

**240-RICR-40-00-2**

## **TITLE 240 – DEPARTMENT OF CORRECTIONS**

### **CHAPTER 40 – COMMUNITY CORRECTIONS**

#### **SUBCHAPTER 00 - N/A**

#### **PART 2 – Inmate Furloughs**

### **2.1 Authority**

R.I. Gen. Laws § 42-56-10 (22), Power of the director; R.I. Gen. Laws § 42-56-18, Inmate furloughs; R.I. Gen. Laws §42-56-21, Labor of prisoners committed for criminal offense, qui tam, penal action, or failure to give recognizance.

### **2.2 Purpose**

To outline the policy, procedures, and regulations relative to the granting of furloughs to inmates committed to the Rhode Island Department of Corrections (RIDOC), Adult Correctional Institutions (ACI).

### **2.3 Policy**

- A. It is the policy of the RIDOC that the Classification Board, by a vote of at least three (3) of the five (5) members, and upon the approval of the Director or designee, may allow a person committed to the ACI to leave that place on furlough within or without the State of Rhode Island, provided that during the period of the furlough, the person so furloughed shall be deemed to remain committed to confinement to the ACI.
- B. Furloughs may be granted for a period not to exceed fourteen (14) days in any 6-month period for any of the following purposes:
  - 1. To visit a seriously ill immediate family member (see definition in § 2.4(A) of this Part) or to attend the funeral or wake of any such person;
  - 2. To obtain health care services;
  - 3. To seek employment or training;
  - 4. To secure a residence;
  - 5. To visit immediate family members or other persons who have developed regular visitation patterns with the inmate as shall be determined suitable by the Director or designee (social furloughs); and

6. To obtain a marriage license or such other permits as shall be required by law to marry.

## **2.4 Categories and Eligibility**

- A. Category "A": To visit a seriously ill immediate family member or attendance at wake and/or funeral (as determined by the Department of Corrections) of deceased immediate family member. Immediate family member is defined as spouse, child, parent, grandparent, grandchild, brother, or sister (including half-brother and half-sister). With the exception of spouse, the term "immediate family member" also includes step, adopted, and foster relationships in the above-named relationships.
  1. Eligibility "A": All inmates, sentenced and awaiting trial, are eligible.
- B. Category "B": To obtain health care services. This is restricted to medical, psychiatric, and psychological services not available at the ACI, but determined by an ACI staff physician to be in a patient's best interest and necessary for his/her evaluation, diagnosis, and/ or treatment; also included are community drug and alcohol treatment programs and visitation to residential treatment programs approved by RIDOC's Substance Abuse Coordinator.
  1. Eligibility "B": All inmates, sentenced and awaiting trial, are eligible.
- C. Category "C": To seek employment and/ or training. This is limited to employment, educational and/ or vocational training not available at the ACI (cf: R.I. Gen. Laws § 42-56-21).
  1. Eligibility "C": Individuals who have been classified Work Release or Work Release/Job Search, granted Parole, or are ninety (90) days from discharge at Minimum Security are eligible.
- D. Category "D": To secure a residence. Furloughs may be granted in order to allow the inmate to find a residence to go to upon his/her release or parole from the ACI.
  1. Eligibility "D": Same as Eligibility "C" above.
- E. Category "E": To visit immediate family or other persons who have developed regular visitation patterns with the inmate as shall be determined suitable by the Director or designee (referred to throughout this policy as "social furlough").
  1. Eligibility "E": Please see § 2.5 of this Part, below.
- F. Category "F": To obtain a Marriage License. This includes obtaining necessary permits, certificates, etc. required by law in order to be married.
  1. Eligibility "F": Same as Eligibility for Category "E".

## **2.5 Social Furloughs (Category “E”)**

- A. Eligibility: Eligibility for furloughs in Category E is limited to the following inmates:
1. First-time offenders serving six (6) months or less.
  2. Those eligible for work, training or education programs in accordance with the provisions of R.I. Gen. Laws § 42-56-21, and who are within two (2) years of their Parole eligibility date.
  3. In the case of a person sentenced to imprisonment for life with no Parole restrictions, when two (2) years from Parole eligibility date.
  4. In the case of a person sentenced to imprisonment for an offense involving murder, sexual assault, manufacture and/or sale of drugs, or a violent offense with aggravating factors, after being classified to Work Release and participating in work, training, or educations programs in accordance with the provisions of R.I. Gen. Laws § 42-56-21.
- B. Restrictions
1. An individual who is serving his/her second incarceration shall serve a minimum of one-third (1/3) of his/her sentence before being eligible for initial furlough.
  2. An individual who is serving his/her third incarceration shall not be eligible for furlough release unless s/he is classified Work Release, employed within the community or a full-time participant in an educational program, and within six (6) months of his/her discharge date and/or parole release date.
  3. An individual who has returned to the institution as a Parole violator shall not be eligible for furlough release unless s/he is classified Work Release, employed within the community or a full-time participant in an educational program, and within six (6) months of his/her discharge date and/or parole release date.
- C. Exclusions
1. Those serving sentences of life without parole.
  2. Those individuals not eligible for work, training, or educational programs according to R.I. Gen. Laws § 42-56-21 (i.e., classified to secure facilities – Intake, Medium, Maximum, High) and sexual offenders involving minors.
  3. Those serving fourth of subsequent incarcerations.

