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<b>POLICY NUMBER: 27.4</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 1, 1985	<b>LATEST REVISION:</b> December 21, 2022	<b>CHECK ONLY IF</b> <b>APA [ X ]</b>

**I. AUTHORITY**

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

**II. APPLICABILITY**

All Departmental Adult Facilities

**III. POLICY**

Participation in the furlough program provides adult facility residents with the opportunity to prepare for a successful reentry into the community following imprisonment by allowing approved residents authorized absences from the facility under carefully prescribed conditions to arrange for housing, employment, education, or treatment; participate in education or treatment; and maintain and/or reestablish family ties. 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. 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.
3. Family member - For purposes of this policy, family member means: spouse or domestic partner or the resident's parent, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster or through marriage; other family member approved by the Chief Administrative Officer, or designee; a person that was primarily responsible for raising the resident, as verified by designated Department staff; or a person with whom the resident had a marital like relationship for at least one (1) year

prior to the resident's commitment, as verified by designated Department staff through documentation (e.g., utility bill, rental agreement, etc.).

4. Furlough program - an authorized temporary absence from the facility granted to an adult facility resident unaccompanied by facility staff on either a furlough pass or furlough leave.
5. Furlough pass - an authorized temporary absence from the facility granted to an adult resident unaccompanied by facility staff for up to six (6) hours during the daytime.
6. Furlough leave - an authorized temporary absence from the facility granted to an adult resident unaccompanied by facility staff from the facility for over six (6) hours, usually overnight and may include weekends.
7. Projected release date - the release date calculated by starting with the current custody release date and then projecting how much good time (deductions) the resident could earn based on the applicable good time code and their current job or program status during the rest of their sentence.
8. Staff - for purposes of this policy, Department employee or a person in a facility providing services to an adult resident or juvenile resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.).

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- Attachment C: Authorization for the Disclosure of Information for the Purpose of Community Review
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**VII. PROCEDURES**

**Procedure A: Furlough Program, General**

1. The Commissioner, or designee, shall be responsible for the overall administration of the Department’s furlough 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 furlough 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 furlough program when eligible.
4. The Chief Administrative Officer, or designee, of each adult facility with a furlough 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 furlough shall have as the primary determining factor the likelihood that the resident will successfully complete the furlough, 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;
    - 3) other rehabilitative efforts, including the resident’s demonstration of positive change; and
    - 4) other accomplishments (e.g., volunteering, mentoring other residents, etc.);
  - b. if it is an overnight furlough leave, arrangements for suitable housing in the community, taking into consideration the proximity of housing to any victim, including a victim’s housing, place of employment, or educational institution being attended, if applicable;
  - c. if applicable, the existence of support systems and resources in the community; and
  - d. if applicable, participation in community programs during the current time in custody (e.g., work release, prior furlough passes, etc.).

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6. An eligible resident shall not be denied approval for a furlough 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 furlough application or of additional conditions in order to enhance the likelihood of their successfully completing the furlough 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 furlough program includes, but is not limited to, the following:
  - a. application and screening for eligibility;
  - b. approval or denial;
  - c. conditions for residents while on a furlough;
  - d. monitoring through random contacts with residents while on a furlough leave;
  - e. documentation;
  - f. a system for evaluating furlough program effectiveness; and
  - g. efforts to obtain community cooperation and support, e.g., by arranging for employment interviews, housing applications, and family support.
9. The approval for a furlough must specify the location or locations within the State of Maine and be for a specified period of time.
10. 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 or family medical emergency, facility lockdown or other facility emergency, etc.).
11. The Chief Administrative Officer, or designee, may implement facility practices for pre-approving locations for furloughs and providing a list of pre-approved locations to eligible residents:
  - a. for furlough passes, this may include, but is not limited to, pre-approved restaurants, movie theaters, parks, museums; or
  - b. for furlough leaves where family lives out of state, this may include, but is not limited to, pre-approved hotels, motels and camps.
12. In determining if a location is to be pre-approved, facility staff may consult with the appropriate probation officer.
13. The existence of a pre-approved list does not preclude a resident from requesting a different location for a furlough pass or furlough leave, which shall be reviewed for suitability in accordance with facility practices.
14. All expenses incurred while on furlough are the responsibility of the resident, their family, sponsor, or other appropriate private source, except for necessary medical

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expenses due to an emergency occurring while on the furlough 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, their family, furlough sponsor, or other appropriate private source.
16. If a resident is taken off facility grounds by facility staff (e.g., for a medical appointment or a public restitution work crew) or by an employee of another government agency (e.g., for a Department of Transportation work crew), it is not a furlough and is governed by the applicable departmental policy.
17. If a resident is off facility grounds to participate in a community transition release program (work release, education release, or public service release), it is not a furlough and is governed by Department Policy (AF) 27.3, Community Transition Program.

