

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 952.00: COUNTY CORRECTIONAL FACILITIES -- RELEASE PREPARATION AND TEMPORARY RELEASE

Section

- 952.01: Community Release Programs
- 952.02: Work/Educational Release Program
- 952.03: Furloughs

952.01: Community Release Programs

The county correctional facility shall provide a program of release preparation which may include temporary release programs for all eligible inmates to prepare them for parole or discharge from the facility. The program shall contain the following:

- (1) Written policy and procedure shall provide for escorted and unescorted leaves into the community for eligible inmates;
- (2) Any temporary release programs established in accordance with statute, containing the following elements:
 - (a) written operational procedures;
 - (b) established eligibility and suitability criteria;
 - (c) careful screening and selection procedures;
 - (d) written rules of inmate conduct and a community release agreement signed by the inmate, agreeing to abide by the written rules of conduct;
 - (e) a system of supervision;
 - (f) a complete record-keeping system;
 - (g) a system for evaluation of program effectiveness;
 - (h) efforts to obtain community cooperation and support; and,
 - (i) if applicable, a system to provide 14 days advance notice by telephone and mail to persons certified under the citizens initiated petition process; such notice shall include a description of the program activity release, *i.e.*, the date, approximate time and duration, general location and a description of the level of supervision being provided; in the event of an emergency furlough, immediate notification of the victim shall be provided; the notification actions shall be documented, and entered into the Criminal History Systems Board database (victim certification notification program).

This requirement is not applicable in jail facilities.

952.02: Work/Educational Release Programs

Written policy and procedure shall govern inmate participation in programs which are established in accordance with the provisions of M.G.L. c. 127, §§ 86F and 86G.

- (1) In accordance with the requirements of M.G.L. c. 127, §§ 86F and 86G:
 - (a) an inmate on work release and his employer shall agree that all inmate earnings (after taxes and other deductions) shall be delivered directly to the Sheriff/facility administrator or designee. At no time shall any inmate personally receive any monies, checks or the like from his employer;
 - (b) the Sheriff/facility administrator shall deduct from the inmate's earnings delivered to him the following:
 1. an amount for the reimbursement to the county for food, lodging and clothing provided to the inmate;
 2. the actual and necessary food, travel and other expenses for the inmate while on work release;
 3. the amount for support for the inmate's spouse and children as ordered by any court or the Department of Revenue Child Support Enforcement Division;
 4. sums voluntarily agreed to for family allotments and for personal necessities while confined;
 5. court-ordered fines and fees to include victim witness fees.
- Any balance remaining shall be credited to the inmate's account and shall be paid upon final release.

952.02: continued

(2) Inmates participating in work or educational release programs shall be separated from inmates in the general population.

952.03: Furloughs

Written policy and procedure shall specify a system for reviewing applications for furlough for eligible inmates pursuant to M.G.L. c. 127, § 90A. In accordance with those provisions:

- (1) An inmate shall be limited to 14 days furlough in any one calendar year and not more than seven days furlough at any one time;
- (2) Furloughs or emergency escorted trips may be granted for any of the following purposes:
 - (a) to attend a 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 as provided in M.G.L. c. 127, §§ 117A and 118;
 - (d) to contact prospective employers;
 - (e) to secure a suitable residence for use upon release, parole or discharge; and
 - (f) for any other reason consistent with the reintegration of a committed offender into the community.
- (3) The Sheriff/facility administrator may require that an inmate on furlough be escorted by an employee of the county correctional facility;
- (4) An inmate may not leave the Commonwealth on furlough; and,
- (5) The county correctional facility shall inform local law enforcement or the victim, if a citizen initiated petition is on file, of any furlough.

Furlough procedures are not applicable to jail facilities. However, emergency escorted trips are applicable to both jail and houses of correction.

REGULATORY AUTHORITY

103 CMR 952.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A, 1B, 86F, 86G, 90A, 117A and 118.