

<b>POLICY TITLE: COMMUNITY TRANSITION PROGRAM</b>		<b>PAGE 1 OF 16</b>
<b>POLICY NUMBER: 27.3</b>		
<b>CHAPTER 27: RELEASE PREPARATION</b>		
		<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 
<b>EFFECTIVE DATE:</b> January 21, 1974	<b>LATEST REVISION:</b> December 21, 2022	<b>CHECK ONLY IF 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 adult facility residents with the opportunity to prepare for successful reentry into the community following imprisonment by allowing approved residents 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 residents who meet the criteria.

**IV. DEFINITIONS**

1. Core Programs – programs identified by a resident’s Unit Team as necessary to address high-risk areas specific to the resident, e.g., substance use disorder treatment, domestic violence intervention program, cognitive behavioral therapy, problem sexual behavior treatment, etc.
2. Community transition program - an authorized temporary absence from the facility granted to an adult facility resident unaccompanied by facility staff for work release, education release, and/or public service release.
3. Current custody release date - the release date calculated with detention time credit and with all good time (deductions) awarded and not lost up to the prior month. It also takes account of the restoration of lost good time (deductions) if that occurred any time up to the prior month.

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**VII. PROCEDURES**

**Procedure A: Community Transition Program, General**

1. The Commissioner, or designee, shall be responsible for the overall administration of the Department’s community transition program.
2. The Chief Administrative Officer, or designee, of each adult receiving facility shall be responsible to ensure there is made available to all residents upon intake to the facility written information about the community transition program, including eligibility requirements, the criteria and review and approval process, and the mandatory conditions.
3. It shall be the responsibility of each adult facility resident and their case manager to work collaboratively on an individualized case plan to include programs and services throughout the time of imprisonment toward the goal of participating in the community transition program when eligible.
4. The Chief Administrative Officer, or designee, of each adult facility with a community transition program shall be responsible for the day-to-day management of the program.
5. All decisions relating to whether an eligible resident is recommended for approval or is approved to participate in a community transition program shall have as the primary determining factor the likelihood that the resident will successfully complete the program, considering, but not limited to, the following criteria:
  - a. the fulfillment of:
    - 1) expectations as to conduct;
    - 2) expectations as to work, education, and rehabilitation programs assigned in the resident’s individualized case plan;

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- 3) other rehabilitative efforts, including the resident’s demonstration of positive change; and
  - 4) other accomplishments (e.g., volunteering, mentoring other residents, etc.); and
  - b. if applicable, participation in community programs during the current time in custody (e.g., furloughs, prior community transition release programs, etc.).
6. An eligible resident shall not be denied approval for a community transition program solely because of the type of crime they committed or solely because of objections received from the community. However, the circumstances of the crime or objections from the community may be the basis of modifications to the resident’s community transition program application or of additional conditions in order to enhance the likelihood of their successfully completing the program, if approved.
  7. Specific information about input from prosecutors, law enforcement, victims, other persons in the community, and the Office of Victim Services shall not be disclosed to the resident under any circumstances.
  8. The community transition program includes, but is not limited to, the following:
    - a. application and screening for eligibility;
    - b. approval or denial;
    - c. conditions for residents while in the program;
    - d. monitoring through random contacts with residents while at work release, education release, and/or public service release sites;
    - e. documentation;
    - f. a system for evaluating community transition program effectiveness; and
    - g. efforts to obtain community cooperation and support, e.g., by recruiting suitable employers, education placements, and public service opportunities.
  9. A work release job must involve compensation for the resident at the prevailing local wage for similar work in the community.
  10. The approval for a community transition program must specify the location or locations within the State of Maine and be for a specified period of time.
  11. The Chief Administrative Officer, or designee, may extend the specified period of time in the event of an emergency (e.g., storm or other natural disaster, verified vehicle breakdown or road condition issue, verified resident medical emergency, facility lockdown or other facility emergency, etc.).
  12. The Chief Administrative Officer, or designee, may implement facility practices for pre-approving locations for community transition programs and providing a list of pre-approved locations to eligible residents. This may include, but is not limited to, pre-approved work sites, educational institutions, and public service sites.
  13. The existence of a pre-approved list does not preclude a resident from requesting a different location for a community transition program, which shall be reviewed for suitability in accordance with facility practices.

