

103 CMR 463.00: FURLOUGHS

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463.01: Purpose

The purpose of 103 CMR 463.00 is to establish rules and procedures which govern the Department of Correction Furlough Program.

463.02: Cancellation

103 CMR 463.00 cancels all previous departmental or institutional policy, policy statements and rules and procedures regarding furloughs.

463.03: Applicability

103 CMR 463.00 is applicable to all state correctional facilities and county correctional facilities in which inmates of state correctional facilities are confined.

463.04: Statutory Authorization

103 CMR 463.00 is issued pursuant to M.G.L. c. 124, § 1(q) and M.G.L. c. 127, § 90A.

463.05: Access to Regulations

103 CMR 463.00 shall be maintained within the Central Policy File of the Department and will be accessible to all Department employees. A copy of 103 CMR 463.00 shall be maintained in each Superintendent's Central Policy File and at each inmate library.

463.06: Definitions

Classification - A system by which each inmate's needs are regularly assessed in relation to his or her placement and program resources.

Classification Board - A committee of institutional or departmental employees whose responsibility is to make recommendations to the Superintendent concerning an inmate's program participation or placement within the Department.

Classification Report - A report generated by a classification board containing information regarding an inmate's offense, criminal history, social history, legal issues, program participation, adjustment history and individual need areas.

Commissioner - The Commissioner of Correction.

Commissioner's Designee - A department manager who is authorized by the Commissioner to render final decisions for the Commissioner as the Commissioner's Designee.

Commissioner's Furlough Panel - A group comprised of at least three members of central office executive and administrative staff, appointed by the Commissioner, whose responsibility it is to make recommendations to the Commissioner concerning an initial furlough application of an inmate.

Furlough - An extension of the limits of the place of confinement for an inmate committed to the Department of Correction by authorizing the inmate under the prescribed conditions contained within 103 CMR 463.00 to be away from a correctional facility but within the Commonwealth for a specified period of time.

Furlough Coordinator - An institution employee selected by the Superintendent who is responsible for the general coordination and administration of furlough procedures at that institution.

Furlough Day - A furlough day shall consist of 24 hours or 48 half hour periods.

Furlough Itinerary - A chronological record of an inmate's whereabouts while on furlough, to include names, addresses, dates, times and phone numbers.

Furlough Progress Report - A report generated by a correction counselor prior to each subsequent furlough and presented to the Furlough Panel, to include current information concerning the inmate's progress in the furlough program, other program participation and conduct.

Furlough Year - The year commencing from the date of final approval of an initial furlough by the Commissioner or by the Commissioner's designee and ending 12 months later. Each additional furlough year shall be on the anniversary date of the final approval of the initial furlough.

Furlough Panel - A committee comprised of no less than three and no more than five institution employees recommended by the Superintendent and approved by the Commissioner or his designee, whose responsibility is to review and make recommendations to the Superintendent regarding inmate furlough requests.

Relative - The inmate's father, mother, child, brother, sister, husband or wife and a grandparent, uncle, aunt, or foster parent who acted as a parent in rearing the inmate provided such a relationship can be verified through available documentation.

Summary/Key Issues Form - A face sheet identifying the key issues used in making a decision regarding an inmate's classification or furlough status.

Superintendent - A Superintendent of a state correctional facility, a director of a contract facility or the chief administrative officer of a county correctional facility.

463.07: Eligibility Requirements

(1) An inmate shall be eligible to be considered for a furlough under the following conditions:

(a) An inmate serving a life sentence for murder in the second degree shall be required to serve 12 years from the effective date of sentence.

(b) Except for inmates serving a life sentence for murder in the first degree for whom furloughs are not allowed, all

other inmates shall be required to have served at least 50% of the time between their effective date of sentence and their parole eligibility date or earliest release or discharge date, whichever is less, and shall be within three years of their parole eligibility date or earliest release or discharge date, whichever is less, before being eligible for an initial furlough. The eligibility requirement of 103 CMR 463.07 shall not preclude from furlough participation those inmates not yet within three years of their parole eligibility date or earliest release or discharge date, whichever is less, who are furlough certified prior the effective date of 103 CMR 463.00. Any inmate not within three years of his/her parole eligibility date or earliest release or discharge date, whichever is less, and certified prior to the effective date of 103 CMR 463.00, and who is terminated from the furlough program for any reason subsequent to the effective date of 103 CMR 463.00 shall thereafter be subject to the eligibility requirements of 103 CMR 463.07.

(c) An inmate shall be considered eligible for an initial furlough provided that he meets the criteria established in 103 CMR 463.07(1)(a) and (b); and does not have a felony warrant or detainer pending, has been determined not to be a sexually dangerous person in accordance with M.G.L. c. 123A, is not serving a mandatory sentence restricting involvement in the furlough program, is not serving a sentence for murder 1st degree and has been deemed appropriate for participation in the furlough program in accordance with 103 CMR 420.00: *Classification*, and the respective institution classification procedures.

(d) The decision to recommend or approve the inmate for a furlough shall be based upon the inmate's ability to conduct himself responsibly while in the community; past and present conduct in the correctional system; past history of release on furlough, probation, parole or bail; involvement in institution programs or rehabilitative activities; history of violent behavior; offense; and absence of any pending legal issues.

