

POLICY		No.
TITLE: COMMUNITY REHABILITATIVE PROGRAMS FURLOUGH POLICY		18.6
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	State of Maine DEPARTMENT OF CORRECTIONS	RELATED ACA STANDARDS:
	Approved by: <i>[Signature]</i> 6/22/88 Signature of Commissioner/Date	
DATE OF INITIAL PROMULGATION 1/1/85	Latest Revision/ Effective Date: 7/5/88	Check ONLY If APA <input checked="" type="checkbox"/>

I. **AUTHORITY.** This policy is adopted by the Commissioner of Corrections pursuant to 34-A M.R.S.A., Section 3035(2).

II. **APPLICABILITY.** All adult correctional facilities.

III. **DEFINITIONS.**

- A. Regular Furloughs: An authorized leave without official escort granted to a prisoner in a correctional facility or to a contract client.
- B. Special Furloughs: An authorized leave without official escort granted to a prisoner in a correctional facility or to a contract client for a specific purpose such as obtaining medical services, attending a funeral, visiting a deathbed, or attending a special community program.
- C. Escorted Special Furloughs: An authorized leave with official escort granted to a prisoner in a correctional facility or to a contract client for a specific purpose such as obtaining medical services, attending a funeral, visiting a deathbed, or attending a special community program.
- D. Furlough Pass: An authorized leave with or without official escort granted to a prisoner in a correctional pre-release facility for a designated rehabilitative activity/program at a specific location. See Attachment D.

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- E. Official Escort: An on-duty employee of the Department of Corrections or a contract agency who is responsible for supervising a prisoner or a contract client while the prisoner or contract client is on an escorted special furlough or an escorted furlough pass.
- F. Projected Release Date: A date calculated by first subtracting days credited for jail time, projected good time (10 days per month) and earned meritorious good time from the total length of a prisoner's sentence and then adding to that result good time days lost as a result of disciplinary action.
- G. Community Investigation: An investigation to determine: (1) if the residence to which the prisoner has requested a furlough is appropriate and will not be conducive to criminal behavior or to violations of furlough regulations and (2) community sentiment.
- The community assessment portion of the investigation will include statements made by members of the community. Positive and negative opinions by the investigator in determining whether or not a furlough is appropriate in that particular community.
- H. Internal Procedures: A written procedure that a division or Chief Administrative Officer may use to give internal direction to the staff working within that division or correctional facility to implement this policy.

In keeping with well established convention and acceptable usage, the masculine form of pronouns throughout this policy and procedure will apply to both sexes.

IV. DEPARTMENT POLICY.

The Department of Corrections shall have a Furlough Program for adult prisoners in accordance with provisions of 34-A M.R.S.A., Section 3035(2).

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V. PROCEDURE:

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B. PURPOSE OF PROGRAM

The furlough program is designed to enhance the likelihood of successful re-entry by the offender into the community by affording him the opportunity to make a gradual transition from confinement to free society. This gradual re-entry into society gives an offender the opportunity to further strengthen family and community ties, to be reoriented with society outside a correctional facility and to be rewarded for his positive behavior in the correctional facility.

C. DELEGATION OF AUTHORITY

In accordance with the provisions of 34-A M.R.S.A., Section 1403(3), the Commissioner delegates the authority to grant furloughs to the Chief Administrative Officer of each correctional facility.

Persons so delegated and the Director of Probation and Parole may establish internal procedures for the furlough program, provided they are consistent with this Department of Corrections policy.

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Copies of such internal procedures shall be submitted for approval of the Commissioner to the Department of Corrections prior to their effective dates.

