



STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Institutions		PAGE: Page 1 of 13
	CHAPTER: 818	NUMBER: 818.02	P&P TYPE: Public
	TITLE: Pre-Release and Short Duration Furloughs		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 09/04/2019
ATTACHMENTS / FORMS: A. Pre-Release Furlough Application / Agreement B. Short Duration Furlough Application / Agreement		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.901 22 AAC 05.310 AS 33.30.011 22 AAC 05.316 AS 33.30.021 22 AAC 05.321 AS 33.30.091 22 AAC 05.326 AS 33.30.101 22 AAC 05.331 AS 33.30.111 22 AAC 05.335 AS 33.30.121 22 AAC 05.660 AS 33.30.131 AS 11.41 AS 33.30.141 AS 18.67 AS 33.16.180 AS 25.27.062 AS 44.28.030 AS 33.05.010 DOC P&P 1000.01 DOC P&P 818.01	

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place procedures to allow prisoners to take an authorized leave of absence from their secure confinement for a designated purpose and period of time (furlough) when conditions permit.
- II. It is the policy of the Department that only those prisoners whom the Commissioner (or their designee) determines with reasonable probability, can live under reduced supervision without violating the law or the conditions established for their conduct, will be eligible for furlough.
- III. It is the policy of the Department for the Commissioner (or their designee) to grant Pre-Release and Short Duration Furloughs (subject to the procedures set out below) for the following situations:
 - A. To obtain counseling and treatment for alcohol and drug abuse;
 - B. To secure or attend vocational training;
 - C. To obtain medical or psychiatric treatment;
 - D. To secure or engage in employment;
 - E. To attend educational institutions;
 - F. To secure a residence or make other preparations for release;
 - G. To appear before a group whose purpose is a better understanding of crime or corrections; or
 - H. For any other rehabilitative purpose the commissioner determines to be in the interests of the prisoner and the public.

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APPLICATION:

This policy and procedure will apply to all Department employees, prisoners and Community Residential Center (CRC) providers.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Community Residential Center (CRC):

A structured residential setting in the community designed to facilitate the reintegration of prisoners back into society with varying levels of supervision and services provided as determined by offender needs and locational constraints.

Firm Release Date:

The date on which a prisoner is scheduled to be released, as established by statutory good time calculation, court order, or parole board action.

Furlough:

An authorized leave of absence from confinement for a designated purpose and period of time.

Immediate Family Member:

This group includes a person's: parents; grand-parents; spouses; siblings; children and grand-children.

Institutional Probation Officer (IPO):

The Institutional Probation Officer (IPO) is responsible for case management of all incarcerated prisoners. The officer is responsible for processing classifications, furlough applications, parole reports, release planning and the oversight and development of the OMP.

Offender Management Plan (OMP):

An offender-specific supervision and services plan developed with the prisoner and probation staff that is based on the assessment of a prisoner's risks / needs and strengths which detail the prisoner's programming, supervision and reentry expectations. The OMP is designed to assist the prisoner by identifying and addressing specific criminogenic needs that are a barrier to behavioral change and successful transition from confinement to integration to the community.

Pre-Release Furlough:

A placement at a CRC / residential treatment center prior to the firm release date that allows for the reintegration of the offender into society for the purpose of continued educational training, employment, and / or treatment.

Short Duration Furlough:

A furlough for a specific period of time not to exceed 12 hours at any one time except for medical treatment,

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which may not last longer than necessary for treatment or family visitation, which may not exceed one (1) week.

PROCEDURES:

I. General Furlough Eligibility:

When determining if a prisoner is eligible for any type of furlough, the Commissioner (or designee) shall take in to account the following considerations:

- A. Safeguards to the public;
- B. The prospects for the prisoner's rehabilitation;
- C. The availability of program and institution space;
- D. The prospect of future judicial proceedings requiring the presence of the prisoner;
- E. The nature and circumstances of the offense for which the prisoner was sentenced;
- F. The needs of the prisoner as determined by the OMP and any recommendations made by the sentencing court or Parole Board;
- G. The record of convictions of the prisoner with particular emphasis on crimes specified in AS 11.41 (Offenses Against The Person);
- H. The use of drugs or alcohol by the prisoner;
- I. The length of the prisoner's sentence;
- J. Violations, if any, by the prisoner of a condition of a prior furlough;
- K. The history, if any, of institutional misconduct by the prisoner; and
- L. The best interests of the prisoner and the public; and
- M. Any other criteria considered appropriate by the Commissioner (or their designee), including experimental evaluation of correctional programs that are consistent with protection of the public and reformation of the prisoner.