**Procedure B: Eligibility Requirements**

1. To be eligible for a furlough, the resident must have:
  - a. served at least thirty (30) days of the term of imprisonment in the facility providing the furlough 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 on a furlough 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 a furlough or anytime thereafter prior to the scheduled furlough and must not have a Class A or B disciplinary report pending at the time of submitting the application or scheduled furlough.
4. Furloughs may be granted for the following rehabilitative purposes:
  - a. to attend an interview, assessment, or evaluation for the purpose of arranging a housing placement, employment, education, or treatment;
  - b. to participate in an approved treatment program; or
  - c. for any other reason consistent with the rehabilitation of the resident that contributes to release and reentry planning as authorized by the Chief Administrative Officer, or designee.

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5. Furloughs may also be granted to visit with family at an approved location. A furlough to visit with family must be in order to attend a significant family event, such as a graduation, birth of a baby, or wedding; reconnect with a family member who will be part of resident's support system upon release; or learn life skills needed for life in the community after a long term of imprisonment.
6. Furloughs to visit with family have the following additional requirements:
  - a. the resident must have served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of 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.
  - b. a resident who is serving concurrent sentences must have served 1/2 of the term of imprisonment imposed or, in the case of a split sentence, of the unsuspended portion, on the controlling sentence, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307 to 2311.
  - c. a resident who is serving consecutive or nonconcurrent sentences must have served 1/2 of the imprisonment time to be served on the combined sentences, after consideration of any deductions that the resident has received and retained under Title 17-A, Sections 2302(1), 2305, and 2307 to 2311. Depending on the length of the sentences and the deductions received and retained, a resident may become eligible for a furlough to visit with family during any of the sentences.

**Procedure C: Sponsor Requirements**

1. In order for a person to sponsor a resident for a furlough pass, the person must be approved by the Chief Administrative Officer, or designee. An approved sponsor for a furlough pass must be a family member or must be a facility volunteer who has been cleared through the volunteer process as set out in Department Policy (AF) 26.1, Volunteer Program and has completed training to include training specific to furlough passes. A volunteer shall not be approved to be a furlough pass sponsor unless the person is a volunteer who works with residents in person at that facility.
2. In order for a person to sponsor a resident for a furlough leave, the person must be approved by the Chief Administrative Officer, or designee. An approved sponsor for a furlough leave must be a family member.
3. The sponsor must be at least eighteen (18) years old.
4. The sponsor shall not be staff or a student intern.
5. The sponsor shall not be a person who is currently charged with murder or a Class A, B or C criminal or juvenile criminal offense. The sponsor shall not be a person who is currently charged with a Class D or E criminal or juvenile criminal offense, unless an exception is made by the Chief Administrative Officer, or designee.
6. The sponsor shall not be a former Department resident, unless an exception is made by the Chief Administrative Officer, or designee.

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7. The sponsor shall not be a person under the current supervision of the Department in the community, unless an exception is made by the Chief Administrative Officer, or designee, and the Regional Correctional Administrator, or designee.
8. If the resident is proposing as a sponsor a person who does not meet one of the above requirements unless an exception is made, the CPC, or other designated staff, shall so note that on the application and in CORIS, and unless an exception is made by the above person(s), as part of their reviews, the resident shall be required to submit a modified application addressing the issue. There is no appeal from a failure to make an exception.
9. A sponsor shall not be a person who the resident is prohibited from having contact with pursuant to Department Policy 6.3, Contact with Victims, unless the resident is eligible for and is granted a waiver for contact under that policy.
10. A sponsor shall not be a person who the resident is prohibited from having contact with for any other reason, such as a court order or as otherwise set out in an applicable Department policy.

**Procedure D: Furlough Pass**

1. A furlough pass is a privilege granted to an adult resident for an authorized temporary absence from the facility unaccompanied by staff. Except as set out below, a resident must always be accompanied by an approved sponsor.
2. The resident may be permitted to go on a furlough pass without a sponsor only if approved by the Chief Administrative Officer, or designee, and only within the last six (6) months of the resident's current custody release date.
3. A furlough pass may be granted for up to six (6) hours.
4. The frequency of furlough passes may be as follows:
  - a. for a resident three (3) years to six (6) months from current custody release date, once a week; and
  - b. for a resident less than six (6) months from projected release date, twice a week.

