



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

Procedure:	<b>PFB 6.1.201 PLACEMENT DETERMINATION, REFERRAL, AND SCREENING FOR ADULT OFFENDERS</b>	
Effective Date:	00/00/2020	Page 1 of 9
Revisions 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, Programs and Facilities Bureau Chief	<b>7/13/2020</b>

**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:**

Staff of the Department of Corrections and the Programs and Facilities Bureau (PFB) contracted facilities 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.

**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.

**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 Adult Case Management* is current if completed in the past 12 months and the offender has experienced no life-altering events during that period.

**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

**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 PFB program/facility.

**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.

**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 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)

**Up to 9-month Revocation Referral** – A probation or parole offender referred for placement in a PFB 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 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.
2. All offenders committed to the Department and who are currently serving on a registered sexual or violent offense, or Negligent Homicide, must be placed at an assessment/sanction center and must have a preauthorization for conditional release approval before a referral can be made (see *PPD 4.6.302 Conditional Release of DOC Commitment*).
3. For new DOC commitments, *PFB 6.1.201(G) DOC Commitment Initial Placement Notification* must be completed by the Probation & Parole (P&P) Officer or staff of the assessment/sanction center after acceptance by a facility screening committee, but prior to placement, and submitted as directed in Section E. 9 below.
4. Chronological entries in the offender’s OMIS record will be maintained throughout the placement determination, referral, and screening process.

**B. PRE-SCREENING PRIOR TO SENTENCING:**

1. If a judge orders pre-screening of an offender prior to sentencing, staff should follow the requirements in Section D. APPLICATION PROCESS below.
2. Offenders whose current offense is a sexual or violent offense or Negligent Homicide will be pre-screened when ordered; however, the preauthorization for conditional release process must be followed (see *PPD 4.6.302 Conditional Release of DOC Commitment*).

**C. PLACEMENT DETERMINATION PROCESS:**

1. Staff must do the following to determine the most appropriate referral based on the offender's current situation:
  - a. All referrals will be made using the Risk/Need/Responsivity principal to determine the ideal placement for the offender for reducing recidivism in the least restrictive placement.
  - b. Review all relevant information contained in the offender's case records and criminal history to properly summarize in narrative form in *PFB 6.1.201(B) PFB Application Evaluation* the offender's current circumstances, strengths, needs, and potential barriers when making a referral.
  - c. Use the offender's current risk and needs assessment to determine risk and need domains that should be targeted by a program/facility. If no current assessment can be located, staff must complete the assessment before a referral can be made as required in *PPD 1.5.1200 Risk and Needs Assessments for Adult Case Management*.
  - d. Require the offender to undergo other clinical evaluations (such as substance use disorder or mental health evaluations) as part of this determination process if indicated by the risk and needs assessment results, other screening tools used in this process, or if ordered by the Court as a condition of the sentence. The recommendations made in the clinical evaluation will be used by staff to match the offender to a program/facility that can best address the offender's specific needs.
  - e. Consider the specific placement recommendations made by the Sentence and Judgment(s) for all sentences the offender is currently serving.
  - f. Consider the offender's correctional status as indicated below and time remaining on the offender's sentence when making referrals. Staff will clearly indicate on *PFB 6.1.201(B) PFB Application Evaluation* the offender's placement type, correctional status, and discharge date.
    - 1) Up to 90-day Intervention Referrals for probation, parole and conditional release offenders; referrals may be made prior to a disciplinary hearing to aid in making recommendations to the Hearings Officer.
    - 2) Up to 9-month Revocation Referrals for probation and parole revocation offenders.
    - 3) Probation offenders may be referred for other statutorily allowed placements on a case by case basis if the PFB deems there is adequate space available in the program/facility.
    - 4) New DOC Commitments may be referred by P&P while offender is in the community or jail, or by an assessment/sanction center. If P&P 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 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);
  - b) male revocations to START; or
  - c) female DOC commitments or revocations to Passages ASRC.
- 5) Offenders in secure facilities may be referred only by IPPOs if there is a BOPP authorization for the placement. If an offender has appeared before the BOPP and received a disposition that does not support a placement, staff will not make a referral. Offenders under BOPP jurisdiction are eligible for referral if;
- a) the BOPP granted an offender parole contingent upon completion of a prerelease center (PRC) and/or treatment program.
  - b) an offender has been passed to discharge by the BOPP but is endorsed for placement until discharge of their sentence at a PRC and/or treatment program. This offender is not be eligible for placement prior to the program's specified length of stay unless *PFB 6.2.437(D) Preauthorized Extended Stay Request Form* has been completed and approved by the Contract Manager.
  - c) the offender appeared before the BOPP and was not granted parole; however BOPP endorsed a PRC and/or treatment facility placement.
- g. 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.
- h. Staff making the referral must verify that any known felony warrants or detainers are resolved, or specific arrangements have been made for the offender to participate in a placement.
- 1) Misdemeanor warrants will not preclude placement; and
  - 2) Immigration detainers are a civil matter and will not preclude placement.
- i. Staff making a referral to a PRC must:
- 1) document in *PFB 6.1.201(B) PFB Application Evaluation* if the offender is currently capable and willing to maintain full time employment. If the offender is unable to work due to a verified disability and/or they are eligible for Veterans Administration Benefits, SSI, or Vocational Rehabilitation Services, staff must document in the *PFB Application Evaluation* the plan to subsidize the offender's stay at the PRC. If transitional assistance funds are needed to assist with an offender's room and board costs, follow procedures given in *PFB 6.1.204 Transitional Assistance Funds and Rental Vouchers*; and
  - 2) notify the offender that he/she may incur expenses from community medical, mental health and substance use service providers if referred for those services by PRC staff and that they may qualify for Medicaid coverage while at a PRC.
- j. If an offender has an escape conviction within the past three (3) years, *PFB 6.1.201(C) Approval of Offender Placement with Escape Conviction(s)* must be submitted to the PFB Bureau Chief or designee at [CORAO@mt.gov](mailto:CORAO@mt.gov) for approval before making the referral.
- k. If being referred from an assessment/sanction center or prison, the offender must be assessed as stable by a medical/mental health provider, regulated on prescribed medications prior to leaving, and transfer 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.
2. Staff should also consider the following before making a referral:
- a. Low risk offenders are generally not appropriate for referral to residential placements and may be appropriate for community supervision, especially those with suitable housing and

