

<b>State of Vermont Agency of Human Services Department of Corrections</b>	<b>Title:</b>  <b>Reintegration Furlough</b>		<b>Page 1 of 7</b>
<b>Chapter: Classification &amp; Case Planning</b>	# 371.26	New	
<b>Attachments, Forms &amp; Companion Documents:</b> Attachment 1. Reintegration Furlough Eligibility Review Form for Additional 5 Days Award (RF-ER)			
<b>Local Procedure(s) Required:</b> No <b>Applicability:</b> All staff , volunteers and contractors <b>Security Level:</b> "B"- Anyone may have access to this document.			
Approved:  <div style="display: flex; justify-content: space-between;"> <div data-bbox="168 655 625 726"> _____  Robert D. Hofmann, Commissioner </div> <div data-bbox="824 655 1016 726"> <u>May 8, 2006</u>  Date Signed </div> <div data-bbox="1187 655 1378 726"> <u>May 15, 2006</u>  Date Effective </div> </div>			

## PURPOSE

The purpose of this administrative directive is to provide 1) guidance in the eligibility of and granting approval of Reintegration Furlough to inmates and 2) guidance in the eligibility of and process of awarding an additional five (5) days per month toward the reintegration furlough after every six (6) month review.

## POLICY

The Department recognizes that continuity of services/programs between incarcerative and community-based facilities is essential for successful reintegration. The classification system is structured to release inmates at their minimum release date. There are exceptions to this as noted in other departmental directives in the 371 series. In compliance with statutory changes, specifically *Granting Reintegration Furlough*, it is the Department's intention to release all inmates at or during a 90 day window who would otherwise be getting released on their minimum release date. As indicated above, there are exceptions. If the inmate is not going to be released on the minimum release date, then they would not be released 90 days earlier.

In addition to the 90 day window, qualified inmates may earn additional time on furlough having met specific eligibility criteria outlined in this directive. It is possible that an inmate may be released 390 days prior to their minimum release date.

## AUTHORITY & REFERENCE

28 V.S.A., Chapter 11, § 808; Act 63, 2005 legislative session; Administrative Rule #05O44, Granting Reintegration Furlough, November 2005; 13 V.S.A., Chapter 165, §§ 5303(4), 5305(6); Departmental Policy 371, Offender Classification, April 2003; Departmental Directive 371.15, Conditional Re-Entry, April 2003; Departmental Directive 502.01, Victims' Rights to Release Notification, November 1997.

## DEFINITIONS

**Reintegration Furlough:** A furlough prior to the minimum sentence to prepare an incarcerated inmate for re-entry into the community.

**PROCEDURAL GUIDELINES**

**Note: There are different criteria for granting Reintegration Furlough and for awarding additional five (5) days per month toward Reintegration Furlough. These criteria are outlined in this administrative directive.**

**1. Reintegration Furlough 90 Days Prior to Minimum Sentence (90 Day Window)**

- a. The Department emphasizes the use of case co-management in the development of an inmate's case plan. During all inmates' initial case plan development, staff will review them for consideration of release on Reintegration Furlough 90 days prior to their minimum sentence.
- b. During this stage of the case plan development, the case co-managers will need to make a decision, using the criteria in section 3 (a-h) below, if the inmate will be eligible or not eligible for the 90 day window.
- c. If the inmate is not eligible, staff will state this, and the case plan will reflect this decision. Following the Department intention as indicated in the Purpose statement above, if the inmate is found to be not eligible for the 90 day window this would mean that the inmate is not likely to be released at the minimum release date either. The decision will need to be supported by other directives, such as *371.15 (Conditional Re-Entry)*.
- d. If the inmate is eligible, staff will write the projected release date into the case plan and enter this projected movement date into the database.
- e. Prior to release on Reintegration Furlough, the inmate must have met the following conditions:
  - be in compliance with their case plan;
  - have no disciplinary convictions in the preceding twelve (12) months for ANY Major "A" infraction or any other major or minor infraction which was specifically the result of violence against a person or property;
  - have a minimum sentence to serve – "All Suspended But" sentences are not considered to have a minimum sentence;
  - have served half of their minimum sentence if their minimum sentence was 180 days or less. Credit for time served counts toward the required days to serve. Awards of Automatic Reduction of Term, Earned Reduction of Term, Prospective Awards and Camp Earned Reduction of Term or Work Camp Good Time do not apply as time served.
- f. After DNA, Sex Offender Registry, and any other mandated requirements are met, inmates that have been considered and found eligible for Reintegration Furlough may be granted furlough approval.
- g. The following issues will be addressed relative to victim notification:
  - Correctional staff will notify all victims who have a request for notification on file with the Department of Corrections informing them of the inmate's earliest eligible release date (RF window) no less than thirty (30) days prior to this window, absent any changes in the offender's sentence which would prevent a 30 day notification.