**Procedure E: Furlough Leave**

1. A furlough leave is a privilege granted to an adult resident for an authorized temporary absence from the facility unaccompanied by staff. The resident must always be accompanied by an approved sponsor.
2. A furlough leave may be granted for a period of time of more than six (6) hours and up to twenty-four (24) hours for an initial furlough leave.
3. A furlough leave may be granted for a period of time of more than six (6) hours and up to seventy-two (72) hours for subsequent furlough leaves, unless a longer furlough leave is approved by the Commissioner, or designee.

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4. The frequency of furlough leaves may be as follows:
  - a. for a resident three (3) years to six (6) months from current custody release date, every sixty (60) days;
  - b. for a resident less than six (6) months and up to thirty (30) days from projected release date, once per month; and
  - c. for a resident less than thirty (30) days from projected release date, two (2) furloughs.

**Procedure F: 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 furlough 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 furlough. 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 furlough 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 the review and approval process, the mandatory conditions, and the possibility of additional conditions. They shall also discuss the resident's obligation to inform their sponsor while they are on furlough of the obligations that the sponsor will have to fulfill.
6. As soon as practicable after the meeting, the case manager shall forward the Furlough Pass Application (Attachment A) or Furlough Leave Application (Attachment B), as applicable, 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 furlough pass or furlough leave.
7. If the resident is applying for an initial furlough leave, the case manager shall also forward to the CPC, or other designated staff, the Authorization for the Disclosure of Information for the Purpose of Community Review (Attachment C) and, if applicable, the Authorization for Disclosure of Information Acquired in Connection with the Provision of Substance Use Disorder Treatment Services by the Department of Corrections (Attachment D to Department Policy (AF) 11.2, Confidentiality of Resident Information), which, along with the application, shall constitute the furlough leave packet.

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8. For an initial furlough pass or initial furlough leave, the completed application and other documents shall be submitted at least three (3) months in advance of the proposed furlough date.
9. A resident may decline to have a furlough program application submitted after the planning meeting.
10. The resident's case manager shall continue to meet with the resident, as necessary, to assist with any modifications to the furlough program application that the resident chooses to submit later in the review process.
11. The resident's case manager shall also continue to meet with the resident, as necessary, to assist with applying for subsequent furlough passes or leaves.
12. For a subsequent furlough pass or furlough leave, if the furlough is requested for a location or sponsor different from that of a previously granted furlough, the application must be submitted at least three (3) months in advance of the proposed furlough date.
13. For a subsequent furlough pass or furlough leave, if the furlough is requested for the same location and sponsor as a previously granted furlough, the application must be submitted at least five (5) weeks in advance of the proposed furlough date.
14. If it is a subsequent furlough pass or furlough leave and it is an emergency (e.g., medical emergency involving a family member) or the Chief Administrative Officer, or designee, determines it is otherwise necessary, the resident may be allowed to submit a furlough application closer to the proposed furlough date.
15. The Chief Administrative Officer, or designee, may implement facility practices to allow a resident to apply for multiple subsequent furlough passes or furlough leaves to the same location and, if applicable, with the same sponsor, as a previously granted furlough pass or leave, using one application, if they are requested to be more frequent than once a month. In such a case, the review and approval process and the notifications set out below may be consolidated to cover all of the furloughs proposed and/or approved for that resident for that month. (For example, a resident who has been granted a furlough pass and is now eligible for furlough passes twice a week may use one application to request eight furlough passes to the same location and with the same sponsor for a particular calendar month, and the Unit Team and the Chief Administrative Officer may review and approve all eight passes together and the notifications of the eight proposed and/or approved furlough passes may be made in one writing.)
16. A resident may withdraw an already submitted furlough program application at any time.

**Procedure G: Unit Team Review**

1. For a furlough pass with a family member or for a furlough leave, the facility's Community Program Coordinator (CPC), or other designated staff, shall verify the contact phone number listed by the resident and enter the results into CORIS.
2. For an initial furlough or a subsequent furlough to a different sponsor, the CPC, or other designated staff, shall determine whether the proposed sponsor and other persons with