(2) An inmate shall be authorized to receive a furlough for the following purposes only:

- (a) to attend the funeral of a relative;
- (b) to visit a critically ill relative;
- (c) to obtain medical, psychiatric, psychological or other social services when adequate services are not available at the facility and cannot be obtained by temporary placement in a hospital under M.G.L. c. 127, §§ 117, 117A and 118.
- (d) to contact prospective employers.
- (e) to secure a suitable residence for use upon release on parole or discharge.

(f) for any other reason consistent with the reintegration of a committed offender into the community.

463.08: Furlough Time

(1) An inmate of any state correctional facility shall be eligible for 14 furlough days (336 hours) during his furlough year.

(2) An inmate shall not be eligible to receive more than seven furlough days in the first half of a furlough year except for inmates participating in pre-release programs who may be so eligible.

(3) Furlough days or any part remaining at the end of the first half of the furlough year may be carried from the first half of a furlough year to the next, but no furlough days may be carried from one furlough year to the next furlough year.

(4) Inmates returning early from a furlough shall be credited for such early return in full unused half hour periods of time. Inmates returning late from a furlough shall have time deducted for such late return in half hour periods of time.

(5) An inmate's furlough year will begin either from the date of the inmate's emergency furlough, emergency escorted furlough, or the date of the inmate's initial furlough, taken during the current commitment.

(6) Should an inmate on positive furlough status lose that status due to a classification decision or disciplinary sanction, the effective date of the furlough year will not be affected if he is reinstated to positive furlough status.

(7) The Superintendent and/or designee may restrict the length and frequency of furloughs.

(8) Each inmate will leave 12 furlough hours unused until the last two weeks of his furlough half year for the purpose of ensuring ample available time in case of the need for an emergency furlough.

463.09: Furlough Sponsor

(1) Each inmate participating in the furlough program shall have a furlough sponsor. The furlough sponsor must be 18 years of age or older and be approved to act as a sponsor by the institution furlough committee and institution Superintendent. In addition, the furlough sponsor shall not

be an employee of the Department of Correction or currently on parole.

(2) Furlough sponsors shall be required to remain with the inmate at all times for the duration of the furlough. The sponsor shall also be required to provide reliable transportation for the inmate and remain with the inmate during such transportation. The sponsor shall also be required to provide the inmate with an address and a telephone number.

(3) A proposed sponsor must arrange an appointment with the institution furlough investigator for the purpose of conducting a sponsor interview. During the interview the proposed sponsor shall receive an orientation of rules and regulations of the furlough program and the legal responsibilities of a sponsor. Each proposed sponsor shall also complete the following:

- (a) Background Information Request and Waiver Form;
- (b) Furlough Sponsorship Agreement Form;
- (c) Furlough Sponsor Interview Form.

(4) The chief of police in the city/town where the proposed sponsor resides shall be interviewed by an institution furlough investigator.

(5) The proposed sponsor of an inmate serving a sentence of murder in the second degree, manslaughter, a sex offense, an inmate with a violent history, an inmate the subject of a CORI A petition or an inmate with an escape history must be investigated to determine the proposed sponsor's appropriateness to act as a sponsor. Said investigation shall be conducted by an institution investigator approved by the Department's chief of investigations, and include, but not be limited to, a site investigation of the residence of the proposed sponsor, and if applicable an interview with CORI A petitioner(s). The Superintendent of a correctional facility may order the investigation of any proposed sponsor as he deems necessary.

(6) Proposed sponsors shall be interviewed by the institution furlough investigator prior to the inmate's initial furlough and shall be re-interviewed by a furlough investigator on a quarterly basis during the inmate's furlough year.

(7) Upon the completion of all required interviews and sponsorship forms which include a Background Information Request and Waiver Form, a Furlough Sponsorship Agreement Form, a Sponsor Interview Form, a Police Chief interview, a

home investigation report (if applicable), and a CORI A petitioner interview, if applicable, all forms and reports are to be forwarded to the Departments Investigations Unit. Included in the package shall be a recent classification board report and a copy of the sponsor's telephone bill. The chief of the investigation unit shall review the package for completeness and act as a reviewing authority. The chief of investigations shall return the package to the facility with comments and recommendations. The sponsor package will be reviewed by the institution furlough panel, for a determination of approval or denial of the individual to act as a furlough sponsor. The facility Superintendent will render a final decision as to the appropriateness of the individual to act as a furlough sponsor.

463.10: Furlough Panel

(1) Each facility Superintendent shall recommend to the Commissioner or his designee the appointment of certain institution employees as members of the institution furlough panel. The Commissioner or his designee will approve or deny an individual as a member of the furlough panel.

(2) Each institution furlough panel shall consist of at least three, but not more than five, institution employees. A deputy superintendent shall act as the chairperson; other members must include a correction counselor of supervisory rank, a correction officer, or in those facilities not staffed with correction officers, a correction counselor having care and custody responsibilities.

(3) The duties and responsibilities of the institution furlough panel shall be the following:

- (a) to convene on a regular and continuing basis to consider the furlough applications of inmates;
- (b) to review each furlough application and all other related materials, including results of the sponsor investigation, completed sponsor forms, results of interviews, the most recent institution classification board report for completeness and accuracy; and to interview the inmate if deemed necessary and appropriate;
- (c) to recommend approval or denial of an individual's application to act as a furlough sponsor;
- (d) to defer a recommendation of a furlough application when such an application or any supporting material is incomplete or inaccurate, or there is action pending which may affect the recommendation of the panel;
- (e) to record in writing on the furlough authorization sheet, the votes and signatures of individual board members

and any recommendation, with reasons, for approval, denial, modification or deferral of a furlough.

