

Vermont Department of Corrections
Final Approved Administrative Rule #05PO42 November 2005
Granting Reintegration Furlough

1. AUTHORITY: 28 V.S.A. Chapter 11, § 808, Furloughs Granted to Inmates: Act 63 of 2005 legislative session.

By law, inmates sentenced to incarceration may be furloughed to the community for up to 90 days prior to completion of their minimum sentence. For inmates who are sentenced to a minimum term of fewer than 180 days, they must serve at least one-half of their minimum term on incarceration. The purpose of this furlough option is to assist in the preparation of inmates for successful re-entry into the community.

The law also indicates that those inmates who meet the eligibility as set forth in Act 63 of the 2005 legislative session, may earn, at the discretion of the Department, an additional five (5) day award per month toward a reintegration furlough for each month that they comply with their case plan and obey all rules and regulations of the facility.

2. PURPOSE: The purpose of this rule is to establish factors that may be considered in granting 90 day reintegration furlough and the additional five (5) day per month award toward reintegration furlough for incarcerated inmates.

3. DEFINITIONS

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

Department: The Department of Corrections

Commissioner: The Commissioner of the Department of Corrections

Sentenced/Detained Offender: An inmate who is both serving a sentence and also has a detainer against their release from custody. The detainer may be by another jurisdiction in Vermont or outside of Vermont. The detainer may be for pending charges that are **not yet adjudicated** and need to be resolved, or the detainer may be for charges that **have been adjudicated**, and the inmate needs to serve a sentence in the requesting jurisdiction.

4. REINTEGRATION FURLOUGH 90 DAYS PRIOR TO MINIMUM SENTENCE

A. Eligibility: All inmates sentenced to incarceration are eligible for reintegration furlough for up to 90 days prior to their minimum release date. Inmates sentenced to a minimum term of fewer than 180 days must serve at least one-half of their minimum term on incarceration in order to be eligible.

B. Granting of Furloughs: Eligible inmates must have met at least the following three (3) conditions in order to be considered for reintegration 90 days prior to their minimum sentence of incarceration:

1) Compliance with their case plan as defined in section 6. C. below

AND

2) No convictions for any Major "A" disciplinary infraction or any disciplinary infraction (major or minor) which was the result of violence against persons or destruction of property in the preceding twelve (12) months

AND

3) Must have a minimum sentence to serve. If a court suspends a portion of a sentence of imprisonment, the unsuspended portion of said sentence will not be considered a minimum sentence

The Department may also consider other factors in the granting of furlough (See section 6. below.) All decisions to grant furlough are at the discretion of the Commissioner or his/her designee.

5. AWARDS OF ADDITIONAL FIVE (5) DAYS PER MONTH TOWARD REINTEGRATION FURLOUGH

A. Eligibility: Inmates must meet all of the following conditions to be eligible for consideration of 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 a current conviction of a crime(s) as listed in statute 28 V.S.A. § 808, subsection 8(d)
- be serving a sentence in a correctional facility
- be serving more than six (6) months of their minimum sentence
- not be held as a sentenced/detained offender
- not be serving sentence in a work camp program.

B. Granting of an Additional Five (5) Days per Month toward Reintegration Furlough

Eligible inmates must have met at least the following conditions in order to be awarded five (5) additional days per month toward reintegration furlough:

- A current (within 12 months) risk assessment that reflects a low or low-moderate probability of re-offense
- Be in full compliance with their case plan, as defined in section 6. C. below, for every month in the six (6) month review period under review

- Show progress in programs, as defined in section 6. E. below, for every month in the six (6) month review period under review
- No disciplinary report convictions for Major A or B violation for every month in the six (6) month period under review
- No history of violence as defined in section 6. B. below

In no event will the award be automatic. It must be earned. The award will not be prorated. These awards will be calculated at least every six (6) months.

6. CONSIDERATIONS IN THE GRANTING OF REINTEGRATION FURLOUGH

In addition to the conditions set forth in section 4. B. above, the Department may consider factors including, but not limited to, the following in making a decision to grant reintegration furlough.

A. 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.

B. Inmate History of Violent Behavior: This will include a review of the level of violence involved in the crime(s) for which the inmate is serving sentence. Current 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.

C. 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.

D. Inmate History of Compliance with Community Supervision: For inmates who have had prior experience with community supervision in Vermont, DOC will review their history for a demonstrated pattern of compliance with supervision prior to making a release determination.

E. Inmate Progress in Treatment or Program Services: Inmates must demonstrate progress in required treatment or program services. The DOC will assess progress based on documented recommendation of the treatment and/or program services provider.

F. 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) or absence of conviction of new crimes while incarcerated.

G. 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: DOC 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 in his/her sole discretion may consider extraordinary positive contributions to the facility by the inmate in making a decision to grant a reintegration furlough.

7. TRACKING AND TIMING OF RE-INTEGRATION FURLOUGH

A. The final release date for reintegration furlough will be determined by the Commissioner or designee based on a review of the factors and any additional days awarded as outlined in this rule.

B. The Department will develop a system to track eligibility and the granting of reintegration furlough. This will include any award of additional days and reasons for denial of furlough or additional award days for eligible inmates.

8. ADMINISTRATIVE APPEAL PROCESS. The Commissioner's decision will be final.