

	State of Alaska Department of Corrections Policies and Procedures	Index #: 818.05	Page 1 of 1
		Effective:	Reviewed:
		Distribution: A,B,C, D	Due for Rev:
	Chapter: Release Preparation and Temporary Release		
Subject: Graduated Release Through a Systematic Decrease in Supervision			

Authority

In accordance with AS 44.28.030, AS 33.30.021, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

Purpose

To establish procedures for the systematic decrease in supervision during a prisoners incarceration while requiring that such decreased supervision be consistent with the degree of security appropriate for the prisoner.

Application

To all employees and prisoners.

Definitions

As used in this document, the following definitions shall apply:

A. Community Residential Center (CRC):

A residential facility situated in the community with structured and supervised programs designed to facilitate transition from incarceration to community residence.

B. Furlough:

An authorized leave of absence from actual confinement within an institution, CRC, restitution center, or contract misdemeanor housing for a specific purpose and time in accordance with 818.02, Furlough, as follows :

1. Prerelease Furlough: A furlough for the purpose of reintegrating the prisoner into society by education, training, employment, treatment or other activities; prisoner must be classified community custody; approving authority is the Regional Director or designee.
2. Short-duration Furlough: A furlough for a specific period of time not to exceed 12 hours at anyone time, except for a family visitation, that may not exceed one week or occur more often than once in each four-month period; or medical treatment, for which the furlough may not last longer than necessary for the treatment; prisoner must be classified community custody; approving authority is the Regional Director or designee except for family visitation which requires the approval of the Deputy Commissioner for Operations; and
3. As defined and applied in 818.02, Furlough.

C. Pre-release Program:

Any program which provides instruction in the area of life skills about which a prisoner should be knowledgeable upon return to the community.

D. Release Date:

The date on which a prisoner is scheduled to be released as established by good time calculation, court order, or parole board action.

E. Restitution Center (RC):

A residential center in the community whose purpose is to provide certain non-violent prisoners with rehabilitation through community service and employment while protecting the community through supervision and partial incarceration, and to create a means to provide restitution to victims of crimes, payment of court ordered fines, dependent support, prisoner cost of care and other prisoner expenses.

Subject: Graduated Release Through a Systematic Decrease in Supervision	Index #: 818.05	Page: 2 of 2
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Policy

All prisoners shall be provided a program of release preparation designed to enhance the prospects for successful reintegration into the community. The Release Program will systematically reduce supervision while increasing individual prisoner responsibility and expectations for conduct. The Department supports the principle of gradual community release with the stipulation that such release progression must be consistent with the custody level of the prisoner. Custody level reduction will not be more rapid than one level at a time and the time period in each custody level must be of sufficient length to provide a reasonable assessment of behavior. Prisoners will be placed in the least restrictive levels of security and custody consistent with good correctional management.

Procedures

A. Custody Review:

The Institutional Probation Officer shall initiate appropriate release planning for all prisoners prior to each prisoners expected release date in accordance with 818.01, Prisoner Pre-release Programming. All elements relating to the institutional record will be evaluated to determine if the appropriate custody level has been assigned. Specific classification procedures and custody level determination is dealt with under Chapter 700, Classification. For purposes of considering custody level change consideration at any time during a prisoners incarceration, the following criteria will be applied along with matrix scoring on the classification form:

1. Maximum Custody:

The highest level of supervision and control is needed to prevent injury, escape, introduction of contraband, or disruption of the institutional operation. The prisoner is unable or unwilling to control behavior within acceptable limits for a prison population. This lack of control may be continuous or sporadic. Pre-release planning for maximum custody prisoners beyond that done routinely in preparation for high risk release is basically non existent until the prisoner demonstrates a willingness with accompanying behavior to justify a reduction in custody level;

2. Close Custody:

The prisoner is capable of and does control behavior under routine conditions. However, there is a standing expectation that the prisoner may violate major rules if given the opportunity. Pre-release planning for close custody prisoners if generally limited to a decreased level of supervision within a maximum security facility and routine preparation for release;

3. Medium Custody:

The prisoner is expected to maintain acceptable behavior with normal supervision. Dangerous or disruptive behavior is not expected under normal circumstances and not under any circumstances without considerable provocation. The prisoner is expected to have internalized commitment to meeting institutional standards accompanied by demonstrated willingness and behavior over time to justify a reduction in supervision required and custody level;

4. Minimum Custody:

a. The prisoner consistently maintains conduct, attitude, and performance at a superior level. A significant factor in assessment as to suitability for minimum custody is whether or not the prisoner has completed or is an active participant in a rehabilitation program and/or Court ordered or recommended treatment program(s). The prisoner has demonstrated the capacity and willingness to accept increasing levels of responsibility; and, manifest an observable strong internalized commitment to meet institutional and social standards. Prisoners in this custody level may be designated for restitution center placement in accordance with 818.04, Community Programs;

