

## Release to Unapproved Housing – Furlough

### **Authority**

This rule is adopted pursuant to 28 V.S.A. § 808(f).

### **Rule**

1. When exercising discretion to release an offender pursuant to 28 V.S.A. § 808(a)(6), the Department of Corrections (DOC) may consider that an offender may lack suitable housing upon his/her release. However, lack of housing shall not be the sole reason for the denial of furlough in cases involving an offender who has served the minimum sentence for a nonviolent misdemeanor or felony, provided DOC has determined that:
  - a. Notwithstanding the absence of suitable housing, the release would be in the best interest of the offender; and
  - b. The release of the offender will not pose an unreasonable risk to public safety.
2. In determining whether the release of an offender, notwithstanding the lack of suitable housing, will be in the best interest of the offender, DOC may consider whether:
  - a. The offender has expressly requested release and acknowledged to his/her caseworker that he/she believes release, notwithstanding the lack of housing, to be in his/her best interests;
    - i. The offender shall provide a housing plan to his or her caseworker, who shall record this housing plan in the offender's case plan.
  - b. The offender has any physical or mental conditions that may be exacerbated by the fact that the offender may be rendered homeless by such release;
  - c. The absence of housing will likely unreasonably interfere with the offender's ability to reintegrate into the community, obtain employment, or to comply with the other conditions of supervision appropriate for the offender's furlough.
3. In finding whether the release of an offender without suitable housing will be consistent with the maintenance of public safety, DOC may consider whether:
  - a. The offender has served at least his/her minimum sentence for a nonviolent misdemeanor or felony, and has completed, to the satisfaction of DOC, risk reduction programming as required by DOC policies;
  - b. The application of DOC's current validated risk assessment tool has resulted in an acceptable 'risk score';
  - c. The offender has been convicted of any additional offense while serving his or her current term of conviction;
  - d. The offender has been found to have committed any 'Major A' disciplinary violations while in custody of DOC; and
  - e. During his/her current term of incarceration, the offender has been found to have committed any other major or minor disciplinary violations which were specifically the result of violence against any person or property.
4. As used in this Rule, "suitable housing" means a residence that:
  - a. Has been approved by the DOC based on the offender's risks, needs, and responsibility factors, and does not violate any terms of an offender's conditions of release;

- b. The owner, other residents, landlord/housing authority, laws, and ordinances permit the offender to occupy; and
- c. DOC determines will not present foreseeable risk to safety of the offender, victims, and the public.