



Greg Gianforte, Governor | Brian M. Gootkin, Director

TO: Probation and Parole Staff
Programs and Facilities Bureau Staff
The Court Administrator and Judicial Branch
All County Attorneys
All Public Defenders and Defense Attorneys
Community Corrections Providers

FROM: Brian Gootkin, Director, Department of Corrections

DATE: June 30, 2021

RE: HB 2: Offender Prescreening and Placement

As directed by HB 2, effective July 1, 2021:

- Probation and Parole staff will complete prescreening of offenders where a PSI is ordered and there is a plea agreement for a DOC commitment.
 - Per HB 2: “Prescreening will not be completed for offenders who have a plea agreement for a suspended or deferred sentence, a prison commitment, or when no PSI is ordered.”
- When a PSI is ordered and there is a plea agreement for a DOC commitment, Probation and Parole staff will provide a placement recommendation to the Court that is based on the risk/needs evaluation (assessment) of the offender using the guide provided on page 2 of this memo.
- When determining placement of an offender already on supervision or in cases where no PSI was ordered, DOC staff will do so based on a risk/needs assessment and using the guide provided on page 2 of this memo.
- In placing offenders in treatment facilities, DOC staff shall rely on risk and needs assessment tools and the underlying offense. Behavioral health assessment tools will be used to determine an offender’s treatment dosage and needs. Clinical Substance Use Disorder (SUD) evaluations are no longer required by the DOC before placement in a treatment facility.
 - Treatment facilities will conduct SUD evaluations upon offender arrival at the facility and treatment and programming will be delivered according to the dosage indicated.
 - If the Court orders an SUD evaluation as part of the PSI process, the evaluation will be completed; however, it is not necessary for screening.

DOC Placement Determination Guidance, per HB 2 (2021):

If the Court recommended a placement in an original sentence or revocation sentence, follow the recommendation. If the DOC is unable to follow the recommendation, DOC will document the reason and provide notification to the Court of the reason within 40 days, as required by SB 47.

If Court didn't recommend a placement:

- If low risk*, community supervision placement UNLESS offender:
 - Is homeless,
 - Has a recent history of behavior that indicates a need for greater structure,
 - Was convicted of an offense that has a statutory requirement for placement,
 - The offense/violation represents a repeating offense pattern (i.e. repeated DUIs or multiple instances of domestic violence/violations of protective orders),
 - Has a victim under 12, or
 - Has a victim who died as the result of an offense.
- If moderate risk*, a facility placement (treatment only or prerelease center only) or combination of placements (treatment + prerelease center) may be appropriate if a higher level of structure is indicated by:
 - Offense history,
 - Placement/treatment** history,
 - Offender non-compliance on supervision,
 - Sustained drug use in the community despite interventions, and
 - Severity of the offense.
- If medium or high risk* on the WRNA or high or very high risk* on the MORRA, a facility placement or combination of placements** is required. If no facility will accept the offender, the DOC will document the instance and determine the most appropriate alternative placement to address the offender's risk/needs while maintaining public safety; the placement will likely be prison. In rare circumstances, a recommendation might include community placement in a structured setting such as treatment court, ISP, etc. based on an offender's particular circumstances.

*use the MORRA and WRNA. For sex offenders (SO), a SO-specific risk assessment, along with the MORRA or WRNA, will be used. Placement will be based on whichever assessment risk score is higher. The MORRA and WRNA risk levels are as follows:

MORRA	WRNA
Low	Low
Moderate	Moderate
High	Medium
Very High	High

**if offender need for substance use treatment is indicated, placement should be at a shorter-length program (90-days) if the offender has no prior residential treatment placements. If offender need for substance use treatment is indicated and the offender has previously been to a residential treatment placement, the offender will be considered for the 9-month treatment placement.