



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

Procedure:	<b>PPD 4.6.302    CONDITIONAL RELEASE OF DOC COMMITMENT</b>
Effective Date:	01/09/2017 <span style="float: right;">Page 1 of 10</span>
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Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

**I. PURPOSE:**

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

**II. DEFINITIONS:**

**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

**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.

**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:**

1. DOC commitments 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 a PFB 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 PFB program/facility; 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.

**IV. PREAUTHORIZATION OF CONDITIONAL RELEASE FOR OFFENDER WHOSE CURRENT SENTENCE IS FOR NEGLIGENT HOMICIDE OR A REGISTERABLE SEXUAL/VIOLENT OFFENSE:****A. DETERMINATION FOR PREAUTHORIZATION:**

1. Pursuant to *PPD 4.6.300 DOC Commitments*, all DOC commit offenders whose current sentence is for Negligent Homicide or a registerable sexual/violent offense shall be placed at an assessment and sanction center for assessment and evaluation, unless a secure placement has been deemed necessary.
2. The assessment and sanction center will determine one of the following as appropriate for the offender based on an assessment and evaluation of the offender:
  - a. Placement in a treatment facility and/or prerelease center followed by a conditional release of the offender into the community:
    - 1) preauthorization is required, and
    - 2) process for preauthorization (part B) is completed.
  - b. A direct conditional release from the assessment and sanction center:
    - 1) preauthorization is not required; and
    - 2) procedures provided in Section V are followed.
  - c. A secure placement – see *PPD 4.6.202 Secure Placements*.

3. Cases involving juvenile offenders and offenders ordered by the court to register will be staffed with the Programs and Facilities Bureau (PFB) to determine if a preauthorization will be required.

#### **B. PROCESS FOR PREAUTHORIZATION:**

1. IPPO will notify victims about the proposed plan and give the victim the opportunity to respond with written or oral input within 10 calendar days. The notification and victim response shall be documented. IPPO may request assistance from the local DOC victim liaison if having difficulty in determining or locating victims.
2. Staff will complete *PPD 4.6.302(B) Preauthorization for Conditional Release*:
  - a. Any available assessments and evaluations completed during offender's pre-adjudication process will be used for the *Preauthorization* and the case will be expedited.
  - b. *Preauthorization* is emailed as a WORD document to [corcondrel@mt.gov](mailto:corcondrel@mt.gov).
    - 1) When a *Preauthorization* is submitted to the email address, the email subject line must read as follows: **"Offender last name, first name, DOC No.; Facility; CR PREAUTH"**.
    - 2) The PPD Administrative Assistant will forward *Preauthorization* to the PFB Bureau Chief and note the progression of the *Preauthorization* for internal purposes only.
3. Upon receipt of *PPD 4.6.302(B) Preauthorization for Conditional Release*, the PFB Bureau Chief reviews and approves or denies the proposed plan within 15 business days and returns the *Preauthorization* to [corcondrel@mt.gov](mailto:corcondrel@mt.gov).
  - a. If preauthorization is approved, the PPD Administrative Assistant forwards the *Preauthorization* to the DOC Director for review.
  - b. If preauthorization is denied, the PFB Bureau Chief will identify whether a secure placement or an alternate placement is required. PPD Administrative Assistant will forward *Preauthorization* to the submitting assessment and sanction center:
    - 1) staff will follow the procedures of *PPD 4.6.202 Secure Placement* if secure placement is deemed appropriate; or
    - 2) staff will determine an alternate placement, and a revised *Preauthorization* is emailed to [corcondrel@mt.gov](mailto:corcondrel@mt.gov) for the PFB Bureau Chief's review.
4. When received, the DOC Director reviews, approves or denies the proposed plan, and returns *Preauthorization* to [corcondrel@mt.gov](mailto:corcondrel@mt.gov) within 15 business days. PPD Administrative Assistant will return the *Preauthorization* to the submitting assessment and sanction center.
  - a. If approved, the assessment and sanction center will begin screening and placement processes.
  - b. If denied, the DOC Director will identify if a secure placement or alternate plan is required:
    - 1) staff will follow the procedures of *PPD 4.6.202 Secure Placement* if secure placement is deemed appropriate; or
    - 2) staff will determine an alternate placement, and a revised *Preauthorization* is emailed to [corcondrel@mt.gov](mailto:corcondrel@mt.gov) for the PFB Bureau Chief and DOC Director's review.
5. When approved, the *PPD 4.6.302(B) Preauthorization for Conditional Release* must be included with all screening applications submitted.

