



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #5.404 Furlough/Leave Program

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Authority: Wyoming Statute(s): 7-13-701; 7-13-702; 25-1-104; 25-1-105 ACA Standard(s): 4-4443-R; 4-4444 4-4445; 4-4500-1; 4-4501; 4-4502	Effective Date: October 15, 2016 Revision/Review History: 09/30/15 09/01/14 09/01/13 09/10/12 11/21/11
Cross Reference of Policy: P&P #5.600, <i>Inmate Religious Activities</i>	Summary of Revision/Review: Updates existing policy pursuant to annual review. Supersedes Existing Policy :
Approved: R.O. Lampert Robert O. Lampert, Director	 10-12-16 Date

APPROVED FOR INMATE DISTRIBUTION

This policy cannot be modified, amended or deleted by any operational procedure, post order or warden's directives without approval of the WDOC Director, or his/her designee.

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form #510, *Furlough Approval*
 - B. WDOC Form #511, *Furlough Itinerary*
2. OTHER – None Noted



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I. PURPOSE

- A. **Establishing a Furlough/Leave Program.** The purpose of this policy and procedure is to establish guidelines governing the eligibility of inmates to be granted furloughs or leaves prior to the completion of their sentence and to establish a Wyoming Department of Corrections (WDOC) Furlough/Leave Program in accordance with state law. This program is intended to assist the inmate in preparing for successful re-entry into the community by having available the opportunity to maintain and/or re-establish family ties; provide for emergency leave to support family members during bereavement or serious illness; and finalize plans prior to release or parole.

II. POLICY

- A. **General Policy.** It is the policy of the WDOC that inmates with appropriate security classifications and who meet the requirements of this policy may be allowed furloughs or leave to the community to aid in their reintegration as productive members of society, to maintain the inmate's relationship with immediate family members, or for compassionate leave as provided in Wyo. Stat. § 7-13-701. In accordance with the guidelines established herein:
1. The Chief Executive Officer (CEO) of a correctional facility may recommend an inmate leave for the purpose of re-entry planning, to include securing living arrangements and/or securing employment. The final decision to approve or deny a re-entry furlough shall be made by the Director or designee.
 2. The correctional facility CEO may recommend an inmate leave for a compassionate furlough. The final decision to approve or deny a compassionate furlough shall be made by the Director or designee.
 3. The Department of Corrections may authorize an inmate to participate in family furloughs for the purpose of family reunification as described in this policy. The final decision to approve or deny a family furlough shall be made by the Director or designee.
- B. **Furlough/Leave Not a Right.** The CEO shall have authority to recommend approval or denial of furloughs, with final approval by the Director or designee. Administrative decisions by CEOs or the Director concerning program participation are discretionary and are not subject to appeal. Participation is a matter of privilege and is not a right. Furloughs or supervised leaves may be terminated by the CEO of the institution or the Director at any time.



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- C. **Opportunities for Graduated Release.** It is the policy of WDOC to provide opportunities for graduated release through a systematic decrease in supervision and corresponding increase in inmate responsibility as part of the classification program. (ACA 4-4444)

III. DEFINITIONS

- A. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors/managers, adult community corrections coordinator, and adult community corrections directors.
- B. **Compassionate Furlough:** (*For this policy only.*) A temporary release to visit a member of the inmate's immediate family who is in danger of death, or to attend the funeral services or other last rites of a member of the inmate's immediate family.
- C. **Family Furlough:** (*For this policy only.*) A temporary visit through the Adult Community Corrections program for the purpose of an inmate reuniting with his/her family.
- D. **Immediate Family Member:** (*For this policy only.*) A spouse, child (biological, adopted, legal guardianship), parent, brother or sister.
- E. **Reentry Furlough:** (*For this policy only.*) A temporary release for the purposes of searching for and/or securing housing and/or searching for/or securing employment for the inmate's pending release.

IV. PROCEDURE

A. General Provisions

1. If a temporary release program is in place then the temporary release programs should include but not be limited to the following: (ACA 4-4443-R)
 - i. Written operational procedures;
 - ii. Careful screening and selections procedures;
 - iii. Written rules of conduct and sanctions;



- iv. A system of supervision to minimize inmate abuse of program privileges;
 - v. A complete recordkeeping system;
 - vi. A system for evaluating program effectiveness; and
 - vii. Efforts to obtain community cooperation and support.
2. Furlough programs may be provided to eligible inmates within the Division of Prisons. When an inmate does not qualify for the furlough program, supervised leaves may be granted under direct supervision and escort of department employees as allowed for in this policy. All furlough/leave programs shall include the following:
- i. Escorted leaves into the community, as provided for by this policy, shall be in accordance with the requirements of this policy. (ACA 4-4445)
 - ii. Written approval, using WDOC Form #510, *Furlough Approval*, and any special instructions.
 - a. The inmate shall submit the completed WDOC Form #510, *Furlough Approval Form* to his/her caseworker. The form must be reviewed by all parties and all required signatures shall be obtained by the appropriate staff.
 - b. As part of the approval process, an itinerary must be included using WDOC Form #511, *Furlough Itinerary*. The itinerary shall include the names, addresses and other identifying information of those with whom the inmate will have contact.
 - c. The facility shall ensure the completed WDOC Form #511, *Furlough Itinerary* is maintained in the base file.
 - iii. Designated staff shall verify the contact and itinerary information provided by the inmate.
 - iv. The inmate must agree in writing to specific conditions of conduct to include the non-use of drugs, alcohol, possession of firearms, and obeying all laws.
 - v. When deemed necessary by the CEO or designee, a system of supervision utilizing WDOC staff to minimize inmate abuse of



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program privileges, including notification of local law enforcement agencies, testing for substance abuse, and regular surveillance and monitoring shall be arranged.

