



DEPARTMENT OF CORRECTIONS
PROGRAMS AND FACILITIES BUREAU
FACILITY OPERATIONAL REQUIREMENT

Redacted

Requirement:	PFB 6.2.422 RD FACILITY ESCAPES
Effective Date:	11/21/2018 Page 1 of 6
Revision Date(s):	10/16/2019; 06/05/2020; 05/03/2021
Reference(s):	PPD 1.1.1601; PFB 6.2.421; 45-7-306, MCA
Signature / Title:	/s/ Megan Coy, Programs and Facilities Bureau Chief

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This requirement is referenced as ACCD 3.2.100 *Escape* in Section 3.E. Offender Management; *Escape*, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, and START.

I. PURPOSE:

To ensure the safety of the public, staff, and other offenders, the Programs and Facilities Bureau contracted facilities will follow established requirements when an offender leaves the facility without authorization.

II. DEFINITIONS:

Escape – Knowingly or purposely eluding official detention or failing to return to official detention following temporary leave granted for a specific purpose or limited time (§45-7-306, MCA).

MSP Command Post – The location at Montana State Prison to which all Department divisions, facilities, and programs report Priority I incidents.

Off Agenda – When an offender in a prerelease center is not in the location designated by his/her approved schedule, but a determination has not yet been made that the offender has escaped or is attempting to escape.

Offender Personal Property – Includes 1) allowed non-facility property items as inventoried by the facility and acknowledged by the offender, and 2) monetary accounts held in the offender's name.

Official Detention – Includes placement of a person in the legal custody of a municipality, a county, or the state as a result of placement in a community corrections facility or program but does not include supervision by Probation & Parole. (§45-7-306, MCA).

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

Programs and Facilities 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.

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.

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*

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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)

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.

III. REQUIREMENTS:

A. POLICY/PROCEDURE DEVELOPMENT:

1. Escape policies and/or procedures shall be developed and implemented by all facilities following the requirements of *PFB 6.2.422(A) Policy/Procedure Development for Escapes*. Common issues should be addressed when developing escape policies and/or procedures and, because there will be individual circumstances and differences existing in each facility, issues should be addressed as applicable.
2. Contract facilities will submit policies/procedures annually or upon revision to the PFB for review and approval by the Programs and Facilities Bureau Chief or designee (see *PFB 6.2.409 Statistical and Contractor Reports*).
3. All facilities will provide training to employees in the provisions of policies/procedures upon hire and as deemed necessary for the position and/or to keep employees current.
4. Mutual aid agreements may be established where applicable with local law enforcement agencies to ensure a cooperative effort in all areas relating to offender escapes.

B. ESCAPE PREVENTION: Attention to the following measures within the facility's policy/procedures will assist in reducing the probability of escape attempts:

1. Notification to offenders upon intake regarding escapes:
 - a. up to 10 years in prison (up to 20 years if violence was used); and
 - b. possible ineligibility for prerelease for at least three (3) years.
2. Alert detection and prompt report of unrest or tension among the offenders;
3. Observation and report of abnormal changes in offender behavior;
4. Prompt correction of construction or damage-related security breaches and the provision of adequate interim security coverage between the time a weakness is discovered, and time final repairs are made;
5. Provision of work, recreation and/or self-improvement programs for offenders;
6. Proper consideration of legitimate offender complaints or needs;
7. Prompt, decisive, and suitable action in response to problems that arise;
8. Implementation of a system of security inspections, frequent counts, and supervised movement that follows current correctional standards;
9. The appropriate use of qualified and trained personnel;
10. Adequate tool, key, and material control that follow current correctional standards; and
11. Fully implemented security procedures with special emphasis on not becoming too predictable in the application of those procedures.

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C. PRIORITY I INCIDENTS:

1. Escape (or serious attempt) from a PFB facility is a Priority I incident and requires immediate notification pursuant to *PFB 6.2.403 Incident Reporting Requirements*.
2. When an escape (or serious attempt) occurs while an offender is in transit from one facility to another facility:
 - a. if using contracted transport services, transport services is responsible to initiate the escape notification process; or
 - b. if not using contracted transport services, it is the receiving facility's responsibility to initiate the escape notification process.

