

 <p><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References KRS 196.035, 197.020, 197.140, 197.170, 439.580, 439.600 ACA 4-4502 and 4-4505 CPP 9.4, 9.14	25.4	9
	April 12, 2018	June 1, 2018
	Subject <b>INMATE FURLOUGHS</b>	

## I. DEFINITIONS

“Community Service Centers” means jails and halfway houses that house state inmates.

“Furlough” means an authorized absence extending the limits of confinement from a correctional institution to visit a specific place within the boundaries of the Commonwealth of Kentucky for a specific length of time.

“Relative” is defined by KRS 439.580(5).

## II. POLICY and PROCEDURES

Corrections may furlough a qualified inmate under clearly defined conditions to promote the accomplishment of specific objectives: permit visits within the Commonwealth, permit treatment in a medical facility, and promote contact with prospective employers. A furlough is a privilege granted at the discretion of Corrections.

A. A furlough may be granted to permit:

1. A visit to a seriously ill relative or attendance at the funeral of a relative. Appropriate institutional staff shall verify the illness or death with the physician, medical facility or funeral home;
2. Contact with a prospective employer;
  - a. The inmate shall be within ninety (90) days of minimum expiration of sentence or his parole hearing date; and
  - b. The inmate shall have a verified list of prospective employers who have agreed to see the inmate during the furlough.
3. Treatment in a medical facility outside the institution for the time required to receive necessary medical services:

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- a. This furlough shall be recommended by medical staff to appropriate institutional staff; and
- b. The required medical services shall not be available in the institution.

- 4. Participation in selected family activities that promote the welfare and rehabilitation of the inmate and facilitate the transition from the institution to the community; or
- 5. For other compelling reasons.

B. Participation

- 1. An inmate shall not be eligible to participate in the furlough program if he:
  - a. Is serving a sentence for:
    - (1) a sexual offense;
    - (2) escape;
    - (3) a crime that resulted in death or serious physical injury, as defined in KRS 500.080(15), to the victim or another unless the inmate has reduced custody, meets all other requirements for furlough and is within 90 days of parole eligibility or expiration of sentence; or
    - (4) a crime indicated as violent in the Classification Manual, unless he has met the Parole Board for his original parole hearing. An inmate who has met the Parole Board for his original hearing and has received a deferment shall, for the purposes of this policy, be within twenty-four (24) months of the deferred hearing date;
  - b. Has a good-time loss, restorable or non-restorable;
  - c. Has a pending felony charge or detainer; or
  - d. Has more than twenty-four (24) months to parole eligibility or minimum expiration of sentence.
- 2. An inmate may be eligible to participate in the furlough program if he:
  - a. Is a minimum or community custody inmate who has maintained his reduced custody level for at least six (6) continuous months;

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- b. Meets individual or institutional program requirements; and
    - c. Resides or has a work assignment in a minimum security setting for at least sixty (60) days before applying for a furlough from that facility.
  - 3. An inmate may be eligible to receive a medical furlough if he:
    - a. Is a minimum or community custody inmate, the 6 month custody level and minimum security setting requirement shall be waived for medical furlough;
    - b. Has no more than thirty-six (36) months to parole eligibility or minimum expiration of sentence;
    - c. Has an order issued by a court of competent jurisdiction which specifically names the inmate to receive treatment;and
    - d. Has received consent from the medical facility or provider that security staff is not required to supervise the inmate at the medical facility.
- C. Catastrophic Event Medical Furlough
  - 1. An inmate may be eligible for a Catastrophic Event Medical Furlough if:
    - a. The Medical Director, after consultation with the institutional doctor or the attending physician, reports in writing to the institutional warden or Director of Local Facilities or designee that the inmate's current medical condition and prognosis indicates that the inmate's mobility is substantially limited;
    - b. Upon receipt of the report in subparagraph (a) above, the institutional warden or Director of Local Facilities or designee, after consultation with the medical authority above, makes a written determination that the inmate poses a minimal threat of escape or a minimal security threat due to the inmate's current medical condition and makes a recommendation for medical furlough. All other eligibility requirements for furlough under this policy shall be waived; and
    - c. The furlough request is forwarded to the Director of Population Management or designee for review and submitted to the Commissioner for approval. If approval is granted, the warden or Director of Local Facilities or designee shall provide a means of

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monitoring and documenting the progress of the inmate on a daily basis.