3. In the event that an inmate is granted a furlough, the inmate shall be responsible for all costs associated with the approved furlough as determined by the CEO, excluding any arranged supervision by Division of Field Services staff.
4. The inmate shall have a signed waiver of extradition completed and on file at the institution of assignment prior to being released on any furlough or leave.
5. In accordance with Wyo. Stat. § 7-13-702, an inmate shall be deemed guilty of escape from official detention if, without proper authorization, he/she fails to remain within the extended limits of confinement, the location he/she has been furloughed to, or fails or neglects to return within the time prescribed.
 - i. The inmate shall be deemed to be on escape status if he/she fails to return to the facility from an approved furlough more than two (2) hours after the designated return time.

B. Types of Furloughs or Leaves

1. Compassionate Furlough

- i. The CEO may recommend a compassionate furlough which will allow an inmate to visit a member of his/her immediate family who is in danger of death, or to attend the funeral services or other last rites of his/her immediate family. (ACA 4-4500-1)
 - a. An inmate shall be informed in a timely manner of the death or critical illness of an immediate family member once verified as provided in WDOC Policy and Procedure #5.600, *Inmate Religious Activities*.
- ii. All approved compassionate furloughs shall be confined to the State of Wyoming.
- iii. If approved, an inmate classified as minimum custody and who is within ninety (90) days of a granted parole release or discharge of sentence, may participate in a compassionate furlough unescorted, consistent with the general provisions of this policy. For inmates at an Adult Community Center (ACC), this requirement may serve as



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a guideline, however, each request will be dealt with on a case-by-case basis, consistent with the related ACC policy.

- iv. If the provisions of Paragraph IV.B.1.iii., above, do not apply, and if approved by the Director, an inmate may be allowed a compassionate furlough, with the appropriate security considerations in place such as staff escort(s), and the inmate is responsible for all costs of the furlough incurred by WDOC.
 - a. Only inmates medium custody and lower will be considered for a staff supervised compassionate furlough.
 - b. Only in-state staff supervised compassionate furloughs will be considered.
- v. Compassionate furloughs shall not exceed forty-eight (48) hours, unless approved by the Director, and shall not be longer than is necessary to adequately serve its purpose.
- vi. If all requirements are met, there is not a limit on the number of compassionate furloughs for which an inmate may be considered.

2. **Family Furlough.** Though family reunification may naturally take place as part of the reentry furlough, any furloughs for the sole purpose of family reunification and visitation shall only be available to inmates who are residents of an Adult Community Corrections facility and are approved to participate in a “Pass/Leave/Furlough” program.

- i. Inmates who are approved for such programs may be provided extended visits with their families. (ACA 4-4501)

3. **Re-entry Furlough.** The purpose of a reentry furlough is to allow the inmate to complete tasks necessary for reentry which may not be completed while in prison. A re-entry furlough may enable an eligible inmate to search for residence, employment, and other resources necessary to begin the transition from incarceration to community life. Inmates with appropriate security classification may be allowed furlough to the community to maintain community and family ties, seek employment opportunities, and for other purposes consistent with the public interest. (ACA 4-4502)

- i. An inmate shall be eligible for a reentry furlough only when the inmate is classified minimum custody and is within ninety (90) days of a granted parole release or discharging his/her sentence.



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- ii. If the approved inmate is receiving Enhanced Case Management reentry services, he/she may be required to meet with one of the Field Services Reentry Coordinators while on the Reentry Furlough to check-on and assist with the inmate's progress.
- iii. Reentry Furloughs shall not exceed a total of seven (7) days.
- iv. Inmates granted a reentry furlough may be required to report to local law enforcement agencies and/or probation/parole agents as directed by the CEO of the correctional facility.
- v. An eligible inmate shall not be granted more than one (1) reentry furlough on his/her sentence.

C. Victim Notification Requirements

- 1. The granting of a furlough must allow sufficient time for meeting victim notification requirements.
 - i. When a notification offender is approved for a reentry furlough, the Victim Notification Program supervisor shall be notified ten (10) days prior to the planned date of departure.
 - ii. When a notification offender is approved for supervised or unsupervised compassionate furlough, the Victim Notification Program supervisor shall be notified as soon as possible.

V. TRAINING POINTS

- A. What are the three types of furloughs addressed in this policy?
- B. Who is eligible for a reentry furlough and long can the furlough last?
- C. How are family furloughs obtained?
- D. Can an inmate go on a compassionate furlough unescorted? If so, what is required?
- E. What is required of an inmate to be approved for an escorted compassionate furlough?
- F. What is the purpose of the reentry furlough?