463.11: Emergency Furlough

(1) Whenever an inmate indicates to the furlough coordinator, or other staff are notified that an emergency exists and said emergency satisfies a purpose outlined in 103 CMR 463.07(2), the inmate may be granted an emergency furlough, or an emergency furlough under escort, provided said emergency is verified by the designated staff member.

(2) Upon verification that an emergency exists, the designated staff member shall complete a furlough authorization sheet and instruct the inmate to complete a furlough application listing the specific itinerary. The designated institution staff member shall verify all locations listed on the itinerary. The institution superintendent shall review the request for an emergency furlough including the application and itinerary, and approve, modify or deny the request and determine the conditions for the furlough. The institution furlough coordinator shall submit the request for emergency furlough with conditions to the Central Furlough Unit for approval by the Commissioner or his designee. The designated staff member must forward the furlough authorization sheet to the Central Furlough Unit within one week for signature by the Commissioner or his designee.

(3) The conditions for approval of the emergency furlough must be consistent with the security designation of the institution. An inmate currently on positive furlough status may be released on an emergency furlough without escort, provided the requirements in 103 CMR 463.11(1) and (2) have been satisfied. However, the inmate must be accompanied by the sponsor approved in accordance with 103 CMR 463.09. An inmate not on positive furlough status must be accompanied by an escort, or escorts, to be determined in accordance with the security designation of the institution. In the case of an emergency furlough for an inmate from a medium or maximum security institution, the inmate must be escorted by at least two correction officers, one of whom holds a commission as a special state police officer. In all cases, transportation procedures shall be adhered to at all times in accordance with 103 CMR 503.00: *Inmate Transportation*. The institution superintendent reserves the right to increase the security coverage as he deems necessary.

(4) Following approval by the Commissioner or his designee, the institution furlough coordinator shall be responsible for making telephone notification of the impending emergency

furlough in accordance with 103 CMR 463.14(1) and (2). Said notification shall immediately be followed by a written notification.

463.12: Initial Furlough

(1) An inmate shall not be considered for an initial furlough unless he has met the eligibility and suitability requirements set forth in 103 CMR 463.07.

(2) Each institution shall develop procedural requirements clearly stating when an inmate may apply for an initial furlough following the inmate's transfer or admission to that facility. Such requirements must be consistent with the eligibility criteria established in 103 CMR 463.07 and the security designation of that institution.

(3) The process of considering an inmate for an initial furlough shall be as follows:

(a) the institution furlough coordinator shall receive the inmate's application for a furlough. The institution furlough coordinator shall verify that the inmate is eligible for participation in the furlough program consistent with 103 CMR 463.07. The institution furlough coordinator shall verify that the inmate's furlough sponsor has been approved in accordance with 103 CMR 463.09;

(b) the inmate's furlough application, along with a furlough authorization sheet, sponsor approval forms, the most recent institution classification board report, and any other accompanying documentation, shall be presented to the institution furlough panel by the institution furlough coordinator for the panel's recommendation of approval or denial, or approval with certain conditions, to the institution superintendent.

(c) the institution superintendent shall review the recommendation of the institution furlough panel, the furlough application, and other accompanying documentation as outlined in 103 CMR 463.12(3)(b) and make a decision of approval, denial, or approval with certain conditions. The institution furlough coordinator shall forward the Superintendent's decision to the Central Furlough Unit.

(d) the Central Furlough Unit shall review the furlough package for completeness and accuracy. The Central Furlough Unit shall present the inmate's furlough application and accompanying documentation to the Commissioner's furlough panel. The Commissioner's furlough panel shall review the inmate's application and make a recommendation to the Commissioner of approval or denial, or approval with certain condition.

(e) The Commissioner, or his designee, shall review the recommendation of the Commissioner's furlough panel and make the final decision as to the approval or denial of the inmate's application for an initial furlough.

463.13: Subsequent Furlough

(1) An inmate may submit an application for a subsequent furlough in accordance with prescribed institution procedures and following the successful completion of an initial furlough.

(2) Upon completion of the inmate's furlough application, the institution furlough coordinator shall verify that the inmate has successfully completed an initial furlough and has submitted the application in accordance with 103 CMR 463.13. The institution furlough coordinator shall also determine if any significant issues have developed that may affect the inmate's status within the furlough program or ability to complete a furlough. The institution furlough coordinator shall submit the inmate's furlough application, authorization sheet and accompanying documentation to the institution furlough panel. The institution furlough coordinator shall also submit an updated furlough progress report to the institution furlough panel.

(3) The institution furlough panel shall review the inmate's furlough application and accompanying documentation, and make a recommendation to the institution superintendent of approval or denial, or approval with certain conditions. The institution's furlough panel shall take into consideration in its recommendation any significant issues that have developed since the inmate's last furlough.

(4) The institution superintendent shall make the final decision as to approval or denial, or approval with certain conditions, of the inmate's furlough applications.

463.14: Notifications

(1) At least seven days prior to a release of an inmate on an approved furlough, the institution furlough coordinator shall make written notification to the below stated individual(s) or agencies of the intended release of the inmate on furlough:

- (a) the Chief of Police of each city/town identified as a destination on the inmate's itinerary;
- (b) the Department of Public Safety, 1010 Commonwealth Avenue, Boston, Massachusetts;
- (c) the inmate's approved furlough sponsor;

(d) a CORI A petitioner previously approved for such notification by the Criminal History Systems Board.