II. Pre-Release Furlough:

A. The following eligibility conditions apply specifically to Pre-Release Furloughs:

1. Prisoners who are sentenced to one (1) year (366 days) or less are eligible for pre-release furlough on the date of sentencing.
2. Prisoners who are sentenced to more than one (1) year (367 days) but less than five (5) years are eligible for pre-release furlough when they have served 1/3 of their sentence after good time calculation.
3. Prisoners who are sentenced to five (5) years or more are eligible for pre-release furlough when they have served 1/3 of their sentence after good time calculation or they are within three (3) years of their release date, whichever is later.
4. Prisoners must have a minimum of 60 days remaining to serve to be eligible for a pre-release

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furlough. (Exceptions under 60 days may be made through the IPO, with approval of the Central Classification Unit.)

5. The following criteria must also be met in order for a prisoner to be eligible for a pre-release furlough:
 - a. Only minimum and medium custody prisoners are eligible for pre-release furlough. Minimum custody prisoners are eligible for pre-release furlough within 36 months of their firm release date. Medium custody prisoners are eligible for pre-release furlough within 24 months of their firm release date, after meeting the time served eligibility requirements.
 - b. All release work must be completed for all prisoners approved for a pre-release furlough with less than 60 days remaining to serve.

6. The following criteria mean a prisoner cannot apply for pre-release furlough:
 - a. A prisoner who has been found guilty of a high-moderate or major infraction within the past 120 days of incarceration is not eligible for pre-release furlough.
 - b. A prisoner who has a pending disciplinary infraction is not eligible for pre-release furlough.
 - c. A prisoner who has an active detainer is not eligible for pre-release furlough.
 - d. Prisoners who do not complete, or who refuse to complete, requirements of their Offender Management Plan pursuant to DOC P&P 818.01, Offender Reentry Program, are eligible for a pre-release furlough only for the last 60 days before their firm release date.
 - e. A prisoner who is pending possible revocation of probation or parole (i.e., revocation paperwork has been filed with the court or Parole Board) due to failure to satisfy court-ordered program requirements during incarceration is not eligible for pre-release furlough.
 - f. A prisoner who has a current or past conviction or crime involving a sexual offense or arson / burning offense is not eligible for pre-release furlough.

7. If the prisoner has been sentenced to a mandatory 99-year term of imprisonment under AS 12.55.125 (a) or a definite term of imprisonment under AS 12.55.125 (l), the prisoner may not be granted any type of furlough unless the prisoner is at all times in the direct custody of a correctional officer while the prisoner is away from the correctional institution.

8. If the prisoner has been convicted of a crime involving domestic violence, they may only be granted a pre-release furlough under conditions that would protect the victim of the domestic violence or other household member.

9. Offenders completing all requirements of their OMP will be given additional consideration for approval of their pre-release furlough and will be moved to the top of any pre-release furlough

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processing list in use by the IPO.

B. Submitting A Pre-Release Furlough Application And Processing:

1. The Institutional Probation Officer (IPO) shall make victim notification at least 30 days prior to the prisoner's application being processed. Victim notification shall be made in accordance with DOC P&P 1000.01, Victim Notification.
2. Prisoners sentenced to one (1) year (366 days) or less are eligible for pre-release furlough once sentenced (minimum 60 days remaining to serve). The assigned IPO shall complete the *Pre-Release Furlough Application / Agreement Form* (Attachment A) upon completion of the Time Accounting and designation paperwork and forward the agreement to the institution's Superintendent:
 - a. The Superintendent will approve or deny the pre-release furlough and complete section G or H of the *Pre-Release Furlough Application / Agreement Form* (Attachment A) and make any modifications to the proposed pre-release furlough conditions.
 - b. Reduction to community custody becomes effective upon transfer to the CRC.
3. Prisoners sentenced to more than one (1) year (367 days or more): The IPO shall complete the *Pre-Release Furlough Application / Agreement Form* (Attachment A) and forward it to the Central Classification Unit for review and approval / denial.
4. If, while awaiting placement in a CRC, the prisoner becomes ineligible for a pre-release furlough due to disciplinary infractions or failure to continue compliance with court ordered or recommended programming, the IPO shall inform Central Classification. The latter may rescind the prior approval of pre-release furlough.