2. If the institutional warden or Director of Local Facilities or designee receives written notice from the medical authority or designee identified in paragraph (a) above, that the inmate's medical condition has improved and institutional warden or Director of Local Facilities or designee after consultation with the medical authority or his designee determines that the inmate may pose more than a minimal threat of escape or more than a minimal security risk, the institutional warden or Director of Local Facilities or designee shall immediately terminate the furlough and provide security as directed by CPP 9.14.

#### D. Frequency and Length

A qualified inmate shall be eligible for up to a forty-eight (48) hour furlough each quarter, not to exceed eight (8) furlough days each calendar year. There shall be a minimum of sixty (60) days between furloughs.

1. Quarters shall be January - March, April - June, July - September and October - December. If the furlough begins on one (1) quarter and ends on the following quarter, the date of departure on the furlough shall be used to designate the quarter during which the furlough occurred.
2. Travel time may be added to the approved furlough time. Travel time shall be based upon the amount of time required to travel to or from the specific destination. An inmate shall be allowed only necessary travel time with a maximum of six (6) hours each way.
3. An emergency or any medical furlough shall be in addition to the eight (8) furlough days each year.
4. A furlough shall usually be granted for a weekend or over a holiday period at times of least conflict with institutional programs, unless the purpose of the furlough dictates otherwise. A furlough shall not be granted over the New Year Holiday, July 4<sup>th</sup> or Derby Day.

#### E. Furlough Requirements

1. An inmate shall not be furloughed to a convicted felon, victim of his crime, or a person involved in his current crime.
2. An inmate shall not be furloughed to the residence where his crime was committed.

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3. A documented objection to a furlough from law enforcement or criminal justice agency or member of the community may result in denial of the furlough. If the sentencing judge has documented objections, it shall result in the denial of a furlough for an inmate sentenced in his jurisdiction and shall result in the denial of a furlough to those counties under his jurisdiction.
  4. An inmate may be furloughed to verified relatives who are twenty-one (21) years of age or older. Appropriate institutional staff shall verify the relationship of the person by use of institutional records, other official documents, or by contacting appropriate community officials.
  5. The inmate and his relative shall agree in writing to pay the inmate's expenses while on furlough.
  6. An emergency furlough may be granted for a death, bedside visit or funeral visit of an immediate family member as defined by CPP 9.4. A request for an exemption may be made to extend the duration of a furlough at the discretion of the Director of Population Management or designee. Local officials shall be notified as required by Section G.6. of this policy.
  7. An inmate applying for a furlough shall be required to indicate the specific destination, time of departure, time of return and the name and telephone number of the relative providing housing and transportation to and from the institution or community service center. The relative providing housing shall be the same relative who signs the Furlough Code of Conduct when the inmate is picked up at the institution or community service center.
    - a. An address shall clearly identify the furlough residence; and
    - b. A general address, including Rural Routes, shall be accompanied with clear directions to the exact location of the residence.
  8. An inmate applying for a furlough shall provide evidence that suitable housing is available and that a working residential telephone is available on the premises.
  9. An inmate returning from a furlough shall submit to a urinalysis and breathalyzer test upon return to the institution or community service center.
- F. The following inmates shall be disqualified from furlough during the remainder of their current incarceration:

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1. Any inmate upon return from a furlough who fails to submit to a test for the presence of unauthorized drugs or intoxicants;
2. Any inmate who upon return from a furlough tests positive for an unauthorized drug or intoxicant; and
3. Any inmate who while on furlough violates the terms or conditions of a furlough as determined by the institutional warden, his designee or Director of Local Facilities.

Any finding of a violation set forth in subparagraphs 1-3 above shall be put in writing.

G. Furlough requests shall be processed as follows:

1. The inmate shall submit his furlough request to his Classification and Treatment Officer (CTO) or Community Service Center Probation and Parole Officer for initial review, verification of eligibility, institutional records check, and staff recommendation.
2. If the CTO or Community Service Center Probation and Parole Officer finds a furlough request is appropriate, he shall contact the relative and the appropriate Parole Officer to verify if there are unusual circumstances which may warrant the denial of the furlough.
  - a. The CTO or Community Service Center Probation and Parole Officer shall verify the willingness of the relative to sponsor the inmate. The relative shall indicate this willingness in writing.
  - b. The CTO or Community Service Center Probation and Parole Officer shall forward information regarding a furlough request to the Parole Officer of all sentencing counties and the furlough destination for a recommendation concerning the suitability of the furlough.
  - c. The CTO shall request a recommendation from the Parole Officer which shall be returned to the institution within ten (10) working days of receipt of the request.
  - d. Information for an emergency furlough shall be verified by telephone.
3. The CTO or Community Service Center Probation and Parole Officer shall complete the furlough request, Code of Conduct, investigation and verification of the furlough information and other necessary documents shall be forwarded to the Deputy Warden for approval and then to the

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Warden or his designee or Probation and Parole Supervisor, who shall approve or disapprove the furlough.