verifiable employment. Exceptions may be applied for the placement of low risk offenders after the consideration of multiple case factors including, but not limited to:

- 1) whether offender was convicted of a sexual offense,
  - 2) whether offender was convicted of a felony DUI offense,
  - 3) recent performance on community supervision, and
  - 4) reentry needs.
- b. High risk offenders should receive intensive interventions and generally benefit the most from evidence-based placements.
  - c. Dynamic criminogenic needs should be identified by staff making the referral and targeted by the placement.
  - d. Generally, cognitive-behavioral interventions that also address the offender's specific responsivity needs such as age, gender, cognitive abilities, or motivation are preferred.
  - e. Referring an offender in need of substance use disorder (SUD) treatment to short term treatment before making a referral to long term treatment, unless the offender is high risk and needs additional dosage provide by long term treatment or has had multiple prior treatment placements.
  - f. The stacking of referrals to multiple treatment programs is not allowed unless there is justification for treatment or programming in successive programs. Approval for this must be obtained from the PFB and made to [CORRequests@mt.gov](mailto:CORRequests@mt.gov).
  - g. Review of the offender's performance in previous placements to determine whether it is appropriate for the offender to repeat a previously completed program, considering the offender's identified risks and needs.
3. 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.
    - a. If the offender does not readily consent, Motivational Interviewing techniques should be used to gain the offender's consent.
    - b. If the offender persists in his/her refusal, *PPD 4.6.202 (A) Request for Secure Placement* and *PPD 4.6.202(B) Offender Placement Refusal* will be completed pursuant to *PPD 4.6.202 Secure Placements*.
  4. Staff must document in *PFB 6.1.201(B) PFB Application Evaluation* and in an OMIS chronological entry the following information about the referral:
    - a. offender's risk domains that should be targeted;
    - b. offender's needs that should be targeted;
    - c. any responsivity issues identified; and
    - d. the specific referral(s) made.

#### **D. APPLICATION PROCESS:**

1. To initiate the application process, staff must complete *PFB 6.1.201(B) PFB Application Evaluation* and *PFB 6.1.201(E) PFB Program Referral*. Full narrative answers must be provided in Section D of the *PFB Application Evaluation* ("see PSI" or "see OMIS" are not appropriate answers and the evaluation will be returned for completion). Staff will also include the *PFB 6.1.201(A) Application for PFB Facility* submitted by the offender which includes an authorization for the release of information signed by the offender.