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whom the resident is likely to have contact, e.g., family living with the sponsor at the proposed furlough location, 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 different sponsor who is not a prohibited contact). 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, the CPC, or other designated staff, shall contact the proposed sponsor to find out if the person is willing and able to sponsor the resident while on furlough.
5. If the person is willing and able to sponsor the resident, the CPC, or other designated staff, shall forward a copy of the sponsor's Furlough Agreement (CORIS form) and shall also forward the Furlough Program Agreement and Conditions (Attachment D) and the Furlough Sponsor Rules (Attachment E) to the proposed sponsor.
6. Once the signed Furlough Agreement has been received back from the sponsor, the CPC, or other designated staff, shall conduct a review and enter the results into CORIS. The review shall consist of:
  - a. criminal history background check of the sponsor and of other persons with whom the resident is likely to have contact, if appropriate;
  - b. verification of transportation arrangements (including 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;
  - c. for a furlough pass, consultation with the local probation officer, if it appears the probation officer may be familiar with the sponsor or other persons with whom the resident is likely to have contact, or is familiar with the proposed location (other than a pre-approved location), or that the officer has other relevant information; and
  - d. if applicable, the obtaining of other relevant information (e.g., if a furlough pass is being proposed for an interview for employment, confirmation of the time and place of the scheduled interview).
7. For a furlough pass, if the sponsor is a volunteer, in addition to taking the above steps, the CPC, or other designated staff, shall ensure the volunteer is at least twenty-one (21) years old; the volunteer has been cleared through the volunteer process; the volunteer has completed training, to include training specific to furlough passes; and the volunteer has been approved to take the resident on a pass by the Chief Administrative Officer, or designee.
8. If, after the satisfactory completion of the above steps, the resident remains eligible for the furlough, the CPC, or other designated staff, shall forward the Furlough Pass Application or Furlough Leave Application, as applicable, to the Unit Team.

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9. If the resident remains eligible, the Unit Team shall review the furlough 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 furlough if approved.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The Unit Team shall forward the application, along with the written explanation sent to the resident, if applicable, and the Furlough Program Review Form (Attachment F) to the Chief Administrative Officer, or designee.
16. 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.
17. The Unit Team shall also notify the CPC, or other designated staff, that the Unit Team Review is complete.
18. 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, the prosecuting attorney, the district attorney for the district in which the proposed furlough address is located, the Maine Department of Public Safety, the sheriff for the county in which the proposed furlough address is located, and the police chief of any municipality in which the proposed furlough is located is notified in writing of the proposed furlough. In addition, if the resident might be allowed to go to a location other than the furlough

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address and it is in a different municipality or county, notification shall be made to the appropriate criminal justice agencies for that location.

19. For a furlough pass or for a furlough leave to the same location and with the same sponsor as a previously granted furlough leave, the written notification shall request that any feedback about the proposal, including any objections to the resident being granted a furlough, be made to the facility Chief Administrative Officer, or designee. For an initial furlough leave or a furlough leave to a different location or with a different sponsor, the written notification shall request that any feedback about the proposal, including any objections to the resident being granted a furlough, be made to the appropriate Regional Correctional Administrator, or designee, who shall forward it to the probation officer for inclusion in the Furlough Leave Community Report.

#### **Procedure H: Chief Administrative Officer Review**

1. For a furlough leave not requiring a Community Review or for a furlough pass, if the resident remains eligible for the furlough, the Chief Administrative Officer, or designee, after waiting at least one (1) week for feedback from the notified criminal justice agencies and after consultation with the Department's Director of Victim Services, or designee, shall review the furlough application and any other relevant information and make a decision as to whether the resident is approved for the furlough 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 furlough and is given the opportunity to provide input.
3. The Chief Administrative Officer, or designee, shall document the decision on the Furlough Program Review form and in CORIS.
4. For a furlough leave requiring a Community Review (an initial furlough leave or a second or subsequent furlough leave to a different location or with a different sponsor), if the resident remains eligible for the furlough, the Chief Administrative Officer, or designee, shall review the furlough leave application and any other relevant information and make a recommendation as to whether the resident should be approved for the furlough leave based upon the primary factor and criteria set out in Procedure A.
5. If the resident is recommended for the furlough leave, the Chief Administrative Officer, or designee, shall document the recommendation in CORIS, including any additional conditions recommended, and the reasons for the recommendations and ensure the Unit Team forwards the application and other documents as set out below.
6. If the resident is not recommended for the furlough leave, the Chief Administrative Officer, or designee, shall document the recommendation and the reasons for the recommendation in CORIS, shall provide an explanation to the resident in writing, to include any suggested modifications to the application and any suggestions as to programs or services that the resident should participate in or complete prior to

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resubmitting the application, and shall provide a copy of the explanation to the Unit Team, the CPC, or other designated staff, as well as the resident's case manager.

