

Directive 371.13 Pre- Approved Furlough

STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS

Directive: 371.13

Subject: Pre- Approved Furlough

Effective Date: 12/30/02 Review and Re-Issue Date:

Supersedes: 372.01 APA Rule Number:
dated 11/21/97

Recommended for approval by: Richard Turner, Director/Correctional Services		Authorized By: Steven M. Gold, Commissioner	
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Signature	Date	Signature	Date

1. Authority:

1.1. 28 V.S.A., Sections 102(c)(3)(8), 755, 757, 758, 759, 808.

2. Purpose:

2.1. This directive provides guidance to Superintendents of Community Correctional Services Centers, Court and Reparative Service Units Supervisors/Managers and facility Superintendents in placing offenders on pre-approved furlough.

3. Applicability/Accessibility

3.1. This directive applies to placing inmates on the "pre-approved furlough status." Anyone may have a copy of this directive.

4. Directive

4.1. Superintendents of Community Correctional Services Centers (CCSC), Managers/Supervisors of Court and Reparative Services Units (CRSU) and Superintendents of correctional facilities are authorized to issue a pre-approved furlough to a sentenced offender if all of the following criteria are met:

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- 4.1.1 Prior to sentencing, the offender has been referred to the Department of Corrections for eligibility determination and screening to one of the specific correctional programs for which pre-approved furlough can be used as a sentencing option.
- 4.1.2 After eligibility determination and screening, the Department of Corrections has found the offender eligible for the program and has presented the court with a PAF agreement, signed by the offender, which sets forth the terms and conditions of the proposed furlough.
- 4.1.3 The court has sentenced the offender to a term of imprisonment that falls within the guidelines of the correctional program referred to, specifically recommends on the mittimus that the offender be placed on pre-approved furlough and recommends the specific correctional program for which the offender has been screened and found eligible.
- 4.1.4 The offender's residence will fall within the area supervised by the CCSC/CRSU.
- 4.2 An offender on pre-approved furlough will be supervised in the CCSC/CRSU for at least the duration of his/her furlough period.
- 4.3 Superintendents and CRSU Managers/Supervisors will establish procedures to assure that offenders in pre-approved furlough are assigned to the appropriate intermediate sanction program and participate as fully in the program as outlined in their case plan. Superintendents will establish procedures to assure that risk management standards are followed as outlined in Directive 371.17.

Correctional Programs for Pre-approved Furlough

- 4.4 In order to be eligible for pre-approved furlough, the offender must be found eligible for one of the following types of programs:
 - The Risk Management Intermediate Sanction Program;
 - The Community Restitution Program;
 - No other correctional programs are covered by this Directive and pre-approved furlough cannot be authorized for any other correctional or treatment program.

Pre-approved Furlough Process

- 4.5 There are four processes for a pre-approved furlough:
 - Eligibility determination, screening and plan development;
 - Pre-approved furlough authorization;
 - Supervision of an offender on pre-approved furlough;
 - Termination of a pre-approved furlough.

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Eligibility Determination, Screening and Plan Development

- 4.6 Establishing Program Descriptions: Each CCSC will develop and publish a program description for the Intensive Substance Abuse, Intensive Domestic Abuse and any other program authorized by the Director of Correctional Services. The CRSU Supervisors/Managers will develop and publish a program description for the Community Restitution Program. In preparing local descriptions, staff will follow instructions outlined in the "Program Descriptions Format and Instructions." In each program description, the process for determining eligibility, screening and developing plans for offenders referred for admission to the program under the pre-approved furlough sanction will be outlined.

Pre-approved Furlough Authorization

- 4.7 Superintendents of CCSCs, CRSU Managers/Supervisors and Superintendents of correctional facilities are authorized to grant pre-approved furloughs, if all the criteria for granting pre-approved furlough are met. The Superintendent of a CCSC, a correctional facility or a CRSU Supervisor/Manager cannot authorize a pre-approved furlough if any of the criteria listed in section 4.1.1 through 4.1.4 above are not met. Each Superintendent or CRSU Manager/Supervisor will establish local procedures to assure that offenders meet all criteria of a pre-approved furlough before a pre-approved furlough is granted.

4.8 Supervising a Pre-approved Furlough

4.8.1 Establishing a Pre-approved Furlough:

- If all the criteria for granting a pre-approved furlough are met, the offender will be granted furlough in the manner recommended by the court. The furlough may be granted from the court of sentence or the correctional facility if the court recommends commencement of the pre-approved furlough after serving a period of incarceration (must not exceed 60 days).
- At the time of granting the furlough, the offender must be given a copy of his/her "Pre-approved Furlough Agreement" (see Appendix A in Directive 371.15).