2. Staff must gather the following information to include with the forms above:
  - a. Current MORRA/WRNA assessment Scoring Sheet used in making placement determination must be attached to the application;
  - b. Victim information that affects placement;
  - c. Psychosexual or existing sexual offender reports/evaluations (if available);
  - d. Medication recommendations must be included;
  - e. Current SUD evaluation if referred to a SUD treatment program;
  - f. All appropriate releases for confidential information;
  - g. Any presentence investigation report in the 3-year period preceding the referral;
  - h. Judgment(s), or the Verification of Commitment and Information if judgment is not available, and Sentence Review Decision(s) for all cases the offender is currently serving;
  - i. Initial BOPP Report and most recent BOPP Disposition for parole offenders;
  - j. Report of Violation for probationers revoked to DOC Commitment, or conditional release revocations;
  - k. Most recent Parole Report or *PFB 6.2.437(E) Progress/Summary Report*;
  - l. Approved *PPD 4.6.302(B) Preauthorization for Conditional Release*, if required;
  - m. Summary of offender's disciplinary write-ups; and
  - n. At the offender's request, a personal letter from an offender to the screening committee with any information the offender would like to highlight about their application.
3. Assessment/sanction center staff must make referrals indicated in the approved *PPD 4.6.302(B) Preauthorization for Conditional Release*.
4. Applications to prerelease centers (PRC) will follow the established screening rotation which allows for an offender to be considered by other PRC programs if denied by the preferred center. **An offender may request a specific PRC as a first choice and the application will begin at that point in the rotation.**
  - a. **Male Rotation:** Butte PRC → Helena PRC → Great Falls Transition Center → Alpha House PRC (Billings) → Missoula Correctional Services → Gallatin Reentry Program (Bozeman).
  - b. **Male Sex Offender Rotation:** Helena PRC → Great Falls Transition Center → Alpha House PRC (Billings) → Missoula Correctional Services.
  - c. **Female PRC Programs Rotation:** Butte PRC → Great Falls Transition Center → Passages PRC (Billings) → Missoula Correctional Services.
  - d. **Female Sex Offender Rotation:** Great Falls Transition Center → Passages PRC (Billings) → Missoula Correctional Services.
5. Application materials may be submitted to the facility screening committee electronically via the file transfer service, via mail, or via OMIS. Staff will make an OMIS chronological entry detailing when and how the application was sent.
  - a. Staff may not make simultaneous/identical referrals to similar programs (e.g. identical packets sent to CCP, Nexus, and Pine Hills 90-Day SUD programs or to multiple PRC programs).
  - b. Identical packets may only be submitted if the referral is to a SUD treatment program to be followed by a PRC. If a need arises to submit simultaneous/identical packets, [CORRequests@mt.gov](mailto:CORRequests@mt.gov) and all screening coordinators receiving the referral must be notified of the circumstances with a single e-mail prior to the application being made and the circumstances noted in OMIS.

6. 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.
  - b. If a provisional acceptance is offered (see Section E. 4 below), staff will discuss the provisional acceptance with the offender and provide a timely response to the screening coordinator.

**E. FACILITY SCREENING COMMITTEE:**

1. Facility screening committees shall consist of a minimum of three (3) members, have racial parity and be gender balanced. The following positions must be represented on the committee and are not mutually exclusive:
  - a. one local law enforcement officer;
  - b. one probation and parole officer; and
  - c. one member of the public.
2. To better align with the Correctional Programs Checklist and evidence-based practices, all PFB 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) Request for Approval of Exclusionary Criteria* and submitted to [CORRequests@mt.gov](mailto:CORRequests@mt.gov) for review, with the policy/procedure, within seven (7) days from the effective date of this procedure for fiscal year 2021. The *Request* will then be submitted annually for review by June 1<sup>st</sup> of each year.
  - b. Prior to denial of criteria, PFB staff will coordinate with facility staff for revision or clarification of criteria for resubmission.
  - c. Approved criteria will be used for the following fiscal year.
  - d. If the facility wishes to make changes to the criteria during the year, a new *Request* will be submitted for PFB review prior to implementation.
3. Facility screening committees may only accept placement referrals from Department or contracted assessment/sanction center staff (P&P Officers, IPPO's, or assessment center staff). Referrals from outside parties such as attorneys, offender family members, offenders, the Court, or other facility screening committees may not be accepted.
4. Facility screening committees will consider and accept or deny applications within 10 business days (not including 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 by email and provide the reason for the delay.
  - b. If an application must be held past the 10 business days pending clarification or because more information is needed, the specifics must be noted on the Screening Report.
5. The facility screening committee may provisionally accept an offender with recommended conditions of acceptance that include local requirements to participate in their program (i.e. sex offender treatment, batterer's intervention, inmate worker, extended stay). The committee may not require placement in another program/facility as a provision of acceptance