(2) At least seven days prior to a release of an inmate on an approved initial furlough, the institution furlough coordinator shall forward to the Chief of Police of the city/town where the approved furlough sponsor resides, a photograph of said inmate.

(3) In the case of an emergency furlough, emergency under escort, or in any other case where time does not permit, notification shall be made by telephone. The institution furlough coordinator shall immediately forward written notifications to all agencies or individuals notified pursuant to 103 CMR 463.14(1).

463.15: Duties and Responsibilities

(1) Institution Furlough Coordinator: The duties and responsibilities of the institution furlough coordinator shall include:

(a) receiving and reviewing the furlough application of an inmate and preparing the furlough authorization sheet;

(b) insuring that the inmate is eligible and suitable to apply for furloughs in accordance with 103 CMR 463.07 and prescribed institution procedures as required by 103 CMR 463.12(2);

(c) participating in an institution orientation program for inmates and sponsors and informing them of the rules and regulations of the furlough program as established by 103 CMR 463.00;

(d) working in conjunction with institution furlough investigators for the purpose of determining the suitability of proposed furlough sponsors;

(e) receiving the most recent institution classification board report and reviewing the same to ensure that the inmate does not have pending legal issues and has received clearance as not a sexually dangerous person pursuant to M.G.L. c. 123A (if applicable);

(f) requiring an inmate to sign a waiver granting his sponsor access to his CORI records, as defined in 103 CMR 153.00;

(g) verifying the information contained on the furlough application including sponsor, transportation arrangements, medical issues and destinations listed on the itinerary;

(h) forwarding the application, authorization sheet, sponsor approval forms and results of sponsor investigation, department classification board report, results of police chief interview, and CORI A interview (if applicable), to

the Institution Furlough Panel and Superintendent and insuring that each has signed and made notations in the appropriate areas of each form as required;

(i) forwarding the application sheet and accompanying documentation to the Central Furlough Unit.

(j) receiving the results of the Commissioner or his designee's decision and informing the institution Superintendent and the inmate;

(k) assisting the inmate in signing the authorization sheet and informing the inmate of any conditions or restrictions determined by the Commissioner or his designee;

(l) receiving completed progress reports from required institution staff and forwarding same to the institution furlough panel for its review when considering an inmate for a subsequent furlough;

(m) assisting the inmate in the development of his furlough plans;

(n) advising inmates regarding the use of furlough time and the budgeting of furlough hours during the course of the furlough year;

(o) providing written notification to the inmate's sponsor and any CORI A petitioner of the inmate's release on furlough;

(p) notifying local police and the Department of Public Safety of the planned release of an inmate on furlough;

(q) insuring that all furlough record information is properly recorded in the inmate's furlough folder and maintain a current log of the cumulative number of furlough hours used during the furlough year by the inmate;

(r) preparing and forwarding the furlough roster on a weekly basis to the research division of the Department and the central office furlough unit;

(s) providing the inmate with a furlough pass book and insuring the inmate has read and understands the rules contained therein.

(2) Institution Furlough Panel: The duties and responsibilities of the institution furlough panel shall include:

(a) insuring that its composition is in accordance with 103 CMR 463.10;

(b) convening on a regular and continuing basis to consider the furlough application of inmates;

(c) reviewing the furlough application and all accompanying documentation for completeness and accuracy and interviewing the inmate as required;

(d) deferring a recommendation on a furlough application when such an application or any accompanying documentation is incomplete or inaccurate or there exists an unresolved

issue which may affect the recommendation of the institution furlough panel;

(e) providing written documentation on the authorization sheet to the Superintendent regarding the votes of each panel member and the panel's recommendation with reasons for approval or denial, or approval with conditions of the inmate's furlough application.

(3) Superintendent: The duties and responsibilities of the Superintendent shall include:

(a) reviewing all furlough applications and furlough authorization sheets and accompanying documentation for completeness and accuracy and conformance with these regulations;

(b) deciding to approve, deny or approve with conditions the furlough application of an inmate and recommending the approval, denial or approval with conditions of an initial furlough to the Commissioner;

(c) deferring a decision on a furlough application due to incomplete or inaccurate information or the need for further verification of the inmate's furlough plans or the existence of an unresolved issue that may affect the decision of the superintendent;

(d) reviewing an approved furlough application of an inmate transferred to another state correctional facility and determining whether to release the inmate on furlough or to require the inmate to reapply according to institution procedures established pursuant to 103 CMR 463.12(2);

(e) interviewing an inmate prior to the initial furlough and quarterly during the inmate's furlough year, said interview to be documented and placed in the inmate's furlough folder.

(4) Commissioner's Furlough Panel: The duties and responsibilities of the Commissioner's furlough panel shall include:

(a) insuring that its composition is in accordance with 103 CMR 463.00;

(b) reviewing all furlough applications, and furlough authorization sheets and accompanying documentation, and insuring conformance with 103 CMR 463.00.

(c) recommending to the Commissioner or his designee the approval or denial or approval with certain conditions the furlough application of an inmate. Said recommendation to be documented noting the votes and comments of each panel member.

(5) Commissioner or Commissioner's designee: The duties and responsibilities of the Commissioner or his designee shall include:

(a) reviewing all furlough applications, authorization sheets and accompanying documentation submitted by the Commissioner's furlough panel to insure conformance with 103 CMR 463.00;

(b) approving, denying or approving with certain conditions the application for an initial furlough, emergency furlough, or emergency furlough under escort;

(c) deferring an application for furlough due to incomplete or inaccurate information or for further verification of the details of the inmate's release on furlough;

(d) completing the furlough authorization sheet with a decision of approval or denial of the furlough noting the reasons and any conditions or restrictions.