C. Pre-Release Furlough Application Review:

1. When reviewing an application for pre-release furlough, the Superintendent or Central Classification shall take in to consideration the general furlough eligibility requirements under Procedures section I, above as well as the specific conditions found in Procedures section II, A. above.
2. The IPO shall deliver a written copy of the decision to the offender. The offender will acknowledge receipt by signing the notice. If the offender refuses to sign the document it will be so noted and placed in the prisoner's main institutional file.
3. At this stage the IPO will also go through the conditions established for the pre-release furlough with the prisoner. The prisoner must sign the application, which confirms their agreement to abide by the pre-release furlough conditions.
4. The offender may appeal a denied pre-release furlough, through their IPO, to the Deputy Commissioner.

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5. The decision of the Deputy Commissioner is final.

D. Pre-Release Furlough Supervision:

1. The restrictions and supervision required for a pre-release furlough shall include:

- a. Frequent contact with the prisoner on pre-release furlough by CRC staff;
- b. Knowledge by CRC staff of the location of the prisoner on pre-release furlough;
- c. Monthly reports by the CRC to the Department on the performance of the prisoner on pre-release furlough; and
- d. A residential setting in which CRC staff are obligated to report to the Department any violation of a condition set for the prisoner's conduct.

2. Caseload supervision of a prisoner on pre-release furlough in a CRC will be the responsibility of a Furlough Probation Officer appointed by the Superintendent of the nearest correctional institution or by the Chief Classification / Probation Officer for those on pre-release furlough in Anchorage.

3. The Furlough Probation Officer shall maintain the prisoner case record and will be responsible for ensuring all Department policies are followed.

E. CRC Minimum Operating Standards:

The Chief Classification / Probation Officer, in consultation with the Director of Institutions (DOI), shall approve standards for the operation of a CRC before authorizing the CRC to supervise offenders on pre-release furlough. The Chief Classification / Probation Officer shall maintain a list, updated at least annually, of CRCs approved for pre-release furlough placements, and make the list available to superintendents and IPOs. The list shall include, at a minimum, the following information:

1. Location of the CRC;
2. Eligibility criteria for admission;
3. Minimum and maximum length of placements;
4. Maximum length of time and condition under which a prisoner on pre-release furlough may be authorized to be away from the residence, if any, including the minimum level of surveillance required when the prisoner is away from the residence, and
5. A description of any phase, step, or level program.

F. Pre-Release Furlough Employment And Financial Standards:

1. A prisoner on pre-release furlough will be required (absent any compelling reason to the contrary) to participate in suitable employment in the community, if available or upon completion of residential treatment.
2. A prisoner on pre-release furlough shall request the employer to send all paychecks directly to the CRC manager. If such an arrangement is not possible, the manager may authorize the prisoner on pre-

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release furlough to deliver the paychecks to the CRC.

3. Prisoners on pre-release furlough who are paid via electronic means, such as direct deposit, shall turn in their pay stubs to the CRC manager. Prisoners on pre-release furlough may then use ATM's in order to obtain cash to turn in to the CRC manager.
4. The CRC manager is responsible for collecting, safekeeping, accounting, reporting, and disbursing all monies received from or on behalf of a prisoner on pre-release furlough. Disbursement from that prisoner's account must be authorized by the CRC manager in accordance with the prisoner's approved budget plan.
5. A prisoner on pre-release furlough is required to pay the State of Alaska 1/4 of gross earnings for the cost of care in the CRC. However, this payment may not exceed the actual cost of participation in the CRC, as established by the Deputy Commissioner. The CRC manager shall transmit to the Department each month a check payable to the State of Alaska in the total amount of all cost-of-care payments collected from prisoners on pre-release furlough in the CRC. The CRC manager shall disburse the remainder of the prisoner's earnings according to a budget approved by the Furlough Probation Officer, reflecting the following order of priority:
 - a. Child support payments as required by AS 25.27.062;
 - b. Any restitution or fine ordered by the court;
 - c. A civil judgment arising out of the criminal conduct of the offender on pre-release furlough;
 - d. Reimbursement to the state for an award made for Violent Crimes Compensation under AS 18.67;
 - e. Outstanding restitution or reimbursement resulting from a disciplinary sanction; and
 - f. The offender's account.
6. Only earnings retained by the CRC manager are subject to lien, attachment, garnishment, execution, or other proceedings to encumber money or property.

