facility placements include MSP/MWP.
2. Community corrections facility placements include all prerelease and treatment facilities.
3. Assessment/sanction centers are not available except on a case-by-case-basis as determined by FPB.
4. Program availability is dependent on geographic location and program capacity/waiting lists. The screening process should follow *PFB 6.1.201 Placement Determination, Referral, and Screening*.
5. Referrals should clearly designate the following:
 - a. the offender's status as an up to 9-month placement
 - b. the offender's primary focus areas during their placement (for example, cognitive behavioral programming, employment, residence, SUD treatment)
 - c. the offender's Supervising Officer and contact information
 - d. the on-call contact information for the region where the offender originated
 - e. the start date of the 9-month period; if the starting date is undetermined, it is the responsibility of the P&P Officer to monitor and provide the starting date as soon as it is determined
6. The P&P Officer should coordinate with the facility and the Community Corrections Facilities and Programs Bureau to expedite screening and transport.

Subject: UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS

D. MANAGEMENT OF OFFENDER'S CASE IN THE FACILITY DURING UP TO 9-MONTH PLACEMENTS:

1. In general, offenders in these placements are expected to follow the general rules and procedures of Probation and Parole and the facility.
2. Since the placement is a 9-month placement, the offender should complete a "traditional" program. However, if multiple placements are to occur during the 9-month period, each facility should be mindful of the timeframes while assisting the offender in completing the programs.
3. P&P Officers must request monthly updates during an offender's placement at a facility. Facilities must follow *PFB 6.2.437 Lengths of Stay (LOS)* in regard to progress reporting.
4. An offender in an up to 9-month placement is eligible for administrative transfer to an assessment/sanction center for stabilization but is ineligible for transfer to a secure facility, and the time spent on administrative transfer status must count toward the 9-month period. See *PFB 6.1.202 Administrative Transfers*.
5. Hospital coverage and travel permit requirements apply based on the facility type in which the offender is located. See *PFB 6.2.433 Facility Offender Travel*.

E. HANDLING VIOLATIONS DURING UP TO 9-MONTH PLACEMENTS

(see also PFB 6.2.424 Disciplinary Process in Contract Facilities)

1. General Information

- a. The offender's Supervising P&P Officer or FPB staff should be contacted by facility staff when there are any questions or issues that arise during an offender's intervention or revocation referral placement.
- b. Offenders cannot be placed in jail without the Supervising P&P Officer's authorization and following specific time limitations *(see PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release)*.
- c. Placement in another FPB facility pending hearing is not allowed unless that facility generally holds offenders on pre-hearing status.
- d. Outside of business hours, facility staff should contact the on-call Officer in the region where the offender originated, who will document the contact in OMIS and email the offender's Officer of record and supervisors. Supervising P&P Officer will follow-up with facility staff the next working day. On-call contact numbers are as follows:
 - 1) Missoula Region: Missoula – 406-240-2031 and Butte – 406-491-1618
 - 2) Helena Region: Helena – 406-439-4861 and Bozeman – 406-580-0462
 - 3) Great Falls Region: 406-231-1399
 - 4) Billings Region: 406-860-0523
 - 5) Kalispell Region: 406-253-1876
 - 6) Havre Region: 406-879-9421
- e. Intervention or revocation referral offenders who leave the facility or attempt to leave without authorization from the facility or Probation and Parole are not considered escapees; however, the procedures specific to these offenders are outlined in III.F. in *PFB 6.2.422 RD Facility Escapes*.

Subject: UP TO 90-DAY AND UP TO 9-MONTH PLACEMENTS

2. Probationers:

- a. Supervising P&P Officer will determine whether the violation will be addressed through an intervention hearing or whether it warrants the removal of the offender from the facility and a formal revocation based on information provided by the facility.
- b. If offender will be removed from the facility, offender is arrested pursuant to *PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release*. *PPD 6.4.205 (A) Report of Violation* is completed and submitted to the county attorney pursuant to the procedures of *PPD 6.4.205 Report of Violation of Probation or Parole*.

3. Parolees:

- a. Violations are addressed by a Hearings Officer through an initial on-site hearing following the procedures of *PPD 6.4.206 Probation and Parole Field Hearings*.
- b. If an intervention is determined to be appropriate, the hearing is converted to an intervention hearing.
- c. If offender will be removed from the facility, offender is arrested pursuant to *PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release*. *PPD 6.4.205 (A) Report of Violation* is completed and submitted to the Board of Pardons and Parole pursuant to the procedures of *PPD 6.4.205 Report of Violation of Probation or Parole*.

V. CLOSING:

Questions about this procedure should be directed to a Deputy Probation and Parole Chief, Probation and Parole Chief, or Community Corrections Facilities and Programs Chief.

VI. FORMS:

PPD 6.3.101 (A) Montana Incentives/Interventions Grid for Probation and Parole (MIIG-P&P)
PPD 6.4.205 (A) Report of Violation



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
Revision Date(s):	07/12/2023; 08/16/2023	
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&P)</i>
<i>PPD 6.3.101 (B)</i>	<i>Offender MIIG-P&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&P Intervention: Hearing Summons and/or Violation Response</i>



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

Procedure:	PPD 6.3.201 ADMINISTRATIVE AND SIGN-UP PROCEDURES FOR COMMUNITY SUPERVISION
Effective Date:	07/29/2019 Page 1 of 7 plus attachment
Revisions Date(s):	04/28/2021
Reference(s):	PPD 1.5.200; PPD 1.5.501; PPD 1.5.1000; PPD 1.5.1200; PPD 3.1.2000; PPD 3.1.2400; PPD 4.6.300; PPD 4.6.301; PPD 4.6.302; PPD 6.3.401; DOC 1.5.13; 41-5-2503, MCA; 44-6-103, MCA; 45-9-202, MCA; 46-18-203, MCA; 46-18-237, MCA; 46-18-241, MCA; 46-18-261, MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1021, MCA; 46-23-1031, MCA; 53-1-201, MCA; 20.7.1101, ARM; 20.25.702, ARM
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will use consistent procedures and forms to ensure offenders are advised of the sentencing order of the District Court and the legal force and effect; the conditions of community supervision imposed by the court, Board of Pardons and Parole, and/or the Department; and the offender’s responsibilities while on community supervision.

II. DEFINITIONS:

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.

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

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

Offender Case Files – The primary records for adult and youth offenders that may include, but are not limited to, certified documents that authorize the Department to maintain legal custody and/or supervise the offender, reports, classification, treatment programs, and grievances; utilized to provide basic physical, biographical, or historical information about an offender, and to aid placements, custody, classification, treatment, and supervision.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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 (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.

Registration Agency – The police department of the city or town in which an offender resides; or the sheriff’s office of the county in which an offender resides if the residence is in a place other than a city or town.

RIL-P&P Regional Intelligence Liaison – An individual appointed by the Deputy Chief to track street gang activity within a specific region/city and is the liaison to the Montana Analysis and Technical Information Center (MATIC) and Rocky Mountain Information Network (RMIN).

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.

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. ADMINISTRATIVE PROCEDURES:

A. GENERAL PROVISIONS:

1. Supervising Probation & Parole (P&P) Officers will follow administrative procedures in conjunction with:
 - a. *PPD 1.5.1200 Risk and Needs Assessments for Adult Case Management;*
 - b. *PPD 4.6.300 DOC Commitments*
 - c. *PPD 4.6.301 Offender Self-Surrender;*
 - d. *PPD 4.6.302 Conditional Release of DOC Commitment; and*
 - e. *PPD 6.3.401 Case Management for Adult Offenders.*

2. Administrative and sign-up procedures occur for offenders received into the community under P&P supervision in the following ways.
 - a. *Probation:*
 - 1) A District Court judge sentences the offender to serve a period of probation or suspended commitment time and imposes conditions of said term.
 - 2) An offender’s prison sentence expires and there is suspended time to follow. Offender may also discharge a sentence with probation time to follow from a PFB program/facility when placed there as a prison inmate.
 - 3) An offender’s parole status expires and there is suspended time to serve.
 - 4) A District Court judge sentences the offender to the Department’s jurisdiction but requires the offender to be released to community supervision upon sentencing.
 - 5) An offender on conditional release status goes to probation while in the community.

- b. *Parole*: When an offender sentenced to a prison term is released by the BOPP prior to his/her prison discharge date and placed in a PFB program/facility or into the community on parole status.
 - c. *DOC Probation*: An offender sentenced to the Department and court-ordered to be released to community supervision upon sentencing or disposition. This offender is signed up to probation conditions of supervision.
 - d. *Conditional Release (CR)*: An offender who was committed to the Department and is ultimately deemed appropriate and approved for release on community supervision (see *PPD 4.6.302 Conditional Release of DOC Commitment*).
 - e. *Offender Self-Surrender*: Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved PFB facility and waiting for an available bed in the facility (see *PPD 4.6.301 Offender Self-Surrender*).
3. When a revocation is pending in a jurisdiction other than the supervising jurisdiction, the supervising jurisdiction will continue to supervise the offender until sentencing. The jurisdiction initiating the revocation is responsible for completing all paperwork associated with the revocation procedures.

B. VICTIMS:

1. If not done previously during the presentence investigation process, the supervising P&P Officer will contact victims regarding future notifications about the offender, i.e., travel to certain areas, hearing outcomes, potential release, etc.
 - a. Officer provides contact information and an opportunity for the victim to ask questions or share concerns.
 - b. Victim should provide the method of contact for any notification (e.g., text, email, phone call).
 - c. Officer ensures victim is included in offender's OMIS record and documents victim's decision regarding notifications, including the preferred method of contact.
 - d. Officer may determine designated travel districts are necessary for the offender based on safety concerns for the victim.
2. Officer will provide the Department's website, www.cor.mt.gov/Victims, to the victim and explain the website provides important information on victim rights, safety, programs, contacts, and notification registration.

C. OFFENDER'S ARRIVAL IN COMMUNITY:

1. For an adult offender new to Department supervision, an OMIS record is formally established at the time of sentencing:
 - a. creation of offender profile records if not done during pre-sentence investigation;
 - b. entry of court case information;
 - c. entry of offenses; and
 - d. entry of sentencing conditions.
2. For all offenders, supervising P&P Officer will:
 - a. review court order, pre-sentence investigation report (PSI) if one was completed, and current risk and needs assessment(s) if available;

- b. ensure offender has a risk and needs assessment(s) pursuant to *PPD 1.5.1200 Risk and Needs Assessments for Adult Case Management*.
 - c. develop a case plan and supervision strategy pursuant to *PPD 6.3.401 Case Management for Adult Offenders*.
 - d. complete urinalysis following *PPD 3.1.2000 Offender Drug and Alcohol Testing*.
 - e. complete *PPD 3.1.2400(A) STG/Street Gang Activity Questionnaire* if not done previously and forward to appropriate RIL. Copy is retained in offender's OMIS record and OMIS STG chronological entry is made noting completion of form.
 - f. complete required sign-up procedures pursuant to Section IV. C. below.
3. Probation Offenders Incarcerated in Another State: The supervising P&P Officer will create a field file and enter OMIS information for probation offenders on supervision in Montana, but who are incarcerated in another state, and forward the field file to the Interstate Compact Section (Interstate) for monitoring. Interstate will provide a notification to the out-of-state facility holding the offender and request they be contacted if any release is going to be initiated. Interstate will give reporting instructions to the offender when he/she is released from the facility. If the offender chooses to interstate to another state, the Interstate Compact Section will facilitate the transfer.

IV. SIGN-UP PROCEDURES:

A. OFFENDER TO BE RELEASED FROM A FACILITY TO COMMUNITY SUPERVISION:

1. Prior to release of offender, the IPPO, PRC Liaison, or P&P Officer will:
 - a. Have an NCIC/CJIN check completed by the nearest regional P&P Office to confirm there are no outstanding detainers or warrants on offender:
 - b. If applicable, at least 10 days prior to release, registered victim(s) must be notified of the following information and notification documented (follow *PPD 4.6.302 Conditional Release of DOC Commitment* for offenders being conditionally released):
 - 1) change in location and custody status;
 - 2) date of release;
 - 3) community in which the offender will reside; and
 - 4) victim has opportunity to respond with written or oral input within five (5) days. Provide the P&P Officer's name to whom the victim should respond, including Officer's address, and phone number.
 - c. Coordinate with the assigned supervising P&P Officer in the community to schedule reporting instructions.
2. The following staff will complete the sign-up:
 - a. IPPO:
 - 1) offenders paroling from prison,
 - 2) offenders discharging prison sentence from prison with probation to follow, and
 - 3) offenders being conditionally released from a PFB treatment or assessment/sanction center.
 - b. PRC Liaison:
 - 1) prerelease offenders being released to a region other than where the prerelease is located or to an interstate transfer.

Subject: ADMINISTRATIVE AND SIGN-UP PROCEDURES FOR COMMUNITY SUPERVISION

c. P&P Officer:

- 1) offenders discharging prison sentence in a prerelease with probation time to follow,
- 2) offenders being conditionally released from prerelease, jail, or at revocation to ISP,
- 3) offenders transferring in-state,
- 4) DOC Probationer releasing from jail, and
- 5) offender placed on self-surrender.

3. If applicable, IPPO, PRC Liaison, or P&P Officer completes and uploads into offender's file the appropriate paperwork for:

- a. DNA testing if not completed (see *DOC Policy 1.5.13, DNA Testing/Collection of Biological Sample*); and/or
- b. Sexual/Violent Offender Registration at least 10 days prior to release (see *PPD 1.5.1000 Sexual and Violent Offender Registration and Level Designation*).
 - 1) If it is determined that a tier level designation was not imposed at the time of sentencing, follow the procedures outlined in *PPD 1.5.1000* to request a level designation from the court.

4. IPPO, PRC Liaison, or P&P Officer emails notification of offender releasing to MSP/MWP Records Department for notifications required by statute.