7. If there are suggestions as to programs or services, the resident may choose to withdraw the application and resubmit it after they have participated in or completed the programs or services as suggested or may choose to have the application further forwarded as set out below.
8. 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 and the Chief Administrative Officer, or designee, and a further recommendation shall be made by the Chief Administrative Officer, or designee, after which the application shall be forwarded as set out below.
9. If there are suggestions for modifications to the application, and the application is not resubmitted within fifteen (15) days, the application as originally forwarded to the Chief Administrative Officer, or designee, and other documents shall be further forwarded as set out below.
10. Once this initial Chief Administrative Officer Review is completed, the Unit Team shall:
  - a. forward the following to the appropriate Regional Correctional Administrator, or designee:
    - 1) the furlough leave packet;
    - 2) the Furlough Leave Review form; and
    - 3) written explanation(s) sent to the resident, if applicable; and
  - b. notify the CPC, or other designated staff, that the initial Chief Administrative Officer Review is complete.

**Procedure I: Community Review for Initial Furlough Leave or Subsequent Furlough Leave to Different Location or with Different Sponsor**

1. If the resident remains eligible for the furlough leave, upon receipt of the furlough leave packet and the other documents, the Regional Correctional Administrator, or designee, shall ensure a probation officer completes the Furlough Leave Community Report (Attachment G) within thirty (30) days.
2. The probation officer may include in the report suggested modifications to the Furlough Leave Application and/or recommendations for additional conditions in order to enhance the resident's likelihood of successfully completing the furlough if granted.
3. Once the Furlough Leave Community Report is completed, the probation officer shall ensure the information is entered into CORIS.
4. The Regional Correctional Administrator, or designee, shall review the furlough leave application, the report, and any other relevant information and make a recommendation as to whether the resident should be approved for the furlough leave based upon the primary factor and criteria as set out in Procedure A.

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5. If the resident is recommended for furlough leave, the Regional Correctional Administrator, or designee, shall document the recommendation in CORIS, including any additional conditions recommended, and the reasons for the recommendations and forward the furlough leave packet and other documents as set out below.
6. If the resident is not recommended for furlough leave, the Regional Correctional Administrator, or designee, shall document the recommendation and the reasons for the recommendation in CORIS, shall provide an explanation to the resident in writing, to include any suggested modifications to the Furlough Leave Application, and shall provide a copy of the explanation to the probation officer, the Community Programs Coordinator (CPC), or other designated staff, as well as the resident's case manager.
7. If the Furlough Leave Application is resubmitted to the Regional Correctional Administrator, or designee, with modifications, it shall, if necessary, be forwarded to the probation officer for the completion of a new Furlough Leave Community Report. The application, and any new report, shall be further reviewed by the Regional Correctional Administrator, or designee, and a further recommendation shall be made by the Regional Correctional Administrator, or designee, after which the packet with the modified application and other documents shall be forwarded as set out below.
8. If the application is not resubmitted within fifteen (15) days, the packet with the application as originally forwarded to the Regional Correctional Administrator, or designee, and other documents shall be further forwarded as set out below.
9. Once the Community Review is completed, the Regional Correctional Administrator, or designee, shall:
  - a. forward the following to the appropriate Chief Administrative Officer, or designee:
    - 1) the furlough leave packet;
    - 2) the Furlough Leave Community Report;
    - 3) the Furlough Leave Review form; and
    - 4) written explanation(s) sent to the resident, if applicable; and
  - b. notify the Community Programs Coordinator (CPC), or other designated staff, that the Community Review is complete. The CPC, or other designated staff, shall then notify the Department's Director of Classification (if it is an initial furlough leave) and the Director of Victim Services, or their designees.
10. Along with the above, the Regional Correctional Administrator, or designee, shall forward to the Chief Administrative Officer, or designee, their recommendation as to whether the application should be approved based upon the primary factor and criteria set out in Procedure A.

**Procedure J: Chief Administrative Officer Review for Initial Furlough Leave or Subsequent Furlough Leave to Different Location or with Different Sponsor**

1. For a furlough leave not requiring the approval of the Department's Director of Classification, or designee, if the resident remains eligible for the furlough, the Chief Administrative Officer, or designee, after consultation with the Department's Director of