Subject: Graduated Release Through a Systematic Decrease in Supervision	Index #: 818.05	Page: 3 of 3
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- b. Classification to minimum custody indicates that the prisoner is eligible for the least restrictive housing, program, and supervision available inside the institution's perimeter or the supervised housing and program available in a restitution center, as follows:
 - (1) Prisoner is eligible for assignment to the least secure housing inside the institution's perimeter;
 - (2) Prisoner must have a guard if hospitalized;
 - (3) Prisoner is eligible to participate in work details outside the institution's perimeter, subject to periodic staff supervision;
 - (4) Prisoner may travel on routine or emergency trips outside the institution with a single staff member as escort; and
 - (5) Restraints are not normally used when the prisoner is escorted by a Department staff member unless the staff member is armed, but restraints may be used at the discretion of the escorting officer, e.g., when a prisoner is returned to the institution following a rule infraction.
 - c. The prisoner is eligible for partial incarceration in a restitution center provided the prisoner:
 - (1) Is not serving a sentence for, nor has a history of, violence, crime against person or sex offense; has not ever been convicted of an offense, in this state or another jurisdiction, involving violence or the use of force, as defined in AS 11.81.900; violence or the use of force, as defined in AS 11.81.900; violence or the use of force includes possession of a firearm, as defined in AS 11.81.900, in the commission of an offense, whether or not the firearm was actually used; and
 - (2) Has not been convicted of an offense under AS 11.41.470-.470 (Sexual Offenses) or an offense in this state or another jurisdiction having elements substantially identical to a sex offense under Alaska Statute.
 - 5. Community Custody:
 - a. The prisoner maintains conduct and attitude consistent with that expected for minimum custody prisoners;
 - b. The least restrictive custody level to which a prisoner may be classified in accordance with Chapter 700., Classification, as a result of having maintained conduct and attitude consistent with that expected for a minimum custody prisoner, the prisoner is within three years or less of projected release date and, for sentences over one year in length, has served at least one-third of the sentence;
 - c. Classification to community custody indicates that the prisoner is eligible for the least restrictive housing, program, and supervision available within the Department; as follows:
 - (1) Prisoner is eligible for a furlough and the least secure housing, including housing outside the institution's perimeter, e.g., community residential center, restitution center or other contract residential programs approved by the Commissioner;
 - (2) Prisoner is eligible for program outings, with or without correctional, contract or volunteer escort as determined by the appropriate approving authority;
 - (3) Prisoner may be hospitalized without a guard at the discretion of the Superintendent;
 - (4) Restraints are not normally used, but may be used when the prisoner is being escorted by a Department staff member, discretion to use restraints is the decision of the Shift Supervisor or escorting officer, e.g., when a prisoner is returned to the institution following a violation of furlough conditions; and
 - (5) Prisoner is eligible to participate in work details outside the institution's perimeter or the confines of a community residential or restitution center with minimal supervision.
 - d. The prisoner is eligible for partial incarceration in a restitution center provided the prisoner:
 - (1) Is not serving a sentence for, nor has a history of, violence, crime against person or sex offenses; has not ever been convicted of an offense, in this state or another jurisdiction, involving
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Subject: Graduated Release Through a Systematic Decrease in Supervision	Index #: 818.05	Page: 4 of 4
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violence or the use of force, as defined in AS 11.81.900; violence or the use of force includes possession of a firearm, as defined in AS 11.81.900, in the commission of an offense, whether or not the firearm was actually used; and

(2) Has not been convicted of an offense under AS 11.41.410--470 (Sexual Offenses) or an offense in this state or another jurisdiction having elements substantially identical to a sex offense under Alaska Statute.

e. A prisoner classified community custody may be approved for community programming to include restitution center placement in accordance with 818.02, Furlough.

B. Evaluation of Progress:

1. The Pre-release program for each sentenced prisoner will be initiated by the Institutional Probation Officer in accordance with 818.01, Prisoner Pre-Release Planning, at least one year prior to release date and reviewed before the Classification Committee in accordance with 745.01, Prisoner Reclassification. Each release preparation classification review will consider all program areas related to release planning. The prisoner must be present for the review. At a minimum, this review will include consideration of the following:
 - a. Review of sentencing judgment to ensure ordered or recommend program requirements have been addressed;
 - b. Consideration of custody reduction on the basis of the matrix score on the classification form and the guidelines under Section A. above;
 - c. Education and vocational needs;
 - d. Consideration of transfer to an institution or unit providing a lessor degree of supervision commensurate with custody level;
 - e. Possible participation in programming activities or restitution center placement for minimum custody prisoners;
 - f. Consideration of furlough;
 - g. Review of all problem areas identified during the pre-release program and evaluation of progress towards problem resolution;
 - h. Evaluation of progress towards release plans; and
 - i. Victim notification of pending release or consideration of community custody as appropriate to the prisoner in accordance with 818.03, Victim Notification.
 2. Interim evaluations of progress may be initiated by the Institutional Probation Officer in response to a request by the sentencing court, the prosecution or defense attorney, and as regards a classification review hearing, as follows:
 - a. A memorandum of progress will be prepared for request originating outside the Department and for those internal requests for a progress report originating within the Department for reasons other than classification review;
 - b. The Memorandum of Progress will be prepared for the Superintendent's signature and addressed to the Judge or attorney requesting the report with copy distribution to the sentencing court, prosecuting district attorney and the defense attorney or record in all instances where the report is requested in connection with the instant sentence and/or court action stemming from the instant sentence;
 - c. Internal progress reports will be in the form of a memorandum, addressed to the requesting employee, from the reporting probation officer, through the Superintendent;
 - d. A progress review for classification review will be incorporated into a Classification Summary document and provided to the Classification Chairperson in advance of the hearing; and
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Subject: Graduated Release Through a Systematic Decrease in Supervision	Index #: 818.05	Page: 5 of 5
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- e. A copy of all progress reports, in whatever form, will be retained in the Prisoner Case Record in accordance with 602.01, Prisoner Case Record Management.

Implementation

This policy and procedure is effective as of the date signed by the I Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

12/30/86
DATE

William W. Ludwig
William W. Ludwig, Acting Commissioner
Department of Corrections