
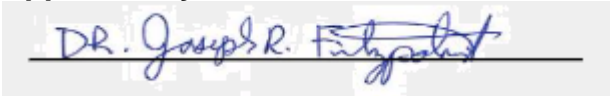


<b>POLICY TITLE: COMMUNITY TRANSITION PROGRAM</b>		<b>PAGE <u>1</u> OF <u>11</u></b>
<b>POLICY NUMBER: 27.3</b>		
<b>CHAPTER 27: RELEASE PREPARATION</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>	<b>PROFESSIONAL STANDARDS</b>
	<b>Approved by Commissioner:</b> 	<b>See Section VII</b>
<b>EFFECTIVE DATE:</b> <b>January 21, 1974</b>	<b>LATEST REVISION:</b> <b>December 1, 2017</b>	<b>CHECK ONLY IF</b> <b>APA [ X ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A, M.R.S.A. Section 3035.

## II. APPLICABILITY

All Departmental Adult Facilities

## III. POLICY

Participation in the community transition program provides prisoners with the opportunity to prepare for a successful reentry into the community following incarceration by allowing approved prisoners authorized absences from the facility under carefully prescribed conditions to participate in work, education, or public service. Participation in this program is a privilege that may be afforded to prisoners who meet the established criteria.

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## VI. PROCEDURES

### Procedure A: Community Transition Program, General

1. The Commissioner shall determine the correctional facilities that may provide a community transition program. A community transition program may consist of work release, education release, and/or public service release.
2. Participation in a community transition program is granted at the discretion of the Department of Corrections and is considered a privilege, not a right.
3. The Chief Administrative Officer, or designee, of each adult facility authorized to provide a community transition program shall maintain a process that allows a prisoner who meets the eligibility criteria to apply to participate in the community transition program.
4. The process shall include, but not be limited to, the following:
  - a. application and screening for eligibility;
  - b. approval or denial;
  - c. conditions for prisoners while in the program;
  - d. monitoring through random contacts with prisoners while at work release, education release and/or public service release sites;
  - e. documentation; and
  - f. a system for evaluating community transition program effectiveness.
5. Release must be authorized for a specified location or locations within the State of Maine and for a specified period of time.
6. A work release job must involve compensation for the prisoner at the prevailing local wage for similar work in the community.
7. Transportation to and from the facility is the responsibility of the prisoner, the employer, or other appropriate source. As a convenience, the facility may, but is not obligated to, provide transportation.
8. Participation in a community transition program must be based on the prisoner's individualized case plan.
9. Any prisoner granted a release may be strip-searched upon his or her return to the facility.
10. Any prisoner granted a release may be given a drug test and an alcohol test upon his or her return to the facility.
11. A prisoner shall not return from the site with anything the prisoner did not take out with him or her (for example, clothing, footwear, jewelry, or publications) without

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authorization from the Chief Administrative Officer, or designee, and all property brought back to the facility shall be searched.

12. Except as specified below, a prisoner who fails to go to the location specified, fails to remain at the specified location during the specified period, or fails to return from a release by the specified time is an escapee and shall be referred to the appropriate criminal justice agencies for arrest and prosecution for the crime of escape, and, if applicable, for a revocation of probation or supervised release of sex offenders.
13. If a prisoner becomes ill or injured or another unforeseen emergency prevents the prisoner from going to the location specified, remaining at the specified location during the specified period, or returning from a release by the specified time, the prisoner shall notify the facility as soon as possible for instructions.

**Procedure B: Eligibility Requirements**

1. A prisoner may not participate in a community transition program unless the prisoner:
  - a. has served at least thirty (30) days of the term of imprisonment in the facility providing the community transition program;
  - b. has no more than two (2) years remaining on the term of imprisonment, or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, Section 1253;
  - c. is classified community custody; and
  - d. has resolved all pending detainers, warrants or other legal holds.
2. In addition to the above eligibility requirements, any prisoner who has been convicted as an adult with any sex offense may not participate in a community transition program unless the prisoner is within six (6) months of his or her current custody release date, and, if male, has completed the intensive phase of a Department residential sex offender treatment program or, if female, the prisoner has successfully participated in a Department sex offender treatment program for at least one (1) year.
3. In addition to the above eligibility requirements, any prisoner who has been formally charged but not convicted as an adult with any sex offense may not participate in a community transition program unless the prisoner is within six (6) months of his or her current custody release date, and, if male, has completed the intensive phase of a Department residential sex offender treatment program or, if female, the prisoner has successfully participated in a Department sex offender treatment program for at least one (1) year. The Department's Director of Classification may make an exception to the sex offender treatment program requirement and/or the requirement of being within six (6) months of current custody release date for a prisoner who has been formally charged but not convicted as an adult with a sex offense. If the prisoner has applied for any community transition program, the facility Chief Administrative Officer, or

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designee, shall make a recommendation to the Department's Director of Classification regarding a possible exception to these requirements.