D. ELIGIBILITY REQUIREMENTS FOR A REGULAR FURLOUGH

A prisoner is eligible to apply for a regular furlough if he meets the following criteria:

1. The prisoner is classified as either community or minimum security.
2. Subject to the following exceptions, the prisoner has served at least 120 days in a state correctional facility/program or contract agency, or 1/3 of his projected time to be served, whichever is greater. For prisoners convicted and sentenced after August 4, 1988, half of projected time or 120 days, whichever is greater, must be served.
 - a. A prisoner who is serving concurrent sentences, which do not include escape, is eligible to apply for a regular furlough only after having served 1/3 of the projected time to be served for the longer sentence. For prisoners convicted and sentenced after August 4, 1988, half of projected time for the longer sentence must be served.
 - b. A prisoner who is serving consecutive sentences for any offenses other than escape is eligible to apply for a regular furlough only after having served 1/3 of the projected time to be served on the combined sentences. For prisoners convicted and sentenced after August 4, 1988, half of projected time on the combined sentences must be served.
 - c. A prisoner who is serving consecutive and/or concurrent sentences which include a sentence for escape is eligible to apply

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for a regular furlough only after having served 1/2 of the escape sentence and having met the requirements set forth in paragraphs a and b above for serving his other sentences.

- d. A prisoner who is serving consecutive and/or concurrent sentences which include two or more sentences for escape is eligible to apply for a regular furlough only after (1) having served half of the most recent escape sentence and having met the requirements set forth in paragraphs a and b above for serving his other sentences, and (2) having been approved by the Commissioner of the Department of Corrections after being recommended by the Chief Administrative Officer of the facility where he is incarcerated.
3. The prisoner's projected release date is five years or less from the date of the proposed regular furlough.
 4. The prisoner's furlough privileges have not been suspended by the Chief Administrative Officer of the facility where he is incarcerated.
 5. The prisoner has not committed a disciplinary violation within 90 days of the date of the requested furlough.
 6. The prisoner has no disciplinary matter pending before a correctional facility's disciplinary board.
 7. Exceptions:
 - a. If, on the original effective date of this policy (1/1/85), a prisoner is in a correctional facility in which the classification committee is using "assessment indicators and criteria for security classification", he will be

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eligible to apply for a regular furlough when he is classified as medium security provided he meets the criteria set forth in paragraphs 2, 3, 4, 5 and 6 above.

- b. If, on the original effective date of this policy (1/1/85), a prisoner is in a correctional facility in which the classification committee is not using "assessment indicators and criteria for security classification", the prisoner will be eligible to apply for a furlough provided he (1) meets the requirements set forth in paragraphs 4, 5 and 6 above, (2) has served 120 days, and (3) has served three years or one-third of his projected time to be served, whichever is less, subject to the exceptions set forth in paragraph 2 above. If the correctional facility adopts "assessment indicators and criteria for security classification" after the original effective date of this policy, all prisoners in the correctional facility on the date it adopts the "assessment indicators and criteria for security classification" will continue to remain eligible according to the requirements set forth in this paragraph.
- c. These exceptions shall not apply to any prisoner who has been discharged and subsequently recommitted to the Department of Corrections after the original effective date of this policy (1/1/85).

E. ELIGIBILITY REQUIREMENTS FOR SPECIAL ESCORTED FURLOUGHS AND SPECIAL FURLOUGHS

- 1. Eligibility Requirements:
 - a. High Maximum/Maximum/Medium security prisoners are eligible for escorted special furloughs.

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- b. Minimum/Community security prisoners are eligible to apply for special furloughs.
 - c. A prisoner in a correctional facility or contract agency, whose classification committee is not using the "assessment indicators and criteria for security classification", is eligible to apply for either a special escorted furlough or a special furlough.
2. The number of escorts, type of security hardware, and all other security considerations will be determined on an individual basis by the Chief Administrative Officer.
 3. When funeral and deathbed visits are authorized, the following rules shall apply:
 - a. Such visits must be within the State of Maine.
 - b. A prisoner may attend the death bed or funeral of his spouse, his natural or adoptive mother, father, son, daughter, grandfather, grandmother, grandchild, brother or sister.
 4. If able, the prisoner shall pay the cost of transportation and the per diem compensation of the accompanying officer(s), if the officer escorts are required (in such instances, the monies received will be deposited in the General Fund). The amount of money collected will be noted under remarks on the quarterly furlough report to the Commissioner (See Attachment A).

F. FURLOUGH PASSES:

1. Minimum security inmates assigned to our housed at Charleston Correctional Facility, Downeast Correctional Facility or a pre-release center who is eligible to apply for furloughs may apply for a furlough pass. The Chief Administrative

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Officer/Director of the pre-release center may approve furlough passes.