6. The DOC Director will serve as final approval authority for the conditional release upon the offender's successful completion of all of the plan components (i.e., SUD treatment or prerelease center).
7. If the approved plan cannot be completed because the offender is unable to complete all of the required components of the approved plan due to disciplinary or other reasons, the case must be staffed with the PFB Bureau Chief to determine if the *Preauthorization* must be updated to reflect another plan and emailed to the Bureau Chief. The later approved plan supersedes the initial plan.

## V. 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.
- d. Entries into the offender's chronological history should be made continuously 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 *PPD 4.6.302(A) Request for Conditional Release*:

- a. *For offender not in a PFB facility*: The supervising P&P Officer.
- b. *For offender in a PFB facility*: The nearest regional P&P office noted below when requested by the referring facility staff:
  - 1) Missoula – Region I
  - 2) Helena, Bozeman – Region II
  - 3) Great Falls – Regions III and VI
  - 4) Billings – Region IV
  - 5) Kalispell – Region V

#### 3. Victim Notifications:

- a. Must be completed even if a notification was done during a required preauthorization (see Section IV).
- b. 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) victim has opportunity to respond with written or oral input within 10 calendar days. Provide the name of the P&P Officer to whom the victim should respond, including Officer's address and phone number.

- c. **The Victim portion of Section F. Placement Investigation must be completed** on the *Request for Conditional Release*.
  - d. **Section H** of *Request for Conditional Release* – Deputy Chief will review if victim input was noted in Section F.
4. **Submission of Request:** When a *Request for Conditional Release* is submitted as a WORD document to the email address, the email subject line must read as follows: **“Offender last name, first name, DOC No.: Facility or P&P: CR”**.
- a. The PPD Administrative Assistant will note the progression of a *Request for Conditional Release* for internal purposes only.
  - b. The referring source may contact the PPD Administrative Assistant for information 45 days after initial submission of a *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 4.6.203 Interstate Commission Procedures*.
  - a. When applicable for an offender currently serving a sentence for a registerable sexual/violent offense, an approved *PPD 4.6.302(B) Preauthorization for Conditional Release* MUST be submitted with *PPD 4.6.302(A) Request for Conditional Release* (see Section IV above).
  - b. The referring P&P Officer, IPPO, or facility staff completes Sections A-E of *PPD 4.6.302(A) Request for Conditional Release*.
    - 1) If the offender is in a PFB 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).
  - c. The P&P Officer, IPPO, or PRC Liaison will make victim notifications providing the information given in part A.3 above (page 4) and complete the Victim portion of Section F on *Request*. Any victim response will be documented and provided with the *Request* when submitting it for final review.
  - d. **Placement investigation is not required;** therefore, the referring source will email the *Request for Conditional Release* and other necessary documents as a WORD document to the DC or designee and to [corcondrel@mt.gov](mailto:corcondrel@mt.gov) to begin the final review process.
  - f. Following final reviews and upon receiving an approved and signed *Request*, the referring source will complete the CR pursuant to part F below (page 9) and send the *Request* and offender’s field file to the Interstate Compact Section.
  - g. The Interstate Compact Section will process the transfer request upon receiving the approved and signed *Request* and offender’s file.
2. **CR Request for DOC Commit in Jail or Community:**
  - a. Pursuant to *PPD 4.6.300 DOC Commitments*, sexual/violent offenders and offenders where there was a fatality during the commission of their offense cannot be conditionally released from jail, but will be placed in an assessment and sanction center if a secure placement was not deemed appropriate.
  - b. The supervising P&P Officer or PSI Writer completes Sections A-E of *PPD 4.6.302(A) Request for Conditional Release* and staffs the case with DC/POII.