5. Issue offender *Travel Permit-OMIS* following procedures of *PPD 6.3.404 Probation & Parole Offender Travel*.**B. PAROLEE GRANTED CDFS DISCHARGING BALANCE SUSPENDED:**

1. A parolee who received a CDFS, but will discharge his/her parole status to suspended time will have been given a date to report to a P&P office to begin the suspended time on *PPD 4.6.205(D) Conditional Discharge Information*.
2. Upon reporting, the supervising P&P Officer will complete the following:
 - a. a NCIC check for outstanding warrants;
 - b. a MORRA CST or WRNA PPA;
 - c. sign-up as outlined below in part C.; and
 - d. OMIS entries.
3. The offender will be required to report as directed by *PPD 1.5.1200 Risk and Needs Assessments for Adult Case Management* and *PPD 6.3.401 Case Management for Adult Offenders* until such time he/she is eligible for a court-ordered CDFS (see *PPD 4.6.205 Conditional Discharge from Supervision*).

C. OFFENDER REPORTING TO P&P FOR COMMUNITY SUPERVISION:

1. P&P Officer will print, read, and explain to the offender each required sign-up form. After review, all forms will be uploaded to the offender's file as one sign-up packet:
 - a. *DOC Policy 1.5.13 (Attachments) Requirement to Provide Biological Sample Letter-OMIS and Documentation of DNA Test Collection* if offender has not previously provided a DNA sample. When *Documentation* is returned to supervising Officer, a copy is given to the offender and applicable OMIS entries are made.

Subject: ADMINISTRATIVE AND SIGN-UP PROCEDURES FOR COMMUNITY SUPERVISION

- b. *Prison Rape Elimination Act of 2003 Offender Sign-up Packet*. Offender signs *PPD 1.1.1700 (C) Offender PREA Acknowledgment* documenting receipt and review of PREA and complaint information.
 - c. *PPD 6.3.401(C) Monthly Report* when required.
 - d. *PPD 6.3.101(B) Offender MIIG-P&P Acknowledgement*.
 - e. *PPD 6.3.201(A) Residence Visits*. This form is also reviewed with other residents of offender's home when applicable.
 - f. Section I of *PPD 6.3.201(B) Firearms and Voting Regulations*. Form is retained in offender's file.
 - g. *PPD 6.3.201(C) Supervision Fees-Offender Rights & Responsibilities*. 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. 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.
 - h. Appropriate *conditions of supervision* are generated in OMIS based on offender's supervision status. Offender initials to acknowledge understanding of each condition and signs the form.
 - 1) If re-signing is due to a change in offender's status, Officer may note on previous *Conditions* any change in travel district(s) and then review each condition with offender, with offender re-initialing each condition and re-signing and dating form.
 - i. *PPD 6.3.201(J) Wage Garnishment Statement* if there is court-ordered restitution.
 - j. *PPD 6.3.201(K) Change to Residence/Phone#/Employer*.
2. If applicable, supervising P&P Officer will verify a sexual or violent offender has complied with the statutory obligation to register with the local registration agency (see *PPD 1.5.1000 Sexual and Violent Offender Registration and Level Designation*):
- a. Officer will:
 - 1) record or verify the offender's intended address;
 - 2) provide offender with *PPD 1.5.1000(A) Duty to Register Letter*;
 - 3) complete *SVOR Registration Form* with offender and:
 - a) forward a copy to the Department of Justice or e-mail to dojsvor@mt.gov; and
 - b) document DOJ notification was completed.
 - 4) copies of *Letter* and *SVOR* registration are retained in OMIS record.
 - 5) Sexual offenders ordered to have no contact with a victim and/or any persons under the age of 18, must complete OMIS-generated *PPD 6.3.201(D) What Does "No Contact" Mean?*
 - b. If it is determined that a tier level designation was not imposed at the time of sentencing, follow the procedures outlined in *PPD 1.5.1000* to request a level designation from the court.
 - c. Officer must contact the registration agency to verify the original registration as well as any subsequent changes. The offender must also complete the *SVOR-Change of Address Form*. Officer will forward a copy to the Department of Justice or e-mail to dojsvor@mt.gov and maintain documentation that this DOJ notification was completed.
3. Employer Notification:
- a. Offenders convicted of an offense involving theft from an employer:
 - 1) The P&P Officer will generate *PPD 6.3.201(I) Employer Notification Letter* from OMIS at sign-up as required by §46-23-1004, MCA.

Subject: ADMINISTRATIVE AND SIGN-UP PROCEDURES FOR COMMUNITY SUPERVISION

- 2) Officer will document employer and verification in OMIS record.
- b. All other offenders under P&P supervision are required by the conditions of supervision to notify their employer of their status on probation, parole, or conditional release.
 - 1) P&P Officers are required to verify that the employer is aware of the offender's supervision status. This can be accomplished by letter or phone contact.
 - 2) Officer will document employer and verification in OMIS record.
 - 3) If an offender is self-employed or works for an independent contractor, P&P Officer will determine whether there are appropriate parties that need to be notified.
4. The supervising P&P Officer, PO Tech, or Administrative Support will complete the following:
 - a. *Photographs (see also page 8 attachment)*: Photograph the offender using both a frontal face-only view (no smiling) and a head-only profile view (right view). The frontal face-only view used as the main photo, and the head-only profile view in Other Photo section, should be updated each time an offender's appearance changes (glasses, facial hair, tattoos and/or scarring). **Photos will be reviewed every three (3) years and replaced if necessary.**
 - b. Ensure all OMIS information has been entered.
5. *OMIS Chronological Entries*: Supervising P&P Officer will document the initial contact with offender. All contact and any change pertaining to the offender that affects the accuracy of information stored in OMIS, such as change in custody level or location, address, gender, life-status, should be documented in the chronological history on an ongoing basis throughout the offender's supervision.
6. For probationers, an in-home contact is completed within 45 days of sign-up to address the following:
 - a. verify offender's home address and conduct visual inspection;
 - b. assess home environment for Officer safety (may draft a floor plan of home);
 - c. observe and determine lifestyle factors;
 - d. meet significant others, family members, other residents of home;
 - e. observe residence for contraband, weapons, illegal or dangerous objects (if visual inspection provides reasonable suspicion that the offender has items banned by conditions of supervision, conduct a search pursuant to *P&P 60-4 Searches of Offender's Person, Vehicle, Residence/Confiscation of Offender's Property*;
 - f. observe residence for cable/computer/internet capabilities if offender is a sex offender and/or has restrictions; and
 - g. observe neighborhood for potential public safety issues such as high crime area (gang graffiti), schools/parks (sex offenders), or other vulnerable neighbors.
7. If the court revokes and reinstates an offender and the offender remains in the supervising jurisdiction, the supervising P&P Officer will sign the offender to new conditions of supervision.

V. CLOSING:

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

VI. FORMS:

PPD 6.3.201 (A)	Residence Visits
PPD 6.3.201 (B)	Firearms and Voting Regulations
PPD 6.3.201 (C)	Supervision Fees-Offender Rights & Responsibilities
PPD 6.3.201 (D)	What Does "No Contact" Mean?
PPD 6.3.201 (E&F)	Conditions of Probation and Parole
PPD 6.3.201 (G&H)	Conditions of ISP
PPD 6.3.201 (I)	Employer Notification Letter
PPD 6.3.201 (J)	Wage Garnishment Statement
PPD 6.3.201 (K)	Change in Residence/Phone#/Employer
PPD 1.5.1000 (A)	Duty to Register Letter
PPD 1.5.1000 (C)	Request for Sexual Offender Level Designation
PPD 3.1.2400 (A)	STG/Street Gang Activity Questionnaire
PPD 4.6.302 (A&B)	Conditions of Conditional Release
PPD 6.3.401 (C)	Monthly Report
PPD 6.3.101 (B)	Offender MIIG-P&P Acknowledgement
DOC 1.5.13 (B)	Requirement to Provide Biological Sample Letter
DOC 1.5.13 (C)	Documentation of DNA Test Collection
DOJ	Sexual-Violent Offender Registration Form

OFFENDER PHOTOS IN OMIS

1. Photos will be updated each time an offender's appearance changes (glasses, facial hair, tattoos and/or scarring), but will be reviewed at least every three (3) years and replaced if necessary. Some key triggers for new photo:
 - Offender has discharged from an institution or returned from interstate to community supervision,
 - Facial hair growth or removal [i.e., beards],
 - Hair length [going from short to long hair or vice versa],
 - Last picture is over three years old, and/or
 - If you recognize the last photo you have doesn't fit with what is contained in the procedure.
2. **Offender should not be smiling in any photo.**
3. Photograph the offender using both a frontal face-only view (no smiling) and a head-only profile view (right view). The frontal face-only view is used as the main photo and the head-only profile view is in Other Photo section of the Profile Listing.
4. Make sure there is adequate lighting and use the background provided by DOC which is 18% gray with a smooth flat surface; there should be NO paneling, desks, height bar, bulletin boards, etc., in the background of the photo.
5. There should be NO hats, uniform logos or name badges showing. Do NOT include the name of the offender or any dates in the picture.
6. Always capture the full-face or frontal face-only view (no body included) and use this view as the main photo in Main Offender Listing Screen in OMIS. The camera should be focused from the nose to the ears with the nose as center.
7. For offenders who normally wear eyeglasses, the frontal face-only view should be captured of the offender without glasses. An additional view should be captured of the offender wearing the eyeglasses and uploaded into the Other Photo section of the Profile Listing.
8. Ensure that the camera is the same distance from the offender for both the frontal face-only view and the head-only profile. (It may be helpful to put tape on the floor where the client photo will be taken so that they will stand in the same spot for all photos.)
9. Photos must be saved as ".jpg" format and 640x480 in size, or multiples thereof. Changing the extension of a photo to ".jpg" after it has been saved will not work. Photos do not need to be kept once entered into OMIS.
10. Keep in mind interstate compact unit is also impacted by the quality of our photos. The national standards are:
 - 1) Face is recognizable and visible,
 - 2) Photo is in portrait view (height greater than width),
 - 3) Photo is in color and is sharp with no visible pixels or printer dots, and
 - 4) Background doesn't detract from the offender's face.



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

Procedure:	PPD 6.3.202	IN-STATE TRANSFER OF ADULT SUPERVISION
Effective Date:	01/08/2020	Page 1 of 3
Revision Date(s):	04/28/2021	
Reference(s):	PPD 1.5.1000; PPD 1.5.1200; PPD 6.1.203; PPD 6.3.101; PPD 6.3.201	
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator	

I. PURPOSE:

Probation & Parole Bureau staff will follow established procedures for the in-state transfer of an offender’s community supervision to another in-state location.

II. DEFINITIONS:

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

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.

Courtesy Supervision – A temporary short-time location change for supervision that has an end date.

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 (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.

Registration Agency – The police department of the city or town in which an offender resides; or the sheriff’s office of the county in which an offender resides if the residence is in a place other than a city or town.

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. ELIGIBILITY FOR TRANSFER:

1. An in-state transfer should be in the best interest of the offender, regardless of his/her status, to optimize the offender’s success. Courtesy supervision may be approved for an offender for a specific amount of time due to employment and/or treatment reasons, or on a case-by-case basis with supervisor approval.
2. When an offender is not in compliance with his/her conditions of supervision, and an in-state transfer is in his/her best interest, a Hearings Officer/Supervisor will consider transfer of

supervision as it relates to the goal of re-establishing compliance through interventions determined applicable by *PPD 6.3.101(A) Montana Incentives/Interventions Grid for Adult Probation & Parole (MIIG-P&P)*.

3. If the offender is transferred while facing revocation and continues to violate his/her conditions, the new supervising Probation & Parole (P&P) officer will complete an addendum to the initial report of violation.
4. The supervising office will complete placement paperwork for the offender's revocation/new sentence. The supervising office will also complete a PSI if ordered by the court.

B. TRANSFER PROCEDURES AND RESPONSIBILITIES:

1. When an in-state transfer is being considered, the offender will provide a home address, person(s) offender will be living with, employment, and any treatment information at the new location.
2. When applicable, notification to registered victims(s) is made and documented in OMIS chronologicals. The following information is provided:
 - a. community in which the offender will reside;
 - b. possible date of transfer; and
 - c. victim has opportunity to respond with written or oral input within five (5) days. Provide the name of the P&P Officer to whom the victim should respond, including Officer's address and phone number.
3. The supervising P&P Officer verifies all of the information provided by the offender.
4. The supervising P&P Officer submits offender's request, and all information provided and verified, in writing to supervisor for review and approval or denial. Supervisor reviews all of offender's OMIS records for accuracy.
5. If supervisor approves:
 - a. Supervisor contacts POII at receiving P&P office for coordination of transfer and assignment of case to receiving P&P Officer. Telephone contact is the preferred method, followed by an email contact.
 - b. Once assigned, sending P&P Officer and receiving P&P Officer staff case to provide a continuum of supervision.
 - c. *Travel Permit-OMIS* and reporting instructions are given to offender.
 - d. OMIS Entries:
 - 1) Sending P&P Officer will complete a chronological entry regarding offender's transfer plan; and
 - 2) Receiving P&P Officer will change offender's location and add new supervising officer.
6. If supervisor wants to deny the transfer, the request will be staffed with the Deputy Chief for a final decision.
7. Sign-Up to Community Supervision: Once officially transferred, the new P&P Officer will ensure:
 - a. appropriate sign-up forms are reviewed and updated when required. Forms that may need to be updated due to the location change are:

- 1) Conditions of supervision – Current form may be re-signed and dated somewhere on the form or a new form may be generated if conditions change. This documents and supports that the conditions were reviewed should the offender have to answer to future violations of supervision;
 - 2) *Wage Garnishment Statement*;
 - 3) SVOR registration; and
 - 4) Employment notification.
- b. all forms reviewed and/or updated are uploaded in offender’s file;
OR
a chronological entry is made regarding the form review with the offender and if updates were made; and
- c. the appropriate initial home contact will be made within 45 calendar days of the transfer in accordance with offender’s case plan and appropriate supervision strategies (*PPD 6.3.401 Case Management for Adult Offenders*).

IV. CLOSING:

Questions concerning this procedure shall be directed to the POII or Deputy Chief.

V. FORMS:

Appropriate Conditions of Supervision and other sign-up forms (see *PPD 6.3.201 Administrative and Sign-Up Procedures for Adult Community Supervision*).