2. A minimum security inmate, not approved for furloughs, who is residing at a pre-release center, Downeast Correctional Facility, or Charleston Correctional Facility, if that facility uses furlough passes, may be approved for the furlough pass privilege by the Chief Administrative Officer responsible for the operation of that facility; as long as the furlough pass will relate to work release and/or treatment.
3. A minimum security prisoner granted a furlough pass is required to travel to and from the designated program by the most direct route with no unapproved stops.

G. CONSIDERATIONS IN EVALUATING FURLOUGH REQUESTS

All furloughs are granted at the discretion of the Chief Administrative Officer and are considered a privilege, not a right. In evaluating the furlough request of a prisoner who meets the minimum criteria outlined in Sections D, E, or F above, the following items are to be considered:

1. The safety of the public and/or the prisoner.
2. The behavior, conduct, and social attitudes of the prisoner.
3. The community investigation by one or any combination of the following:
 - a. The Division of Probation and Parole;
 - b. Staff of the Department of Corrections; and
 - c. Law Enforcement Officers.

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4. The prisoner's work record.
5. The prisoner's custody classification.
6. The prisoner's previous behavior while on furlough or other community release.
7. The prisoner's mental and emotional stability.
8. Furlough address.
9. The prisoner's ability to travel outside the institution with or without an escort.
10. The prisoner's efforts at self-improvement.
11. The benefits which are likely to accrue for the prisoner or others if the furlough is granted; e.g. maintaining family relationships.
12. The availability of funds for the prisoner.

H. PROCESSING FURLOUGH APPLICATIONS

1. A regular furlough application should be submitted by the prisoner to the individual/committee designated by the correctional facility's internal procedure to receive furlough requests. Requests must be initiated by the prisoner nine weeks in advance of the projected eligibility date for the initial regular furlough and for a regular furlough of an address different from that of a previous regular furlough, or five weeks in advance by a prisoner who has previously received a regular furlough at the same address.
2. An application for a Special or Escorted Special Furlough should be submitted by the prisoner to the individual/committee designated by the correctional facility's internal procedure to receive furlough requests. Requests should be initiated nine weeks in advance of the projected date of the furlough. It is recognized that, in many instances, the prisoner/staff will not have knowledge nine weeks in advance for the need for

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a special or escorted special furlough. As soon as that need is recognized, the prisoner should initiate the request to the appropriate individual.

3. A prisoner may submit his application for processing under subsections 1 and 2 above during the 90 days he is not eligible to actually receive a furlough under Section V(D)(5).
4. An application for a furlough pass should be submitted by a prisoner to the individual/committee designated by the internal procedures of the correctional facility that is administratively responsible for the pre-release center to receive such requests, or the person designated as Chief Administrator of the pre-release center by the Commissioner of Corrections. The application should state that the purpose for this furlough request is for approval for the Furlough Pass Program and should specify the rehabilitative program/activity, the time necessary to complete the program/activity and the mode and route of travel to the program/activity.
5. The Division of Probation and Parole, the staff of the Department of Corrections, or law enforcement officers will conduct a Community Investigation upon the request of the Chief Administrative Officer of a correctional facility.
6. A prisoner will be informed of the decision as to whether or not his furlough request is granted five days prior to the requested date of the furlough provided all information necessary to the decision is available to the Chief Administrative Officer ten days prior to the requested date of furlough. If the needed information becomes available within ten days of the requested date for a furlough, the furlough may be granted, if the prisoner is willing to

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accept the furlough without five days notice. If the prisoner is not willing, the prisoner may request a different furlough date. If that request is denied, the prisoner must submit a new application if he wishes to again be considered for a furlough.

7. The grant of any furlough is conditioned on compliance with all rules and regulations of the correctional facility during the period between the granting of the furlough and the actual date of release for the furlough. Should a prisoner fail to abide by rules and regulations during this period, the Chief Administrative Officer shall deny him the opportunity to go on the furlough.

