



**PROBATION AND PAROLE BUREAU
STANDARD OPERATING PROCEDURES**

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| Procedure No.: P&P 130-3 | Subject: REPORT OF VIOLATION FOR OUT-OF-STATE OFFENDERS SUPERVISED IN MONTANA |
| Reference: 46-23-1115, MCA ; P&P 100-1 ; P&P 100-2 | Page 1 of 4 |
| Effective Date: 06/01/00 | Revision Dates: 09/04/01; 06/17/02; 03/06/04; 03/01/05; 08/01/05; 06/12/06; 08/20/07; 04/22/08; 06/14/10; 06/30/11; 07/25/12; 11/20/14 |
| Signature / Title: /s/ Cathy Gordon, Deputy Compact Administrator | |

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will promptly follow established procedures when notifying the sending state of interstate offender violations.

II. DEFINITIONS:

Department – The Montana Department of Corrections.

ICAOS – The Interstate Commission for Adult Offender Supervision.

Interstate Bureau – The Montana Adult Interstate Bureau.

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

Receiving State – The state assuming supervision of an offender at another state’s request. For this procedure, Montana is the receiving state.

Sending State – The state requesting the transfer of an offender’s supervision.

III. PROCEDURES:

RESPONSIBILITY:

A. VIOLATIONS ONLY

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| <ol style="list-style-type: none"> 1. The offender’s status is determined and alleged violations are thoroughly investigated. The supervising Probation & Parole Officer (Officer) must use sanctions such as jail, CD counseling, etc., to address violations as they would any Montana offender in the appropriate manner deemed necessary. All available and appropriate sanctions must be utilized prior to requesting revocation from the sending state. | P&P Officer |
| <ol style="list-style-type: none"> 2. If offender continues to violate or has severe violations, the Officer should staff the violations with his/her supervisor to determine if an intervention hearing is appropriate. If the offender is going to be sanctioned and remain in Montana on supervision, then an | P&P Officer RA or POII |

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intervention hearing can be held to address the violations. Officer completes *Progress Report* and submits to the Interstate Bureau with attached *P&P 140-5(B) Intervention Hearing Agreement* within 30 days of the violation.

3. When Officer believes revocation is appropriate, he/she will contact the Interstate Bureau's out-of-state Interstate Agent or Bureau Chief to staff the case. P&P Officer

4. 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 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. P&P Officer

Due to ICAOS restraints, wording in the *OVR* must be as concise as possible.

Examples:

Residence: On 10/15/04, Smith moved to a new apartment without the permission of his PO.

Offender will not be allowed to own, possess, or have access to computers: On 10/15/04 a home check was conducted at the reported residence. A computer was confiscated on this date.

Illegal Drug Use: On (date) tested positive for THC.

5. If *OVR* is appropriate, a preliminary on-site hearing (probable cause) will be conducted as soon as possible if the offender did not waive the hearing. Refer to *P&P 140-2 Preliminary (On-site) Hearings*. P&P Hearings Officer

No hearing is necessary when offender has waived the hearing and admitted to one or more of the violations. The Officer will use form *P&P 140-2(E) Notice/Waiver of On-Site Hearing for Interstate Offender* to document the waiver. P&P Hearings Officer

6. The *OVR* and *P&P 140-2(E) Notice/Waiver* with admission and/or *P&P 140-2(A) Summary of On-Site Hearing* are submitted electronically to Interstate. P&P Officer

7. These documents are reviewed and edited prior to submitting to the sending state requesting a response of what action will be taken. Interstate Bureau

****Sending state shall respond to the *Offender Violation Report* within ten (10) business days by utilizing the *Response to Violation Report*.**

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| 8. Field warrant may be issued by Montana Officer if the offender is determined to be a risk to the community or risk to abscond supervision. Offender can be held in custody for 30 days without bond. | P&P Officer |
| 9. According to the Interstate Commission Rules, if the offender is not returned to the sending state, Montana will continue supervision of the offender as directed by the sending state. | P&P Officer |
| 10. If offender is retaken by the sending state, Officer emails Interstate Bureau with pertinent information, including any needed documentation, to close the case (use of <i>Case Closure Notice</i> is optional). | P&P Officer |
| **An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (Montana). | |
| 11. OMIS entry is completed after case is closed due to retaking. | P&P Officer Interstate Bureau |

B. NEW CHARGES

Montana may initially detain an out-of-state offender who has committed a crime against the laws in Montana.

PROCEDURES:

RESPONSIBILITY:

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| 1. Officer may hold the offender on a field warrant until new charges are processed and a warrant is issued. Once held on new charges, field warrant will be cancelled. If offender bonds or is released, Officer continues to supervise until charges are disposed of. If offender poses security risk, the Officer will staff case with Interstate Bureau Chief to discuss further jail hold. | P&P Officer |
| 2. Once charges are disposed of, circumstances of the arrest and judgments are sent with the <i>Offender Violation Report (OVR)</i> to the Interstate Bureau. <i>OVR</i> should include any technical violations. No hearing is required upon disposition of the new charges. | P&P Officer |
| 3. If charges are dropped or the offender is found not guilty, but the Officer feels an <i>OVR</i> is still necessary due to other violations, a preliminary on-site hearing is required. <i>P&P 140-2(E) Notice/Waiver of On-Site Hearing for Interstate Offender</i> must be completed prior to the hearing or to indicate the offender waives the hearing [see <i>P&P 140-2 Preliminary (On-Site) Hearing</i>]. If the Officer determines the offender to be a risk to the community or risk to abscond supervision, the offender may be detained by issuing a field warrant to hold offender until sending state responds to the <i>OVR</i> . | P&P Officer |

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| 4. Interstate Bureau reviews, edits and submits information to sending state to determine what action the sending state will take. | Interstate Bureau |
| **Sending state shall respond to the <i>Offender Violation Report</i> within ten (10) business days by utilizing the <i>Response to Violation Report</i>. | |
| **An interstate offender shall not be admitted to bail if retaking procedures have been instituted by the sending or receiving state (Montana). | |
| 5. If not returned to the sending state, supervision of the offender is continued at the direction of the sending state. | P&P Officer |
| 6. If offender is retaken by the sending state, Interstate Bureau will close the case. | Interstate Bureau |
| 7. OMIS data entry is completed after case is closed due to retaking. | Interstate Bureau |

C. ABSCONDERS

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| 1. If there is reason to believe that an offender has absconded, the receiving state shall attempt to locate the offender. Such activities will include, but are not limited to: a. Conducting a field contact at the last known place of residence; b. Contacting the last known place of employment, if applicable; c. Contacting known family members and collateral contacts. | P&P Officer |
| 2. If the offender is not located, the receiving state will complete <i>Offender Violation Report (OVR)</i> and email it to Interstate Bureau. The <i>OVR</i> must include detailed information on how Officer verified the offender has absconded (i.e., how offender not living at reported address or working at reported employment was verified; description of attempts to locate offender along with any contacts made that gave information on offender). | P&P Officer |
| 3. The Interstate Bureau will notify Officer to close case. | Interstate Bureau |

IV. CLOSING:

Questions concerning this procedure shall be directed to the Regional Administrator or the Interstate Bureau Chief.

V. FORMS:

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| Interstate | Offender Violation Report |
| Interstate | Case Closure Notice (optional) |
| P&P 140-2(A) | Summary of On-Site Hearing |
| P&P 140-2(E) | Notice/Waiver of On-Site Hearing for Interstate Offender |
| P&P 140-5(B) | Intervention Hearing Agreement |