- or make a referral to another program/facility.
- a. If a provisional acceptance is made, the Screening Report must list these requirements.
  - b. The referral staff and offender must agree to the recommendation prior to acceptance. In the event the recommendation is not accepted, the facility screening committee may deny the offender, giving the reasons for the denial.
6. At each screening meeting, the committee must discuss each offender application and report the results to the Contract Manager and referral source. The facility will submit the Screening Report by email at [CORACCDReports@mt.gov](mailto:CORACCDReports@mt.gov) within three (3) business days after the screening committee meets, with the email subject line as follows:  
*"Facility, Report name, Date (ex., Nexus Screening Report 2/5/2021)"*.
    - 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 PFB at [CORRequests@mt.gov](mailto:CORRequests@mt.gov) after staff making the referral attempted resolution with the Facility Screening Coordinator.
  7. The committee may deny an offender application only for the following reasons and must include the reason on *PFB 6.1.201(D) Screening Report Form*:
    - a. The offender meets one of the program's established exclusionary criteria per their program's written policy (must specifically note on the Screening Report the specific 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 within the past four (4) months (must specifically note on the Screening Report the specific behavior and date of the behavior);
    - c. The offender's criminogenic needs identified by the referral source cannot be addressed by the program (must specifically note on the Screening Report the specific needs that cannot be addressed);
    - d. The offender has insufficient time remaining on his/her sentence to benefit from the program;
    - e. The material submitted was incomplete or not provided when requested (note specifically what is missing and the dates it was requested); or
    - f. Offender refused provisional acceptance.
  8. Prerelease center's Screening Coordinator will forward all denied applications to the next facility as listed in Section D.4 below within three (3) working days of the screening meeting.
  9. An offender may not be transferred to a facility until notice of acceptance has been received from the facility and there is a confirmed bed available.
  10. For new DOC Commitments, *PFB 6.1.201(F) DOC Commitment Initial Placement Notification* must be completed and submitted as follows:
    - a. By the P&P Officer for an offender not in an assessment/sanction center. Officer emails the *Notification* to the appropriate P&P Bureau Chief or designee, to [CORAO@mt.gov](mailto:CORAO@mt.gov), and to the sentencing judge, county attorney, and the defense attorney. The Administrative Assistant will retain the form in offender's OMIS record; or
    - b. By assessment/sanction center staff when offender was placed in the center for assessment and evaluation to determine appropriate placement options. *Notification* is



emailed to [CORAQ@mt.gov](mailto:CORAQ@mt.gov) and the sentencing judge, county attorney, and the defense attorney. The Administrative Assistant will forward *Notification* to the PFB Bureau Chief or designee and retain form in offender's OMIS record.

11. 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.
12. If it is known upon the offender's acceptance into the program that they are required to complete an extended stay placement, facilities must receive written approval from the PFB prior to an offender's extended stay placement by completing and submitting *PFB 6.2.437(D) Preauthorized Extended Stay Request Form*. Extended stay cases are approved on an as-needed basis.
13. If accepted as an inmate worker or into the Culinary Arts Program, this procedure will be followed in conjunction with *PPD 5.1.101 Inmate Workers* and *PPD 5.1.400 Culinary Arts Program*.
14. Each contracted facility will arrange an annual meeting between the screening committee members and PFB staff.

**F. DENIALS BY ALL PRERELEASE PROGRAMS:**

1. An offender previously screened for a prerelease center placement and denied by all centers will be reviewed by the PFB.
2. Department staff will send an e-mail to [CORRequests@mt.gov](mailto:CORRequests@mt.gov) which contains the offender's name and screening summary.
3. PFB staff will review the screening application, update any outdated or inaccurate information, and may request updated or additional assessments be completed by the referral source. Based on that review, PFB staff may:
  - a. submit a new application. For BOPP cases, the application may not be submitted within 180 days following the last denial received; or
  - b. coordinate with Facility Screening Coordinators to identify placement options.

**IV. CLOSING:**

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

**V. FORMS:**

- |                 |                                                          |
|-----------------|----------------------------------------------------------|
| PFB 6.1.201 (A) | Application for PFB Facility                             |
| PFB 6.1.201 (B) | PFB Application Evaluation                               |
| PFB 6.1.201 (C) | Approval of Offender Placement with Escape Conviction(s) |
| PFB 6.1.201 (D) | Screening Report Form                                    |
| PFB 6.1.201 (E) | PFB Program Referral                                     |
| PFB 6.1.201 (F) | DOC Commit Initial Placement Notification                |
| PFB 6.1.201 (G) | Request for Approval of Exclusionary Criteria            |