I. FREQUENCY ELIGIBILITY

1. Regular Furloughs:

- a. After the initial approved regular furlough, minimum/community prisoners and those prisoners who reside in a correctional facility which is not using the "assessment indicators and criteria for security classification" are eligible to apply for a regular furlough once every sixty (60) days.

- b. Minimum/community prisoners who reside in a pre-release center, half-way house, Bolduc Unit, Charleston Correctional Facility, or who have been transferred to a county jail or other facility to participate in a Department of Corrections approved work or education release program, are eligible to apply for a regular furlough pursuant to the following schedule:

1. One furlough per month during the first five months of the last six months of sentence; thereafter,

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2. Twice during the last month of their sentence.

c. A medium security prisoner who has been grandfathered as eligible to apply for a regular furlough under subsection D(7)(a) above is eligible to apply for a furlough once every twenty-six weeks during the period two to five years prior to his projected release date; he is eligible to apply for a furlough once each sixteen weeks for the period one to two years prior to his projected release date and he is eligible to apply for a furlough once each twelve weeks during the year prior to his projected release date.

d. Neither a special furlough nor a furlough pass will be considered as a furlough for purposes of determining the frequency with which a prisoner may apply for a regular furlough under this subsection.

2. Special Furloughs:

Special furloughs may be granted as deemed appropriate by the Chief Administrative Officer.

3. Furlough Passes:

Once approved, furlough passes (see attachment D) may be issued as frequently as deemed appropriate by the pre-release center director/head.

J. LENGTH OF FURLOUGH

1. Regular furloughs will ordinarily be granted for a period of up to 48 hours over a three-day period.

2. Additional time may be granted by the Chief Administrative Officer in accordance with the limitations set by 34-A M.R.S.A, Section 9035(2).

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3. Special furloughs and special Escort Furloughs are restricted to the length of time necessary to accomplish the purpose of the furlough within the limitations set by 34-A M.R.S.A., Section 3035(2).

4. Furlough Passes will not exceed six (6) hours.

K. QUARTERLY FURLOUGH REPORT

The head of each institution shall, at the end of each calendar quarter, send a completed copy of the Quarterly Furlough Report to the Commissioner of Corrections (see Attachment A).

L. ESCAPE

See 17-A M.R.S.A., Section 755.

M. PRISONER FURLOUGH RULES

A prisoner granted furlough will be governed by State of Maine, Department of Corrections Prisoner Furlough Rules (See Attachment B.) and any other special regulations, etc., as determined by the Chief Administrative Officer as found in state of Maine, Department of Corrections Prisoner Furlough Permission (see Attachment C). The Chief Administrative Officer may suspend a prisoner's furlough privileges for violation of these rules.

N. NOTICE TO PROBATION AND PAROLE AND THE LOCAL LAW ENFORCEMENT AGENCY BY THE CORRECTIONAL FACILITY

The correctional facility is to send written notice to the district Office of Probation and Parole and a local law enforcement agency in the area which the prisoner will be furloughed. If the furlough is an emergency and time does not permit written notice, the District Office of Probation and Parole and the local law enforcement agency should be telephoned and given notice of the furlough. This notice should include, but not be limited to, the following:

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1. Name of prisoner;
2. Place;
3. Time;
4. Area the furlough is restricted to, if outside of residence; and
5. Special conditions/unusual situation; if any.

ATTACHMENT B

STATE OF MAINE

DEPARTMENT OF CORRECTIONS

PRISONER FURLOUGH RULES

(7/23/84)

A prisoner granted furlough will be governed by the Department of Corrections Prisoner Furlough Rules and any other special conditions, etc., as determined by the Chief Administrative Officer as approved for the particular furlough.

1. The prisoner will go the most direct route to the furlough address or designated place of activity without unnecessary stops on the way.
2. The prisoner will remain at the furlough address and be immediately available by phone while on furlough unless stipulated otherwise by the Chief Administrative Officer in Special Regulations as found in State of Maine, Department of Corrections Prisoner Furlough Permission (7/23/84).
3. The prisoner will obey all laws.
4. The prisoner must immediately notify the institution or the local Probation and Parole Officer if arrested or questioned by the police.
5. All furloughs will take place within the State of Maine.
6. Unless at the time the prisoner applied for a furlough he was granted permission by the Chief Administrative Officer of the correctional facility, he will not associate with persons whom he knows have criminal records.
7. The prisoner will not incur any debts.
8. Unless at the time the prisoner applied for a furlough he was granted permission by the Chief Administrative Officer of the correctional facility, he will not marry while on furlough.