## **2.6 General Conditions of Unaccompanied Furloughs**

### **A. Preconditions to Furlough:**

1. Furlough is a privilege, not a right.
2. Inmates must:
  - a. give prior consent to be medically examined upon return to the correctional facility (may include but not be limited to blood and breathalyzer tests and urinalysis);
  - b. agree to cooperate with medical personnel during these post furlough examinations;
  - c. consent to be searched (body and possessions) upon return.
3. Inmate must agree to:
  - a. return promptly upon recall by the Furlough Coordinator, Director, or Director's designee;
  - b. abide by general and special conditions of furlough as contained in Furlough Terms and Conditions form;
  - c. sign such form in advance of furlough release.
4. Regarding Category A furloughs, medical documentation must be submitted to the Furlough Unit before a decision is made.

### **B. Departure and Return Procedures**

1. An inmate's sponsor must pick him/her up and provide transportation from and returning to the institution. All sponsors must show positive identification at the facilities. All sponsors must provide supervision of the individuals on furlough, must accompany them, or know their whereabouts at all times.
2. Any inmate who participates in the Furlough Program is subject to a urinalysis, blood test, and/or breathalyzer test upon return to the institution.
3. Sponsors:
  - a. Sponsors must be individuals of good character who visit inmates on a regular basis unless a documented medical illness prevents such visits.
  - b. Employees of the RIDOC who are not relatives (as defined in Section 4.3A) of inmates requesting furloughs may not act as sponsors.

4. Overnight Furloughs

a. Minimum Security: Inmates in Minimum Security may be granted overnight Category E furloughs no more than once every sixty (60) days.

(1) Minimum Security overnight furloughs commence at 10:00AM and end at 7:00 PM the next day.

b. Work Release: Inmates in Work Release may be granted overnight Category E furloughs no more than once every thirty (30) days.

(1) Work Release overnight furloughs begin and end at times designated by the Furlough Coordinator, based on the inmate's work assignment and hours of work.

5. One-Day Furloughs: Minimum Security and Work Release furloughs commence at 10:00AM and end at 7:00PM. The Officer in charge of said facility telephones the Furlough Coordinator's office to notify him/her return or failure to return on inmates.

C. Conditions While on Furloughs: While on furlough, inmates will:

1. obey all laws – federal, state and local.
2. not leave restricted areas, as specified in conditions governing individual furloughs.
3. avoid questionable resorts and will not associate with persons known to have criminal records, including other inmates on furlough.
4. not drive motor vehicles.
5. not indulge in the use of narcotic drugs or intoxicating beverages nor aid or abet in the sale and/or delivery of same.
6. not incur debts.
7. make telephone calls to the Furlough Coordinator or assigned facility promptly at times designated during furloughs.
8. not convey any messages, written or oral, into or out of the ACI to any person, except as specified in these regulations.
9. return to the institution immediately if illness arises and will notify the institution immediately if too ill to travel.

10. telephone the Furlough Coordinator or assigned facility in case of unforeseen emergency while on furlough and will comply with instructions received.
11. not apply for any type of license unless specifically authorized to do so as condition of furlough.
12. agree not to contest any effort by any jurisdiction to return them to the State of Rhode Island and also agree to extradition to the State of Rhode Island from any jurisdiction in or outside the United States where they may be found.

D. Penalties for Violation of Regulations by Inmates:

1. Willful failure to return at the scheduled time will subject the inmate to criminal charge of escape and all attendant penalties.
2. Violation of regulations or special conditions of furlough shall be considered a violation of rules governing discipline and inmate shall be charged and tried accordingly.

E. Time of Furlough to Count as Sentence Time: Time spent on furlough shall be deemed time spent under sentence for all purposes specified in the General Laws of Rhode Island.

F. Inmates Under Detainer Ineligible for Unaccompanied Furloughs: inmates against whom detainers have been lodged shall be ineligible for unaccompanied furloughs. It shall be the responsibility of the Furlough Coordinator to include such information in the Report of Investigation.

## **2.7 Classification Board**

A. The decision to recommend or approve an inmate for a furlough is based upon the following:

1. Inmate's ability to conduct him/herself responsibly while in the community;
2. Past and present conduct in the correctional system;
3. Past history of release on furlough, probation, parole, or bail;
4. Involvement in institutional programs or rehabilitative activities;
5. History of violent behavior;
6. Offense; and
7. Absence of any criminal charge against the inmate.