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

Procedure:	PPD 6.3.401 CASE MANAGEMENT FOR ADULT OFFENDERS
Effective Date:	02/26/2018 Page 1 of 14
Revision Date(s):	07/02/2018; 04/07/2021
Reference(s):	PPD 1.5.500; PPD 1.5.501; PPD 1.5.1000; PPD 1.5.1200; PPD 3.1.2000; PPD 6.3.404; PPD 6.4.205; PPD 6.4.206; 46-18-203, MCA; 46-18-231 through 237, MCA; 46-18-241, MCA; 46-18-244 through 247, MCA; 46-18-251, MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1020, MCA; 46-23-1021, MCA; 46-23-1031, MCA; 20.25.704 ARM
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



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

Procedure:	PPD 6.3.402	PROBATION & PAROLE FINANCIAL RESOURCES
Effective Date:	10/01/2020	Page 1 of 2
Revision Date(s):		
Reference(s):	PFB 6.1.204; 53-1-203, MCA	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division staff will follow established procedures when requesting resources that may be available within the probation and parole region for assisting offenders with financial needs.

II. DEFINITIONS:

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

III. PROCEDURES:

A. RESOURCES FOR P&P OFFENDERS:

1. When an offender under direct community supervision is unable to participate in needed treatment due to a lack of finances, resources may be available through the Department to assist the offender.
2. When reviewing the circumstances of an offender’s case, the supervising P&P Officer will first consider the availability of contracted vendors and other avenues of funding that include, but are not limited to;
 - a. state-contracted programs such as mental health centers and substance abuse programs, private insurance, and Medicaid; and/or
 - b. transitional assistance funds:
 - 1) Transitional assistance funds are available to offenders under the supervision of P&P; in a prerelease center, assessment and sanction center, or treatment facility; or being released from prison;
 - 2) The requested funding must be reasonable and justifiable and specifically allocated for:
 - a) a service, equipment, or other need to expedite an offender’s discharge from a prerelease center, b) to help in an offender’s completion of a program, or c) for an offender’s ongoing need in the community; and
 - 3) A request for transitional assistance funds is made using *PFB 6.1.204(A) Transitional Assistance/Rental Voucher Request*. The *Request* must be completed and submitted pursuant to the procedures of *PFB 6.1.204 Transitional Assistance and Rental Vouchers*.

3. **If there are no other resources available**, the Officer will staff the case with the Deputy Chief (DC) or designee regarding available supervision fees, which may be used for:
 - a. Anger Management
 - b. Gambling Addiction Assessments
 - c. Batterer's Intervention
 - d. Cognitive-based Programming
 - e. Substance Use Evaluations/Counseling
 - f. Psychological Evaluations
 - g. Sexual Offender Polygraph Examinations
 - h. Psycho-Sexual Evaluations or Sexual Offender Treatment
 - i. Mental Health Evaluations/Counseling
 - j. Other treatment determined appropriate by P&P Officer and DC.
4. The DC or designee may use *PPD 6.3.402(A) Supervision Fee Expenditure Request* to track expenditures for the offenders approved for the assistance. The *Request* is completed by the supervising P&P Officer and should include the following:
 - a. name of offender;
 - b. type of service requested;
 - c. duration of treatment and cost of service;
 - d. name of vendor;
 - e. the reason for financial request; and
 - f. ORG #.
5. Approved vendor(s) will be instructed to submit their invoice to the DC or designee for processing/payment. Once the invoice is received, a contact name and the ORG # must be written on the invoice, which is then submitted to the central office accounting unit for payment.
6. The DC should evaluate the regularity of need for service from an uncontracted vendor to determine if a contract is appropriate (see *DOC Policies 1.2.8, Procurement* and *1.2.9, Contracts*).

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or the Programs and Facilities Bureau.

V. FORMS:

PPD 6.3.402 (A) Supervision Fee Expenditure Request
PFB 6.1.204 (A) Transitional Assistance/Rental Voucher Request



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

Procedure:	PPD 6.3.404 COMMUNITY SUPERVISION OFFENDER TRAVEL
Effective Date:	02/23/2015 Page 1 of 3
Revision Date(s):	09/01/2019; 03/24/2021; 08/15/2023
Reference(s):	PFB 6.2.433; PPD 6.1.802; PPD 6.3.401; DOC 1.8.1; DOC 3.3.8; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1021, MCA; 46-23-1115, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

I. PURPOSE:

Probation and Parole will follow established procedures for authorizing travel requested by offenders on community supervision to promote reentry efforts and ensure accountability and community safety.

II. DEFINITIONS:

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

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

Travel Permit – Permission given to an offender to travel to another district or state. Permission may be granted verbally, in writing, or electronically.

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.

VINE-Victim Information and Notification Everyday – An automated telephone, email, and text notification system which provides location and custody status updates about offenders under Department supervision.

III. PROCEDURES:

A. TRAVEL REQUIREMENTS FOR SEXUAL OR VIOLENT OFFENDERS:

1. For offenders convicted of a sexual or violent offense, sentenced for stalking or negligent homicide, or whose original sexual or violent offense was pled down, for example, to criminal endangerment, all travel outside the offender’s district must be requested by the offender and reviewed by the P&P Officer.
 - a. For in-state and out-of-state requests for travel lasting longer than 30 days, the offender must make another request and the request must have the approval of a DC or POII.
2. Notifications are made to the victim as provided in III.C.5.a. below and to the local Probation and Parole office, which can determine whether it is necessary to notify local law enforcement.

B. TRAVEL REQUIREMENTS FOR ALL OTHER OFFENDERS:

1. Except as provided in III.A. above:
 - a. Offenders are allowed to travel in-state without permission for up to 5 days.
 - 1) Offenders who have court-ordered special travel restrictions or a MIIG-P&P travel restriction must obtain permission for any travel outside their district, regardless of the length of time.
 - b. Offenders shall request and obtain permission for in-state travel longer than 5 days and for all out-of-state travel.
 - c. For travel lasting longer than 30 days, the offender must make another request.

C. REQUIREMENTS FOR TRAVEL FOR ALL OFFENDERS:

1. An offender may make a travel request containing the information on the *PPD 6.3.404 (B) Offender Travel Permit Request*:
 - a. in person;
 - b. by telephone;
 - c. electronically, such as by email or text message; or
 - d. in writing, using the *PPD 6.3.404 (B) Offender Travel Permit Request*.
2. Before making a decision whether to approve the request, the P&P Officer reviews:
 - a. OMIS and VINE to determine if there is a victim who has registered for notification;
 - b. tier designation when applicable;
 - c. compliance with programming, such as sexual/violent, substance use, and/or mental health;
 - d. compliance with registration laws when applicable; and
 - e. OMIS chronological history for compliance with court-, BOPP-, or Department-ordered supervision conditions; court-ordered sanctions; restitution; etc.
3. P&P Officers on probationary status must review requests for out-of-state travel with the DC/POII prior to approval. Officers will note staffing in the Travel Permit module in OMIS.
4. The requirements of *PPD 6.1.802 Adult Interstate Commission Procedures* are followed for offenders traveling out-of-state for the purpose of interstate transfer. The P&P Officer will email the out-of-state travel information to the Montana Interstate Compact Section for transfer cases only.
5. When a travel request has been approved, the P&P Officer will document all pertinent travel details in the Travel Permit module in OMIS and inform the offender of the approved request verbally, in writing, or electronically.
 - a. If a victim has registered for notification, the P&P Officer will notify the victim(s), provide the travel dates and location, and document the notification in the Travel Permit module in OMIS.
 - b. Additional notification requirements for sexual and violent offenders are found in III.A.2. above.
6. If a travel request is denied, the denial and the reasons are documented in an OMIS chronological entry, and the offender is given the reasons for the denial.
7. For travel requests from offenders in facilities contracted with the Community Corrections Facilities and Programs Bureau, see *PFB 6.2.433 Facility Offender Travel*.

Subject: COMMUNITY SUPERVISION OFFENDER TRAVEL

D. OUT-OF-COUNTRY TRAVEL:

1. Subject to III.C. "Requirements for Travel for All Offenders" above, offenders requesting to travel outside of the United States must be directed to the Montana Compact Administrator and Public Safety Chief or designees. Except as provided below, this will be the final determination.
2. For parolees, the final determination will be made by BOPP.
3. For probationers, P&P Officers will review the judgment to determine whether there is an out-of-country travel restriction and will defer to this restriction.

IV. CLOSING:

Questions about this procedure should be directed to the POII or Deputy Chief.

V. FORMS:

PPD 6.3.404 (A) Travel Permit

PPD 6.3.404 (B) Offender Travel Permit Request



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

Procedure:	PPD 6.3.405 PROBATION & PAROLE OFFENDER COMPLAINTS
Effective Date:	10/01/2020 Page 1 of 4
Revisions Date(s):	
Reference(s):	PPD 1.1.1700; DOC 1.3.12; DOC 3.3.20
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

The Probation and Parole Division will provide a complaint process to offenders on community supervision with the Probation & Parole Bureaus to resolve complaints in a timely manner.

II. DEFINITIONS:

Complaint – For the purpose of this operational procedure, a written allegation from an offender regarding a violation of law, policy, or procedure against Probation & Parole Bureau staff as outlined in this procedure.

Discrimination – Unfair treatment including statements, decisions or acts based upon the offender’s race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

Harassment – Harassment, including sexual harassment, is offensive and unwelcome conduct including, but not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, and offensive objects or pictures, based upon the offender’s race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, or in retaliation against an offender because the offender has opposed any discriminatory practices or because the offender has filed a complaint, testified, assisted, or participated in any manner in a discrimination investigation or proceeding.

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

Retaliation – A significant adverse act taken against an offender because the offender has opposed any forbidden discriminatory practices or because the offender has filed a complaint, testified, assisted, or participated in any manner in a discrimination investigation or proceeding. As set forth in *ARM 24.9.603*, significant adverse acts are those that would dissuade a reasonable person from engaging in protected activity.

III. PROCEDURES:

A. GENERAL GUIDELINES:

1. An offender on community supervision must deliver or mail a complaint in writing using *PPD 6.3.405(A) Offender Complaint Form* to the supervising POII within five (5) business days of the action that caused the complaint. The *Complaint Form* must include the offender’s requested action for resolution.

2. Complaints may not be submitted for the following:
 - a. disciplinary decisions; and
 - b. actions by outside entities not under the jurisdiction of the Department, including the Sentence Review Board and the Board of Pardons and Parole.

3. Complaints may be submitted for:
 - a. Staff misconduct: Must fit the specific criteria noted in *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*.
 - b. Discrimination, harassment, or retaliation: Must fit the specific criteria noted in *DOC Policy 3.3.20, Offender Nondiscrimination*.
 - c. Policy and/or operational procedures: Complaints must specifically demonstrate with factual basis that the offender has been, in some manner, unfairly or personally adversely affected by the application or operation of a policy and/or operational procedure.
 - d. Discretionary issues related to the standard and special conditions of the offender's supervision (e.g., residence, travel, employment, association).

4. During business hours, PPD staff members will be available to provide this procedure, the complaint form, and instructions on properly completing the form. PPD staff will also assist offenders who do not speak English, as well as those who are visually or otherwise disabled.

5. The following apply to all submissions:
 - a. If an offender submits an issue of concern on a form other than *PPD 6.3.405(A) Offender Complaint Form*, he/she risks having it returned without processing.
 - b. Each form should provide all requested identifying information to ensure contact can be maintained throughout the process.
 - c. The offender must request an action he/she feels will resolve the issue; however, requests for staff termination, reprimand, and/or an apology letter, or for money for punitive reasons, will not be accepted.
 - d. A single issue, or a reasonable number of closely related issues, will be described on the form and an action will be requested. The name of the individual(s) against whom the offender is making a complaint will be listed.
 - e. If multiple unrelated issues are included on a single form, it will be returned with a response advising the offender to use a separate form for each unrelated issue.
 - f. If two (2) or more offenders file issues on the same form, it will be returned with a response advising the offenders to use separate forms.

6. Abuse of the complaint process by an offender includes the use of threats and submitting multiple complaints in reference to the same issue(s). If it is determined an offender is demonstrating a pattern of abuse, he/she will be notified on *PPD 6.3.405(A) Offender Complaint Form* the reasons for the determination and that future complaints continuing the pattern of abuse will be returned as an abuse notice violation.

7. If the offender's requested action is granted, it is understood all administrative remedies have been exhausted.

8. If the offender's requested action is not granted, or a response is not received from the POII within 20 business days from the submission of *P&P Offender Complaint Form*, within five (5) business days, the original *Complaint Form* may be submitted for review by the Deputy Chief:

- a. Offender will mark the box on the *Complaint Form* requesting a review by the Deputy Chief, give the date and initial the form.
 - b. However, any complaints submitted in violation of an abuse notice will be reviewed by the Deputy Chief but may be marked as an abuse notice violation and returned to the offender unanswered.
9. The Deputy Chief's response is final and exhausts all administrative remedies available to the offender through the complaint process.
10. An offender will not be subjected to retaliation for utilizing the complaint process. Staff violating this directive will be subject to disciplinary action.

B. PROCEDURES FOR REVIEW OF COMPLAINT:

1. Each region will maintain an electronic file to store and track offender complaints. Saved complaint forms will be made available to Probation & Parole Bureau Chiefs and/or PPD central office staff when requested.
2. The staff member receiving *PPD 6.3.405(A) Offender Complaint Form* will sign the form, fill in the date and time received, and deliver it to the appropriate supervising POII.
3. The POII will investigate the complaint and attempt to resolve it. The complaint may be referred to another POII due to any conflict of interest, or to a more appropriate department.
 - a. A signed response will be provided within 20 business days of receiving it from the offender.
 - b. The POII or designee will save a copy of the *Complaint Form* and any other documentation received in the region's electronic file.
 - c. POII will return the original, completed *Complaint Form* to the offender.
4. If offender submits the complaint form to the Deputy Chief within five (5) business days of receiving the POII's response:
 - a. Deputy Chief will investigate the complaint and respond on the *Complaint Form* within 20 business days of receiving the complaint.
 - b. A signed response is saved and the original is returned to the offender.
5. A complaint determined by the POII or Deputy Chief to be misconduct, discrimination, harassment, or retaliation by P&P staff will be reported to the PPD Administrator or designee as soon as possible. The Administrator or designee will promptly report the information to Human Resources.
6. If POII determines the complaint is an abuse of the process, he/she will give the reasons for the determination in the response section and state that future complaints continuing the pattern of abuse will be returned as an abuse notice violation on the *Complaint Form*. POII will also mark that the requested action is denied.
 - a. A copy of the form is saved, a chronological entry in offender's OMIS record regarding the abuse notice is made, and the original is returned to offender.
 - b. If offender submits a complaint form that violates an abuse notice, the POII will mark that the complaint is an abuse notice violation, save a copy of the form, and return original to offender. An abuse notice violation will not be reviewed by the Deputy Chief.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII or Deputy Chief.

