

State of Alaska Department of Corrections <i>Policies and Procedures</i>	Index Number: 818.13	Eff. Date: 9/01/93	Total Pages: 3
	Review Date: 9/01/94	Responsible Office Deputy Commissioner	
Chapter: Release Preparation and Temporary Release	Subject: Short Duration Furlough		

- I. **PROPOSE:** To establish procedures for the implementation of a short duration furlough.
- II. **POLICY:** A Short duration furlough is an authorized leave of absence from a correctional facility for an eligible prisoner for the purposes and under the time limits outlined in the procedures below.
- III. **PROCEDURES:**
- A. **Eligibility:** To be eligible for consideration for a short duration furlough, a prisoner must:
1. be sentenced;
 2. be community custody; and
 3. not have a pending disciplinary action, and must not have been found guilty of a major or high moderate infraction within the past 120 days.
- B. **Application:**
1. A prisoner who meets the eligibility requirements may submit a written request to the institutional probation officer for a short duration furlough. The written request shall include the following information:
 - a. the intended purpose of the furlough, that must be one of the following:
 - (1) to obtain counseling and treatment for alcohol or drug abuse;
 - (2) to secure or attend vocational training;
 - (3) to obtain medical or psychiatric treatment;
 - (4) to secure or engage in employment;
 - (5) to attend an educational institution;
 - (6) to appear before a group whose purpose is a better understanding of crime or corrections; or
 - (7) for any other rehabilitative purpose determined to be in the best interests of the prisoner and the public, including family visitation.
 - b. the date(s) and times of the proposed furlough;
 - c. the specific location and boundaries of the furlough, and the proposed means of transportation to and from the location(s);
 - d. the name of an individual who will be physically present with the prisoner at all times during the furlough and the individual's address, phone number, date of birth, Alaska Driver's License number, and relationship to the prisoner;
 - e. the names, dates of birth, and relationship to the prisoner of any other individuals who will be involved in the proposed furlough. (For purposes of a family visitation furlough, a prisoner's family is considered to be father, mother, sister, brother, spouse, son, or daughter, or step-relationships of the same with the prisoner during the formative years.); and

f. a statement explaining how the proposed furlough will be rehabilitative.

2. The probation officer shall review the written request from the prisoner, contact the victim(s) if required under Policy 818.03, Victim Notification, complete a short duration furlough application, and make a recommendation concerning the proposed furlough. The form shall be forwarded to the superintendent or facility manager with the attachments indicated on the form.

C. Approval/Denial

1. The superintendent or facility manager shall make a recommendation on the application and forward it to the Director of Institutions for approval or denial unless the prisoner is a Central Monitoring Case, in which case the application must be sent to the Chief Classification Officer for comments prior to being forwarded to the Director.

2. If the purpose of the furlough is family visitation, the Director shall comment and forward the application to the Deputy Commissioner for approval or denial. If the furlough is for any other purpose, the Director shall approve or deny the application.

3. The following factors shall be weighed in considering the furlough request:

- a. safeguards to the public;
- b. the prospects of the prisoner's rehabilitation;
- c. the availability of program and facility space;
- d. the prospect of future judicial proceedings requiring the presence of the prisoner;
- e. the nature and circumstances of the offense for which the prisoner was sentenced;
- f. the needs of the prisoner as

determined by a classification committee and any orders or recommendations made by the sentencing court;

g. the record of convictions of the prisoner with particular emphasis on crimes specified in AS 11.41;

h. the use of drugs or alcohol by the prisoner;

i. the length of the prisoner's sentence;

j. violations, if any, by the prisoner of a condition of a prior furlough;

k. the history, if any, of institutional misconduct by the prisoner;

l. the comments of the victim, if any; and

m. the best interests of the prisoner and the public.

4. The decision of the Director, or in the case of family visitation, the Deputy Commissioner, is final and may not be appealed.

5. The probation officer shall notify the victim(s) if required under Policy 818.03, Victim Notification as to whether the furlough was approved or denied.

6. if, after approval of the furlough, the prisoner becomes ineligible for a furlough due to disciplinary infractions or other substantial changes in conditions considered in approving the furlough, the probation officer shall inform the approving authority who may rescind the prior approval of the furlough after giving the prisoner an opportunity to comment in writing on the proposed rescission.

D. Conditions of Furlough

1. The furlough destination must be in Alaska.

2. Unless specifically authorized by approving authority, the prisoner is responsible for transportation and other related costs for the furlough.
3. If the purpose of the furlough is to seek or engage in employment, the prisoner is subject to the provisions governing employment and financial requirements under Policy 818.02, Prerelease Furlough, except that the prisoner's earnings shall be transmitted to the superintendent, if confined in a state correctional center, and the superintendent shall be responsible for collecting, safekeeping, accounting, reporting, and disbursing monies received from or on behalf of the prisoner.
4. A short duration furlough may not exceed 12 hours at any one time, except for
 - a. family visitation, which may not exceed one week or occur more frequently than once each four-month period; or
 - b. medical treatment, for which the furlough may not last longer than necessary for the treatment.

E. Violation of Furlough Conditions

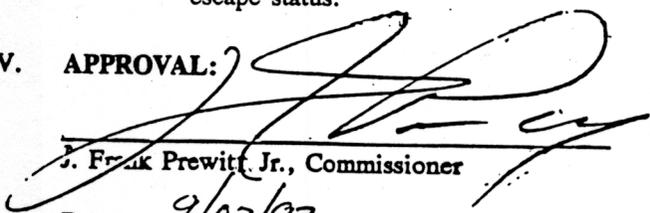
1. If a violation of the furlough conditions is alleged, the superintendent or facility manager shall immediately arrange for the transportation of the prisoner to the nearest appropriate state correctional center and complete a written report on the alleged violation.

2. A prisoner returned to confinement in a state correctional facility for an alleged violation of a furlough must be granted a classification hearing within seven days to determine whether the furlough shall be continued or terminated and to consider a custody increase for a prisoner whose furlough is terminated. In addition, the prisoner is also subject to disciplinary sanctions as set out in 22 AAC 05.400 -- .480.

F. Failure to Return or be at Authorized Location

1. The failure of a prisoner on a furlough to return to the place of confinement or residence within the time specified by those having direct supervision over the prisoner is subject to criminal prosecution as well as termination of the furlough and disciplinary action.
2. Within one hour of determining that a prisoner is not present at the location authorized or has not returned to the facility at the time required by the furlough agreement, the superintendent or facility manager shall immediately notify law enforcement officials, at which point the prisoner is considered to be on escape status.

IV. APPROVAL:


 J. Frank Prewitt, Jr., Commissioner

Date: 9/07/93

References

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| AS 33.30.011 Duties of Commissioner | 22.05.310 Furlough for Prisoners Outside Alaska |
| AS 33.30.091 Designation of Programs | 22.05.316 Furlough |
| AS 33.30.101 Furlough | 22.05.326 Short-duration Furlough |
| AS 33.30.121 Short-duration Furlough | 22.05.331 Furlough Involving Employment |
| AS 33.30.131 Furlough Involving Employment | 22.05.335 Violation of Furlough Conditions or Failure to Return |
| AS 33.30.141 Violation of Furlough Conditions or Failure to Return | 22.05.660 Definitions |
| AS 33.30.901 Definitions | |