- Once an actual release date has been confirmed for the inmate to reside in the community, correctional staff will again notify the same victim(s) of the release, no less than seven (7) days prior to release, absent any changes in the offender’s sentence which would prevent a 7 day notification.
- Inmates will not be released to Reintegration Furlough before the victim notification process is complete, absent any changes in the offender’s sentence which would prevent the completion of the notification process.

h. All decisions to grant furlough are at the discretion of the Commissioner or designee. If there are concerns or disagreements about a specific case, the issues need to be dealt with through the respective lines of authority (line staff to supervisory staff to local managers to central managers to the Deputy Commissioner).

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**In Section 1 above we were looking at all inmates and their eligibility for the 90 day window.**

**In Section 2 below we are now looking at specific inmates who meet the qualification for additional time that is expanding the 90 day window.**

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**2. Awards of Additional Five (5) Days per Month toward Reintegration Furlough**

- a. Inmates having met the criteria in Section 1 above will be reviewed every six (6) months for eligibility to earn additional awards expanding the 90 day window. In no event will the award be automatic. It must be earned. The award will not be prorated. The award will either be 0 days or 30 days, based on the results of the *Reintegration Furlough Eligibility Review for Additional 5 Days Award Form (RF-ER), Attachment 1*. The review form will be completed every six (6) months.
- b. Inmates must meet all of the following conditions to be eligible for consideration for an additional five (5) days per month award toward Reintegration Furlough. Inmates must:
  - have a minimum sentence of incarceration to serve of five (5) years or less;
  - not have been convicted of crimes as listed in statute 28 V.S.A § 808, subsection 8(d);
  - be serving a sentence in a correctional facility;
  - be serving a minimum sentence of more than six (6) months;
  - not be held as a Sentenced/Detained Offender;
  - not be serving sentence in a work camp program or have a case plan that includes a work camp component;
  - not be serving a “split sentence”;
  - have a current (within 12 months) risk assessment that reflects a low or low-moderate probability of re-offense;
  - have been in full compliance with their case plan, as defined in section 3. c. below, for every month in the six (6) month review period under review;
  - have demonstrated progress in programs, as defined in section 3. e. below, for every month in the six (6) month review period under review;
  - have not been convicted of disciplinary reports for major A or B convictions for every month in the six (6) month period under review;
  - have not been convicted of listed offenses as defined in section 3. b. below;

- have no history of violence (DRs) as defined in section 3. b. below.

### **3. Factors for Review when Determining Eligibility for Reintegration Furlough**

Staff will review the following factors in determining eligibility for Reintegration Furlough during the initial phase of the case plan development (Section 1). These factors are discretionary and require the use of judgment; issues with one or more of the factors do not automatically disqualify an inmate for consideration of release on Reintegration Furlough. Any use of these factors in the delay of release will need to meet the guidelines in 371.15, Section 4.2 (*Release of Eligible Offenders*).

- Inmate Risk to Re-offend**: DOC assessment technology will reflect best practice at the time that furlough decisions are being considered. Risk assessments completed within twelve (12) months prior to the consideration of Reintegration Furlough will be considered current.
- Inmate History of Violent Behavior**: This will include a review of the level of violence involved in the original crime for which the inmate was convicted. Convictions of any of the crimes listed at statute 13 V.S.A. §5301 (7) or crimes listed in the departmental directive on listed offenses, will be considered indicative of a history of violence. Additionally, disciplinary reports for violence against persons or property in at least the preceding twelve (12) months may also be considered as indicative of a history of violence.
- Inmate History of Compliance with Case Plan**: Inmates must be actively involved in the development and implementation of their case plan. All elements of the case plan that involve action on the part of the inmate, and that are within the inmate's control, must be progressing. This includes, but is not limited to, attendance and engagement in meetings with their caseworker; attendance and engagement in any required treatment or program services; and active participation in discussions with their caseworker related to plans for their life after release. The inmate must demonstrate active participation for at least the preceding twelve (12) months.
- Inmate History of Compliance with Community Supervision**: For inmates who have had prior experience with community supervision in Vermont, the Department will, prior to making a release determination, review their history for a demonstrated pattern of compliance with supervision
- Inmate Progress in Treatment or Program Services**: Inmates must demonstrate progress in required treatment or program services. The Department will assess progress based on documented recommendation of the treatment and/or program services provider.
- Adherence to Rules in the Facility**: Inmates must demonstrate adherence to facility rules as reflected by the presence or absence of disciplinary reports (major and/or minor).
- Ability to Provide an Adequate Level of Departmental Supervision**: The Probation and Parole Field Manager will review the case to assess the field's ability to supervise the inmate if furlough is granted. Ability to provide adequate supervision may include, but not be limited to, the proposed physical residence of the inmate upon release and the location of any identifiable victim.