## B. Classification Board Policies

1. The Director or designee makes the final determination as to the approval or denial of an individual's furlough, accompaniment necessary, and the extent of the activities in any and all communities.
2. No inmate is eligible to participate in the Furlough Program if s/he has been found guilty of any infraction resulting in the loss of good conduct time during the previous six (6) months. An extensive disciplinary record may result in an extension of the 6-month period (pertains to Category E furloughs).
3. All inmates who participate in the Furlough Program's Category E are restricted to their residence on their first furloughs. This furlough policy applied to all facilities and does not preclude the possibility of any inmate's being restricted to his/her residence during future furloughs for an extended period.
4. The Furlough Coordinator has the authority to suspend furloughs for up to five (5) months for minor infractions. If an inmate refuses suspension, s/he may request a disciplinary hearing.
5. At least two (2) unescorted day passes must be completed prior to an inmate's being eligible for an overnight furlough.
6. Regarding Category A furloughs, medical documentation must be submitted to the Furlough Unit before a decision is made.
7. All inmates returning to the institution from furlough are strip searched.
8. Individuals found guilty of possession of or under the influence of alcohol and/or drugs within the institution shall not participate in the Furlough Program for at least one (1) year from the date of infraction.
9. Individuals found guilty of assault shall not participate in the Furlough Program for at least one (1) year from the date of infraction.
10. Any person charged with escape or a new offense while participating in the Furlough Program shall not be eligible for any future furloughs, except in emergency situations.
11. Transportation for escorted furloughs is provided by uniformed correctional personnel. Exceptions to this rule can only be approved by the Director or Furlough Coordinator.
12. An inmate with no furlough experience who is transferred to another facility must undergo a 30-day suspension evaluation period prior to being granted a furlough.

13. Marriages are not allowed on escorted furloughs. Marriages may be permitted on unescorted furlough according to Minimum Security participation regulations until such time as they are regularly employed. Once the inmates are regularly employed, the Work Release Program rules become effective. The Work Release Program Supervisor or designee confers weekly with the Furlough Coordinator relative to the status of unemployed individuals.
14. Unemployed inmates who are classified to and residing in Work Release continue to be eligible for furloughs according to Minimum Security participation regulations until such time as they are regularly employed. Once the inmates are regularly employed, the Work Release Program rules become effective. The Work Release Program Supervisor or designee confers weekly with the Furlough Coordinator relative to the status of unemployed individuals.

C. Classification Board Procedures

1. Application: Attachment 1 is prepared and signed, in duplicate, by inmate.
  - a. Both copies are forwarded to the Furlough Coordinator with a signed money transfer slip for processing fee:
    - (1) Initial application: \$2
    - (2) Scheduled application: \$1
    - (3) Request change from previously submitted application: \$1
  - b. The money transfer slip is made out to Furlough Unit, Rhode Island Department of Corrections.
  - c. New applications are submitted twenty-one (21) days in advance of the Classification Board date (normally the first Tuesday of the month).
  - d. Subsequent applications are submitted twenty-one (21) days in advance of requested furlough dates. (Exceptions: Emergency furloughs in Categories A and B.)
  - e. Emergency furlough applications are submitted to the Furlough Coordinator immediately. If an emergency arises outside of the Furlough Coordinator's normal work week, the application is submitted to the affected facility's Superior Officer.



2. Investigation by Furlough Coordinator
  - a. All furlough requests are investigated by the Furlough Coordinator. (Exceptions: Emergency furlough requests occurring outside of the normal work week.) S/he submits Furlough application and Written Report of Investigation to the Classification Board.
  - b. Emergency furlough application are investigated immediately. The investigating officer (Furlough Coordinator, if on duty; or affected facility's Superior Officer) submits a written report to the Director or designee.
  - c. The investigating officer makes every attempt to obtain the signature of the Director or designee on the Furlough Card. When the Director or designee is not available in person, s/he may give verbal approval for the emergency furlough and authorize the investigating officer to sign the Furlough Card.
3. Classification Board Action
  - a. The Classification Board considers furlough applications in order of their receipt.
  - b. Approvals: Approvals of furlough applications are by a vote of at least three (3) members of the Classification Board. The Board also makes recommendations relative to accompaniment and applicable fees.
  - c. Denials: Reason(s) for denials of furlough application are noted by the Furlough Coordinator on Reports of Decision forms, and copies are delivered to the applicants.
4. Director's Action
  - a. Once furlough applications are approved by the Classification Board, the Furlough Coordinator forwards copies of the applications, investigations, and reports of decisions to the Director or designee for final decisions.
  - b. The Director or designee indicates approval or denial on applications. S/he also notes the conditions of furloughs on the reports of decision forms, if applicable, and returns all forms to the Furlough Coordinator for further action.
5. Counseling Sessions Relative to Approved Applications
  - a. The Furlough Coordinator meets with each inmate prior to his/her release on an approved furlough. S/he issues a Furlough

Identification Card, which contains the signature of the Director or designee, to the inmate. The Furlough Coordinator obtains the inmate's signature on the Furlough Terms and Conditions from.