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Victim Services, or designee, shall review the furlough application, the community report, and any other relevant information and make a decision as to whether the resident is approved for the furlough 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 furlough and is given the opportunity to provide input.
3. The Chief Administrative Officer, or designee, shall document the decision on the Furlough Program Review form and in CORIS.
4. For a furlough leave requiring the approval of the Department's Director of Classification, or designee (an initial furlough leave), if the resident remains eligible for the furlough, the Chief Administrative Officer, or designee, shall review the furlough leave application, the community report, and any other relevant information and make a recommendation as to whether the resident should be approved for the furlough leave based upon the primary factor and criteria set out in Procedure A.
5. If the resident is recommended for the initial furlough leave, the Chief Administrative Officer, or designee, shall document the recommendation in CORIS, including any additional conditions recommended, and the reasons for the recommendations and ensure the Unit Team forwards the application and other documents as set out below.
6. If the resident is not recommended for the initial furlough leave, the Chief Administrative Officer, or designee, shall document the recommendation and the reasons for the recommendation in CORIS, shall provide an explanation to the resident in writing, to include any suggested modifications to the application and any suggestions as to programs or services that the resident should participate in or complete prior to resubmitting the application, and shall provide a copy of the explanation to the Unit Team, the CPC, or other designated staff, as well as the resident's case manager.
7. If there are suggestions as to programs or services, the resident may choose to withdraw the application and resubmit it after they have participated in or completed the programs or services as suggested or may choose to have the application further forwarded as set out below.
8. 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 and the Chief Administrative Officer, or designee, and a further recommendation shall be made by the Chief Administrative Officer, or designee, after which the application shall be forwarded as set out below.
9. If there are suggestions for modifications to the application, and the application is not resubmitted within fifteen (15) days, the application as originally forwarded to the Chief Administrative Officer, or designee, and other documents shall be further forwarded as set out below.

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10. Once the Chief Administrative Officer Review is completed, the Chief Administrative Officer, or designee, shall:
  - a. forward the following to the Department's Director of Classification, or designee:
    - 1) furlough leave packet;
    - 2) Furlough Leave Community Report;
    - 3) Furlough Leave Review form; and
    - 4) written explanation(s) sent to the resident, if applicable; and
  - b. notify the CPC, or other designated staff, that the Chief Administrative Officer Review is complete. The CPC, or other designated staff, shall then notify the Department's Director of Victim Services, or their designees.
11. Along with the above, the Chief Administrative Officer, or designee, shall forward to the Department's Director of Classification, or designee, their recommendation as to whether the initial furlough leave should be approved based upon the primary factor and criteria set out in Procedure A.

**Procedure K: Director of Classification Review and Approval Process**

1. If the resident remains eligible for the initial furlough leave, the Department's Director of Classification, or designee, after consultation with the Department's Director of Adult Community Corrections and Director of Victim Services, or their designees, shall review the application, the community report, and any other relevant information, and make the decision as to whether the initial furlough leave is approved based upon the primary factor and criteria set out in Procedure A and what, if any, modifications to the SCCP Plan and/or additional conditions are required.
2. The Director of Victim Services, or designee, may request the Director of Classification, 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 furlough and is given the opportunity to provide input.
3. The Department's Director of Classification, or designee, shall document the decision on the Furlough Program Review form and in CORIS.

**Procedure L: Further Actions**

1. If approval is granted, the Chief Administrative Officer, or designee, or the Director of Classification, or designee, as applicable, shall notify the Community Programs Coordinator (CPC), or other designated staff, as well as the resident's case manager, of that decision. The Director of Classification, or designee, if applicable, shall also notify the Chief Administrative Officer, or designee.
2. If the resident remains eligible for the furlough, the CPC, or other designated staff, shall meet with the resident to review the Furlough Program Agreement and Conditions, (including any additional conditions, obtain the resident's signature, and provide to the resident a copy of the signed Furlough Program Agreement and Conditions. The

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resident shall attest to the receipt of the copy of the agreement and conditions by acknowledging the receipt in writing.

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 furlough program, the resident shall be permitted to participate in the furlough as set out below.
4. Approval for the furlough 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, or Director of Classification, or designee, as applicable, 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. The Director of Classification, or designee, if applicable, shall also notify the Chief Administrative Officer, or designee.
6. The CPC, or other designated staff, shall meet with the resident and provide to the resident a copy of the decision and the written 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 furlough, 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 M: Medical Furlough Leave**

1. The Commissioner, or designee, may grant an adult facility resident a furlough leave to obtain necessary medical services without meeting any of the above eligibility, application, or other requirements, or criteria if the resident is classified community custody.
2. In addition, the Commissioner, or designee, may grant an adult facility resident who is not community custody a furlough leave to obtain necessary medical services, without meeting any of the above eligibility, application, or other requirements or criteria if the Department's Director of Medical Services has determined that the resident has a terminal or severely incapacitating medical condition or will be incapacitated due to surgery and if the Commissioner, or designee, determines the resident does not require security staff supervision while receiving the medical services.