4.8.2 Control of Movement for an Offender on PAF in Risk Management Programs:

Restricting offender movement in the community is an important risk management tool. The Correctional Services Specialist (CSS) may, if he/she feels it is warranted by risk considerations, restrict offender movement in the community only to sites designated specifically on the furlough. The degree to which offender movement in the community is restricted is determined by the CSS when completing the Intermediate Sanctions Report (ISR) or by observing the offender's attitude and behavior in the intermediate sanction program. The Offender Contact Standards Directive 371.17 can also act as a guideline for the degree to which offender movement is restricted.

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4.8.3 Driving A Motor Vehicle While on PAF:

The Department can prohibit an offender on PAF from operating a motor vehicle or restrict his/her right to operate a motor vehicle even if he/she has a valid operator's license. Unless the department specifically restricts or prohibits it, an offender who has a valid operator's license may operate a motor vehicle while on PAF. If, after completing an ISR or during the PAF sentence, the CSS determines that allowing the offender who has a valid operator's license to operate a motor vehicle poses a risk to public safety or a specific victim, he/she may prohibit or restrict an offender's right to operate a motor vehicle. Prior to prohibiting or restricting an offender's right to operate a motor vehicle, the CSS must seek the approval of his/her supervisor.

4.8.4 Curfew:

All offenders on PAF whose movement is not restricted completely by the furlough agreement must have a curfew which restricts the offender to his/her place of residence at prescribed periods of time each day. To successfully pursue a charge of escape in a jury trial, it is necessary to demonstrate that an offender was required to be at a specific place at a specific time. The curfew will address this issue.

4.9 Violations of the PAF Agreement:

4.9.1 Revocation Of PAF

Pre-approved furlough can be revoked in accordance with the Graduated Sanctions Directive 371.16 and Directive 410.02. Furlough can be revoked for offenders on PAF for six reasons:

- a. The offender is charged with a new crime;
- b. The offender escapes as defined in Directive 410.01 as a Major A-3;
- c. The offender assaults or threatens to assault someone;
- d. The offender fails to report for Community Restitution as required by his/her Mittimus;
- e. The offender commits or threatens an act that poses an articulatable risk to the victim, a particular citizen, staff, or the offender;
- f. The offender is not meeting program standards in attendance, participation and progress.

4.9.2 Interrupting A Pre-approved Furlough:

A PAF can be interrupted for the following reasons:

- a. The offender is charged with a new crime;
- b. The offender escapes as defined in Directive 410.01 as a Major A-3;
- c. The offender assaults or threatens to assault someone;
- d. The offender refuses to participate in the assigned intermediate sanction program;

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- e. The offender engages in behavior that the treatment team believes constitutes a serious rule infraction or program violation;
- f. The offender fails to report for Community Restitution as required by the Mittimus;
- g. The offender commits or threatens an act that poses a risk to the victim, a particular citizen, staff, or the offender.

The process to interrupt a PAF shall be done in accordance with the Graduated Sanction directive 371.16 and Directive 410.02. Offenders whose PAF is suspended will not lose his/her PAF status upon return to furlough. When the offender returns to furlough, he/she will still be on PAF.

4.10 Parole

As with any other offender sentenced to the Commissioner of Corrections, offenders on pre-approved furlough have the right to meet the parole board once the offender reaches his/her minimum sentence. CCSC Superintendents and CRSU Managers/Supervisors will assure that procedures are established to notify the parole board when an offender is eligible to see the board.

- 4.10.1 While it is desirable for offenders to complete the intermediate sanction program he/she are engaged in prior to parole, completion is not a pre-requisite for recommending parole on an offender in pre-approved furlough. Before recommending that an offender not be granted parole before completing the program, the supervising staff must be able to justify why the status of furlough is needed to assure proper completion of the program. If it is believed an offender can complete the program under the parole status, then a recommendation of parole with the necessary conditions to complete the program is advisable.

5. Training Method

- 5.1. Each site manager will ensure all staff have read and understand this directive.

6. Quality Assurance Processes

- 6.1 Each site manager will establish a quality assurance procedure.

7. Financial Impact:

- 7.1. Pre-Approved furlough is a Court recommended, Department approved sentence that allows an offender to be in the community prior to their minimum. The cost savings associated with offenders in this status is the difference between a facility bed and community supervision.

8. References

- 8.1 Title 28 V.S.A.

9. Responsible Director and Draft Participants

Ray Flum, Director of Classification

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