- b. S/he also arranges for the release of funds allowed to the inmate for the furlough from Inmate Accounts [cash not to exceed fifty dollars (\$50) or check] and obtains receipt from inmate for same.

6. Notification of Custodian

- a. At least twenty-four (24) hours in advance of furlough release, the Furlough Coordinator gives written notice of the date and commencement and completion times of said furlough to the affected facility's Superior Officer. (Exceptions: Emergency furloughs). The affected facility's Superior Officer ensures the information is maintained on the institutional count sheet for the duration of the furlough.
- b. In the case of an Emergency Furlough granted by the Director or designee at a time when the Furlough Coordinator is not on duty, it is the responsibility of the affected facility's Superior Officer to maintain the information required and to forward a written copy of the information to the Furlough Coordinator immediately.

## **2.8 Furloughs for Out-of-State Transfers**

- A. Out-of-state inmates who are serving their sentences in Rhode Island under conditions of the Interstate Compact Agreement, are subject to the furlough laws of the sending state.
- B. All requests for furloughs from out-of-state transfers are forwarded by the Rhode Island Furlough Coordinator to appropriate officials in the sending states for approval. No furlough is granted without the permission of the sending state, consonant with governing statutes of that state.
  1. Any furlough conducted outside the boundaries of the State of Rhode Island (under the laws of the sending state) is supervised by officials from the sending state. The sending state is also responsible for transportation of the inmate to and from the assigned institution.
  2. Furloughs conducted within the confines of the State of Rhode Island are governed by the furlough policies and procedures of the Rhode Island Department of Corrections.
- C. Inmates under dual jurisdiction serving concurrent sentences in both Rhode Island and another state are governed by the furlough laws of the State of Rhode Island.
  1. Approval for furloughs must be obtained from both states.

## 2.9 Special Orders / Custody

A. Whenever an inmate is furloughed by the RIDOC, correctional staff ensure:

1. Security Risk Group (SRG) Inmates
  - a. Furlough Office notifies Director and Special Investigations Unit (SIU).
    - (1) Director determines appropriate transport personnel, use of restraints, etc.
2. High Security Inmates
  - a. SIU is notified by Furlough Office.
  - b. are accompanied by not less than two (2) uniformed Correctional Officers, one of whom is armed at all times.
  - c. Restraints remain in place during the furlough at all times.
  - d. State and local police are notified of pending furlough and specific time and place by Superior Officer of facility.
3. Maximum Security, Medium Security and Intake Service Center Inmates
  - a. are accompanied by not less than two (2) uniformed Correctional Officers, one of whom is armed at all times.
  - b. Restraints remain in place during the furlough at all times.
  - c. State and local police are notified at the discretion of the Director or designee by Superior Officer of facility.
4. Use of Restraints for Furlough
  - a. Four types of restraints are commonly utilized:
    - (1) Cuffs
    - (2) Belly chains
    - (3) Shackles
    - (4) Knee Braces
  - b. When determining appropriate method of restraint, the Furlough Coordinator is consulted. Three (3) criteria are evaluated:

- (1) Security of Inmate
  - (2) Prior Furlough Experience
  - (3) Nature of the Furlough
5. Escorted Furloughs of High Security, Maximum and Medium Security Inmates
  - a. Inmates will not use telephones.
  - b. Inmates will not be let out of the vision of the Correctional Officers.
  - c. Inmates will consume no food.
  - d. Inmates will consume no beverages.
  - e. Inmates may not be permitted to leave the general area of furlough purpose. Location of furlough will not be changed except by Furlough Coordinator.
  - f. There will be no transport in privately owned vehicles (POV).
  - g. Radio contact will be maintained at all times (portable and mobile).
6. Minimum and Work Release Inmates
  - a. One (1) non-uniformed Correctional Officer may accompany inmate and provide transportation.
  - b. Inmates with positive furlough histories may also be transported by family members.
  - c. No security devices are required.
7. Funeral Visits
  - a. It is the policy of the RIDOC that escorted funeral home visits are limited to off-hours visitation. Inmate family contact at funeral homes is discouraged.
8. Hospital Security Procedures
  - a. Security and control of inmates by Correctional Officers is governed by Department Policy 9.37 DOC titled "Security and Control of Inmates at Outside Hospitals".