4. A prisoner must not have been found guilty of an A or B disciplinary violation within ninety (90) days, C disciplinary violation within sixty (60) days, or D disciplinary violation within thirty (30) days of the prisoner's application to participate in the community transition program or anytime during the review and approval process and must not have any disciplinary matter pending at the time of application or scheduled first day at the site.
5. A prisoner who has lost the privilege to participate in any community based program as a result of an interim reclassification following a finding of guilt of a drug or alcohol violation shall not be eligible to apply for a community transition program for the time period specified at the reclassification.
6. Participation in a community transition program may not be granted if the prisoner is likely to have contact with a victim of the prisoner for domestic violence unless a waiver has been granted by the Commissioner, or designee, for visits between them.
7. Participation in a community transition program may not be granted if the prisoner is likely to have contact with a victim of the prisoner for a sex offense or child abuse committed when the victim was a minor, unless a waiver has been granted by the Commissioner, or designee, for visits between them.
8. The Commissioner may permit a prisoner to participate in a work release program without meeting the above eligibility and application requirements if the prisoner is classified minimum custody and the program is for a specified period of time necessary to complete a special work release project. All prisoners participating in the program must be under the supervision of Department staff while at the work release site. The Commissioner may approve participation pursuant to this provision through any process that the Commissioner determines appropriate. All decisions made pursuant to this provision are at the complete discretion of the Commissioner and these decisions may not be appealed. In addition, a prisoner approved pursuant to this provision may be removed from the program at any time for any reason at the complete discretion of the Commissioner and this decision may not be appealed.

### **Procedure C: Application and Approval Process**

1. A prisoner may apply for participation in a community transition program if he or she is minimum or community custody, has served at least thirty (30) days in the facility providing the community transition program, and is no more than one (1) month from meeting the time eligibility requirements for participation in the program as set out in Procedure B.
2. A prisoner must complete the Community Transition Program Application (Attachment A) and submit it to the facility's Community Program Coordinator, or other designated staff.

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3. Unless the prisoner is applying for public service release, the prisoner must have two (2) forms of identification acceptable for employment purposes (driver's license, official state identification, or identity verification form and a social security card, birth certificate, or a certified application for a social security card) or a current passport.
4. The facility's Community Program Coordinator, or other designated staff, shall determine whether the community transition program application has been submitted by the date required and the form is complete, and whether the prisoner has the two (2) forms of identification required. If not, it shall be returned to the prisoner to submit a complete form in a timely manner or to acquire the required identification.
5. The facility's Community Program Coordinator, or other designated staff, shall notify the facility classification staff of the application.
6. The facility classification staff shall review the prisoner's administrative record to screen for eligibility and ensure an electronic records check is conducted for any outstanding detainers, warrants or other legal holds or requests for notification from a criminal justice agency. If there is a request for notification from a criminal justice agency, the facility classification staff shall notify the agency of the prisoner's possible placement in a community transition program. The result of the records check and any response to a notification shall be entered into CORIS.
7. The facility's Community Program Coordinator, or other designated staff, shall determine if the prisoner is eligible for a community transition program (including, that the prisoner will be time eligible as of the scheduled first day at the site). If so, the facility's Community Program Coordinator, or other designated staff, shall forward the application to the Unit Management Team.
8. If the prisoner is not already classified community custody, a Department approved classification instrument shall be completed by the Unit Management Team to ensure that the prisoner is eligible for community custody.
9. The prisoner's Unit Management Team shall make a recommendation on the community transition program application to the Chief Administrative Officer, or designee, based upon the following factors:
  - a. prisoner's institutional adjustment;
  - b. prisoner's compliance with his or her individualized case plan;
  - c. criminal history;
  - d. history of revocation while on supervision in the community or of violations of conditions of release (bail);
  - e. safety of the public and the prisoner;
  - f. behavior, conduct and social attitudes of the prisoner;
  - g. prisoner's work record;
  - h. prisoner's mental and emotional stability;

