



STATE OF MONTANA
BOARD OF PARDONS AND PAROLE
POLICY DIRECTIVE

Policy No. BOPP 4.1	Subject: CONDITIONAL DISCHARGE FROM SUPERVISION (CDFS)
Chapter 4: OPERATIONAL PROCEDURE	Page 1 of 3
Section 1: Conditional Discharge from Supervision	Effective Date: June 1, 2022
Signature: /s/ Joseph McElroy, Chief of Staff	Revised:

I. POLICY

Montana Department of Corrections (DOC) has established procedure for probation and parole officers when recommending a conditional discharge from supervision for parolees. This policy is intended to ensure parolees are complying with the conditions set forth by Board of Pardons and Parole (BOPP).

II. APPLICABILITY

BOPP Staff

III. DEFINITIONS

Conditional Discharge from Supervision (CDFS) – As defined in 46-23-1020, MCA, (1)(a) is a discharge from supervision by the DOC for the time remaining on the sentence imposed if the probationer or parolee complies with all the conditions imposed by the District Court or the Board of Pardons & Parole; and 2) a release from the obligation to pay supervision fees imposed as part of a sentence or as terms of parole or probation.

Supervision on parole is set forth in 46-23-1021(6) MCA. Further, for good cause, the BOPP may return a parolee to status of regular parole.

A conditional discharge on parole may be revoked as set forth in 46-23-2025 MCA .

- (a) is charged with a felony offense.
- (b) is charged with a misdemeanor offense for which the individual could be sentenced to incarceration for a period of more than 6 months; or
- (c) violates any condition imposed by the district court or the board.
- (3) A sexual or violent offender who is subject to lifetime supervision by the department is not eligible for a conditional discharge from supervision.

PPD - Probation and Parole Division – The Division oversees the Probation & Parole regional offices and interstate transfers.

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.

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.

Policy No. BOPP 4.1	Chapter 4: Operational Procedure	Page 2 of 3
Subject: CONDITIONAL DISCHARGE FROM SUPERVISION		

Victim - The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis. Word to be Defined (bolded, no underlining) – (concise definitions, listed alphabetically; refer to department glossary)

IV. DEPARTMENT DIRECTIVES

1. BOPP may conditionally discharge a parolee, from standard supervision if the Court or BOPP determines a conditional discharge is in the best interests of the offender and society and will not present unreasonable risk of danger to the victim(s) of the offense.

- a. The Court must find all restitution and court-ordered financial obligations have been paid in full.
- b. The BOPP must consider the following:
 1. 46-23-218, MCA, the parolee’s compliance with his/her supervision, residential stability, employment stability, engagement in treatment, and other factors indicative of adequate reentry stability
 2. parole achievement credits of 46-23-1027, MCA.
- c. If parolee is granted a CDFS, the BOPP may provide conditions while the parolee is on CDFS

2. P&P Officer will complete OMIS termination moves. Date entered should be the date on the BOPP’s certificate. A change in the offender’s OMIS Location and Status will initiate VINE notification.

- a. Correctional Status showing release to BOPP jurisdiction
- b. Location (end date)
- c. Officer (end date)
- d. the parolee’s field file is returned to the BOPP it will be placed in the BOPP CDFS tracking system. Every CDFS Parolee will be subjected to a criminal history inquiry annually in conjunction with annual reporting as set forth in ARM 20.25.704(5). Further, pursuant 46 23-1020(2) MCA and ARM 20.25.704(6); A hearing Panel may revoke a CDFS parolee and return to active supervision or amend the conditions of the CDFS if, in the opinion this is in the best interest of society of the BOPP. Upon expiration of offender’s sentence, BOPP will send file to county of commitment. File is then placed with inactive files and retained pursuant to *PPD 1.5.501 Case Records Organization, Management, and Retention*.

3. A conditional discharge on parole may be revoked as set forth in 46-23-2025 MCA . Further, the BOPP must also consider 46-23-1020(2) when revoking within in the time remaining on a sentence. BOPP will ensure:

- a. is charged with a felony offense.
- b. is charged with a misdemeanor offense for which the individual could be sentenced to incarceration for a period of more than 6 months
- c. violates any condition imposed by the district court or the board.

4. A sexual or violent offender who is subject to lifetime supervision by the department is not eligible for a conditional discharge from supervision.

Policy No. BOPP 4.1	Chapter 4: Operational Procedure	Page 3 of 3
Subject: CONDITIONAL DISCHARGE FROM SUPERVISION		

V. CLOSING

- 1. Questions concerning this policy should be directed to the chairman or designee.

VI. REFERENCES

*A. DOC-PPD 6.3.401; 46-23-2015, 46-23-218, 46-23-1020, MCA; 46-23-1021, MCA
20.25.704 A.R.M.53-1-203, MCA*

ATTACHMENTS

FORMS: CDFS Annual Report