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14. All expenses incurred while participating in a community transition program are the responsibility of the resident or other appropriate private source, except for necessary medical expenses due to an emergency occurring while on the program that are not covered by some other appropriate source, such as vehicle insurance or MaineCare.
15. Transportation to and from the facility is the responsibility of the resident, the employer (for work release), or another appropriate private source. The Chief Administrative Officer, or designee, may implement facility practices for pre-approving transportation provided by employers, to include a list of pre-approved vehicles and drivers.
16. As a convenience, the facility may, but is not obligated to, provide transportation.
17. A volunteer or family member who would be eligible to be a furlough sponsor as set out in Department Policy (AF) 27.4, Furlough Program may also be approved to provide transportation. If the driver is a volunteer, the volunteer must at least twenty-one (21) years old; be cleared through the volunteer process; have completed training, to include training specific to the community transition program; and have been approved to provide transportation for the resident by the Chief Administrative Officer, or designee.
18. If a resident is taken off facility grounds by facility staff or by an employee of another government agency (e.g., Department of Transportation) for a work crew, it is not a community transition program release and is governed by the applicable departmental policy.

**Procedure B: Eligibility Requirements**

1. To be eligible for a community transition program, the resident must have:
  - a. served at least thirty (30) days of the term of imprisonment in the facility providing the community transition program; and
  - b. no more than three (3) years remaining on the term(s) of imprisonment or, in the case of a split sentence, on the unsuspended portion, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307 to 2311 (i.e., first day at the community transition site must be no more than three (3) years prior to the resident's current custody release date).
2. In addition to the above, the resident:
  - a. must be classified community custody;
  - b. must have no detainers, warrants, or other pending holds preventing participation in a community program as set out in Department Policy (AF) 23.1, Classification System; and
  - c. must have completed or be actively participating in assigned core programs and be currently case plan compliant.
3. Finally, the resident must not have been found guilty of a Class A or B disciplinary violation within ninety (90) days of submitting the application to participate in the community transition program or anytime thereafter prior to the scheduled first day at the site and must not have a Class A or B disciplinary report pending at the time of submitting the application or scheduled first day at the site.

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## **Procedure C: Planning Meeting**

1. Each adult facility Community Programs Coordinator (CPC), or other designated staff, shall on a monthly basis identify all residents who will become eligible for the community transition program within the next four (4) months and inform the appropriate case managers.
2. As part of this identification process, the CPC, or other designated staff, shall contact appropriate classification staff and that staff shall conduct an electronic records check for any outstanding detainers, warrants or other legal holds or requests for notification from a criminal justice agency.
3. If there is an outstanding detainer, warrant or other legal hold, the classification staff shall take steps to have it resolved as set out in Department Policy (AF) 23.1, Classification System. If there is a request for notification from a criminal justice agency, the classification staff shall notify the agency of the resident's possible release on community transition. The result of the records check and any actions taken by classification staff shall be entered into CORIS.
4. For each resident identified as eligible, their case manager shall coordinate a community transition program planning meeting with the resident within the next month.
5. At the meeting, the case manager shall discuss with the resident the criteria and review and approval process, the mandatory conditions, and the possibility of additional conditions.
6. As soon as practicable after the meeting, the case manager shall forward the Community Transition Program Application (Attachment A) to the CPC, or other designated staff. The application form shall include an agreement by the resident that the Department's Director of Victim Services, or designee, may notify a victim, if applicable, of the requested community transition program placement.
7. A resident may decline to have a community transition program application submitted after the planning meeting.
8. The resident's case manager shall continue to meet with the resident, as necessary, to assist with any modifications to the community transition program application that the resident chooses to submit later in the review process.
9. The resident's case manager shall also continue to meet with the resident, as necessary, to assist with applying for a different community transition program placement.
10. A resident may withdraw an already submitted community transition program application at any time.

## **Procedure D: Unit Team Review**

1. Unless the resident is applying for education or public service release, the facility's Community Program Coordinator (CPC), or other designated staff, shall verify the resident has 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 certified application for a social security card) or a current passport.