9. The prisoner will not use or possess intoxicating liquors or drugs.
10. The prisoner will not obtain a driver's license or drive an automobile.
11. The prisoner will not obtain a hunting license, carry a gun, or possess any weapon.
12. The prisoner will not convey any messages, written or oral, into or out of the institution to any person on behalf of any other person.
13. The prisoner will not carry any contraband out of or into the institution, nor arrange for others to leave or pick up contraband.
14. Unless at the time the prisoner applied for a furlough he was granted permission by the Chief Administrative Officer of the correctional facility, he will not work for pay.
15. The prisoner will, if he becomes ill, immediately return to the institution or notify the institution that he is too ill to travel and request permission to have his furlough extended or make arrangements to return to the institution as stipulated by the institution.
16. The prisoner will return to the institution on or before the designated time. If, for any reason, the activity/program (purpose of furlough) is cancelled or ends early, the prisoner must immediately return to the facility by the most direct route possible.
17. The prisoner shall obey all directives issued by any agent of the Department of Corrections.
18. Before going on any furlough, the prisoner shall attest to the receipt of a copy of the rules governing such furlough. Such attesting shall include acknowledgement that any furlough rules infraction may result in disciplinary action to include, but not be limited to, a suspension of furlough privileges by the Chief Administrative Officer.

19. Prisoners must have their furlough papers (state of Maine, Department of Corrections Prisoner Furlough Permission (7/23/84) and State of Maine, department of Corrections Prisoner Furlough Rules (7/23/84) or Maine Furlough Pass) with them at all times and show them to any law enforcement officer or Department of Corrections employee upon request. Upon his return to the facility, the prisoner will return the furlough papers to the supervising officer.

20. The prisoner must adhere to all rules and to all the special regulations or directives issued relative to the furlough. The special regulations deemed appropriate by the Chief Administrative Officer will be included in the State of Maine, Department of Corrections Prisoner Furlough Permission (7/23/84).

STATE OF MAINE
DEPARTMENT OF CORRECTIONS

Name of Institution

PRISONER FURLOUGH PERMISSION
(7/23/84)

No:

Duration: Beginning

Name of Prisoner

Time/Date

Ending

Time/Date

Purpose of Furlough:

Address of Furlough:

Name of Person Furloughed to/Relationship:

Telephone Number to reach prisoner while on furlough:

In case of emergency, the prisoner should call:

Name of Institution:

Telephone Number:

Name of Area P&P Officer:

Telephone Number:

Special Regulations for this Furlough:

APPROVED:

Name of Person Authorized by
Commissioner

Title

Date

I hereby acknowledge that I have read or have had read to me the Department of Corrections Prisoner Furlough Rules including any special regulations and that I am in receipt of a copy of these rules governing furloughs. I further acknowledge that any furlough rule infraction on my part may result in disciplinary action against me to include, but not be limited to, a suspension of my furlough privileges by the institution head.

ACCEPTED:

Name of Prisoner/Date

Witness/Date

cc: File

Prisoner's copy to have attached State of Maine, Department of Corrections
Furlough Rules 7/23/84

MAINE DEPARTMENT OF CORRECTIONS
FURLOUGH PASS

Name of Institution

Date Issued

Name of Prisoner

No. _____

Purpose

To be at (Location)

Duration:

Start: _____

Time/Date

Expiration: _____

Time/Date

I hereby acknowledge that I have read or have had read to me the Department of Corrections Prisoner Furlough Rules dated 7/23/64 including any special conditions, and that I am in receipt of a copy of these rules governing furloughs. I further acknowledge that any furlough infraction on my part may result in disciplinary action against me to include, but not be limited to, a suspension of my furlough privileges by the institution head. I will keep this Pass with me at all times while I am on furlough.

Name of Prisoner

Date

Issuing Officer

Date