D. ESCAPES:

1. **Requirements for offenders in the facility as *Up to 90-days Intervention Referrals* or *Up to 9-months Revocation Referrals* are outlined in Section F. below.**

2. **Determination of Escape:**

- a. Staff will follow the facility's emergency management procedures in determining whether an offender is off agenda or if an escape, or a serious attempt to escape, has occurred.
- b. If escape procedures have been initiated and the offender who was off agenda returns, or the offender who escaped is immediately apprehended, PFB escape requirements will continue. Staff **MUST** complete [REDACTED] and *PFB 6.2.422(C) Escape Incident Report*.

3. **Notification Requirements:** If an escape is witnessed, suspected, or confirmed, designated staff will initiate escape procedures and begin [REDACTED].

- a. Immediate verbal notification of a witnessed or otherwise confirmed escape is made to the Programs and Facilities Bureau Chief (Bureau Chief).

[REDACTED]

- c. If the Bureau Chief cannot be reached within 30 minutes, leave a message, and then notify MSP Command Post at **406-415-6250**.
- d. Follow local practice between the facility, jail, and P&P office in contacting the local POII/Deputy Chief for field warrant use at this time; if after hours and as directed by local POII/Deputy Chief, the facility may issue pre-signed warrant and notify P&P as soon as possible the next business day.
- e. Immediate notifications will then be made by facility staff to the following in the order given:
 - 1) MSP Command Post (if not contacted earlier) – MSP Command Post makes change in offender's OMIS Location screen showing the escape; [REDACTED]
 - 2) If female offender – include notification to MWP Command Post at 406-247-5141;
 - 3) Local law enforcement agency; and

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4. Reporting Requirements:

- a. When providing the required documents listed in 4.b., do not provide links to cloud-based storage.
 - b. The following original documents will be attached and emailed to [REDACTED] within one (1) hour of verbally reporting the incident to the MSP Command Post:
 - 1) [REDACTED];
 - 2) *PFB 6.2.422(C) Escape Incident Report* completed in its entirety; and
 - 3) *PFB 6.2.422(D) Escapee Wanted Poster* (if electronic photo available).
 - c. If escape procedures have been initiated and the offender who was off agenda returns, or the offender who escaped, or attempted to escape, is immediately apprehended, [REDACTED] will indicate detention center holding the offender.
 - d. The reporting facility shift supervisor is responsible to review all reports for accuracy, completeness, and clarity before signing them and will return any insufficient reports to the reporting facility employee with instructions and guidance on correcting them.
 - e. PFB staff will distribute an escape notification to designated DOC staff and facility contacts.
5. The Bureau Chief is contacted if the resident returns or has been found within 24 hours after the escape warrant has been issued. The Bureau Chief will determine the next course of action with the offender.

6. Apprehension of Escapee:

- a. When Probation & Parole (P&P) or PFB staff have been notified of the escapee's apprehension, notification of the apprehension is made to [REDACTED]; and
 - b. offender's OMIS Location (County Jail) and Location reason (Apprehended) are updated.
 - c. Local P&P staff at place of offender's apprehension will complete *PPD 4.6.300 (A) Notification and Placement Warrant* and distribute appropriately.
7. *PFB 6.2.421 Offender Personal Property* will be followed for the disposition of offender's personal property.
8. Offender field files are sent to the Board of Pardons and Parole after the information for prosecution of escape has been gathered.

E. INFORMATION REQUIRED FOR PROSECUTION OF ESCAPE:

1. To assist in the prosecution of an offender apprehended after an escape, the information listed in [REDACTED] will be gathered and submitted by the facility within 10 days of the escape using one of the methods described in part #3 below.
2. Electronic copies of needed documents/information include the following:
 - a. Documents authorizing the offender's placement in the facility (i.e., application, referral forms, BOPP dispositions);
 - b. Intake document/contract the offender acknowledged/signed that state an escape carries