G. Pre-Release Furlough Conditions:

1. Standard Conditions:

The following standard conditions apply to all prisoners granted a pre-release furlough:

- a. The prisoner will follow any program recommendations made by a Furlough Officer and CRC staff.
- b. The prisoner will comply completely with the travel arrangements given to them for their move to the halfway house or treatment center. They will not take a different flight number, airline, or mode of transportation other than those assigned, nor should they vary the dates.
- c. If applicable, prisoners will pay child support as directed.
- d. If applicable, prisoners will pay 20% towards restitution / fines.
- e. The prisoner will agree to abide by all the rules of the Community Residential Center (CRC)

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- in which they are placed.
- f. The prisoner will agree to leave and return to the CRC only for the approved purpose(s) indicated on their application / agreement, and only at the times approved by the CRC staff.
 - g. The prisoner will agree to go directly to the place(s) authorized and return directly to the CRC when authorized to leave the CRC.
 - h. The prisoner will agree not to make any purchases not specifically authorized in writing by the CRC manager or designee.
 - i. The prisoner will agree to turn over all earnings or any other money received to the CRC manager or designee, and understand that one-fourth of their gross earnings (not to exceed the actual cost of care) will be given to the State of Alaska to pay for the cost of their care.
 - j. The prisoner will agree not to ride in or on any vehicle without prior approval by the CRC manager or designee, and not to drive any vehicle without written permission from the CRC manager and Furlough Officer, that may only be granted after a records check of their driving record. Further, if the prisoner is prohibited from driving as a special condition of their furlough, they may not drive a vehicle under any circumstances.
 - k. The prisoner will agree not to purchase, have in their possession, nor consume alcoholic beverages in any form, nor enter upon the premises where it is sold, stored, or dispensed. Prisoners will further agree to submit to alcohol / drug testing upon request.
 - l. The prisoner will agree to comply with all federal, state, and local laws and ordinances.
 - m. The prisoner will agree not to enter into any contract to engage in business, borrow money, purchase property on an installment plan, nor incur any debts of any kind without first having obtained written permission from the CRC manager.
 - n. The prisoner will agree to abide by any special conditions / restrictions listed on their application / agreement.
 - o. The prisoner will agree that if they violate any condition of their agreement, they may be removed from the CRC and returned to a state correctional center and that following a hearing, they may be removed from furlough status; and that in addition they may face disciplinary and / or criminal charges.
 - p. The prisoner will agree that their failure to return to the CRC or to be at an authorized location at the times required, subjects them to criminal prosecution under the criminal laws of the State of Alaska.
 - q. The prisoner will agree to have no contact with offenders in custody, on furlough or on electronic monitoring, to include employment.
 - r. The prisoner will agree to waive any right to an extradition hearing if they leave the State of Alaska without written authorization during this prerelease furlough.

2. Special Conditions:

- a. In addition to the standard pre-release furlough conditions listed above, the IPO may recommend additional special conditions on a case-by-case basis.
- b. Any special conditions are subject to modification by the approving authority after the IPO makes their recommendation. At this stage the approving authority may also add special conditions on a case-by-case basis as they see fit.

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- c. When considering special conditions, the IPO and approving authority should seek to balance the unique needs of the prisoner and the aim of making the furlough successful for that prisoner, against the need to keep the public and community the prisoner will be entering safe and secure.
- d. Special conditions also provide the IPO and approving authority with an opportunity to further emphasize any special treatment or vocational training that the prisoner in question may particularly benefit from. This treatment or training can be made mandatory and / or minimum requirements can be set in order to try and improve the prisoner's chances of rehabilitation and future re-entry in to the community.
- e. Any special conditions should be reviewed and approved by the approving authority prior to the prisoner signing their application.