V. FORMS:

PPD 6.3.405 (A) Offender Complaint Form



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

Procedure:	PPD 6.3.409 OFFENDERS WITH RESTRICTED DRIVING PRIVILEGES
Effective Date:	08/31/2020 Page 1 of 3
Revisions Date(s):	05/24/2021
Reference(s):	45-9-202, MCA; 46-18-201, MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1021, MCA; 53-1-201, MCA; 61-1-101, MCA; 61-5-208, MCA; 61-8-101 and 102, MCA; 61-8-391, MCA; 61-8-401, MCA; 61-8-406, MCA; 61-8-411, MCA; 61-8-442, MCA; 61-8-731 and 732, MCA
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will enforce the provisions of Montana statutes regarding driving restrictions for offenders being supervised by the Department. This procedure is also applicable retroactively to judgments on DUI offenses committed prior to July 1, 2001. Offenders may be granted permission to operate a motor vehicle only after significant advances in rehabilitation and recovery have been demonstrated.

II. DEFINITIONS:

DUI – Driving under the influence of alcohol or drugs.

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

III. PROCEDURES:

A. GENERAL REQUIREMENTS:

1. Montana law grants Probation & Parole (P&P) Officers the authority to permit felony DUI offenders, and other offenders restricted by a court judgment or a Board of Pardons and Parole (BOPP) assigned condition of parole, to operate a motor vehicle. P&P Officers should be aware that the Montana Motor Vehicle Division (MVD) can issue a probationary driver’s license once an offender has met all requirements for a suspended or revoked license although no P&P approval has been given.
2. Montana statutes require all felony DUI offenders allowed to drive to equip their vehicle(s) with an alcohol-specific ignition interlock system, which shall be paid for by the offender. This system may be required for other offenses by court order.
3. A P&P Officer, with authorization as outlined in Section C. below, may grant conditional or limited permission to drive a motor vehicle depending on the risks posed by the individual offender and on the offender’s needs as articulated in section B.6 below. For example, driving may be limited to going to and from work, doctor appointments, and other necessary errands.
 - a. Additional conditions or limitations may be imposed as circumstances warrant; and
 - b. All conditions and limitations must be in writing and given to the offender, with a copy for the offender’s file.

4. A P&P Officer, without authorization as outlined in Section C. below, may allow an offender who has not been granted reinstatement of driving privileges permission to drive work-related vehicles directly across a public road and/or highway of the state; for example, as required in the transportation of natural resource products including agricultural products and livestock from one side of the road directly to the other side of the road.
 - a. Work-related vehicles not designed to be driven on the ways of the state (i.e., swathers, combines, pit trucks) are not required to be equipped with an alcohol-specific ignition interlock system.
 - b. If the work-related vehicle is designed to transport persons or property upon the ways of the state and is operated by a felony DUI offender, it is required to be equipped with an alcohol-specific ignition interlock system.
5. Driving privileges may be withdrawn at any time if the offender's circumstances change, he/she violates conditions of supervision, or fails to follow established driving criteria.

B. CRITERIA FOR DRIVING PRIVILEGES:

1. Offender has had no alcohol/drug violations for at least 180 consecutive days while under current P&P supervision period;
2. Offender has demonstrated sobriety and continued investment in his/her treatment program;
3. Offender has met all conditions required of the MVD and is eligible to receive a driver's license from the MVD and can obtain the required insurance;
4. Offender is in compliance with all court- or BOPP-ordered conditions;
5. Offender has a mentor/sponsor who has frequent contact with offender and can assist the supervising P&P Officer in determining offender's compliance with supervision conditions;
6. Offender can identify and justify the need to have his/her license restored for essential driving purposes; and
7. Offender has the financial ability to pay for the expenses associated with an alcohol-specific interlock device and/or other programs or processes that may be utilized to ensure compliance.

C. PROCEDURES AND RESPONSIBILITIES:

1. Offender makes a request to P&P Officer to have his/her driving privileges reinstated. Offender must substantiate the necessity to have the privileges and demonstrate that all criteria have been met for this request to be considered.
2. The P&P Officer will establish that the requirements have been met and there is justifiable reason for reinstatement of driving privileges.
3. P&P Officer will staff the case with his/her immediate supervisor and DC:
 - a. Probation and Conditional Release offenders:
 - 1) If DC approves the request:
 - a) all conditions and limitations for the offender must be in writing in accordance with *PPD 6.3.409(B) Sample Approval Letter*, and
 - b) DC makes necessary OMIS CHRONOLOGICAL and ALERT entries regarding approval.
 - 2) If DC denies the request, the denial will be given to the offender in writing in accordance with *PPD 6.3.409(C) Sample Denial Letter*
 - b. Parole offender with a BOPP-ordered condition that restricts driving:
 - 1) If DC approves request:

- a) the Officer will contact BOPP at CORBOPP@mt.gov and include all documentation from the offender for review;
 - b) BOPP will make an administrative decision and provide a disposition either approving or denying the request.
 - c) The Officer will have offender sign the added condition as stated in the disposition.
 - d) all conditions and limitations for the offender must be in writing in accordance with *PPD 6.3.409(B) Sample Approval Letter*, and
 - e) DC makes necessary OMIS CHRONOLOGICAL and ALERT entries regarding approval.
- 2) If DC denies the request, the denial will be given to the offender in writing in accordance with *PPD 6.3.409(C) Sample Denial Letter*
4. When offender is approved for driving privileges, P&P Officer will ensure that:
- a. A legal driver's license has been obtained through the MVD (may be a work permit only) and shown to P&P Officer.
 - b. Liability insurance has been obtained, and proof of coverage (SR22 form if high-risk coverage) is sent to the Officer by the insurance company.
 - 1) Offender shall provide documentation on a monthly basis that liability insurance remains in effect.
 - 2) Further, the offender shall provide documentation using *PPD 6.3.409(A) Insurance Notification* that his/her insurance representative has been given authorization to inform the Officer if the liability insurance is terminated for any reason.
 - 3) Copy of signed *Notification* is maintained in offender's file.
 - c. If required, offender will have an alcohol-specific interlock device placed on all vehicles the offender will operate. This includes employers' vehicles the offender has access to use in the course of his/her employment.
 - d. Offender cannot drive any vehicle under any circumstance that has not been specifically approved by the Officer. If authorized to drive a vehicle for work purposes only, a work schedule will be provided to the Officer as far in advance as possible, and offender shall not drive to work without prior authorization from the Officer.
5. Driving privileges may be revoked at any time for offender's failure to maintain the established criteria. Officer will notify DC of revocation in writing, noting circumstances for revocation and whether other consequences resulted (i.e., intervention hearing).
6. Cases for offenders approved to drive prior to the original 2004 implementation date of this procedure will be staffed with the DC. The approval will be noted in the offender's OMIS ALERTS.

IV. CLOSING:

Questions regarding this procedure should be directed to the Deputy Chief or designee.

V. FORMS:

PPD 6.3.409 (A)	Insurance Notification
PPD 6.3.409 (B)	Sample Approval Letter
PPD 6.3.409 (C)	Sample Denial Letter



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

Procedure:	PPD 6.3.412 UNAUTHORIZED RELEASE OF OFFENDER FROM JAIL
Effective Date:	12/10/2018 Page 1 of 2
Revision Date(s):	10/01/2020
Reference(s):	PPD 1.1.600 RD; PPD 6.3.413 RD; 46-23-1001, MCA
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation & Parole Bureau staff will follow established procedures when reporting the unauthorized release of an offender from jail.

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.

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

Reasonable Efforts – Attempts made to contact an offender by phone, text, email, and/or through home visits, offender’s family, and employer.

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.

Unauthorized Release – Occurs when an offender has been released from jail without authorization from the Department.

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. PROCEDURES:

A. GENERAL REQUIREMENTS:

1. Upon an offender’s unauthorized release from jail, the OMIS Location entry must be completed as shown below by the appropriate staff once notified about the release.
 - a. Changes in the offender’s OMIS Location will initiate VINE notifications.
 - 1) Staff will notify victims registered only with the Department; and
 - 2) Staff will notify the Department’s Victim Liaisons (CORVictimLiaison@mt.gov) if the

Subject: UNAUTHORIZED RELEASE OF OFFENDER FROM JAIL

offender's current sentence is for a registerable offense under §46-23-502, MCA, or stalking or negligent homicide. Liaison will also contact victims.

2. An unauthorized release will be entered as follows into the offender's OMIS Location as an "Unauthorized Release:"
 - a. Location Type: UNAUTHORIZED RELEASE
 - b. Location Description: UNAUTHORIZED RELEASE FROM (choose appropriate county jail from dropdown)
 - c. Location Reason: UNAUTHORIZED RELEASE FROM FACILITY
 - d. Enter: Assignment Date and Time
3. Field warrant is issued, and attempts are made to locate offender. If the offender cannot be located, the Interstate Compact Section may be contacted for the issuance of an administrative warrant that is entered nationwide.
4. If offender cannot be located through reasonable efforts and it is determined he/she has absconded:
 - a. it is reported as a Priority I incident pursuant to *PPD 1.1.600RD Priority Incident Reporting*; and
 - b. PPD staff will update OMIS entry and follow the procedures outlined in *PPD 6.3.413RD Offender Absconding*.
5. Offender's OMIS Location is updated and a chronological entry is made to show that offender has been located or has absconded and registered victims are notified.

IV. CLOSING:

Questions regarding this procedure will be directed to the POII, Deputy Chief, or Probation & Parole Bureau Chief.

V. FORMS:

PPD 1.1.600 (A) **RD** P&P Incident Report Form



PPD 6.3.413 RD Offender Absconding (**Restricted Access**)

This procedure is restricted. Individuals who access or print Restricted Distribution procedures must maintain procedure security.



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

Procedure:	PPD 6.3.415 ENHANCED/TRANSITIONAL SUPERVISION SERVICES
Effective Date:	09/01/2019 Page 1 of 5
Revision Date(s):	
Reference(s):	PFB 6.2.459; PPD 6.1.203; PPD 6.3.101
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Enhanced and/or transitional services will be used to aid offenders integrating back into the community from a facility or offenders not in compliance with their supervision conditions. Probation and Parole Division employees and the providers of enhanced/transitional services will follow established procedures and requirements to ensure the safety and welfare of the offender and community and to assist in the prevention of recidivism.

II. DEFINITIONS:

Case Management Response – A non-formal 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 PPD program/facility without a 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 & parole officer.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

III. PROCEDURES:

A. REFERRAL FOR ENHANCED SERVICES:

1. Enhanced supervision services are available as an intervention imposed when determined appropriate by a Probation & Parole (P&P) supervising Officer or Hearings Officer using *PPD 6.3.101(A) Montana Incentives/Interventions Grid for Adult Probation & Parole*.
 - a. Offender may be continued on supervision or placed in jail pending service availability.
 - b. Services will not be extended beyond the 90-day period.
 - c. Service interruptions due to a jail/sanction placement longer than 10 days must result in termination from enhanced supervision services. In order to access enhanced supervision services, offender must be re-referred.
 - d. Offender will not be responsible for the costs of the services.

2. Specific services determined appropriate by the offender's supervising P&P Officer or a Hearings Officer may be given for up to 90 days in designated locations based on the level of the intervention.
 - a. If services include a liberty interest, such as GPS monitoring, the services must be referred by a Hearings Officer through an intervention hearing.
 - b. Based on the location-specific services as outlined on *PPD 6.3.415(Attachment) ETSS Services by Location*, P&P Officer completes the applicable *PPD 6.3.415(Attachment) ETSS Referral and Offender Agreement Form* with the appropriate location and specific services. *ETSS Referral and Offender Agreement* is:
 - 1) reviewed with the offender and signed by the offender and Officer;
 - 2) reviewed with the Officer's supervisor and signed by supervisor;
 - 3) uploaded into offender's OMIS record; and
 - 4) forwarded to the provider.
 - c. When availability is confirmed by the provider and a start date established, provider will return *ETSS Referral and Offender Agreement* to the Officer and to CORETSS@mt.gov for the verification of invoices received.
3. If during the service period the P&P Officer determines it is appropriate to change the frequency of selected services (i.e., # of UA's, check-ins), the Officer notifies the ETSS provider and makes a chronological entry in offender's OMIS record.
4. If during the service period the P&P Officer determines it is appropriate to add new services or remove existing services, he/she will update the original *ETSS Referral and Offender Agreement* to indicate the changes made and submit to the provider. A chronological entry in offender's OMIS record is made.
5. Upon receipt of the corresponding *PPD 6.3.415(Attachment) ETSS Notice of Completion Form* from the provider, P&P Officer will upload the *Notice* into offender's OMIS record.

B. REFERRAL FOR TRANSITIONAL SERVICES:

1. Specific transitional supervision services are available for offenders who are being released to community supervision from prison, an assessment and sanction center, a prerelease center, or a treatment center, and a need for these services has been ordered by the Board of Pardons and Parole or identified by the receiving P&P Officer.
 - a. Services may be provided for up to the first 90 days of community supervision.
 - b. Services will not be extended beyond the 90-day period.
 - c. Service interruptions due to a jail/sanction placement longer than 10 days must result in termination from transitional services. In order to access transitional services, offender must be re-referred.
 - d. *Probationers* must voluntarily agree to the referral for transitional services unless the referral is solely for court-ordered cognitive behavioral programming.
 - e. For *parolees*, services must be ordered by the Board of Pardons and Parole in the offender's disposition.
 - f. The offender will not be responsible for the costs of the services.
2. The receiving P&P Officer will determine the specific services to be provided to the offender based on the offender's needs and individualized case plan during the investigation of an

offender's release plan.

a. Based on the location-specific services as outlined on *PPD 6.3.415(Attachment) ETSS Services by Location*, P&P Officer completes the applicable *PPD 6.3.415(Attachment) ETSS Referral and Offender Agreement Form* with the appropriate location and specific services. *ETSS Referral and Offender Agreement* is:

- 1) reviewed with the offender (by the Officer, or IPPO/program liaison if necessary) and signed;
- 2) reviewed with Officer's supervisor and signed by supervisor;
- 3) uploaded into offender's OMIS record; and
- 4) forwarded to the provider.

b. When availability is confirmed by the provider and a start date established, provider will return *ETSS Referral and Offender Agreement* to the Officer and to CORETSS@mt.gov for service verification purposes.