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- penalties and the offender understands that leaving the facility without authorization or failing to timely return after signing out is an Escape under §45-7-306, MCA;
- c. *PFB 6.2.422(C) Escape Incident Report* and other incident/investigation reports completed (i.e., facility incident report or checklist);
 - d. Sign-out sheet and/or agenda of the date of the escape showing in offender's own handwriting or electronic signature when he/she signed out and when they expected to return;
 - e. Any documents or reports that may be directly related to the escape or events leading up to the escape (e.g., positive UA);
 - f. Audio/Video recordings showing evidence of escape;
 - g. Identity and contact information of all witnesses, from both inside the facility and externally (i.e., boss, girlfriend/boyfriend), including first and last names; telephone numbers; full addresses (can be work address); and titles/job titles;
 - h. Other documents or information believed to be pertinent to the escape or to public safety and apprehension of escapee (i.e., press releases);
 - i. [REDACTED] and *PFB 6.2.422(D) Escapee Wanted Poster*;
 - j. Confirmation of "locate/hold" request;
 - k. PPD Warrant to Arrest, when issued; and
 - l. Arrest report(s) upon apprehension and other reports that detail circumstances of the apprehension.
3. The documents/information should be submitted by one of the following methods (**note – do not use SharePoint**). Facility may request a submitted flash drive be returned.
 - a. **Using the State Transfer Service:**
 - 2) Complete and use [REDACTED] as the first page, save all documents into a single document and attach as one (1) file. Audio/Video recordings must be saved to a disk/flash drive and mailed.
 - 3) Use [REDACTED] from the public directory to send information; and
 - 4) In the message area, give the offender's name and DOC ID# and "1 file attached".
 - b. **Mail:** All information is saved to one (1) disk/flash drive and mailed to [REDACTED].
 4. An email is sent to [REDACTED] when information is sent. Include the DOC ID# and name of the offender, the date information was sent and method used, and the attachment/item being sent. When applicable, indicate whether the flash drive included is to be returned and whether it should be returned blank.

F. UP TO 90-DAYS INTERVENTION REFERRAL OR UP TO 9-MONTHS REVOCATION REFERRAL:

1. **Leaving the Facility:** When an offender in the facility as an intervention or revocation referral leaves the facility or attempts to leave without authorization, it will not be deemed as an escape. [REDACTED]
 - b. If the offender gives prior notice he/she wants to leave the facility, facility staff will attempt to complete *PFB 6.2.422(E) Referral Offender Placement Refusal* with the offender to discuss offender's choice and the consequences and attempt to convince the offender to stay.
 - c. If offender did not give prior notice and it is suspected the offender left, or when the offender is not in compliance with his/her approved schedule and cannot be located, reasonable

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efforts to locate the offender will be made and documented by facility staff. Reasonable efforts are attempts to contact the offender and offender's family. Prerelease centers should also attempt contacts with local law enforcement, local hospitals, offender's employer, treatment providers, and social support.

2. Notification Requirements:

- a. Immediate verbal notification regarding an intervention referral or revocation referral offender who leaves the facility is made:
 - 1) during business hours to the offender's supervising Probation & Parole (P&P) Officer; or
 - 2) outside of business hours to the on-call P&P Officer **in the region where offender originated**. The on-call Officer will document the notification in offender's OMIS chronological history and email the supervising Officer and POIs.
 - a) Region I: Missoula – [REDACTED] and Butte – [REDACTED]
 - b) Region II: Helena – [REDACTED] and Bozeman – [REDACTED]
 - c) Region III: Great Falls – [REDACTED]
 - d) Region IV: Billings – [REDACTED]
 - e) Region V: Kalispell – [REDACTED]
 - f) Region VI: Havre – [REDACTED]
 - 3) If offender completed *PFB 6.2.422(E) Referral Offender Placement Refusal*, it is emailed to the supervising P&P Officer.
- b. Facility staff will email notification to [REDACTED] using email subject line of "Facility: offender last name, first name: notice of leaving".

3. Supervising P&P Officer will:

- a. also make and document reasonable efforts to contact offender and establish an immediate reporting date;
- b. staff with supervisor and determine appropriate response from the *Montana Incentives and Intervention Grid for Probation & Parole MIIG-P&P*;
- c. follow absconding process if offender cannot be located or fails to report as scheduled; and
- d. make appropriate OMIS changes and [REDACTED]

IV. CLOSING:

Questions concerning this requirement should be directed to the Facility Administrator, Programs and Facilities Bureau, or Probation & Parole Deputy Chief.

V. FORMS:

PFB 6.2.422 (A) Policy/Procedure Development for Escapes

PFB 6.2.422 (C) Escape Incident Report

PFB 6.2.422 (D) Escapee Wanted Poster

PFB 6.2.422 (E) Referral Offender Placement Refusal

PFB 6.2.422 (F) Facility Escape Log