



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

Procedure:	PPD 4.6.300 DOC COMMITMENTS	
Effective Date:	01/09/2017	Page 1 of 3
Revision Date(s):	10/24/2017; 02/27/2019; 03/25/2019; 06/15/2020	
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/ Kevin Olson, 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. 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.
2. 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.
3. Offenders in jail will be placed as follows:
 - a. Offenders whose current sentence is for Negligent Homicide, or where there was a fatality during the commission of their offense, shall be placed at an assessment/sanction center for assessment and evaluation unless a secure placement has been deemed necessary (see *PPD 4.6.202 Secure Placements*);
 - b. Offenders whose current sentence is for a registerable sexual/violent offense shall be placed at an assessment/sanction center for assessment and evaluation, unless a secure placement has been deemed necessary (see *PPD 4.6.202 Secure Placements*). If the underlying circumstances of the offense was sexual or violent in nature, the case shall be staffed with the Deputy Chief to determine whether placement at an assessment and sanction center is necessary;
 - c. P&P Officer/PSI Writer will recommend the appropriate placement for all other offenders to the DC/POII after:
 - 1) reviewing appropriate paperwork, which includes the court's recommendations; pre-sentence investigation; report of violation; evaluations; police/jail reports; risk and needs assessments; and
 - 2) when applicable, notify victim about the placement decision, the community in which the offender will reside, that victim has the opportunity to respond with written or oral input within five (5) calendar days, and provide name, address, and phone number to whom the victim should respond. This notification and the victim's response will be documented.

- a) At this time, if not done previously during the presentence investigation process, determine if victim desires future notifications about the offender, i.e., travel to certain areas, hearing outcomes, potential release, etc., and if so, the preferred contact method of the notification (e.g., text, email, phone call); and
 - b) Officer will inform victim of the need to register to receive notifications of the offender's location and/or status changes, and provide the victim with the Department's website, www.cor.mt.gov/Victims. This website provides important information on victim rights, safety, programs, notification registration, and contacts.
 - c) Officer will ensure victim is included in offender's OMIS record and will document each victim's decision regarding notifications including the preferred method of contact.
 - d. In the event an appropriate placement option cannot be determined or additional evaluations are needed, a DOC commit will be placed at an assessment/sanction center. Facility staff will make a placement determination and begin the screening and placement processes pursuant to *PPD 4.1.100 Screenings for Adult Offender Placements* or *PPD 4.6.302 Conditional Release of DOC Commitment*.
 - e. When a secure placement has been deemed necessary, the procedures of *PPD 4.6.202 Secure Placements* are followed.
4. 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 jcorlegal@mt.gov for status of signed judgement);
 - c. *PPD 3.4.102(A) Report(s) of Violation* (if applicable); and
 - d. Current photograph, if available.
 5. Once placement has been determined, P&P Officer will complete *PPD 4.6.300(A) Notification and Placement Warrant* within five (5) working days, upload it into offender's OMIS record, and forward it to:
 - a. the detention facility housing the offender; and
 - b. the specific email distribution group given on the bottom of the form.

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