- c. 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](mailto:corcondrel@mt.gov). See part B.1 above for procedures for interstate offender.
- d. Send offender's field file to appropriate P&P office. If interstate offender, send field file to Interstate Compact Section.
- e. Following final reviews and upon receiving an approved and signed *Request*, the supervising P&P Officer completes release and sign-up procedures in part F below.

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

- a. IPPO or facility staff completes Sections A-E of *PPD 4.6.302(A) Request for Conditional Release* and submits *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 placement investigation and to [corcondrel@mt.gov](mailto:corcondrel@mt.gov). See part B.1 above for procedures for interstate offender.
- c. Send offender's field file to appropriate P&P office. If interstate offender, send field file to Interstate Compact Section.
- d. Following final reviews and upon receiving an approved and signed *Request*, the IPPO completes release and sign-up procedures in part F below (page 9).

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

- a. When applicable for an offender currently serving a sentence for a registerable sexual/violent offense, an approved *PPD 4.6.302(B) Preauthorization for Conditional Release* MUST be submitted with *PPD 4.6.302(A) Request for Conditional Release* (see Section IV above).
- b. For a direct CR from Passages ASRC or START, a preauthorization is not required.
- c. The referring IPPO, PRC Liaison, or facility staff will request an updated *PPD 6.2.437(E) Progress/Summary Report* from the facility for offender:
  - 1) START and Passages ASRC – Complete Sections I, II, V, and VI of *Progress/Summary Report*;
  - 2) Other facilities – Complete Sections I, III or IV, V, and VI of *Progress/Summary Report*.
- d. The referring source completes Sections A-E of *PPD 4.6.302(A) Request for Conditional Release*.
- e. Using appropriate email subject line, email *Request*, *Progress/Summary Report* and other necessary documents as a WORD document to all POIIs in the P&P office that will be supervising the offender for placement investigation and to [corcondrel@mt.gov](mailto:corcondrel@mt.gov). See part B.1 above (page 5) for procedures for interstate offender.
- f. Send offender's field file to appropriate P&P office. If interstate offender, send field file to Interstate Compact Section.
- g. Following final reviews and upon receiving an approved and signed *Request*, the IPPO or PRC Liaison completes release and sign-up procedures in part F below (page 8).

### C. PLACEMENT INVESTIGATION:

1. When *PPD 4.6.302(A) Request for Conditional Release* 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 part A.3 above (page 4), asking victim to provide any response within 10 calendar days.
  - b. assign a P&P Officer to complete the placement investigation and make a chronological entry into offender's OMIS record noting assignment.
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.
  4. The case planning team will complete Section F. Placement Investigation of *PPD 4.6.302(A) Request for Conditional Release*:
    - 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. complete offender case plan with offender and recovery plan (what is left to accomplish and what assistance is needed, including referral for services).
  5. P&P Officer will staff with supervisor when he/she 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 *PPD 4.6.302(A) Request for Conditional Release*:
    - a. conditions already in offender's judgement do not need to be recommended again on the *Request* form; and
    - b. all court-ordered and recommended special conditions are entered into offender's OMIS record.
  7. *Request* and attached documents are forwarded as a WORD document to DC or designee and to [corcondrel@mt.gov](mailto:corcondrel@mt.gov) to begin the final review process.
  8. Offender's field file is returned to referring source.