- h. Risk to Persons or Public: The Department will examine whether there is credible evidence that the release will place a particular citizen at risk of harm, or otherwise compromise public safety.

The Commissioner at his/her sole discretion may consider extraordinary positive contributions to the facility by the inmate in making a decision to grant Reintegration Furlough.

#### **4. Process for Reviewing Additional 5 Days Award**

- a. Inmates having met the criteria in Section 1 above will be reviewed every six (6) months using the *Reintegration Furlough Eligibility Review for Additional 5 Days Award Form (RF-ER)*.
- b. If any of the items in Section 1 on the RF-ER form are scored as a “yes”, the inmate is not eligible for the additional five (5) days award. There is no need to go on to Section 2 of the form.
- c. If all of the items in Section 1 on the RF-ER form are scored as a “no”, and if all of the items in Section 2 on the RF-ER form are scored as “yes”, the inmate is eligible for consideration of being granted the additional five (5) days award.
- d. For those inmates eligible for consideration of the five (5) days award, the RF-ER form needs to be completed every six (6) months. The inmate is eligible for 30 days after every six (6) month review. These awards will not be prorated. The award will be either 0 or 30 days at each review.
- e. After each review of the RF-ER form, staff will recalculate the inmate’s Reintegration Furlough release date. This date is arrived at by adding each 30 day award to the 90 day window; e.g., after the first six (6) month review, the Reintegration Furlough Eligibility Release Date is 90 plus 30 for a total of 120 days prior to the minimum release date.

**ATTACHMENT 1**

**SAMPLE**

**Survey for CORR: Reintegration Furlough Eligibility Review for the  
Additional 5 Day Award  
(RF-ER)**

**Survey #: 0**

Survey Date:  (mm/dd/yyyy) Site:  Staff:

#	Question	Answers	Points
<b>ELIGIBILITY</b>			
1	Is the inmate convicted of a crime as listed in 28 V.S.A. section 808 subsection 8d? <b>Show Charges</b>	<input checked="" type="checkbox"/> Not Convicted (No) <input type="checkbox"/> Convicted (Yes)	<input type="text"/>
2	Is the minimum sentence of incarceration in excess of 5 years?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
3	Is the inmate serving sentence in the community?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
4	Is the minimum sentence of incarceration 6 months or less?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
5	Is the inmate on Sentenced/Detained status?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
6	Is the inmate serving sentence at a work camp or does the case plan have a work camp component?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
7	Is the inmate serving a split sentence?	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>

**AWARD GRANTED**  
 If any question above is a "Yes", there is no need to go further. The inmate is not eligible for additional awards.

#	Question	Answers	Points
8	<b>Does the inmate score Low or Low-Moderate probability of re-offense on risk assessment?</b> <b>Show Assessments</b>	<input type="checkbox"/> No - Higher risk assessment than Low-Moderate <input type="checkbox"/> Yes	<input type="text"/>
9	<b>Has the inmate been in full compliance with the case plan, each month for the last 6 months?</b> <b>Show Case plan</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
10	<b>Has the inmate demonstrated progress in programs, each month for the last 6 months?</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
11	<b>The inmate has NOT been convicted of a major ("A" or "B") DR for violence in the last 6 months.</b> <b>Show DRs</b>	<input type="checkbox"/> FALSE - Has DR Conviction (No) <input type="checkbox"/> TRUE - No DR Conviction (Yes)	<input type="text"/>
12	<b>The inmate is NOT convicted of a listed offense.</b> <b>Show Charges</b>	<input type="checkbox"/> FALSE - Convicted of Listed Offense (No) <input type="checkbox"/> TRUE - No Listed Offense Conviction (Yes)	<input type="text"/>
13	<b>Has the inmate been free of violent behavior as described in directive 371.26, section 3(B)?</b> <b>Show Charges</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
14	<b>Based on a review of directive 371.26, section 3, should the inmate receive the 5 day award for the last 6 months?</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes	<input type="text"/>
<b>If #8 - #14 are all answered "Yes", the inmate may be awarded 5 days a month for the last 6 months.</b>			

Read Form