3. If during the service period the P&P Officer determines it is appropriate to change the frequency of selected services (i.e., # of UA's, check-ins), the Officer notifies the ETSS provider and makes a chronological entry in offender's OMIS record.

4. If during the service period the P&P Officer determine it is appropriate to add new services or remove existing services, he/she will update the original *ETSS Referral and Offender Agreement* to indicate the changes made and submit to the provider. A chronological entry in offender's OMIS record is made.

5. Upon receipt of the corresponding *PPD 6.3.415(Attachment) ETSS Notice of Completion Form* from the provider, P&P Officer will upload the *Notice* into offender's OMIS record.

C. AVAILABLE SERVICES:

1. When selecting services, the least restrictive options should be chosen and the least number of services selected in order to address the offender's case management response and to achieve the purpose of ETSS.

2. Location-specific services are described on *PPD 6.3.415 (Attachment) ETSS Services by Location* and in the applicable *PPD 6.3.415(Attachment) ETSS Referral and Offender Agreement Form*.

3. Enhanced/Transitional services may include:

- a. one (1) one-on-one meeting with the ETSS service provider per week or as directed by the supervising P&P Officer or Hearings Officer;
- b. up to daily offender check-ins with provider staff which may include, but is not limited to, breathalyzer testing, meeting verifications, job verification;
- c. up to three (3) random drug/alcohol tests per week as designated by the supervising P&P Officer;
- d. development of a weekly itinerary in the community with periodic verification by provider staff;
- e. evidence-based, cognitive behavioral-based treatment/programming;
- f. job development services such as preparing resumes and preparing for interviews;
- g. 24-hour Secure, Continuous, Remote, Alcohol Monitoring (SCRAM) or other drug/alcohol testing mechanisms as approved by PFB;

- h. electronic/GPS monitoring; and
- i. assistance with application processes for needed services, including but not limited to:
 - 1) treatment/programming,
 - 2) behavioral health peer support services,
 - 3) family services, and
 - 4) reentry services:
 - housing,
 - public assistance (OPA/Medicaid),
 - budgeting and financial planning,
 - veterans,
 - vocational (Job Service/Vocational Rehab), and
 - educational.

D. GENERAL REQUIREMENTS FOR ETSS PROVIDERS:

1. Prior to implementation of services and annually will provide in-service training to P&P Officers.
2. The training shall include information about the service provided by the contractor, the referral process, communication strategies for providing status updates to supervising P&P Officers, and other information about the services as requested by PFB.
3. All cognitive-behavioral programming must be approved through the Department's program approval process.
4. The provider will complete an orientation with the offender upon placement into the program and review the agreement.
5. The provider will provide status updates when requested and contact the supervising P&P Officer for any significant issues related to the offender, e.g., failed drug/alcohol test, failure to check-in daily, etc.
6. Provider staff will maintain written documentation of all scheduled meetings and communications relating to participating offenders, provide documentation to supervising P&P Officer when requested, and report on services completed at the end of the ETSS period.
7. Provider will email *ETSS Referral and Offender Agreement* to CORETSS@mt.gov upon an offender's initial referral or a change (i.e., additions or removal) of service(s). Email subject line must read: "Location: Offender last name, first name, DOC#; ETSS 'Referral' or 'Change.' "
8. Within three (3) working days of an offender's completion of services, provider will complete and email *PPD 6.3.415(Attachment) ETSS Notice of Completion* to CORETSS@mt.gov and the supervising P&P Officer. Email subject line must read: "Location: Offender last name, first name, DOC#; ETSS Completion."
9. A certificate of successful completion of cognitive-behavioral programming must be provided to the offender.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII, Deputy Chief, Probation & Parole Bureau Chief, or Programs and Facilities Bureau.

V. FORMS:

PPD 6.3.415 (Attachment)	ETSS Services by Location
PPD 6.3.415 (Attachment)	ETSS Referral and Offender Agreement Form (A-C)
PPD 6.3.415 (Attachment)	ETSS Notice of Completion Form (A-C)



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

Procedure:	PPD 6.4.102 OFFENDER ARREST / PICK UP AND HOLD / RELEASE
Effective Date:	12/10/2018 Page 1 of 4
Revision Date(s):	09/01/2019
Reference(s):	PPD 3.4.102; PPD 4.6.203; PPD 6.4.206; 46-6-507, MCA; 46-23-1001, MCA; 46-23-1012, MCA; 46-23-1023, MCA; 52-5-129, MCA
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation & Parole Bureau Officers will follow established procedures for the arrest, holding, and release of adult offenders.

II. DEFINITIONS:

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.

Self-Surrender – Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved PPD facility and waiting for an available bed in the facility. The offender must meet established criteria, and remains in the custody and control of the PPD.

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. PROCEDURES:

A. WARRANT TO ARREST ADULT PAROLEE, CONDITIONAL RELEASE, DOC COMMITMENT, OR SELF-SURRENDER OFFENDER:

1. Offenders Within Montana:

- a. When a P&P Officer, including an on-call Officer, reasonably believes a parolee, conditional release, DOC commit, or self-surrender offender within Montana has violated a condition of

his/her supervision or presents such danger to the community that he/she cannot remain within the community, the Department may authorize the arrest of the offender.

- b. The P&P Officer may arrest the offender without a warrant or may authorize law enforcement with the power of arrest to do so by giving oral authorization. The Officer must then write out the statement mandated in §46-23-1023, MCA, and deliver it to the detention center within 12 hours.
 - 1) Officer must report all arrests to his/her supervisor as soon as possible.
 - 2) Within 12 hours of an arrest, the Officer must:
 - a) complete OMIS Warrants entries for *PPD 6.4.102(B) Warrant to Arrest* setting forth that the offender has, in the Officer's judgment, violated the conditions of the offender's supervision;
 - b) submit *Warrant* to the place of detention; and
 - c) update the offender's OMIS Location:
 - (1) OMIS initiates notifications to VINE-registered victim(s) upon location change; and
 - (2) Officer will notify victims identified in OMIS as registered only with the Department.
 - 3) The offender's supervising Officer will determine the course of action to be taken within 72 hours of arrest:
 - a) release the offender;
 - b) hold an intervention hearing (see *PPD 6.4.206 Adult Probation & Parole Field Hearings*); or
 - c) initiate formal revocation following the appropriate procedures:
 - (1) Parolees – Hold initial on-site hearing (see *PPD 6.4.206*);
 - (2) Conditional release and self-surrender offender – Hold disciplinary hearing (see *PPD 6.4.206*); or
 - (3) Interstate offender (see *PPD 4.6.203 Adult Interstate Commission Procedures*).
 - 4) A supervisor will ensure course of action is taken in case of Officer's absence.
 - 5) When the issued *Warrant* is no longer necessary, the Officer or a designee will complete OMIS Warrants entries for *PPD 6.4.102(C) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement.

2. Offenders Outside of Montana: If it is necessary to arrest a parolee or conditional release offender outside of Montana, P&P Officers must obtain an administrative warrant through the Interstate Compact Section by the Compact Administrator (CA), or designee.

- a. The Board of Pardons and Parole (BOPP) will be contacted once a warrant or detainer for parole violations is issued on a parolee. The warrant or detainer will remain in effect until the parolee is apprehended or the BOPP directs the warrant be quashed.

B. AUTHORIZATION TO PICK UP AND HOLD ADULT PROBATIONER:

1. When a P&P Officer, including an on-call Officer, reasonably believes a probationer within Montana has violated a condition of his/her supervision or presents such danger to the community that he/she cannot remain within the community without seriously and/or continuously endangering personal safety and/or the property rights of others, the Officer may arrest the probationer without a warrant or may deputize another Officer with the power of arrest to do so by giving oral authorization.

2. Upon time of arrest, probationer may be held without bail for 72 hours.
 - a. P&P Officer (Officer) must report all arrests to his/her supervisor as soon as possible.
 - b. Within 12 hours of an arrest, the Officer must:
 - 1) complete OMIS Warrants entries for *PPD 6.4.102(A) Authorization to Pick Up & Hold* setting forth that the offender has, in the Officer's judgment, violated the conditions of the offender's supervision;
 - 2) submit *Authorization* to the place of detention; and
 - 3) update the offender's OMIS Location:
 - a) OMIS initiates notifications to VINE-registered victim(s) upon location change; and
 - b) Officer will notify victims identified in OMIS as registered with the Department only.
 - c. The offender's supervising 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 Adult Probation & Parole Field Hearings*);
or
 - 3) initiate formal revocation:
 - a) arrange for the offender to appear before a magistrate to set bail;
 - b) follow procedures of *PPD 3.4.102 Report of Violation of Probation or Parole*.
 - d. A supervisor will ensure course of action is taken in case of Officer's absence.
 - e. When the issued *Pick Up and Hold* is no longer necessary, the Officer or a designee will complete OMIS Warrants entries for *PPD 6.4.102(C) Authorization to Cancel Warrant/Pick Up & Hold* and forward to local law enforcement.

C. AUTHORIZATION TO RELEASE AN ADULT OFFENDER:

1. After violations have been investigated and a determination has been made regarding the offender's release, supervising P&P Officer completes *PPD 6.4.102(D) Authorization to Release Offender* in OMIS Warrants entries (this must be done within 72 hours of a probationer's arrest).
2. If bond has been posted in District Court or a lower court (in the case of a probationer), advise the court that the bond should be exonerated.
3. Distribute *Authorization to Release Offender* to holding authority.
4. Update offender's OMIS record with date and time of release and offender's location upon release:
 - a. OMIS initiates notifications to VINE-registered victim(s) upon location change; and
 - b. Officer will notify victims identified in OMIS as registered with the Department only.

D. DETAINING NON-OFFENDERS:

1. Pursuant to §46-6-507, MCA, an Officer who, while conducting his/her duties, has a reasonable suspicion that a person is interfering or will interfere with those duties, or has probable cause to believe that the person is committing or has committed an offense, may detain the person. The Officer shall *immediately* notify the nearest available law enforcement agency or peace officer, and the law enforcement agency or peace officer shall either take the person into custody or release the person.

2. As soon as time permits after the incident, the Officer shall notify the Deputy Chief or designee when a non-offender has been detained.

IV. CLOSING:

Questions regarding this procedure will be directed to the POII, Deputy Chief, or Probation & Parole Bureau Chief.

V. FORMS:

- PPD 6.4.102 (A) Authorization to Pick Up & Hold Probationer-OMIS
- PPD 6.4.102 (B) Warrant to Arrest-OMIS
- PPD 6.4.102 (C) Authorization to Cancel Warrant/Pick Up & Hold-OMIS
- PPD 6.4.102 (D) Authorization to Release Offender-OMIS



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

Procedure:	PPD 6.4.205 REPORT OF VIOLATION OF PROBATION OR PAROLE
Effective Date:	10/21/2019 Page 1 of 6
Revisions Date(s):	
Reference(s):	PPD 6.3.101; DOC 1.8.1; 46-18-203, MCA; 46-18-225, MCA; 46-23-1001, MCA; 46-23-1012, MCA; 46-23-1023, MCA; 46-23-1024, MCA; 46-23-1025, MCA; 20.25.801, ARM; 37.78.206, ARM; <i>State v. Roberts</i>
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

I. PURPOSE:

Probation and Parole Division staff will follow established procedures when preparing a Report of Violation to submit to the District Court for probationers or the Board of Pardons and Parole for parolees.

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.

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

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, being charged with a new crime is sufficient evidence of a violation of the conditions of probation;
- possession of a firearm in violation of a condition of probation;
- 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.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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

PSI-Presentence Investigation and Report – A confidential and official court document designed to provide essential information on a defendant and assist District Court judges in determining an appropriate sentence for the defendant.

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.

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. PROCEDURES:

A. GENERAL GUIDELINES:

1. Revocation through the Courts:

- a. The judge may issue an order for a revocation hearing upon the filing of a petition for revocation supported by *PPD 6.4.205(A) Report of Violation (ROV)* showing probable cause any condition of a sentence has been violated by a probationer, or any condition of supervision after an offender’s release from incarceration imposed pursuant to §45-5-503(4), MCA; §45-5-507(5), MCA; §45-5-601(3), MCA; §45-5-602(3), MCA; §45-5-603(2)(b), MCA; or §45-5-625(4), MCA.
- b. When the violation is a compliance violation, the *ROV* must describe the exhaustion and documentation in the offender’s file of appropriate and applicable violation responses as followed in *PPD 6.3.101 (A) Montana Incentives/Intervention Grid for Adult Probation & Parole (MIIG-P&P)*.
- c. The *ROV* may only be filed with the sentencing court either before or during the period of probation or DOC probation commitment has begun, but not after the period has expired.
 - 1) Prior to filing an *ROV* on an offender’s sentence before that sentence has begun, the supervising Probation & Parole (P&P) Officer will staff the offender’s case with his/her immediate supervisor or Deputy Chief (DC), and the county attorney if appropriate.
 - 2) Expiration of the sentence period after the *ROV* has been filed, does not deprive the court of jurisdiction to rule on the *ROV*; however, the Department no longer has the authority to supervise the offender once his/her sentence expires. Therefore, the supervising P&P Officer will make the following OMIS entries if an offender’s sentence period expires while an *ROV* is pending:
 - a) Correctional Status: Released
 - b) Change Reason: Past Sentence Expiration – Court Action Pending
 - c) Location (end date)
 - d) Officer (end date)
 - 3) If *ROV* is dismissed, Officer will make the following OMIS entries:
 - a) Correctional Status: remains “Released”

- b) Request sent to COR Service Desk to change Status Reason to: "Sentence Expiration"
- c) Complete termination process
- 4) If offender is revoked, he/she will be reassigned to Probation, Alt-Secure, or Secure as appropriate. OMIS entries are as follows:
 - a) Correctional Status:
 - (1) Revoked – Deferred Sentence
 - (2) Revoked – Suspended Sentence
 - (3) Revoked – Deferred and Suspended
 - b) Assign Officer if needed
 - c) Assign Location
 - d) Update all applicable OMIS Profile categories for offender.