463.16: Inmate Accountability

Each institution shall develop a system of inmate accountability to ensure the necessary supervision of an inmate on furlough as well as total compliance with the rules and regulations established within 103 CMR 463.00. Said systems shall include, but not be limited to the following:

(1) an inmate must read, sign and date his furlough passbook prior to release on an initial furlough;

(2) each institution shall develop an orientation program whereby inmates are informed of the rules and regulation of the furlough program, established pursuant to 103 CMR 463.00;

(3) each inmate shall be interviewed by the institution Superintendent on a regular basis to ensure his suitability for involvement in the furlough program;

(4) a system for making random unannounced telephone spot checks to an inmate on furlough by an institution staff member. Random spot checks should be made a frequency of one for every 12 hours of furlough or fraction thereof;

(5) a system of call-ins by an inmate on furlough at a pre/arranged time. Said call-ins shall not replace required spot checks and shall be verified by a return call to the location noted on the inmate's itinerary;

(6) a system of physical unannounced spot checks at a location noted on the furlough itinerary, to verify an inmate's location on furlough and to ensure his activities are

consistent with the previously approved itinerary and are in accordance with 103 CMR 463.00;

(7) a system of urine surveillance, medical examinations, or other methods to monitor the possible use of alcohol, illicit drugs or intoxicating substances while on furlough;

(8) written notification to the police chief in each city or town listed on an inmate's itinerary and to the state police;

(9) a system of monitoring the inmate's relationship with the sponsor to ensure the appropriateness of the individual to act as a sponsor and determine any potential problems that may develop in the relationship.

463.17: Abuse of Furlough Privilege

(1) Failure of an inmate to adhere to the conditions of his furlough shall be considered an abuse of furlough privilege and the inmate may be subject to disciplinary action or criminal prosecution. Further, such abuse shall be considered in future furlough requests.

(2) Failure of an inmate to return from furlough to the institution at the designated time shall automatically result in the filing of a disciplinary report, regardless of prior notification to the facility by the inmate.

(3) Failure of an inmate to return to the institution within two hours of the designated time shall be considered an escape, regardless of prior notification by the inmate.

463.18: Escape

- (1) An inmate shall be declared on escape if he:
- (a) fails to return from furlough to a state, county or contract facility within two hours of the designated time of return;
 - (b) fails to arrive at a location specified on the furlough itinerary by the scheduled time, and does not arrive there or return to the institution within two hours;
 - (c) leaves the location specified on the itinerary prior to the approved departure time and does not return to the location or to the institution within two hours;
 - (d) fails or refuses to return to the institution within two hours after being ordered to do so;
 - (e) is determined not to be at a location specified on the itinerary as confirmed by a spot check call or physical spot check;

(f) leaves the boundaries of the Commonwealth of Massachusetts at any time while on furlough.

(2) An inmate may be declared on escape at any time during a furlough, if in the opinion of the Commissioner or institution Superintendent, there exists sufficient evidence to reasonably assume that the inmate has escaped.

(3) In the event that an inmate is declared on escape under 103 CMR 463.00, the escape procedures outlined in 103 CMR 550.000: *Escape Procedures*, or corresponding institution policy shall be followed. Such procedures shall include notification to the inmate's furlough sponsor, local police of area in which inmate was last reported, as well as any CORI A petitioner previously approved by the Criminal History Systems Board.

463.19: Furlough Rules

(1) An inmate on furlough shall adhere to the following rules:

(a) the inmate shall obey all federal laws, the laws of the Commonwealth and the local community where he is visiting and shall return to the institution at the designated time;

(b) the inmate shall not leave the Commonwealth of Massachusetts;

(c) the inmate shall submit to urinalysis or medical examination upon request of the institution;

(d) the inmate shall follow the itinerary of activities, destinations and conditions as approved;

(e) the inmate shall not introduce or attempt to introduce contraband into the institution;

(f) the inmate shall immediately telephone the institution in case of problems or emergencies;

(g) the inmate shall not associate with other known felons on furlough;

(h) the inmate shall return to the institution immediately if ordered by the Superintendent or his designee;

(i) the inmate shall carry on him at all times his furlough passbook which is signed by the Superintendent and inmate, stating the above furlough rules, time the furlough begins and ends and conditions for the furlough.

463.20: Record Keeping

Each institution shall develop a comprehensive record keeping system that shall include, but not be limited to the following:

(1) a separate furlough folder for each inmate either on positive furlough status or in process for an initial furlough, located in a safe and secure area of the institution;

(2) the institution furlough coordinator shall be responsible for placing all applicable furlough documentation in the furlough folder;

(3) the institution furlough coordinator shall maintain any logs relating to dates of furloughs, departure and return times, spot checks, urinalysis surveillance and comments regarding the outcome of any furlough;

(4) each institution furlough folder shall contain at least the following:

(a) furlough authorization sheets noting an accurate account of furlough hours used;

(b) all furlough applications and itineraries submitted by the inmate;

(c) sponsor package, including, sponsor interview form, police chief interview form, CORI A interview form (if applicable), results of home investigation (if applicable), furlough investigator's summary, sponsor's probation check, furlough sponsorship agreement and a copy of sponsor's home telephone bill;

(d) a CORI waiver signed by inmate;

(e) results of inmate and sponsor interviews with either the Superintendent or institution furlough investigator.