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- i. prisoner's compliance with significant healthcare treatment recommendations and restrictions;
  - j. appropriateness of the work, education, or public service release site;
  - k. prisoner's ability to be outside the facility without facility staff;
  - l. benefits which are likely to accrue for the prisoner or others if the application is granted;
  - m. any input from Victim Services;
  - n. any specialized assessment tool; and
  - o. any other relevant factors.
10. If the Unit Management Team recommends approval of the community transition program application, the Community Programs Coordinator, or other designated staff, shall ensure the prisoner signs the Community Transition Program Agreement and Conditions (Attachment B) and shall forward the completed form to the Chief Administrative Officer, or designee, for decision.
  11. For a prisoner on work release, the Community Transition Program Agreement and Conditions shall include a requirement to pay restitution and fines (including victim compensation fees).
  12. For a prisoner on work release, the Community Transition Program Agreement and Conditions shall include a requirement to pay toward overall costs incurred by the facility in providing room, board, and transportation for prisoners in the program, regardless of costs incurred for that specific prisoner.
  13. Specific information about input from Victim Services shall not be disclosed to the prisoner under any circumstances.
  14. Approval for participation in a community transition program shall be withdrawn for a prisoner who does not continue to meet all the eligibility criteria up to the time of departing the facility on the scheduled first day at the site or at any other time while in the program.
  15. Approval for participation in a community transition program may be withdrawn at any time for any other reason at the discretion of the Chief Administrative Officer, or designee.
  16. Approval for participation in a community transition program may be withdrawn at any time for any reason at the discretion of the Commissioner, or designee.

**Procedure D: Community Transition Program Documentation**

1. If participation in a community transition program is denied or approval is withdrawn, the Community Programs Coordinator, or other designated staff, shall notify the prisoner and document the notification in CORIS.

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2. If participation in a community transition program is approved by the Chief Administrative Officer, or designee, the Chief Administrative Officer, or designee, shall document the approval in CORIS. The Community Programs Coordinator, or other designated staff, shall make a copy of the Community Transition Program Agreement and Conditions and forward both the original and the copy to the prisoner's Unit Manager.
3. If there are any special conditions for the community transition program, they shall be specified on the form.
4. At least three (3) days before the prisoner's first day at the scheduled site, the Community Programs Coordinator, or other designated staff, shall add the prisoner's name to the Community Transition Program List (Attachment C) and shall forward a copy of the list, once completed, to the Unit Manager, Central Control, admitting staff, facility health care staff and Office of Victim Services. A copy of every Community Transition Program List shall be maintained by the Chief Administrative Officer, or designee.
5. If approval for participation is withdrawn or participation is delayed, the Community Programs Coordinator, or other designated staff, shall notify the Office of Victim Services as soon as possible.
6. Prior to the prisoner leaving on the first day, the Community Programs Coordinator, or other designated staff, shall meet with the prisoner to review the Community Transition Program Agreement and Conditions, including any special conditions.
7. The Community Programs Coordinator, or other designated staff, shall ensure that facility health care staff is notified to determine whether the prisoner needs to take any medication while at the site. If the prisoner does need to take medication, the health care staff shall provide the medication to the prisoner and shall provide instructions for the taking of the medication. The prisoner shall only be provided the amount of medication necessary for the duration of that day's release.
8. No earlier than the day prior to the prisoner leaving for the site, the Community Programs Coordinator, or other designated staff, shall check to ensure that the prisoner continues to meet all the eligibility criteria and shall initial the agreement form indicating that the check has been made.
9. Whenever a prisoner departs the facility for a community transition program, designated facility staff shall make an entry in the logbook to include the date and time of the prisoner's departure and the name of the person who is picking up the prisoner. Whenever a prisoner returns from the program, designated facility staff shall make an entry in the logbook to include the date and time of the prisoner's return and the name of the person who is dropping off the prisoner. Designated staff shall ensure that appropriate changes are recorded to the internal facility prisoner count.

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10. The original of every community transition program application, whether or not processed, and every Community Transition Program Agreement and Conditions form shall be maintained in the prisoner's Case Management Record.
11. All decisions made with respect to a community transition program application, whether or not processed, and all meetings with the prisoner required under this policy shall be documented in CORIS.

**Procedure E: Random Contacts with Prisoners at the Community Transition Program Site**

1. Designated facility staff shall ensure that each prisoner at a community transition program site is monitored, whether by telephone contact, site visits, follow-up with the employer, or by other means.
2. Designated facility staff shall visit each community transition program site at least twice a month and shall document the visit and the results of the visit in CORIS.
3. If staff discover any issue with the site or with any prisoner authorized to participate in a community transition program at the site, staff shall take appropriate action, including, but not limited to, contacting the Chief Administrative Officer, or designee, for a decision whether any or all prisoners are to be returned to the facility.
4. If the Chief Administrative Officer, or designee, determines that a prisoner needs to be contacted in person, the Chief Administrative Officer, or designee, shall have staff check on the prisoner. After staff have checked and reported back or if a check was not conducted within a reasonable period of time, the Chief Administrative Officer, or designee, shall make a decision at that time whether and by what means the prisoner returns or is to be returned to the facility.
5. All contacts or attempts at contact shall be documented in CORIS.
6. Instances of non-contact may result in suspension or restriction of community transition program privileges as determined by the Chief Administrative Officer, or designee. It may also result in disciplinary action, revocation of probation or supervised release for sex offenders and/or criminal prosecution.

