

# **MEMORANDUM OF UNDERSTANDING**

## **BETWEEN**

### **MONTANA DEPARTMENT OF CORRECTIONS AND**

### **MONTANA BOARD OF PARDONS AND PAROLE**

The Montana Department of Corrections (DOC) and the Montana Board of Pardons and Parole (BOPP) hereby enter into this Memorandum of Understanding (MOU). The purpose of this MOU is to reflect the agreement of the parties relating to the management of offenders who are committed to the Department of Corrections (DOC Commits) and those the DOC places in prison.

The parties agree that the BOPP has jurisdiction over DOC Commits that the DOC has placed in prison under a Secure Placement Request or for any reason other than those set out in 1, 2 or 3 below. DOC will not remove those DOC Commits from the prisons. BOPP may parole those DOC Commits in due course and under the same circumstances as offenders sentenced to prison.

DOC retains exclusive jurisdiction over the following DOC Commits temporarily placed in prison by the DOC. DOC may remove them from prison at any time:

1. DOC Commits that the DOC places in prison temporarily for medical or mental health treatment for the period necessary to meet the DOC Commit's health care need:
2. DOC Commits that the DOC places in prison temporarily, not to exceed 45 days, that have been screened and accepted by a community corrections program and are awaiting placement with the community corrections program. (The DOC Commits will be designated by the Offender Management Information System (OMIS) as a MASC/ASRC Hold):

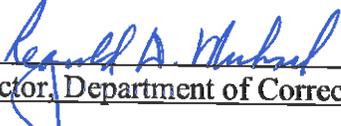
3. DOC Commits that the DOC places in prison temporarily for assessment, or, with the prior approval of the warden, for sanctioning. §46-23-201, MCA.

On a monthly basis, the DOC will provide the BOPP with a list of the offenders who meet the exceptions listed above including their commitment status, length of stay, and, for offenders in prison for medical or mental health care, a summary of their progress and expected date of alternative placement if known.

The parties agree that if a disagreement arises regarding the terms and conditions of this MOU or in its execution, they will attempt to resolve the issue informally. The Board of Pardons and Parole designates the Board Chair or designee as the initial contact for disputes relating to the management of DOC Commits under the terms of this MOU. The DOC designates Probation and Parole Division Administrator, or the Administrator's designee, as its initial contact for disputes relating to management of DOC Commits under the terms of this MOU.

***Amendment or Termination:*** This MOU may be amended by written agreement signed by the Director of DOC and the Board Chair. The parties will meet to amend the MOU as appropriate.

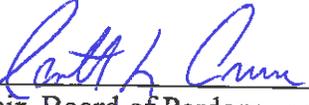
This Memorandum of Understanding replaces all other Memorandums between the BOPP and DOC relating to DOC Commits placed in prison by the DOC and is effective upon receipt of MOU final signature. Any party may withdraw from the agreement upon written notice.

  
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Director, Department of Corrections

DATE: 11/8/17

  
\_\_\_\_\_  
Administrator, Probation and Parole Division

DATE: 11/8/17

  
\_\_\_\_\_  
Chair, Board of Pardons and Parole

DATE: 11/14/17