(5) completion of a weekly furlough roster listing all inmates on furlough during the previous week and all pertinent data concerning those furloughs. Said roster is to be forwarded to the Central Furlough Unit and Central Research Unit.

(6) copies of all notifications made pursuant to 103 CMR 463.14.

463.21: Cancellation and Extension of Furloughs

(1) Furloughs may not be extended except by order of the Commissioner or institution Superintendent. A furlough shall only be extended in case of an emergency and the reasons for the extension shall be documented and placed in the institution furlough file within one week of the extension.

(2) Furloughs shall be cancelled only by order of the Commissioner or institution Superintendent. When a furlough

has been cancelled, the Superintendent or his designee shall take appropriate steps to insure that the inmate is not permitted to temporarily leave the facility on the furlough. The reasons for cancellation shall be documented and placed in the file of the inmate within five working days of the cancellation.

(3) Furloughs already in progress may be terminated by the Commissioner or institution Superintendent upon receipt of information that the inmate has violated the terms of 103 CMR 463.00 or for other good cause as determined by the Superintendent or Commissioner.

463.22: Miscellaneous Regulations

(1) An inmate being considered for furlough must meet the eligibility requirements set forth in 103 CMR 463.07.

(2) An inmate must be physically and mentally capable of successfully completing a furlough without escort.

(3) An inmate shall be responsible for making arrangements for safe and reliable transportation while on furlough, except in the case of emergency furlough under escort. Transportation shall not be provided by a department employee, except for an emergency furlough under escort.

(4) An inmate released on furlough shall be responsible for all expenses incurred as a result of the furlough. Only medical expenses for substantial injuries or illnesses that required immediate or emergency attention while the inmate was on furlough shall be considered the responsibility of the Department.

(5) Transfer of inmates.

(a) When an inmate of a state correctional facility is transferred to or housed in a county correctional facility with an approved furlough pending, the Superintendent of the receiving facility may honor said furlough, or require that the inmate reapply according to 103 CMR 463.12(2).

(b) When an inmate of a state correctional facility is transferred to a state correctional facility, the rules and regulations set forth in 103 CMR 463.00 shall be fully applicable.

(6) Furlough itineraries shall be consistent with those reasons specified in 103 CMR 463.07(2) and shall include activities which are of a programmatic nature, consistent with rehabilitation of the offender.

(7) All inmates being considered for a furlough shall be required to sign waivers granting their proposed sponsor access to their CORI records.

(8) All interviews with inmates or sponsors by either a Superintendent or Furlough Coordinator shall be documented and made a permanent part of the inmate's furlough folder.

463.23: Program Evaluations

The furlough program shall be evaluated quarterly and annually as provided for in 103 CMR 111.00: *Management Analysis, Survey and Evaluation*, with written reports being included in the quarterly and annual reports of the Department.

463.24: Responsible Staff

The Associate Commissioner of Programs and Treatment shall be responsible for monitoring 103 CMR 463.00 throughout the Department. The Superintendent of each correctional institution shall be responsible for the implementation of 103 CMR 463.00 within the institution and for the development of any and all necessary and appropriate institution policies and procedures within the parameters established by 103 CMR 463.00.

463.25: Review Date

103 CMR 463.00 shall be reviewed annually from the effective date by the Associate Commissioner of Programs and Treatment acting as the reviewing authority.

463.26: Severability Clause

If any article, section, subsection, clause or phrase of 103 CMR 463.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, clause or phrase of 103 CMR 463.00.

REGULATORY AUTHORITY

103 CMR 463.00: M.G.L. c. 124, § 1(q); c. 127, § 90A.

**Commonwealth of Massachusetts
Department of Correction
Standard Operating Procedures
Attachment to 103 CMR 463 Furloughs
Procedures for Emergency Escorted Trips
For Purposes of Inmates Attending a Private Viewing of a
Deceased Relative and/or
Visiting a Critically Ill Relative**

I. Purpose

Emergency Escorted Trips (EET) are authorized in accordance with 103 CMR 463 Furloughs. An EET permits eligible inmates to attend a private viewing of a deceased relative and/or visit a critically ill relative.

II. Eligibility

1. Any inmate in the custody of the Department of Correction other than an inmate serving a 1st Degree Life sentence is eligible for an EET.
2. The relative shall be a spouse, child, sibling, parent, or a grandparent, uncle, aunt or foster parent if such grandparent, uncle, aunt or foster parent acted as a parent in rearing the inmate ; and
 - A. The family member is critically ill and death is imminent; or
 - B. The family member has passed away.

The relationship shall be verified by the Institutional EET Coordinator or designee.

III. Requests During Business Hours

1. Once the facility receives notification about a possible EET, the Institutional EET Coordinator or designee shall complete Attachment I, Emergency Escorted Trip form.
 - A. All information entered in the first section shall be verified through the Inmate Management System and the inmate's six-part folder.
2. The Institutional EET Coordinator or designee shall then verify that an emergency does exist and the destination is valid.
 - A. If the request is to visit a critically ill relative, the attending physician shall be contacted and asked to verify that the relative's death is imminent.
 - B. If the request is to attend a private viewing of a deceased relative, the funeral home director shall be contacted and asked to verify that they have possession of the body and to disclose the cause of death.

Once the request has been validated, the information shall be entered in the *Reason for Emergency Escorted Trip* section of Attachment I.