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2. The CPC, or other designated staff, shall determine whether persons with whom the resident is likely to have contact, e.g., fellow employees at the work site, are prohibited from visits with the resident.
3. If there are prohibited contacts, the CPC, or other designated staff, shall notify the resident's case manager, who shall notify the resident that they must submit a modified application (e.g., for a site that does not have prohibited contacts). The CPC, or other designated staff, shall reject any subsequent application that does not address the issue and so notify the resident and the resident's case manager. The CPC, or other designated staff, shall document their action in CORIS. There is no appeal from this action.
4. If there are no prohibited contacts and if transportation will not be provided by the facility, the CPC, or other designated staff, shall verify the transportation arrangements (including, unless the transportation is by a bus, taxi, or ride share service, year, make, model, color and license plate number of the vehicle and current registration, insurance, and inspection) and of a valid driver's license (including state, driver's license number, and expiration date) for the person who will be providing transportation from and to the facility.
5. If, after the satisfactory completion of the above steps, the resident remains eligible for the community transition program placement, the CPC, or other designated staff, shall forward the Community Transition Program Application to the Unit Team.
6. If the resident remains eligible, the Unit Team shall review the application and any other relevant information at its next scheduled meeting. As part of its review, the Unit Team may suggest modifications to the application, suggest programs or services that the resident should participate in or complete prior to proceeding with the application, and/or make recommendations for additional conditions in order to enhance the resident's likelihood of successfully completing the program if approved.
7. The Unit Team shall document its review in CORIS, including any suggestions or recommendations and the reasons for those suggestions or recommendations, shall provide the resident with an explanation in writing for any suggested modifications to the application and any suggestions as to programs or services that the resident should participate in or complete prior to proceeding with the application, and shall provide a copy of the explanation to the CPC, or other designated staff, as well as the resident's case manager.
8. If there are no suggestions for modifications to the application and no suggestions as to programs or services, the application as originally forwarded to the Unit Team shall be further forwarded as set out below.
9. If there are suggestions as to programs or services, the resident may choose to withdraw the application and resubmit it after participating in or completing the programs or services as suggested or may choose to have the application further forwarded as set out below.
10. If there are suggestions for modifications to the application, and the application is resubmitted to the Unit Team with modifications, it shall be further reviewed by the Team, after which the application shall be forwarded as set out below.

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11. If there are suggestions for modifications to the application, and the application is not resubmitted to the Unit Team within fifteen (15) days, the application as originally forwarded to the Team shall be further forwarded as set out below.
12. The Unit Team shall forward the application, along with the written explanation sent to the resident, if applicable, and the Community Transition Program Review form (Attachment B) to the facility Chief Administrative Officer, or designee.
13. Along with the above, the Unit Team shall forward to the Chief Administrative Officer, or designee, its recommendation as to whether the application should be approved based upon the primary factor and criteria set out in Procedure A.
14. The Unit Team shall also notify the CPC, or other designated staff, that the Unit Team Review is complete.
15. Upon notification that the Unit Team Review is complete, the CPC, or other designated staff, shall ensure that the Department's Director of Victim Services, or designee, is notified in writing of the proposed community transition program placement.

**Procedure E: Chief Administrative Officer Review and Approval Process**

1. If the resident remains eligible for the community transition program, the Chief Administrative Officer, or designee, after consultation with the Department's Director of Victim Services, or designee, shall review the application and any other relevant information and make a decision as to whether the resident is approved for the community transition program based upon the primary factor and criteria set out in Procedure A and what, if any, modifications to the application and/or additional conditions are required.
2. The Director, or designee, may request the Chief Administrative Officer, or designee, to postpone the decision until the victim, if any, of the crime(s) for which the resident was, is, or will be serving the sentence during the current time and custody is notified of the proposal that the resident be allowed to participate in the community transition program placement and is given the opportunity to provide input.
3. The Chief Administrative Officer, or designee, shall document the decision on the Community Transition Program Review form and in CORIS.