**Procedure F: Termination from a Community Transition Program**

1. A prisoner participating in a community transition program shall be governed by the Community Transition Program Agreement and Conditions, including any special conditions, as determined by the facility Chief Administrative Officer, or designee.
2. If facility staff observes, receives a report of, or otherwise discovers that a prisoner may have violated the Community Transition Program Agreement and Conditions, including any special condition, or may have failed to adjust to the program, the staff shall immediately notify the Chief Administrative Officer, or designee.

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3. Upon such notification, the Chief Administrative Officer, or designee, shall, if applicable, determine whether and by what means the prisoner returns or is to be returned to the facility.
4. A prisoner's failure to follow any rule or condition of the program or failure to adjust to the program may result in termination from the program or restriction or suspension of program participation privileges, as determined by the Chief Administrative Officer, or designee. It may also result in disciplinary action, revocation of probation or supervised release for sex offenders and/or criminal prosecution.
5. Regardless of whether a prisoner has failed to follow any rule or condition of the program, participation in the program may be terminated at any time, for any reason, in the complete discretion of the Commissioner, or designee.
6. If participation in the program is terminated, the Chief Administrative Officer, or designee, shall, if applicable, determine whether and by what means the prisoner returns or is to be returned to the facility.

**Procedure G: Appeals**

1. A prisoner wishing to appeal denial of participation in a community transition program or withdrawal of an approval for participation may submit the appeal to the Chief Administrative Officer, or designee, within five (5) working days of receiving the decision. The Chief Administrative Officer, or designee, is the final authority for this appeal (no further appeals are allowed).
2. A prisoner wishing to appeal termination of participation in a community transition program or restriction or suspension of program participation privileges may submit the appeal to the Chief Administrative Officer, or designee, within five (5) working days of termination or within five (5) working days of receiving the restriction or suspension decision. The Chief Administrative Officer, or designee, is the final authority for this appeal (no further appeals are allowed).
3. The Chief Administrative Officer, or designee, shall make a decision on an appeal within five (5) working days after receiving a timely prisoner appeal.
4. Upon review of the appeal, the Chief Administrative Officer, or designee, may:
  - a. approve the decision;
  - b. reverse the decision; or
  - c. modify the decision.
5. If the denial, withdrawal or termination was by the Commissioner, or designee (including a decision by the Department's Director of Classification to not make an exception under Procedure B.3), the appeal shall be submitted by the prisoner to that person and shall be decided by that person as the final authority for the appeal.

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6. A copy of the appeal and the decision on the appeal shall be placed in the prisoner's Case Management Record.

## VII. PROFESSIONAL STANDARDS

### ACA:

- 4-4442 Written policy, procedure, and practice provide that all inmates have access to a program of release preparation prior to their release to the community.
- 4-4443 If a temporary release program is in place, it should include but not be limited to the following:
- written operational procedures
  - careful screening and selection procedures
  - written rules of conduct and sanctions
  - a system of supervision to minimize inmate abuse of program privileges
  - a complete record keeping system
  - a system for evaluating program effectiveness
  - efforts to obtain community cooperation and support
- 4-4444 Written policy, procedure, and practice include graduated release through a systematic decrease in supervision and corresponding increase in inmate responsibility as part of the classification program.
- 4-4463 Written policy, procedure, and practice provide that inmates employed in the community by public or private organizations in positions normally occupied by private citizens are compensated at the prevailing wage rate for the position occupied. Inmates receiving such compensation reimburse the jurisdiction for a reasonable share of its cost in maintaining them.
- 4-ACRS-2A-11 The facility has a system of accountability for offenders assigned to work and educational release, furloughs, and other temporary absences from the facility. The facility has a system for physically counting offenders. There are at least three offender counts daily. Staff monitor the movement of offenders into and out of the facility.
- 4-ACRS-5A-01 An objective assessment of each offender's risk and need, specifies the type of program needed and provides for regular review.
- 4-ACRS-5A-06 The facility administrator has the authority to remove or transfer an offender from the program.
- 4-ACRS-5A-13 Offenders are aided with their transition to the community, including referrals to assist offenders in locating suitable housing.
- 4-ACRS-5A-14 Each offender should be given gradual increased responsibilities in the community prior to release, dependent upon his/her ability to accept responsibility.
- 4-ACRS-5A-16 Offenders have opportunities for involvement with family and participation in community activities before the final release.
- 4-ACRS-5A-20 Facility resources are available to assist offenders in locating jobs.

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**4-ACRS-7D-32 Offenders pay for program services at a reasonable rate as determined by the authority having jurisdiction. Provisions are made for those who are unable to pay program costs.**

**4-ACRS-7D-33 Revised August 2007. Procedures specify to the offender how the amount of offender fees will be determined, and when and how they will be collected and recorded. If the program is provided by a contractor, the contractor will provide the contracting agency, at least monthly, with an accounting of fees received, including the amount paid and the payer.**

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