3. The Institutional EET Coordinator shall confer with a contact person and determine the best date and time to bring the inmate to the destination. The information shall then be entered into the *Destination* section of Attachment I.

4. The Institutional EET Coordinator shall review the inmate's records to evaluate whether there are any current safety or security related issues, to include but not be limited to, whether:
 - A. The inmate has a security risk rating;
 - B. Other relatives are currently incarcerated;
 - C. There are any Security Threat Group related issues;
 - D. There are any CORI certifications;
 - E. The inmate has ever taken a prior emergency escorted trip, and if so, the results of said trip;
 - F. There are any security concerns, i.e., pending court trials, etc.

Once this information has been reviewed, the Institutional EET Coordinator shall confer with the Director of Security or designee to review the current security related issues, if any, or any other relevant information that should be brought to the Superintendent or designee's attention. The information shall be entered in the *Transportation and Security Information* section of Attachment I.

5. If the inmate is not serving a 1st Degree Life sentence and the Superintendent or designee:
 - A. Denies the request, the denial rationale shall be noted on bottom section of Attachment I.
 - B. Approves the request, he/she shall determine the conditions for the trip, including:
 - i. appropriate transportation;
 - ii. security equipment; and
 - iii. officer coverage.

The information shall be entered into the *Transportation and Security Information* section of Attachment I.

6. If the inmate is serving a 1st Degree Life sentence, the Institutional EET Coordinator or designee shall complete Attachment II, tracking form for emergency escorted trip requests by first degree lifers.
 - A. The request shall be denied and signed by the Superintendent or designee.
7. Upon approval, the Superintendent or designee shall sign the request and return it to the Institutional EET Coordinator, who shall then call the Office of the Deputy Commissioner of Classification, Programs and Reentry Division to notify them that an EET form will be faxed to them for final review.

IV. Central Office Review (Business Hours)

1. The form shall be faxed by the Institutional EET Coordinator to the Office of the Deputy Commissioner of Classification, Programs and Reentry Division..
 - A. A consultation between the Office of the Deputy Commissioner of Classification, Programs and Reentry Division and the Office of Investigative Services shall be made if appropriate.
2. If the inmate is serving a Life sentence other than a 1st Degree Life sentence, the form along with a copy of the official version, shall be forwarded to the Commissioner or designee by the Office of the Deputy Commissioner of Classification, Programs and Reentry Division.
 - A. If the request is approved by the Commissioner or designee, it shall be reviewed by the Undersecretary of Criminal Justice for the Executive Office

of Public Safety and Security (EOPSS) for review and final approval/disapproval. The final approval/disapproval of the Undersecretary of Criminal Justice for EOPSS shall be noted on the bottom of Attachment I.

3. All other requests will be reviewed by the Deputy Commissioner of Classification, Programs and Reentry Division.
4. The Office of the Deputy Commissioner of Classification, Programs and Reentry Division will notify the Institutional EET Coordinator of the decision as well as any modifications.

V. Requests During Non-Business Hours

1. Once the facility receives notification about a possible EET, the Shift Commander shall verify in the Inmate Management System if the inmate is serving a 1st Degree Life sentence.
 - A. If the inmate is serving a 1st Degree Life sentence, the request shall be denied and Attachment II, tracking form for emergency escorted trip requests by first degree lifers, shall be completed and forwarded to the Superintendent or designee the following business day for signature and rationale.
 - B. If the inmate is not serving a 1st Degree Life sentence, the Shift Commander shall complete Attachment I, Emergency Escorted Trip form.
 - i. All information entered in the first section shall be verified through the Inmate Management System and the inmate's six-part folder.
2. The Shift Commander shall then verify that an emergency does exist and the destination is valid.
 - A. If the request is to visit a critically ill relative, the attending physician shall be contacted and asked to verify that the relative's death is imminent.
 - B. If the request is to attend a private viewing of a deceased relative, the funeral home director shall be contacted and asked to verify that they have possession of the body and to disclose the cause of death.

Once the request has been validated, the Shift Commander shall then complete the section, *Reason for Emergency Escorted Trip* of Attachment I.

3. The Shift Commander shall confer with a contact person and determine the best date and time to bring the inmate to the destination. This information should then be entered into the *Destination* section of Attachment I.
4. The Shift Commander shall review the inmate's records to evaluate whether there are any current safety or security related issues, to include but not limited to, whether:
 - A. The inmate has a security risk rating;
 - B. Other relatives are currently incarcerated;
 - C. There are any Security Threat Group related issues;
 - D. There are any CORI certifications;
 - E. The inmate has ever taken a prior emergency escorted trip, and if so, the results of said trip;
 - F. There are any security concerns, i.e., pending court trials, etc.

Once this information has been reviewed, the Shift Commander shall confer with the Institutional Duty Officer to review the current security related issues, if any, or any other

relevant information. The information shall be entered in the *Transportation and Security Information* section of Attachment I. The Institutional Duty Officer shall contact the Superintendent or designee and review all requests via telephone for approval/denial by the Superintendent or designee.

5. If the Superintendent or designee:
 - A. Denies the request, the denial rationale shall be noted on the bottom section of Attachment I.
 - B. Approves the request, he/she shall determine the conditions for the trip, including:
 - i. appropriate transportation;
 - ii. security equipment; and
 - iii. officer coverage.

The information shall be entered into the *Transportation and Security Information* of Attachment I.