**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 PPD Administrator and the Department Director may deny the CR request and provide the appropriate placement of the offender.
3. *PPD 4.6.302(A) Request for Conditional Release* will be forwarded as follows to the next step in the review process unless a CR plan requires modification:

- a. DC or designee will review *PPD 4.6.302(A) Request for Conditional Release* 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](mailto:corcondrel@mt.gov).
  - b. PPD Administrative Assistant will forward the *Request* and attached documents 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](mailto:corcondrel@mt.gov).
  - c. If interstate offender, PPD Administrative Assistant 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](mailto:corcondrel@mt.gov).
  - d. PPD Administrative Assistant will forward the *Request* and attached documents to the PPD Administrator or designee for a final review to be completed within 10 business days. Administrator or designee will return the *Request* by email to [corcondrel@mt.gov](mailto:corcondrel@mt.gov).
  - e. For all DOC commit offenders whose current sentence is for a registerable sexual/violent offense, PPD Administrative Assistant will then forward the *Request* and attached documents to the DOC Director for a final review to be completed within 10 business days. Director will return the *Request* by email to [corcondrel@mt.gov](mailto:corcondrel@mt.gov).
  - f. The PPD Administrative Assistant forwards *Request* and attachments to the referring IPPO, PRC Liaison, ISP or P&P Officer, and/or facility staff, and includes the Interstate Compact Section for offenders requesting an interstate transfer.
- 4. CR Plan Denied – Return for Modification:** When the reviewer requires the CR plan be modified, he/she will return the *Request* to the referring IPPO, PRC Liaison, ISP or P&P Officer, or facility staff and [corcondrel@mt.gov](mailto: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, PRC Liaison, or P&P Officer will document notification and show notification date on *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](mailto:corcondrel@mt.gov).
  - b. Reviewer will email the *Request* and attached documents to [corcondrel@mt.gov](mailto:corcondrel@mt.gov) if CR plan is approved and the final review process will continue as outlined in part D.3.
- 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, PRC Liaison, 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. *PPD 4.6.302(A) Request for Conditional Release* 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, PRC Liaison, or P&P Officer will document notification and show notification date on *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](mailto:corcondrel@mt.gov) by the referring IPPO, PRC Liaison, P&P Officer, or facility staff with directions about change in approved CR plan.
2. PPD Administrative Assistant forwards *Request* and attached documents as follows:
    - a. Change to release location: to the DC to start the final review process as outlined in part D.3; or
    - b. Change in conditions only: to the PPD Administrator or designee for review and signature.
  3. Once *Request* and attached documents are returned by the PPD Administrator or designee to [corcondrel@mt.gov](mailto:corcondrel@mt.gov), they are then forwarded by the PPD Administrative Assistant to the referring IPPO, PRC Liaison, or 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, PRC Liaison, or P&P Officer completes release and sign-up procedures in part F below.

#### **F. RELEASE AND SIGN-UP TO CR:**

1. When approved CR is received by the referring IPPO, PRC Liaison, P&P Officer, or facility staff:
  - a. coordinate the date of release and/or reporting instructions and any aftercare referrals with supervising P&P Officer and case manager/facility staff;
  - b. travel permit is issued from OMIS pursuant to *PPD 6.1.211 Probation & Parole Adult Offender Travel*. The person issuing the travel permit will email notification of CR to MSP or MWP Records Department.
2. Prior to release, the referring IPPO, PRC Liaison, 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*. Offender's field file is sent to the appropriate P&P office unless offender is interstate offender.
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. Assistance established by applicable policy and procedures may be requested on behalf of the CR offender by using the following forms:
  - a. By the referring IPPO, PRC Liaison, P&P Officer, or facility staff: *PPD 5.1.202(A) Transitional Assistance Request* is emailed to [correquests@mt.gov](mailto: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 5.1.202(B) Request for P&P Treatment Funds* is submitted to the DC.
5. Upon release, Supervising P&P Officer or the Interstate Section will update the offender's OMIS Location and Status.

**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, 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;
  - 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*.

**VI. CLOSING:**

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

**VII. FORMS:**

PPD 4.6.302 (A)	Request for Conditional Release
PPD 4.6.302 (B)	Preauthorization 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
PPD 6.2.437 (E)	Progress/Summary Report