**Procedure F: Further Actions**

1. If approval is granted, the Chief Administrative Officer, or designee, shall notify the Community Programs Coordinator (CPC), or other designated staff, as well as the resident's case manager of that decision.
2. If the resident remains eligible for the program, the CPC, or other designated staff, shall meet with the resident to review the Community Transition Program Agreement and Conditions (Attachment C), including any additional conditions, obtain the resident's signature, and provide to the resident a copy of the signed Community Transition Program Agreement and Conditions. The resident shall attest to the receipt of the copy of the agreement and conditions by acknowledging the receipt in writing.

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3. If the resident is not already classified community custody, a Department approved classification instrument shall be completed by the Unit Team to ensure that the resident is eligible for community custody. If community custody is approved through the classification process, and the resident remains eligible for participation in the community transition program, the resident shall be permitted to participate in the program as set out below.
4. Approval for the community transition program placement may be withdrawn at any time for any reason at the complete discretion of the Commissioner, or designee, or the Chief Administrative Officer, or designee.
5. If approval is denied, the Chief Administrative Officer, or designee, shall notify the CPC, or other designated staff, as well as the resident's case manager, of that decision and provide the written explanation for the decision.
6. The CPC, or other designated staff, shall meet with the resident and provide to the resident a copy of the decision and a copy of the explanation. The resident shall attest to the receipt of the denial and the explanation by acknowledging the receipt in writing.
7. The resident may choose to appeal a denial as provided below or may resubmit an application with material modifications or after participating in or completing suggested programs or services.
8. If a resident who has been denied approval for a community transition program placement, regardless of whether there has been no appeal or the decision to deny has been upheld on appeal, submits an application without the suggested modifications and/or without participating in or completing suggested programs or services, unless the issues leading to the denial have otherwise been resolved, the CPC, or other designated staff, shall reject the application and so notify the resident and the resident's case manager. The CPC, or other designated staff, shall document their action in CORIS. There is no appeal from this action.

**Procedure G: Special Work Release Projects**

1. The Commissioner, or designee, may permit a resident to participate in a work release program without meeting the above eligibility, application, or other requirements or criteria if the resident is classified minimum custody or community custody and the program is for a specified period of time necessary to complete a special work release project.
2. The Commissioner, or designee, may approve participation in the project pursuant to this provision through any process that the Commissioner, or designee, determines appropriate, except that the Commissioner, or designee, shall consult with the Department's Director of Victim Services, or designee.
3. The Director, or designee, may request the Commissioner, or designee, to postpone the decision until the victim, if any, of the crime(s) for which the resident was, is, or will be serving the sentence during the current time and custody is notified of the proposal that the resident be allowed to participate in the special work release project and is given the opportunity to provide input.
4. The Commissioner, or designee, shall document the decision in CORIS.

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5. All residents participating in the special work release project must be under the supervision of Department staff while at the work release site.
6. A resident approved pursuant to this procedure may be removed from the project at any time for any reason at the complete discretion of the Commissioner, or designee.
7. All decisions made pursuant to this procedure are at the complete discretion of the Commissioner, or designee, and these decisions may not be appealed.

**Procedure H: Notification and Record Keeping**

1. As soon as a resident is approved for a community transition program placement, the Community Programs Coordinator (CPC), or other designated staff, shall determine the date for participation and notify the resident’s Unit Manager, Central Control, appropriate classification staff, facility health care staff, the Department’s Director of Classification, or designee, and the Department’s Director of Victim Services, or designee.
2. The date for beginning the community transition program placement (i.e., the first day at the specified work, education, or public service site) shall be set for as early a date as practicable, provided the resident remains eligible, and considering the time needed by facility staff to complete the necessary paperwork, to arrange for the provision of medication while in the community, etc. If applicable, the date shall be set so that if there is a victim of the crime(s) for which the resident was, is, or will be serving a sentence during the current time in custody, there is sufficient time allowed for possible victim notification, in accordance with Department Policy 6.1, Victim Notification of Resident Release.
3. At least three (3) days before the resident’s first day at the specified site, the CPC, or other designated staff, shall ensure that notification of the community transition program release is provided to the Unit Manager, Central Control, admitting staff, facility health care staff, and the Department’s Director of Victim Services, or designee.
4. This notification shall include, but not be limited to, the name of the resident, the beginning date of the placement, the expected days and times of the placement (e.g., Mondays to Fridays, from 8 a.m. to 6 p.m.), the ending date of the placement, if applicable, and the location of the work, education, or public restitution release site, and any community transition program conditions additional to the mandatory conditions.
5. If approval for participation in the community transition program placement is withdrawn or the placement is delayed, the CPC, or other designated staff, shall provide notification of the withdrawal or delay, as soon as possible, to the facility staff who received the notification of the approval, the Department’s Director of Classification, or designee, and the Department’s Director of Victim Services, or designee. The CPC, or other designated staff, shall also remove the resident’s name from the Community Transition Program List.
6. When the resident:
  - a. departs the facility for participation in a community transition program, designated facility staff shall make an entry in the Central Control logbook to include the date and time of the departure and the name of the person who is picking up the resident; and