4. An approved furlough shall be forwarded to the Director of Population Management or Designee a minimum of twenty (20) working days prior to the furlough release date, for approval or disapproval.
  - a. If an inmate completes one (1) successful furlough and meets the requirements outlined in Section B, he may have an additional furlough processed at the institutional or probation and parole level unless otherwise indicated.
  - b. The first request for furlough on an inmate who is returned from a community service center who is receiving furloughs and lost custody or who receives a deferment of twelve (12) months or more shall be forwarded to the Director of Population Management or designee for approval.
  - c. The Warden or Director of Local Facilities or designee may request that the Director of Population Management or designee review a furlough request if there is a change in the case since the last furlough.
5. If a furlough is disapproved at any level, the person disapproving the furlough shall indicate in writing the reason for the disapproval.
  - a. The denied furlough request shall be returned to the CTO or Community Service Center Probation and Parole Officer, who shall inform the inmate of the action and reason within five (5) working days.
  - b. The disapproved furlough request and the reason for disapproval shall be scanned and uploaded to the Kentucky Offender Management System (KOMS).
  - c. An inmate may not reapply for a furlough for a minimum of one hundred eighty (180) days from the date of denial or as indicated when denied.
6. Upon approval of a regular furlough, and at least ten (10) working days prior to the release of the inmate on regular furlough, the institution or Probation and Parole Officer shall send the notice required by KRS 197.170.

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If the furlough is an emergency, the required officials shall be contacted by telephone, fax, or email and a copy of the Notice of Furlough shall be sent indicating the contact.

7. VINE shall be activated as soon as possible.
8. The inmate shall notify his relative of the time and date of release and return.
9. Immediately prior to release on a furlough, the inmate shall sign a Furlough Code of Conduct. This signature shall be witnessed by the staff responsible for discharging the inmate on furlough.
  - a. The rules and responsibilities of the furlough shall be explained to the relative picking up the inmate prior to the inmate's release. The relative picking up the inmate shall present identification and sign a copy of the Furlough Code of Conduct.
  - b. As a condition of his furlough, the inmate may be required to call the institution at a designated time. In a special case, the inmate may be required to call or visit the local parole officer while on furlough.
10. When discharged from the institution or community service center, the inmate shall receive a copy of his furlough request and Code of Conduct. He shall keep these papers with him at all times.
11. The Warden of the institution may appeal to the Director of Population Management if the parole officer does not recommend furlough or if the staff in the Classification Branch Office denies the furlough.

#### H. Community Project Furloughs:

The Warden may grant a furlough on a daily basis to an inmate who is involved in a community project or activity for the compelling interest or benefit of the public. Examples of these projects are emergency squads during floods, voluntary hospital work, or work for a charity, and non-profit organization. These furloughs shall not count as part of the eight (8) furlough days granted yearly.

1. An inmate eligible for participation in a community project shall:
  - a. meet the time and sentencing requirements set forth in Section B;
  - b. be housed in a minimum security institution a minimum of ninety (90) days;

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- c. be a good risk and proper candidate for a community furlough; and
    - d. meet the individual institutional program requirements, including incentive programs.
  2. At any one (1) time no more than five (5) inmates may be issued a furlough for any specific project without prior approval from a Deputy Commissioner.
  3. A community furlough may be granted for ten (10) hours or less on a daily basis.
  4. An inmate on community furlough, shall be supervised by a reputable citizen or volunteer personally involved with the ongoing community project or activity.
  5. The number of community furloughs and community project activities shall be reported on the Warden's monthly report. An institution which grants community furloughs shall maintain a log with the inmate's name, community project, destination and the name of the citizen or volunteer supervising the project or activity.
  6. A volunteer shall have a security check conducted and be required to complete outside detail supervision orientation before being permitted to supervise an inmate. The volunteer shall sign an acknowledgement that he has received orientation, and this acknowledgement shall be maintained on file by the institution.
- I. At the end of every month, each institution shall submit a furlough log to the Director of Population Management. This log shall reflect the inmate who participated in the furlough program and whether the furlough was successful.