H. Violation Of Pre-Release Furlough Conditions:

- 1. The CRC manager shall immediately notify the Furlough Officer or the shift supervisor of the nearest State correctional institution of any pre-release furlough violations. A written report will be forwarded to the Furlough Probation Officer, the Superintendent of the institution that the prisoner is on furlough from and the Director of Institutions by the end of the next working day.
- 2. Prisoners on pre-release furlough who are involved in the following activities will be immediately returned to the closest correctional institution by notifying the Furlough Probation Officer or shift supervisor:
 - a. Any threat to public safety; or
 - b. Any threat to the security of the CRC where the prisoner resides.
- 3. All other violations are subject to a preliminary hearing, conducted by the Furlough Probation Officer, to determine if a violation has occurred and if the prisoner will remain at the CRC with possible sanctions being imposed or be returned to the nearest correctional institution.
- 4. A preliminary hearing for a possible violation of furlough conditions must be conducted by an impartial person who was not involved in the allegation of violation of conditions of furlough. The prisoner is entitled to:
 - a. At least 12 hours' advance notice of the preliminary hearing; the notice must inform the prisoner:
 - i. That the purpose of the hearing is to determine whether probable cause exists to believe that the prisoner has violated the conditions of the furlough; and
 - ii. What furlough conditions are alleged to have been violated;

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- b. To appear and speak in his or her own behalf, and present letters, documents, or individuals who can give relevant information to the hearing officer;
- c. Upon request, have any person who has given information adverse to the prisoner questioned in the presence of the prisoner, unless the hearing officer determines that the person would be subjected to risk of harm if the person's identity were disclosed; and
- d. A written summary of the hearing officer's decision which summarizes the evidence in support of a violation of the conditions of furlough, the prisoner's responses and the prisoner's position, and includes the determination as to whether probable cause exists to believe the prisoner has violated the conditions of the furlough.

- 5. Per 22 AAC 05.355, a prisoner returned to confinement in a State correctional institution for an alleged violation (under 2. or 3. above) must be granted a classification hearing within seven (7) days to determine whether the furlough shall be continued or terminated and to consider a custody increase for a prisoner whose pre-release furlough is terminated. In addition, the prisoner is also subject to disciplinary sanctions as set out in 22 AAC 05.400-480.
- 6. Those prisoners whose pre-release furloughs are terminated, through an automatic return or a preliminary hearing, and do not have a formal disciplinary action may reapply for pre-release furlough 90 days after their date of return.

I. Failure To Return:

- 1. The failure of a prisoner on pre-release furlough to return to the place of confinement or residence within the time specified by those having direct supervision over the prisoner is an unlawful evasion under AS 11.56.340-350 and the prisoner is subject to criminal prosecution as well as immediate termination of the pre-release furlough (with no termination hearing required if escape related charges are filed) and disciplinary action.
- 2. Within one (1) hour of determining that an prisoner on pre-release furlough is not present at the authorized residence or other location authorized in writing by the CRC manager, the CRC shall notify the Furlough Probation Officer or the shift supervisor of the nearest correctional institution. Upon receipt of the completed escape flyer, the Furlough Probation Officer or shift supervisor shall immediately notify law enforcement officials.

III. Short Duration Furlough:

Short duration furlough may be allowed for family visitation and / or medical treatment under the following circumstances:

A. Short Duration Furlough Eligibility:

To be eligible for consideration the prisoner must be on pre-release furlough or eligible to be placed on

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pre-release furlough.

B. Short Duration Furlough Application:

1. A prisoner who meets the eligibility requirements may submit a *Short Duration Furlough Application / Agreement Form* (Attachment B) to the Institutional Probation Officer (IPO). The written application shall include the following information:

a. The intended purpose of the short duration furlough:

- i. Funeral service for immediate family member; or
- ii. Family visitation for a life threatening illness of an immediate family member; or
- iii. Medical treatment.

b. The date(s) and time(s) of the proposed short duration furlough;

c. The specific location and boundaries of the short duration furlough, and the proposed means of transportation to and from the location(s);

d. The name of the individual who will be physically present with the prisoner at all times during the short duration furlough and the individual's address, phone number, date of birth, Alaska Driver's License number, and relationship to the prisoner; and

e. The names, dates of birth, and relationship to the prisoner of any other individuals who will be involved in the proposed short duration furlough.