2. Revocation through the Board of Pardons and Parole (BOPP):

- a. If probable cause is found and offender is to be returned to the BOPP for revocation proceedings upon completion of an on-site hearing, the supervising P&P Officer will immediately notify the BOPP to start the revocation process and *PPD 6.4.205(A) Report of Violation* is completed by the Officer within 10 business days.
- b. If an onsite hearing was not required, but revocation is determined necessary, pursuant to *PPD 6.4.206 Adult Probation & Parole Field Hearings*, the Officer will complete *PPD 6.4.205(A) Report of Violation* for the parolee within 10 days of the action.
- c. *PPD 6.4.205(A) Report of Violation* is completed showing in what manner the conditions of supervision were violated. When violation is a compliance violation, the *ROV* must describe the exhaustion and documentation in the offender's file of appropriate and applicable violation responses as followed in *PPD 6.3.101 (A) Montana Incentives/ Intervention Grid for Adult Probation & Parole (MIIG-P&P)*.
- d. The offender may be brought before a BOPP hearing panel on the violation charged in the *ROV*.

3. Interstate Offender: When received for an offender being supervised in another state, the Montana Interstate Compact Section will forward an *Interstate Offender Violation Report* to the court or BOPP (see *PPD 4.6.203 Adult Interstate Commission Procedures*).

4. Absconded Conditional Release or Parole Offender: If absconded offender has less than 30 days before going to balance suspended, *ROV* will be submitted to the court pursuant to Section A.1.

5. Victim Notifications:

- a. Notification to registered victims must be made and documented when a hearing's decision affects a change in the offender's location and/or custody status or date of discharge/release;
- b. The Department's [Victim Liaisons \(CORVictimLiaison@mt.gov\)](mailto:CORVictimLiaison@mt.gov) are also notified if the offender's current sentence is for a registerable offense under §46-23-502, MCA, or stalking or negligent homicide. A victim liaison will also contact victims.

B. PROCEDURES AND RESPONSIBILITIES:

- 1. If there is reason to believe an alleged violation(s) of conditions has occurred, procedures of *PPD 6.4.206 Adult Probation & Parole Field Hearings* will be followed. If revocation is deemed

necessary, P&P Officer completes *PPD 6.4.205(A) Report of Violation (ROV)* on white paper:

- a. If a probationer is detained and bond is set, the *ROV* must be filed with the court within 10 days of the offender's arrest.
 - b. If offender is on a traditional Intensive Supervision Program (ISP), the supervising ISP Officer is responsible for completing the *ROV*.
 - c. If offender is on ISP as a sanction, the original supervising P&P Officer completes the *ROV*.
 - d. If an offender fails to report to the supervising Officer when discharged from prison to a suspended sentence or parole, the Officer completes the *ROV*.
2. A supervisor(POII), Deputy Chief (DC) or Field Training Officer will review an *ROV* completed by probationary P&P Officers, or P&P Officers new to the position, prior to distribution.
 3. A P&P Officer in the jurisdiction where the *ROV* was initiated will be responsible to complete all paperwork associated with the revocation procedures.
 4. Because most law enforcement records are confidential criminal justice information (i.e., police reports), these reports should not be attached to the *ROV* being submitted to the court, instead, quote from the reports.
 5. The *ROV* is completed as follows:
 - a. LEGAL AND PLACEMENT HISTORY: Include
 - 1) background information on current conviction(s), such as date of sentencing, sentencing judge, judicial district, county and city, length of sentence (include deferred/suspended/DOC/MSP/MWP);
 - 2) synopsis of placement history giving location, dates, if completed;
 - 3) short narrative of history or information that is relevant or significant to the current conviction(s);
 - 4) date of parole and conditions given by the BOPP for a parolee; and
 - 5) date offender signed the conditions of supervision; if not signed, please note.
 - b. ALLEGED VIOLATION(S): State the number and rule/condition violated and note if the violation is a "compliance" or "non-compliance" violation.
 - c. SUPPORTING EVIDENCE: Describe each violation giving date, time, and nature of violation. Show how offender's behavior violated specific wording in the Court, BOPP, or DOC-ordered condition.
 - d. ADJUSTMENT OF SUPERVISION:
 - 1) If offender has absconded, provide the date(s) attempts were made to contact offender;
 - 2) Note offender's behavior, including both strengths and weaknesses, while under supervision and progress and performance on the job, at home, and in the community; and
 - 3) Note adherence to Court, DOC and/or BOPP-ordered conditions specifically, and victim restitution payments.
 - e. CASE MANAGEMENT RESPONSES UTILIZED:
 - 1) Non-compliance violations do not require case management responses; if listed violations include non-compliance violations, this box will be checked.
 - 2) Compliance violations: Note all interventions and incentives from the *Montana Incentives and Intervention Grid (MIIG)* that were imposed on or agreed upon with the

- offender to try to gain compliance, including intervention hearings and case management responses.
- 3) Brief Summary: Briefly discuss the desired outcomes of the case management response and if outcome was accomplished. If it is believed the offender will not be responsive to further interventions and incentives from the MIIG, include a statement that the offender's conduct indicates the offender will not be responsive to further efforts under the MIIG and the reasons why.
- f. RECOMMENDATIONS:
 - 1) Be specific in stating recommendations to the Court or BOPP;
 - 2) If credit for street time is recommended, include the amount of time to credit;
 - 3) Include all possible alternatives to incarceration; and
 - 4) If offender absconds, request bench warrant from District Court judge or an administrative warrant from the Interstate Compact Section.
 - g. WITNESSES: List appropriate P&P Officer(s) and other witnesses with occupation and addresses.
 - h. CLOSING: Respectfully submitted; name; title (State Probation & Parole Officer); address; and signature.
6. P&P Officer prepares *PPD 6.4.205(B) Affidavit in Support of Petition for Revocation* for probationers and attaches it to *ROV*.
 7. P&P Officer distributes the *ROV* as follows:
 - a. Probationer:
 - 1) Upload *ROV* and *Affidavit in Support* into offender's OMIS record as report of violation document;
 - 2) District Court Judge filed with Clerk of Court, original (following the court's filing preferences, and must include the *Affidavit in Support*);
 - 3) County Attorney; and
 - 4) Defense Attorney
 - b. Parolee if revocation by BOPP is pursued (must include the *Summary of On-Site Hearing*):
 - 1) Upload into offender's OMIS record as report of violation document;
 - 2) BOPP, original (notification by email)
 - 3) Interstate Compact Section, if administrative warrant is requested (notification by email); field file must then be sent to Interstate; and
 - 4) Hearings Officer, for quality assurance (notification by email)
 8. If a PSI is ordered in a jurisdiction other than where the defendant resides or is on current supervision, the defendant's supervising P&P Officer will be responsible for completing the PSI. However, if the defendant is incarcerated in another county and cannot bond out, the P&P office where offender is detained is responsible for completing the PSI.
 9. If the offender commits new violations after the initial *ROV* has been submitted, an addendum to the *ROV* is completed, uploaded into offender's OMIS record, and forwarded to the sentencing court or BOPP.
 10. When a revocation is pending in the supervising jurisdiction that is not the sentencing jurisdiction, the supervising P&P Officer maintains the offender's field file until a final disposition is determined unless other arrangements are made between the DCs of the

jurisdictions involved:

- a. If there are circumstances that may warrant a transfer of the offender, the P&P Officers involved will staff the case with the respective supervisors. The supervisors will review the case and render a decision regarding a transfer of the offender.
 - b. If the offender is incarcerated while the revocation is pending, his/her field file is forwarded to the sentencing jurisdiction unless circumstances give the supervising Officer a reason to keep the file.
 - c. If the offender has absconded, the procedures of *PPD 6.3.413RD Offender Absconding* are followed.
11. If the offender has absconded, the supervising P&P Officer/Interstate Agent completes revocation paperwork and forwards to the sentencing jurisdiction to be filed with the Court/BOPP:
 - a. A probationer's field file is also sent to the sentencing jurisdiction for maintenance unless circumstances give the supervising Officer a reason to keep the file.
 - b. A parolee's field file is forwarded to the Interstate Section for maintenance if Interstate is issuing a nationwide warrant.
 12. When a revocation is pending in a jurisdiction other than the supervising jurisdiction, the supervising P&P Officer will continue to supervise offender until sentencing.
 13. If the Court or BOPP continues the offender's sentence or parole with modified conditions, the supervising P&P Officer will sign the offender to new conditions of supervision.
 14. If found by the Court or BOPP that there has been a violation and offender is to be placed in a PFB facility, procedures of *PPD 4.1.100 Screenings for Adult Offender Placements* are followed.
 15. If found by the Court or BOPP that there has been a violation, but appropriate violation responses under the MIIG have not been exhausted and documented, the offender is referred for an intervention hearing (see PPD 6.4.206).
 16. If the Court sentences the offender to the Department, the procedures of *PPD 4.6.300 DOC Commitments* are followed. If the DOC sentence is for a term of more than five (5) years, the DC or POII will provide a recommendation to the PPD Administrator as to the appropriate placement of the offender. A return to a secure facility is not automatic; however, if this is the recommendation, the procedures of *PPD 4.6.202 Secure Placements* is followed.
 17. Field Files:
 - a. When an offender is returned to prison as a parole violator, the field file is sent to BOPP. The BOPP maintains the file until the offender is paroled or discharged, then forwards it to the assigned supervising P&P Officer.
 - b. The files of a parole violator placed in a PFB facility will be sent to the BOPP.
 - c. The files of a probation violator sentenced to DOC and placed in a PFB facility are sent to the appropriate location pursuant to *PPD 4.6.300(F) Where Files Go*.
 - d. A parole offender's field file will be forwarded to Interstate for maintenance if Interstate is issuing a nationwide warrant.

IV. CLOSING:

Questions regarding this procedure should be directed to the POII, Deputy Chief, Probation & Parole Bureau Chief, or Deputy Compact Administrator.

V. FORMS:

PPD 6.4.205 (A)	Report of Violation
PPD 6.4.205 (B)	Affidavit in Support of Petition for Revocation



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

Procedure:	PPD 6.4.206 ADULT PROBATION & PAROLE FIELD HEARINGS
Effective Date:	05/29/2018 Page 1 of 14
Revision Date(s):	10/21/2019; 11/04/2020; 10/13/2021
Reference(s):	PPD 4.6.202; PPD 6.4.102; PPD 6.4.205; DOC 1.8.1; 46-18-203, MCA; 46-23-1002, MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1012, MCA; 46-23-1015, MCA; 46-23-1021, MCA; 46-23-1023, MCA; 46-23-1024, MCA; 46-23-1025, MCA; 46-23-1028, MCA; 53-1-203, MCA; 20.25.202 ARM; 20.25.801 ARM; <i>Morrissey v. Brewer, 408 US 471, (1972)</i> ; <i>Wolff v. McDonnell, 418 US 539 (1974)</i> ; <i>Sandin v. Conner, 515 US472 (1995)</i>
Signature / Title:	/s/ Katie Donath, Acting Probation and Parole Division Administrator

I. PURPOSE:

When conducting hearings for adult offenders with alleged violations of supervision conditions, Probation and Parole Division staff will follow established procedures that ensure due process for offenders. Hearings will be conducted in a manner that protects victims, the public, staff, and offenders.

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.

Appropriate Good Time Credit – The amount of good time appropriate under the policy in effect at the time the offender earned the credit.

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.

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

Dead Time – A period of time starting the date an administrative warrant is issued to the date a parole offender is detained on the warrant. The BOPP will be the final authority regarding issuance of dead time.

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

Hearings Officer – A Department employee who, as an impartial person, conducts hearings for offenders on community supervision or in a PFB program/facility.

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 his/her conditions of supervision. §46-23-1024, MCA

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

Lay Advisor/Interpreter – A staff member or other responsible adult who can assist an offender with the hearing process when the offender is illiterate, does not understand English, or where the complexity of the issue makes it unlikely that the offender will be able to collect and present evidence.

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.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

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 (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.

Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons.

Self-Surrender – Release of an incarcerated DOC commitment who 1) has a conditional release pending or 2) is approved for placement in an approved PFB facility and waiting for an available bed in the facility. The offender must meet established criteria, and remains in the custody and control of the PPD.

Up to 90-day Intervention Referral – A probation, parole, or conditional release offender referred for placement in a PFB facility for up to 90 days by a Hearings Officer in accordance with the *Montana Incentives and Intervention Grid for Probation & Parole* and resulting from an intervention hearing. (§46-23-1015, MCA and §46-23-1024, MCA)

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 GUIDELINES:

- A. Offenders will be presented with the conditions of their probation, parole, conditional release, or furlough supervision during a sign-up and will acknowledge receipt of the conditions (see *PPD 6.3.201 Administrative and Sign-Up Procedures for Adult Community Supervision*).
- B. Procedures addressing violations of supervision conditions will be acted on promptly and carried out with respect for due process. Procedures include those in this operational procedure and:
 - *PPD 4.6.600 Furlough Program*
 - *PPD 6.1.802 Adult Interstate Commission Procedures*
 - *PPD 6.3.101 Montana Incentives/Interventions Grid for Adult Probation & Parole*
 - *PPD 6.4.102 Offender Arrests/Pick Up and Holds/Release*
 - *PPD 6.4.205 Report of Violation of Probation or Parole*
- C. Victim Notifications:
 1. Notifications to registered victims must be made and documented in OMIS when a hearing decision affects a change in the offender’s location, custody status, and/or the date of discharge/release.
 2. The Department’s Victim Liaisons (CORVictimLiaison@mt.gov) are also notified if the offender’s current sentence is for a registerable offense under §46-23-502, MCA, or stalking or negligent homicide. A victim liaison will also contact victims.