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- b. returns from the program, designated facility staff shall make an entry in the Central Control logbook to include the date and time of the resident's return and the name of the person who is dropping off the resident.
- 7. Designated facility staff shall ensure that the resident is placed on the out count while they are in the community transition program as set out in Department Policy (AF) 14.2, Count Management.
- 8. All recommendations and decisions made with respect to participation in the community transition program and all meetings with the resident required under this policy shall be documented in CORIS.
- 9. The Community Transition Program Application and all other documents related to the application, up to and including any appeals and responses to appeals, shall be maintained in the resident's case management record.
- 10. No earlier than the day prior to the resident leaving for the site, the CPC, or other designated staff, shall check to ensure that the resident continues to meet all the eligibility criteria and shall initial the agreement form indicating that the check has been made.

**Procedure I: Mandatory Conditions**

- 1. The resident shall be:
  - a. employed in an approved job;
  - b. enrolled in an approved education (including vocational training) program; or
  - c. involved in an approved public service activity.
- 2. The resident shall not change or resign from employment, change or drop an education program, or change or discontinue a public service activity without first having obtained written permission from the Chief Administrative Officer, or designee.
- 3. The resident shall only utilize transportation that has been approved by the Chief Administrative Officer, or designee, including, if applicable, with only an approved driver and other approved passengers.
- 4. The resident shall only be at the location(s) and only for the purposes shown on the Community Transition Program Agreement and Conditions and at ordinary stopovers, e.g., gas, restroom, etc. on a direct route to or from the location(s), shall remain at the specified location(s) during the specified period, and shall return from the program site by the specified time.
- 5. If a resident becomes ill or injured, another unforeseen emergency occurs, or the purpose of the release is canceled or ends early, and the resident is prevented 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 resident shall notify the facility as soon as practicable for instructions and follow the instructions.
- 6. The resident shall not possess or use illegal drugs or other substances that are illegal under federal or state law, shall not possess or use alcohol or marijuana, and shall not misuse any legal substance.

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7. The resident shall submit to urinalysis, breath testing, or other chemical tests at the request of facility staff or a probation officer or if it is a requirement of the employment, education program, or public service activity.
8. The resident shall not own, possess, or use any firearm or other dangerous weapons.
9. The resident shall notify any law enforcement officer, if stopped, of the resident's status as an individual in a Maine Department of Corrections community transition program and notify the Chief Administrative Officer, or designee, as soon as practicable of any such contact with any law enforcement officer.
10. The resident shall not leave the facility with any unallowable property or contraband property, shall bring back to the facility all property they left with, and shall not return from the site with any property they did not take out with them, except for work or education related items as acquired at the job or school if allowed by facility practices.
11. The resident shall not operate any motorized vehicles on a public way and shall not operate any motorized vehicle anywhere else unless it is required as a part of the employment or public service activity and is authorized by the Chief Administrative Officer, or designee, as set out in the additional conditions in the Community Transition Program Agreement and Conditions.
12. The resident shall not convey any messages, written or verbal, into or out of the facility, to any person on behalf of any other person.
13. For a resident on work release, the resident shall relinquish to the Chief Administrative Officer, or designee, all earnings received by the resident with the understanding that required obligations will be deducted in accordance with the collection priority list (Attachment A to Policy 2.12, Resident Accounts).
14. For a resident on work release, the resident shall not ask for or accept advance pay.
15. For a resident on education release, the resident shall relinquish to the Chief Administrative Officer, or designee, all scholarships, grants, stipends, etc. received by the resident with the understanding that required obligations will be deducted in accordance with the collection priority list (Attachment A to Policy 2.12, Resident Accounts). This does not include scholarships, grants, stipends, etc. sent directly by the awarding agency to the educational institution.
16. The resident shall not enter into any contractual agreement without the written permission of the Chief Administrative Officer, or designee.
17. The resident shall not receive visits.
18. The resident shall not send or receive mail, email, telephone calls, texts, faxes, or radio communications unless it is required as a part of the work release job, education release, or public service activity and is authorized by the Chief Administrative Officer, or designee, as set out in the additional conditions in the Community Transition Program Agreement and Conditions or is a means of contact by facility staff.
19. The resident shall not use any electronic device including, but not limited to, desktops, laptops, tablets, wearable devices, external storage devices, and cell phones, unless it