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3. The Commissioner, or designee, may approve a furlough 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.
4. 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 furlough leave and is given the opportunity to provide input.
5. The Commissioner, or designee, shall document the decision in CORIS.
6. If granted a medical furlough leave, the resident shall be reclassified community custody prior to the start of the furlough, if not already so classified.
7. The resident shall return or be returned to the facility and reclassified to their prior custody level once the medical services have been obtained.
8. The Commissioner, or designee, may terminate the furlough, reclassify the resident to their prior custody level, and require security staff supervision while medical services are being obtained at any time if the resident's condition improves or for any other reason.
9. 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 N: Notification and Record Keeping**

1. As soon as a resident is approved for a furlough, the Community Programs Coordinator (CPC), or other designated staff, shall determine the furlough date and notify the resident's Unit Manager, Central Control, 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 furlough shall be set for the approved date, provided the resident remains eligible for participation, 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 fourteen (14) days before the resident's furlough pass or furlough leave date, the CPC, or other designated staff, shall ensure that notification of the furlough is provided to the Unit Manager, Central Control, admitting staff, facility health care staff, the Department's Director of Victim Services, or designee, the Department's Director of Classification, or designee, the appropriate Regional Correctional Administrator, or designee, and the criminal justice agencies that were initially notified of the furlough request.

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4. This notification shall include, but not be limited to, the name of the resident, the beginning and ending date(s) and time(s) of the furlough, and the area(s) the furlough is restricted to, and any furlough conditions additional to the mandatory conditions.
5. If the furlough is due to an emergency (including a medical furlough) and time does not permit the notification to be made fourteen (14) days in advance, the above persons and agencies shall be notified as soon as possible by email and/or verbally of the furlough and of the required details.
6. If approval for a furlough is withdrawn or the furlough 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 Victim Services, or designee, the Department's Director of Classification, or designee, the Regional Correctional Administrator, or designee, and the criminal justice agencies who received the notification of the approval.
7. When the resident:
  - a. departs the facility for a furlough, 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
  - b. returns from the furlough, 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.
8. Designated facility staff shall ensure that the resident is placed on the out count while they are on the furlough as set out in Department Policy (AF) 14.2, Count Management.
9. All recommendations and decisions made with respect to participation in the furlough program and all meetings with the resident required under this policy shall be documented in CORIS.
10. The Furlough Pass Application or Furlough Leave 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.
11. No earlier than the day prior to the resident leaving for the furlough, 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.
12. The CPC, or other designated staff, shall ensure that at the time of pick-up for the furlough, the sponsor is given a copy of the Furlough Permission form.

**Procedure O: Mandatory Conditions**

1. The resident shall only utilize transportation that has been approved by the Chief Administrative Officer, or designee, and with only an approved driver and other approved passengers, as set out in the Furlough Program Agreement and Conditions.

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2. The resident shall only be at the location(s) and only for the purposes shown on the Furlough 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 furlough location by the specified time.
3. If a resident becomes ill or injured, another unforeseen emergency occurs, or the purpose of the furlough 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 furlough by the specified time, the resident shall notify the facility as soon as practicable for instructions and follow the instructions.
4. 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.
5. The resident shall submit to urinalysis, breath testing, or other chemical tests at the request of facility staff or a probation officer.
6. The resident shall not own, possess, or use any firearm or other dangerous weapons.
7. The resident shall notify any law enforcement officer, if stopped, of the resident's status as an individual on a Maine Department of Corrections furlough and notify the Chief Administrative Officer, or designee, as soon as practicable of any such contact with any law enforcement officer.
8. The resident shall not leave the facility with any unallowable or contraband property, shall bring back to the facility all property they left with, and shall not return from the location with any property they did not take out with them.
9. The resident shall not operate any motorized vehicles on a public way and shall not operate any motorized vehicle anywhere else unless it is authorized by the Chief Administrative Officer, or designee, as set out in the additional conditions in the Furlough Program Agreement and Conditions.
10. 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.
11. The resident shall not enter into any contractual agreement without the written permission of the Chief Administrative Officer, or designee.
12. The resident shall not receive visits except as set out in the additional conditions in the Furlough Program Agreement and Conditions.
13. 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 (or the resident is on a medical furlough) 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.