IV. INTERVENTION HEARINGS:

A. GENERAL REQUIREMENTS:

1. Intervention hearings are an alternative to a revocation while still holding the offender accountable for violations. An intervention hearing may be held as a violation response option based on *PPD 6.3.101(A) Montana Incentives/Intervention Grid for Adult Probation & Parole (MIIG-P&P)*.
2. Pursuant to §46-23-1028, MCA, the least restrictive placement must be recommended based on risk and needs assessments. Placement decisions must be documented and must indicate any other less secure sanction options considered before utilizing a higher level of custody.

3. If the Hearings Officer determines by a preponderance of the evidence that a violation has occurred, he/she will determine the appropriate and applicable *MIIG-P&P* violation response options.

B. PROCEDURES AND RESPONSIBILITIES:

1. When it is determined an intervention hearing is necessary and/or appropriate for an offender in jail, the hearing is initiated within 72 hours.
2. If the offender is not in jail, the supervising Probation & Parole (P&P) Officer schedules the hearing with a Hearings Officer within a reasonable time.
3. P&P Officer/Hearings Officer provides the offender a completed *PPD 6.4.206(C) MIIG-P&P Intervention: Hearing Summons and/or Violation Response*, which contains the date, time, and place of hearing and the alleged violations. Officer will attempt to provide *PPD 6.4.206(C)* to the offender 48 hours prior to the hearing; however, less time is sufficient if 48 hours is not possible.
4. Forms required to be completed for the hearing will be distributed as directed on each form.
5. Hearings Officer:
 - a. Information and evidence relating to the alleged violation(s) and case problems are presented. Relevant offender background information may be reviewed through OMIS General Reports, and *PPD 6.4.206(E) Hearing/ROV Information Sheet* is completed.
 - b. Offender is given an opportunity to speak on his/her behalf and introduce relevant information to the Hearings Officer.
 - c. Offender is asked to admit or deny alleged violation(s).
 - d. At the conclusion of hearing, a decision that is based on a preponderance of the evidence is orally provided.
 - e. OMIS Chronological entry is made as soon as possible, but within 24 hours of hearing.**
6. If offender is found not in violation, only a chronological entry is made by Hearings Officer to note the finding.
7. If offender is found in violation:
 - a. Hearings Officer completes *PPD 6.4.206(C) MIIG-P&P Intervention: Hearing Summons and/or Violation Response*, which lists the responses imposed, and *PPD 4.6.300(A) Notification and Placement Warrant* is completed if warrant is necessary. *Response* is reviewed with offender and offender signs form:
 - 1) If the offender was arrested prior to the hearing, credit for time served will be given.
 - 2) If offender does not agree with the *Violation Response*, a formal hearing may be initiated (see *Section V.B. or V.C.* below).
 - 3) If the violation response is electronic monitoring or day reporting, the offender must be notified of his/her right to instead proceed with revocation proceedings.
 - 4) Jail intervention:
 - a) offender will serve, or receive credit for serving, up to 30 days;
 - b) hearings paperwork must **reflect start and end dates**; and
 - c) various arrangements can be used, such as jail on days the offender is not working, work release, or sanction beds.

- d) Email *PPD 6.4.206(E) Hearing/ROV Information Sheet* to [COR Jail Sanctions](#).
- 5) Combination of jail and up to 90-day:
 - a) Jail time may not exceed 30 days and does not count toward the 90-day placement; and
 - b) jail time must be specifically ordered in the hearing by the Hearings Officer and should be worded, "Sanction to community corrections facility or program (be specific) for up to 90 days. Offender is additionally sanctioned to a jail placement for not more than 30 days while waiting screening and transport to the facility/program."
 - c) Cost of jail time is the Department's responsibility.
 - d) When offender is moved to a PPD hold bed to wait for program placement, the time counts towards the 90 days.
 - e) When offender is not ordered to wait in jail pending program placement, offender remains on community supervision until bed date.
 - f) The P&P Officer or Hearings Officer will coordinate with the facility and PFB to expedite screening and transport.
- b. If parole offender is found in violation and signs the *Violation Response*, the *Response* is submitted to the BOPP requesting an additional special condition stating, "Offender will comply with all interventions resulting from an intervention hearing."
 - 1) Any other modifications to parolee's special conditions deemed necessary by Hearings Officer will also be addressed on the *Response*.
 - 2) Placement in a PFB program must be approved by BOPP.
- c. The Hearings Officer will follow the procedures of *PPD 6.3.401 Case Management for Adult Offenders* when he/she believes a probation or conditional release offender's special conditions of supervision need to be amended or modified:
 - 1) *PPD 6.3.401(F) Request to Amend Conditions of Probation Supervision* for probationers; or
 - 2) *PPD 6.3.401(G) Request to Amend Conditions for Conditional Release* is completed and submitted to [COR Conditional Release](#) for conditional release offender.

8. All forms associated with the hearing are uploaded as one OMIS Hearing document into offender's record.

V. ON-SITE AND DISCIPLINARY HEARINGS:

A. GENERAL REQUIREMENTS:

1. If a supervising P&P Officer reasonably believes an offender on parole, conditional release, interstate, or furlough has violated a condition(s) of his/her supervision, the Officer may arrest the offender or may authorize the arrest of the offender following the procedures given in *PPD 6.4.102 Offender Arrest/Pick Up and Hold/Release*.
2. An Initial "On-Site" or Disciplinary hearing may be held as a violation response option based on *PPD 6.3.101(A) Montana Incentives/Intervention Grid for Adult Probation & Parole (MIIG-P&P)*.
3. Pursuant to §46-23-1028, MCA, the least restrictive placement must be recommended by the P&P Officer or Hearings Officer based on risk and needs assessments. Placement decisions must be documented and must indicate any other less secure sanction options considered before utilizing a higher level of custody.

Subject: ADULT PROBATION & PAROLE FIELD HEARINGS

4. A parolee's initial "on-site" hearing must be conducted at or reasonably near the place of the alleged violation or arrest; however, formal administrative hearings may also be conducted via interactive videoconferencing.
5. Confidential information will be restricted throughout the hearings process in accordance with *DOC 1.5.5 Offender Records Management, Access and Release* and *PPD 1.5.500 Offender Records Access and Release*.
6. Generally, if the hearing has not been waived, the persons present at a hearing are limited to the Hearings Officer, the reporting P&P Officer or facility staff, the offender, and the offender's counsel who is only allowed to observe the hearing and may not participate. The offender may be removed from the hearing or not attend if the Hearings Officer determines the offender's presence will be disruptive or presents a clear and convincing danger to those in attendance.
 - a. The Hearings Officer may also hear testimony from other witnesses;
 - b. The offender may call witnesses on his/her behalf when such witnesses are reasonably available, have relevant information regarding the violation(s) as determined by the Hearings Officer, can meet the requirements of entering the facility, and their presence is not deemed to place others at risk of harm; and
 - c. If a witness will not be present at the hearing, his/her written or recorded testimony may be received and considered for inclusion at the hearing.
7. Hearings will be recorded and maintained for a minimum of five (5) years; therefore, all persons must speak audibly throughout the hearing.
 - a. Recording will not be stopped unless the Hearings Officer, upon hearing all the evidence, needs more time to make a decision: he/she can stop the hearing for a few minutes, excuse the persons in the hearing, and stop the recording. Recording will be restarted for the announcement of the final decision.
 - b. Recording will be made available to the Probation & Parole Bureau Chief or designee if offender indicates he/she will be appealing the Disciplinary hearing decision.
8. An offender may be found in violation based on information provided at the hearing by a confidential source. Such information may be presented in writing subject to the following conditions.
 - a. The details of any information will be disclosed to the offender at the hearing if this does not create a substantial risk to the safety of the confidential source;
 - b. When information is considered from a confidential source, the name of the source and all details of such information will be given to the Hearings Officer out of the presence of the offender; and
 - c. A confidential record will be maintained containing the details of information from an anonymous source and, if possible, the identity of the source and the degree of staff familiarity with the source's reliability. Such records will be available only to the Hearings Officer, Deputy Chief (DC), and Probation & Parole Bureau Chief.
9. Hearings Officer may continue the hearing for a reasonable time and good cause, e.g., investigation of related factual matters, offender illness or unacceptable behavior during the hearing process, or to consider the evidence for decision. **All reasons for the delay will be documented in OMIS within 24 hours.**

B. INITIAL “ON-SITE” HEARING FOR PAROLE AND INTERSTATE OFFENDERS – PROCEDURES AND RESPONSIBILITIES:

1. After an offender’s arrest, an on-site hearing is not required in the following circumstances:
 - a. the offender waives the on-site hearing;
 - b. the offender has had an initial appearance and court advisement for a new criminal offense;
 - c. the P&P Officer releases offender;
 - d. an intervention hearing is initiated; or
 - e. a Montana parolee is arrested out-of-state and did not have permission to be out-of-state.

2. If the hearing was not required based on #1a, #1b, or #1e above and revocation is determined necessary, supervising P&P Officer will:
 - a. complete *PPD 6.4.205(A) Report of Violation* for a parolee within 10 days of the action that confirms a, b, or e; or
 - b. follow the procedures for revocation of an interstate offender pursuant to *PPD 6.1.802 Adult Interstate Commission Procedures*.

3. Otherwise, P&P Officer will carefully review and discuss alleged violations and possible hearing alternatives with supervisor.
 - a. A parolee may be held in a state prison pending on-site hearing.
 - b. If offender is arrested, within 72 hours of the arrest:
 - 1) offender is released;
 - 2) intervention hearing is initiated; or
 - 3) on-site hearing is initiated for revocation process.
 - c. If an intervention hearing is determined to be appropriate, follow procedures of *Section IV. Intervention Hearings* above.
 - d. Pursuant to §46-23-1024, MCA, if the investigation reveals sufficient grounds for possible revocation proceedings, an on-site hearing must take place within five (5) calendar days after offender’s arrest:
 - 1) Do not count the date of arrest but do count the next five (5) consecutive days, including weekends and legal holidays. If the 5th day falls on a Saturday, Sunday, or legal holiday, the on-site hearing must be completed on the next day that is not a Saturday, Sunday, or legal holiday.
 - 2) *For Parolee:* Complete *PPD 6.4.206(G) Notice/Waiver of On-Site Hearing for Montana Parolee* which provides notice of on-site to offender and his/her rights, and, if an ROV has not been completed within the five (5) days, *PPD 6.4.206(F) On-Site Affidavit of Probable Cause* which provides information on the violations and the responses used under the *MIIG*. Because the Officer is attesting to his/her knowledge of circumstances, the DOC Legal Unit requires the *Affidavit* be notarized.
 - 3) *For Interstate Offender:* Complete *Interstate Offender Violation Report* and *PPD 6.4.206(H) Notice/Waiver of On-Site Hearing for Interstate Offender* following the procedures of *PPD 6.1.802 Adult Interstate Commission Procedures*.

4. Forms required to be completed for the hearing will be distributed as directed on each form.

5. Montana Parolee: At least 24 hours prior to an on-site hearing for Montana parolee, P&P Officer will:

- a. review *PPD 6.4.206(G) Notice/Waiver of On-Site Hearing for Montana Parolee* and *PPD 6.4.206(F) On-Site Affidavit of Probable Cause* with offender. Offender and witness must sign and date *Notice/Waiver*. Inform offender of his/her right to:
 - 1) have a written copy of the charges placed against them at least 24 hours prior to appearing before the on-site hearing;
 - 2) waive the 24-hour notice;
 - 3) speak on his/her own behalf or remain silent; and
 - 4) present relevant information relating to the charges.
 - b. provide *PPD 6.4.206(J) Request for (or Waiver of) Witnesses* to offender for completion as soon as possible prior to hearing.
 - 1) If offender is incarcerated and P&P Officer has the needed information, Officer will notify witnesses and provide the time and place of the hearing. Officer will document notification attempts.
 - 2) Call and question witnesses (if to do so would not place the witness or others present at the hearing at risk of harm).
 - c. If it is not possible to give 24-hour notice and still meet the five (5) day requirement, the parolee may waive the notice and the hearing can be held the next day (i.e., day 6). **This must be documented in the parolee's OMIS record within 24 hours and clearly indicate the delay was at the parolee's request.**
6. At least 48 hours prior to an on-site hearing for *interstate* offender, P&P Officer will:
 - a. Review *Offender Violation Report* and *PPD 6.4.206(H) Notice/Waiver of On-Site Hearing for Interstate Offender* with offender. Offender and witness must sign and date *Notice/Waiver*. Inform offender of his/her right to:
 - 1) have a written copy of the charges placed against them at least 48 hours prior to appearing before an on-site hearing;
 - 2) waive the 48-hour notice;
 - 3) speak on his/her own behalf or remain silent;
 - 4) call and question witnesses (if to do so would not place the witness or others present at the hearing at risk of harm); and
 - 5) present evidence pertinent to the allegation.
 - b. If offender refuses to initial and/or sign the form, P&P Officer will write "Offender refuses to sign form" across the *Notice/Waiver*, sign it and have all persons witnessing the refusal also sign the form.
 - c. Provide *PPD 6.4.206(J) Request for (or Waiver of) Witnesses* to offender for completion as soon as possible prior to hearing. If offender is incarcerated and P&P Officer has the needed information, Officer will notify witnesses and provide the time and place of the hearing. Officer will document notification attempts.
 7. If deemed necessary by the Hearings Officer, a lay advisor/interpreter may be appointed if requested by the offender or for any other reason. Assistance is assigned only to help offenders understand the charges against them, the hearings process, the process for presenting their version of the charges, and the process to appeal.
 8. P&P Officer ensures the following are available for Hearings Officer's review prior to, or during the hearing:

- a. evidence of alleged violations, including physical evidence (i.e., UA, BA);
 - b. documentation (i.e., Court Order, Conditions of Supervision);
 - c. specific dispositional recommendation from the *MIIG-P&P*, articulating the rationale behind the recommendation.
9. If offender is eligible for appropriate good time credits, forfeiture of credits may be recommended by the P&P Officer or Hearings Officer. See *DOC Policy 1.5.1, Adult Offender Good Time Credits* for eligibility and *PPD 6.4.206(L) Request to Forfeit Offender Good Time/Impose Dead Time*
 10. If the parole offender has absconded supervision, a recommendation regarding dead time may be made **during the hearing** and documented in the *Summary*. *PPD 6.4.206(L) Request to Forfeit Offender Good Time/Impose Dead Time* is completed and forwarded to BOPP, who will forward the paperwork to appropriate parties once a decision on the recommendation has been made.
 11. At the hearing, the Hearings Officer:
 - a. speaks to offender about all steps of hearing process and due process rights;
 - b. informs offender of possible violation responses;
 - c. reminds offender that he/she must respond audibly; and
 - d. gives both the supervising P&P Officer and the offender an opportunity to present evidence and make a dispositional recommendation.
 12. Hearings Officer makes a determination based on information obtained during the hearing.
 - a. To find the offender in violation, Hearings Officer must find probable cause.
 - b. Offender is orally advised of decision and reasons for it.
 - c. **OMIS Chronological entry is made as soon as possible, but within 24 hours of hearing.**
 13. When offender is found not in violation, Hearings Officer completes *PPD 6.4.206(I) Summary of On-Site Hearing* within 7 business days:
 - a. *Summary* should not contain any confidential information (i.e. from a confidential informant or that could pose a threat to safety and security). If such issues are present, they should be presented on a separate statement and attached to the *Summary*, but not provided to the offender.
 - b. *Summary* will be provided to the offender within 10 business days of the hearing.
 14. If the Hearings Officer determines that a violation has occurred, he/she will determine the appropriate and applicable *MIIG-P&P* violation response options.
 - a. When offender is found in violation, but revocation is not recommended, Hearings Officer will complete the hearing as an intervention hearing following the procedures of *Section IV.B.6*.
 - b. If offender is found in violation and programming exceeding 90 days is recommended, contact and staff with BOPP. *PPD 6.4.206(I) Summary of On-Site Hearing* is completed within seven (7) business days as outlined in 14.c.
 - c. If offender is found in violation and revocation is recommended, *PPD 6.4.206(I) Summary of On-Site Hearing* is completed within seven (7) business days, and *PPD 4.6.300(A) Notification and Placement Warrant* if warrant is necessary:
 - 1) *Summary* should not contain any confidential information (i.e. from a confidential informant or that could pose a threat to safety and security). If such issues are present,

they should be presented on a separate statement and attached to the *Summary*, but not provided to the offender.

- 2) *Summary* will be distributed by the Hearings Officer or P&P Officer as follows:
 - a) *For Parolee: PPD 6.4.206(I) Summary* and *PPD 6.4.205(A) Report of Violation* are submitted **electronically** to the BOPP and MSP or MWP Records within 10 business days. If secure placement is deemed necessary, the procedures of *PPD 4.6.202 Secure Placements* will be followed. Offender's field file is forwarded to BOPP.
 - b) *For Interstate Offender: Offender Violation Report and PPD 6.4.206(H) Notice/Waiver* with admission and/or *PPD 6.4.206(I) Summary* are submitted electronically to the Interstate Compact Section. Offender's field file remains in P&P office pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention Summary* (without confidential information) must be provided to the offender within 10 business days of the hearing.

15. All forms associated with the hearing are uploaded as one OMIS Hearing document into offender's record.

C. DISCIPLINARY HEARING FOR CONDITIONAL RELEASE, SELF-SURRENDER, AND FURLOUGH OFFENDERS – PROCEDURES AND RESPONSIBILITIES

1. **Hearings Officers will follow the procedures of *PFB 6.2.424 Disciplinary Processes in Contract Facilities* when presiding over disciplinary hearings of offenders who are in PFB contract facilities.**
2. Supervising P&P Officer will carefully review and discuss alleged violation(s) and possible hearing alternatives with supervisor.
 - a. If intervention hearing is appropriate, follow procedures of *Section IV. INTERVENTION HEARINGS* above.
 - b. If investigation reveals reasonable grounds for a disciplinary hearing, it is held within five (5) business days. If compelling reasons exist to delay the hearing, or if alleged violation(s) has resulted in new felony or misdemeanor charges, the hearing may be delayed with DC approval and if there is no public safety concern.
3. Forms required to be completed for the hearing are distributed as directed on each form.
4. P&P Officer completes *PPD 6.4.206(K) Statement of Charges/Notice of Disciplinary Hearing/Rights* and serves on offender at least 48 hours prior to the hearing. Reviews *Statement/Notice/Rights* with offender to inform him/her of their right to:
 - a. have a written copy of the charges placed against them at least 48 hours prior to appearing before a disciplinary hearing;
 - b. waive the 48-hour notice;
 - c. speak on his/her own behalf or remain silent;
 - d. call and question witnesses (if to do so would not place the witness or others present at the hearing at risk of harm);
 - e. present relevant information relating to the charges; and
 - f. appeal the decision if he/she was not afforded due process rights.

5. Offender signs the *Statement/Notice*:
 - a. If offender indicates he/she is refusing to attend the hearing, he/she will initial that section of the *Statement/Notice*.
 - b. If offender refuses to initial and/or sign the form, P&P Officer will write "Offender refuses to attend hearing and refused to sign form" across the *Statement/Notice*, sign it and have all persons witnessing the refusal also sign the form.
6. P&P Officer provides *PPD 6.4.206(J) Request for (or Waiver of) Witnesses* to offender for completion prior to the hearing. If offender is incarcerated and P&P Officer has the needed information, Officer will notify witnesses and provide the time and place of the hearing. Officer will document notification attempts.
7. If deemed necessary by the Hearings Officer, a lay advisor/interpreter may be appointed if requested by the offender or for any other reason. Assistance is assigned only to help offenders understand the charges against them, the hearings process, the process for presenting their version of the charges, and the process to appeal.
8. P&P Officer ensures the following is available for Hearings Officer's review prior to, or during the hearing:
 - a. evidence of alleged violations, including physical evidence (i.e., UA, BA);
 - b. documentation (i.e., Court Order, Conditions of Supervision); and
 - c. specific dispositional recommendation from the *MIIG-P&P*, articulating the rationale behind the recommendation.
9. At the hearing, the Hearings Officer:
 - a. speaks to offender about all steps of hearing process and due process rights;
 - b. informs offender of possible violation responses;
 - c. reminds offender that he/she must respond audibly; and
 - d. gives the offender and supervising P&P Officer the opportunity to present evidence and make a dispositional recommendation.
10. After the hearing, the Hearings Officer reviews information obtained during hearing, the violation(s), offender's plea, and weighs the evidence presented.
 - a. To find the offender in violation, Hearings Officer must find the charges are reasonably true.
 - b. Offender is orally advised of decision and reasons for it.
 - c. **OMIS Chronological entry is made as soon as possible, but within 24 hours of hearing.**
11. When offender is found not in violation, Hearings Officer completes OMIS Hearings entry and *PPD 6.4.206(M) Summary of Disciplinary Hearing* in OMIS within seven (7) business days:
 - a. *Summary* should not contain any confidential information (i.e. from a confidential informant or that could pose a threat to safety and security). If such issues are present, they should be presented on a separate statement and attached to the *Summary*, but not provided to the offender.
 - b. *Summary* must be provided to the offender within 10 business days of the hearing.
12. If offender is found in violation:
 - a. the Hearings Officer will review the following to determine the appropriate and applicable *MIIG-P&P* violation response options:

- 1) criminal history background;
 - 2) treatment history;
 - 3) conditions of sentence;
 - 4) previous behavior in facility;
 - 5) previous programming;
 - 6) length of time offender has been in the program; and
 - 7) time until discharge or parole.
- b. If the violation response is electronic monitoring or day reporting, the offender must be notified of his/her right to instead proceed with revocation proceedings.
 - c. If response is an up to 90-days intervention referral, Hearings Officer should identify 1-2 areas in which the offender should focus while in the facility.
 - d. If response is an up to 90-days intervention referral or a jail intervention as determined by the *MIIG-P&P*:
 - 1) offender may be ordered to pay costs; and
 - 2) if the offender was arrested prior to the hearing, credit for time served will be given.
 - 3) Jail intervention:
 - a) offender will serve, or receive credit for serving, up to 30 days;
 - b) hearings paperwork must **reflect start and end dates**;
 - c) various arrangements can be used, such as jail on the days the offender is not working, work release, or sanction beds;
 - d) Email *PPD 6.4.206(E) Hearing/ROV Information Sheet* to [COR Jail Sanctions](#) for jail intervention.
 - e. Combination of jail and up to 90-day:
 - 1) Jail time may not exceed 30 days and does not count toward the 90-day placement; and
 - 2) jail time must be specifically ordered in the hearing by the Hearing Officer and should be worded, "Sanction to community corrections facility or program (be specific) for up to 90 days. Offender is additionally sanctioned to a jail placement for not more than 30 days while waiting screening and transport to the facility/program."
 - 3) Cost of jail time is the Department's responsibility.
 - 4) When offender is moved to a PPD hold bed to wait for program placement, the time counts towards the 90 days.
 - 5) When offender is not ordered to wait in jail pending program placement, offender remains on community supervision until bed date.
 - 6) The P&P Officer or Hearings Officer will coordinate with the facility and PFB to expedite screening and transport.
 - f. If secure placement is deemed necessary, the procedures of *PPD 4.6.202 Secure Placements* will be followed.
13. When offender is found in violation Hearings Officer will:
- a. advise offender of appeal process whereby *PPD 6.4.206(N) Disciplinary Hearing Offender Appeal* must be submitted to the Probation & Parole (P&P) Bureau Chief or designee within 15 calendar days of the hearing and must include appropriate documentation. Have offender sign *Offender Appeal*; and
 - b. complete Hearings entry and *PPD 6.4.206(M) Summary of Disciplinary Hearing* in OMIS within seven (7) business days, and *PPD 4.6.300(A) Notification and Placement Warrant* if warrant is necessary:

- 1) If substance use or possession is indicated as one of the violations, make sure the specific substance is identified in the *Summary*.
 - 2) *Summary* should not contain any confidential information (i.e. from a confidential informant or that could pose a threat to safety and security). If such issues are present, they should be presented on a separate statement and attached to the *Summary*, but not provided to the offender.
 - 3) *Summary* must be provided to the offender within 10 business days of the hearing.
- c. All forms associated with the hearing are uploaded as one OMIS Hearing document into offender's record.**
- d. If the Hearings Officer believes the offender's special conditions of supervision need to be amended or modified, *PPD 6.3.401 (G) Request to Amend Conditions for Conditional Release* is completed by the Hearings Officer or P&P Officer and submitted to [COR Conditional Release](#) pursuant to *PPD 6.3.401 Case Management for Adult Offenders*.

14. Hearing Appeal Request:

- a. Only Disciplinary Hearings may be appealed by the offender.
- b. Written documentation which supports the offender's argument must be submitted to the P&P Bureau Chief or designee within 15 calendar days of the hearing. The P&P Bureau Chief or designee has 30 calendar days to make a ruling on the appeal and reserves the right not to consider the appeal if the written documentation is not received within the 15 days or there is inadequate documentation.
- c. An appeal must be requested in writing at the time of the hearing using *PPD 6.4.206(N) Disciplinary Hearing Offender Appeal* and must designate on which of the following grounds the appeal is based:
 - 1) there was not sufficient evidence to support the charges;
 - 2) there was not substantial compliance with applicable discipline and hearing procedures;
 - 3) the offender offered relevant evidence that was improperly exclude by the Hearings Officer; and/or
 - 4) the intervention imposed was not proportionate to the rule violation.
- d. Upon an appeal request, the P&P Bureau Chief or designee will review:
 - 1) whether there was evidence presented that was sufficient to support the charges;
 - 2) the decision to determine if the appropriate procedure was followed;
 - 3) if appropriate findings of fact were made; and
 - 4) whether the intervention imposed was proportionate to the violation(s).
- e. The P&P Bureau Chief or designee may:
 - 1) Affirm: Agree with the actions of the Hearings Officer and affirm the recommendation.
 - 2) Dismiss: Disagree with the actions of the Hearings Officer and dismiss the intervention.
 - 3) Modify: Reduce or suspend the intervention.
 - 4) Return the case to the Hearings Officer for re-hearing based on new evidence or procedural errors.
- f. The decision of the P&P Bureau Chief or designee is final and cannot be appealed by the offender.

VI. CLOSING:

Questions regarding this procedure will be directed to the POII, Deputy Chief, or Probation & Parole Bureau Chief.

VII. FORMS:

PPD 6.4.206 (A)	Hearings Guidelines
PPD 6.4.206 (B)	ISP/P&P DOC Inmate Rule Violation Codes
PPD 6.4.206 (C)	MIIG-P&P Intervention: Hearing Summons and/or Violation Response
PPD 6.4.206 (E)	Hearing/ROV Information Sheet
PPD 6.4.206 (F)	On-Site Affidavit of Probable Cause
PPD 6.4.206 (G)	Notice/Waiver of On-Site Hearing for Montana Parolee
PPD 6.4.206 (H)	Notice/Waiver of On-Site Hearing for Interstate Offender
PPD 6.4.206 (I)	Summary of On-Site Hearing
PPD 6.4.206 (J)	Request for (or Waiver of) Witnesses
PPD 6.4.206 (K)	Statement of Charges/Notice of Disciplinary Hearing and Rights
PPD 6.4.206 (L)	Request to Forfeit Offender Good Time/Impose Dead Time
PPD 6.4.206 (M)	Summary of Disciplinary Hearing
PPD 6.4.206 (N)	Disciplinary Hearing Offender Appeal
PPD 4.6.202 (A)	Request for Secure Placement
PPD 4.6.300 (A)	Notification and Placement Warrant
PPD 6.3.101 (A)	Montana Incentives/Intervention Grid for Adult Probation & Parole (MIIG-P&P)
PPD 6.4.205 (A)	Report of Violation
DOC 1.5.1 (Attachment)	Application for Restoration of Forfeited Good Time



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;

Subject: DISCHARGE FROM COMMUNITY SUPERVISION

- 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.

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