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is required as a part of the work release job, education release, or public service activity and is authorized by the Chief Administrative Officer, or designee, as set out in the additional conditions in the Community Transition Program Agreement and Conditions.

20. The resident shall not use or possess any prescription medication or medication requiring a photo identification to purchase or receive any health care treatment other than as prescribed by facility health care staff, except where an emergency arises and the medication or treatment is prescribed by a licensed health care provider, and upon return to the facility the resident shall notify facility staff of any prescribed medication or treatment received in the community.
21. The resident shall take all reasonable steps to avoid contact with any person with whom they are prohibited from having contact.
22. The resident shall report to designated facility staff any contact with any person with whom they are prohibited from having contact and shall follow the instructions of the staff for avoiding further contact. Instructions may include, but are not limited to, going to a different location or returning to the facility.
23. The resident shall comply with Department Policy (AF) 20.1, Resident Discipline, and other Department policies to the extent applicable.
24. The resident shall comply with all applicable state, federal, and other laws.
25. For a resident who has been sentenced to probation or supervised release for sex offenders, the resident shall, as applicable and practicable, comply with all court-ordered conditions of probation or supervised release while on the community transition program release, including any condition that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current revocation.
26. Additional conditions may be imposed at any time by the Chief Administrative Officer, or designee, and if there are any additional conditions for the community transition program, they shall be specified on the Community Transition Program Agreement and Conditions form.

**Procedure J: Random Contacts with Residents at the Community Transition Program Site**

1. Designated facility staff shall monitor each resident at a community transition program site on a random basis, whether by contacting the resident directly by telephone or other means, by visiting the site, or by communicating with the employer or other person in the community overseeing the resident, at least weekly.
2. Designated facility staff shall visit at least of 25% of all work sites and other community transition program sites on a random basis, at least monthly.
3. If staff discover any issue with the site or with any resident 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 residents are to return or be returned to the facility.

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4. If the Chief Administrative Officer, or designee, determines that a resident needs to be contacted in person, the Chief Administrative Officer, or designee, shall have facility staff contact the resident. After staff have contacted and reported back or if contact was not able to be made 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 resident is to return or is to be returned to the facility.
5. All contacts or attempts at contact and any resulting issues and actions shall be documented in CORIS.

**Procedure K: Termination of a Community Transition Program Release**

1. A resident’s failure to follow any condition of the community transition program may result in termination of the release. It may also result in disciplinary action, revocation of probation or supervised release for sex offenders, and/or criminal prosecution.
2. If facility staff observes, receives a report of, or otherwise discovers that a resident may have violated the Community Transition Program Agreement and Conditions, the staff shall immediately notify the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, shall make a decision at that time whether to terminate the resident’s work, education, or public service release, and, if so, by what means the resident is to return or be returned to the facility.
3. The staff shall also immediately notify the Chief Administrative Officer, or designee, if it appears that the resident has failed to go to the location specified, failed to remain at the specified location during the specified period, or failed to return from work, education, or public service release by the specified time and therefore may have escaped from the community transition program as set out in Title 17-A, Section 755(1) or (1-C).
4. This does not apply if a resident becomes ill or injured, another unforeseen emergency occurs, or the purpose of the release is canceled or ends early, and the resident is prevented from going to the location specified, remaining at the specified location during the specified period, or returning from a release by the specified time, and the resident has notified facility staff for instructions and is following the instructions.
5. If the Chief Administrative Officer, or designee, is notified by facility staff that a resident may have escaped, they shall notify the Commissioner, or designee, to determine whether to have the resident returned to a Department facility or arrested and held in a jail pending return to a Department facility, have the facility issue an arrest warrant for escape, or take other appropriate action. If the Chief Administrative Officer, or designee, believes it is necessary to have the resident arrested based on probable cause of an escape prior to notifying the Commissioner, or designee, the Chief Administrative Officer, or designee, may do so.
6. The Chief Administrative Officer, or designee, shall also notify the Department’s Director of Victim Services, or designee, if it appears the resident may have escaped and if and when the resident returns or is returned to the facility or is arrested.
7. If a community transition program release is terminated, the staff notifying the Chief Administrative Officer, or designee, of the violation shall, as soon as possible, complete a written report stating the reason(s) for the termination. The staff shall forward the