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14. The resident shall take all reasonable steps to avoid contact with any person with whom they are prohibited from having contact.
15. 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.
16. The resident shall comply with Department Policy (AF) 20.1, Resident Discipline, and other Department policies to the extent applicable.
17. The resident shall comply with all applicable state, federal, and other laws.
18. 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 furlough, 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.
19. Additional conditions may be imposed at any time by the Chief Administrative Officer, or designee, and if there are any additional conditions for the furlough, they shall be specified on the Furlough Permission form, as well as Furlough Program Agreement and Conditions form.

**Procedure P: Random Contacts with Residents on Furlough Leaves**

1. Designated facility staff shall contact each resident on a furlough leave (except for a medical furlough) directly by telephone on a random basis, at least once per shift. If contact is not made, another contact attempt shall be made within fifteen (15) minutes.
2. If contact is not made after two (2) tries on any one shift, the staff shall immediately notify the Duty Officer. The Duty Officer shall determine what additional action, if any, should be taken.
3. If the Duty Officer determines that the resident needs to be contacted in person, the Duty Officer shall contact the appropriate probation officer, or local law enforcement, whichever is closer, and ask them to check on the resident. After law enforcement or the probation officer has checked and reported back or if a check was not able to be conducted within a reasonable period of time, the Duty Officer shall make a decision at that time whether and by what means the resident is to return or be returned to the facility.
4. All contacts or attempts at contact and any resulting issues and actions shall be documented in CORIS.

**Procedure Q: Termination of a Furlough**

1. A resident's failure to follow any condition of the furlough program may result in termination of the furlough. It may also result in disciplinary action, revocation of probation or supervised release for sex offenders, and/or criminal prosecution.

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2. If facility staff observes, receives a report of, or otherwise discovers that a resident may have violated the Furlough Program Agreement and Conditions, the staff shall immediately notify the Duty Officer. The Duty Officer shall make a decision at that time whether to terminate the resident's furlough 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 the furlough by the specified time and therefore may have escaped from the furlough 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 furlough 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 furlough 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 that the resident may have escaped and if and when the resident returns or is returned to the facility or is arrested.
7. If a furlough is terminated, the staff notifying the Duty Officer of the violation shall, as soon as possible, complete a written report stating the reason(s) for the termination. The staff shall forward the 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 condition of the furlough, the furlough may be terminated at any time, for any reason, in the complete discretion of the Commissioner, or designee.

**Procedure R: Suspension or Restriction of Privileges**

1. A resident's failure to follow any condition of the furlough program may also result in suspension or restriction of furlough privileges as determined by the Chief Administrative Officer, or designee.

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2. The resident shall be notified in writing of a suspension or restriction of their furlough 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 furlough privileges for a definite period of time, once the specified time has elapsed, the resident may apply for reinstatement of furlough 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 furlough privileges for an indefinite period of time, after a year has elapsed, the resident may apply for reinstatement of furlough 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 furlough 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 furlough privileges for a disciplinary violation related to furloughs in accordance with Department Policy (AF) 20.1, Resident Discipline.

**Procedure S: Appeals**

1. A resident may appeal a decision to deny an initial furlough leave or withdraw approval for an initial furlough leave by sending the Appeal (SCCP, Furlough Program, Community Transition Program) form (Attachment H) to the Deputy Commissioner, 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. If an appeal is timely, after reviewing the case with the Department's Director of Classification and Director of Victim Services, or their designees, the Deputy Commissioner, 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.
4. A resident may appeal a decision to deny any other furlough or withdraw approval for any other furlough by sending the Appeal (SCCP, Furlough Program, Community Transition Program) form (Attachment H) to the Department's Director of Classification, or designee, via the U.S. Postal Service.

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5. 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.
6. A resident may appeal termination of a furlough by sending the Appeal (SCCP, Furlough Program, Community Transition Program) form (Attachment H) to the Department's Director of Classification, or designee, via the U.S. Postal Service.
7. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of the termination.
8. A resident may appeal a restriction or suspension of furlough by sending the Appeal (SCCP, Furlough Program, Community Transition Program) form (Attachment H) to the Department's Director of Classification, or designee, via the U.S. Postal Service.
9. 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.
10. 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.
11. Upon review of the appeal, the Deputy Commissioner, or designee, or Director of Classification, or designee, as applicable, 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.
12. The Deputy Commissioner, or designee, or Director of Classification, or designee, as applicable, shall provide a copy of the response to the Director of Classification (if the appeal was reviewed by the Deputy Commissioner, or designee), 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.
13. For an appeal reviewed by the Deputy Commissioner, or designee, the Deputy Commissioner, or designee, is the final authority on an appeal (i.e., there is no further administrative level of appeal). For other appeals, 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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