6. If the request is approved by the Superintendent or designee, the Shift Commander shall notify the Duty Station and provide all relevant information. Review of the request shall then proceed in accordance with Section VI, *Central Office Review (Non-Business Hours)*.
7. Once the Shift Commander is notified by the Duty Station of the final decision made pursuant to Section VI, *Central Office Review (Non-Business Hours)*, he/she shall note the decision on the Emergency Escorted Trip form.
8. Any requests reviewed by the Commissioner or designee or Deputy Commissioner of Classification, Programs and Reentry Division or designee, whether approved or denied, shall be forwarded by the Superintendent's Office to the Institutional EET Coordinator on the following business day for signatures, recording and filing.

VI Central Office Review (Non-Business Hours)

1. If the inmate is serving a Life sentence other than a 1st Degree Life sentence, Duty Station staff shall obtain the official version.
2. The Duty Station shall contact the Deputy Commissioner of Classification, Programs and Reentry Division or designee and shall provide all relevant information.
 - a. The Deputy Commissioner of Classification, Programs and Reentry Division or designee shall be the approving authority for an inmate who is not serving a life sentence.
3. If the inmate is serving a Life sentence other than a 1st Degree Life sentence, the Deputy Commissioner of Classification, Programs and Reentry Division or designee shall contact the Commissioner or designee for approval.
 - i. If the request is approved by the Commissioner or designee, the request shall be forwarded to the Undersecretary of Criminal Justice for EOPSS for review and final approval/disapproval.
4. The Duty Station shall be notified by the Deputy Commissioner of Classification, Programs and Reentry Division or designee via the telephone whether the EET has been approved or denied.

5. The Duty Station shall then notify the Shift Commander of the decision as well as any modifications.

VII Notifications

Upon approval of an EET, the Institutional EET Coordinator or Shift Commander shall perform the telephone notifications of the impending EET. Notifications shall be made to:

- (1) the Massachusetts State Police;
- (2) the police department of the city/town of facility in which the inmate is incarcerated;
- (3) the police department of the city/town identified as a destination on the inmate's itinerary.

During business hours, the Victim Service Unit shall be notified by the institution. The Victim Services Unit shall immediately notify any CORI petitioner previously approved for such notification by the Criminal History Systems Board in accordance with 103 DOC 407, Victim Services Unit policy.

During non-business hours, the Duty Station shall notify any CORI petitioners previously approved for such notification by the Criminal History Systems Board.

VIII Transportation

In all cases and at all times, transportation procedures shall be adhered to in accordance with the instructions on the Emergency Escorted Trip form and 103 CMR 530, Inmate Transportation.

IX Record Keeping

1. The Superintendent shall be responsible to maintain a file for all EET's.
 - A. EET's denied at the Superintendent level are not to be submitted to the Office of the Deputy Commissioner of Classification, Programs and Reentry Division.
 - B. The Superintendent or designee of each institution shall be responsible for reporting the institution's statistics to the Office of the Deputy Commissioner of Classification, Programs and Reentry Division when requested.
2. The Office of the Deputy Commissioner of Classification, Programs and Reentry Division shall maintain a file for all EET's reviewed by the Commissioner or designee and Deputy Commissioner of Classification, Programs and Reentry Division or designee.

EMERGENCY ESCORTED TRIP

Date: _____ Called By/Ext.: _____ Institution: _____

Inmate Name/Number: _____ D.O.B.: _____

Governing Offense: _____

Sentence: _____ S.E.: _____ P.E.: _____ GCD: _____

REASON FOR EMERGENCY ESCORTED TRIP

Imminent Death _____ Death _____ Other _____

Name/Relationship: _____ Cause: _____

Verified by: Funeral Director: _____ Doctor: _____

Comments: _____

DESTINATION:

Location: _____

Address: _____ Phone: _____

Date: _____

Depart Institution: _____ am/pm View/Visit: _____ am/pm Return Institution: _____ am/pm

TRANSPORTATION AND SECURITY INFORMATION:

State Transportation: _____ Vehicles _____ Institution Transportation: _____

CO's: _____ CPO's: _____ Armed: _____ Unarmed: _____

10 / 15 minute Private Visit _____ No Side Trips _____ Full Restraints @ all times _____

Restraints w/CPO _____ No Restraints _____ Remain w/CPO @ all times _____

Security concerns, i.e., pending court trials, etc: _____ Security Risk

Location of STG: _____

Relatives incarcerated: _____ CORI: _____

Prior Emergency Escorted Trips: _____

Comments/Any Add'l Relevant Info: _____

Superintendent/designee: _____ Approved _____ Denied _____ Date: _____

Rationale/Comments: _____

Commissioner/designee: _____ Approved _____ Denied _____ Date: _____

Rationale/Comments: _____

Undersecretary of Criminal Justice/designee: _____ Approved _____ Denied _____ Date: _____

Rationale/Comments: _____

Tracking Form for Emergency Escorted Trip Requests by First Degree Lifers

Date: _____ **Called By/Ext.:** _____ **Institution:** _____

Inmate Name/Number: _____ **D.O.B.:** _____

Governing Offense: _____

Sentence: _____ **S.E:** _____

REASON FOR EMERGENCY ESCORTED TRIP

Imminent Death _____ **Death** _____ **Other** _____

Name/Relationship: _____ **Cause:** _____

Superintendent/designee: _____ **Denied** _____ **Date:** _____

Rationale/Comments: First degree lifers are not eligible for Emergency Escorted Trips.