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report to the Chief Administrative Officer, or designee, who shall forward it to the Department's Director of Classification, and the Department's Director of Victim Services, or their designees.

8. Once the report is completed, the staff shall ensure the information is entered into CORIS.
9. Regardless of whether a resident has failed to follow any rule or condition of the community transition program, a work, education, or public service release may be terminated at any time, for any reason, in the complete discretion of the Commissioner, or designee.

#### **Procedure L: Suspension or Restriction of Privileges**

1. A resident's failure to follow any condition of the community transition program may also result in suspension or restriction of community transition program privileges as determined by the Chief Administrative Officer, or designee.
2. The resident shall be notified in writing of a suspension or restriction of their community transition program privileges.
3. A suspension or restriction may be imposed for either a definite or indefinite period of time.
4. In the case of a suspension or restriction of a resident's community transition program privileges for a definite period of time, once the specified time has elapsed, the resident may apply for reinstatement of community transition program privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
5. In the case of a suspension or a restriction of community transition program privileges for an indefinite period of time, after a year has elapsed, the resident may apply for reinstatement of community transition program privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
6. If a resident's community transition program privileges have been suspended, the resident shall be informed in writing that they may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that they may reapply after one year has elapsed.
7. Nothing in this policy prevents a resident from receiving a disciplinary disposition of loss of community transition program privileges for a disciplinary violation related to the community transition program in accordance with Department Policy (AF) 20.1, Resident Discipline.

#### **Procedure M: Appeals**

1. A resident may appeal a decision to deny or withdraw approval for a community transition program release by sending the Appeal (SCCP, Furlough Program,

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Community Transition Program) form (Attachment D) to the Department's Director of Classification, or designee, via the U.S. Postal Service.

2. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of when the written explanation of the denial was received by the resident or the resident was notified of the withdrawal of the approval, whichever is applicable.
3. A resident may appeal termination of a community transition program release by sending the Appeal (SCCP, Furlough Program, Community Transition Program) form (Attachment D) to the Department's Director of Classification, or designee, via the U.S. Postal Service.
4. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of the termination.
5. A resident may appeal a restriction or suspension of community transition program privileges by sending the Appeal (SCCP, Furlough Program, Community Transition Program) form (Attachment D) to the Department's Director of Classification, or designee, via the U.S. Postal Service.
6. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of when the restriction or suspension decision was received by the resident.
7. If an appeal is timely, after reviewing the case with the Director of Victim Services, or designee, the Director of Classification, or designee, shall make a decision on the appeal and send a written response to the resident within fifteen (15) days after receiving the appeal. The response to the appeal shall be marked as "legal mail" and processed as such at the facility where the resident is housed.
8. Upon review of the appeal, the Director of Classification, or designee, may:
  - a. approve the decision;
  - b. reverse the decision;
  - c. modify the decision; or
  - d. remand the matter for review at an earlier point in the process.
9. The Director of Classification, or designee, shall provide a copy of the response to the Director of Victim Services, and the applicable Chief Administrative Officer, or their designees. The Department's Director of Classification, or designee, shall also document the final decision in CORIS.
10. The Department's Director of Classification, or designee, is the final authority on an appeal (i.e., there is no further administrative level of appeal).

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