2. The IPO shall review the *Short Duration Furlough Application / Agreement Form* (Attachment B) from the prisoner, contact the victim(s), if required, and make a recommendation concerning the proposed short duration furlough. The application shall be forwarded to the Superintendent with the attachments indicated on the application.

C. Short Duration Furlough Application Review:

1. The Superintendent shall make a recommendation on the application and forward it to the Director of Institutions for approval or denial.

2. If the purpose of the short duration furlough is for anything other than family visitation, the Director of Institutions shall approve or deny the short duration furlough application.

3. The decision of the Director may be appealed to the Deputy Commissioner.

4. If the purpose of the short duration furlough involves family visitation, the Director of Institutions shall make a recommendation on the application and forward it to the Deputy Commissioner for approval or denial.

5. The decision of the Deputy Commissioner is final.

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6. Upon approval of a short duration furlough application the IPO will also go through the conditions established for the short duration furlough with the prisoner when they are notified of the approval. The prisoner must sign the application, which confirms their agreement to abide by the short duration furlough conditions.
6. The IPO shall notify the victim(s), if required, as to whether the short duration furlough was approved or denied.
7. If, after approval of the short duration furlough, the prisoner becomes ineligible for a short duration furlough due to disciplinary infractions or other substantial changes in conditions considered in approving the short duration furlough, the IPO shall inform the approving authority who may rescind the prior approval of the short duration furlough.

D. Short Duration Furlough Conditions:

1. Standard Conditions:

The following standard conditions apply to all prisoners granted a short duration furlough:

- a. The short duration furlough destination must be in Alaska.
- b. Unless specifically authorized by the approving authority, the prisoner is responsible for transportation and other related costs for the short duration furlough.
- c. The short duration furlough may not exceed 12 hours at any one time except for:
 - i. Medical treatment, for which the short duration furlough may not last longer than necessary for the treatment.
 - ii. Funeral Service or family visitation for a life threatening illness of an immediate family member.
- d. The prisoner agrees to leave the correctional institution only for the purpose, and only during the dates and time, and by the means specifically approved on this application / agreement, and will go directly to the approved location and return directly from that location to the correctional institution.
- e. The prisoner agrees not to have contact with any individual not approved on the application / agreement.
- f. The prisoner agrees not to make any purchases, enter into any contacts, or ride in any vehicle not specifically authorized in the application / agreement.
- g. The prisoner agrees not to purchase, have in their possession, nor consume alcoholic beverages in any form, nor enter upon the premises where it is sold, stored or disposed.
- h. The prisoner agrees to comply with all federal, state, and local laws and ordinances.
- i. The prisoner agrees to abide by any special conditions / restrictions listed on this application / agreement.
- j. The prisoner understands that if they violate any condition of the approved furlough, they will

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be returned to the nearest state correctional institution, that their furlough status may be terminated, and that they may face disciplinary and / or criminal charges.

- k. The prisoner understands that their failure to return or be at the authorized location at the times required subjects them to criminal prosecution under the criminal laws of the State of Alaska.
- l. The prisoner will waive any right to an extradition hearing if they leave the State of Alaska during this furlough.

2. Special Conditions:

- a. In addition to the standard short duration furlough conditions listed above, the IPO may recommend additional special conditions on a case-by-case basis.
- b. Any special conditions are subject to modification by the approving authority after the IPO makes their recommendation. At this stage the approving authority may also add special conditions on a case-by-case basis as they see fit.
- c. When considering special conditions, the IPO and approving authority should seek to balance the unique needs of the prisoner and the aim of making the furlough successful for that prisoner, against the need to keep the public and community the prisoner will be entering safe and secure.
- d. Any special conditions should be reviewed and approved by the approving authority prior to the prisoner signing their application.

E. Failure To Return:

The failure of a prisoner on short duration furlough to return to the place of confinement is subject to criminal prosecution as well as termination of the short duration furlough and disciplinary action. Within one (1) hour of determining that a prisoner is not present at the authorized location or has not returned to the institution, the Superintendent shall immediately notify law enforcement officials, at which point the prisoner is considered to be on escape status.

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