

201—20.12(904) Furloughs. The furlough program is designed to provide an opportunity for the following:

1. To maintain or strengthen family relationships if specific reasons or objectives are documented and verified.
2. To obtain training programs or community services not available in the institution.
3. To seek employment and housing prior to release.
4. For correctional staff to examine the inmate's capacity to abide by the guidelines of the furlough policy and establish productive release programming. This enables staff to assess the inmate's ability to function in a less restrictive setting such as parole or work release.

Furloughs are a privilege earned by overall responsible behavior and are subject to rules contained in the Iowa Administrative Code and department policies. Furloughs are a privilege, not a right, and may be denied or canceled at any time for reasons deemed sufficient by the warden/superintendent or designee. Reasons for denial or cancellation shall be given to the inmate. Upon request these reasons shall be in writing. If a furlough is canceled after approval and the inmate is restricted from telephone usage, the institution shall notify the transporting party.

When uniformity of furlough rules for all institutions is not possible or not prudent, rules shall be published in the respective institution chapters.

Circumstances not covered in the furlough rules will require approval by the warden/superintendent or designee.

The overall criteria and approval for furlough participation shall emphasize community safety, positive institutional performance and future planning.

20.12(1) *Minimum eligibility requirements for community visit furlough.* These are minimum eligibility requirements and do not automatically confer approval of a furlough plan. For community services furloughs, further requirements shall be met consistent with the furlough level system. These requirements must be met prior to furlough consideration and may be subject to additional requirements by the wardens/superintendents.

a. Inmates serving a Class "A" felony shall not be eligible for furlough unless the sentence has been commuted to a term of years.

b. Inmates who escape from the institution, escape while on furlough, or commit a felony on furlough during the present commitment will not be eligible for furloughs. Commission of an escape or a felony in this context shall be defined as a finding of guilty by the institutional disciplinary committee or a finding of guilty in a criminal court of law. An exception to this rule may be made when an inmate is authorized a parole or work release.

c. Only minimum security live-out inmates are eligible for furloughs. An inmate must be in minimum live-out status for 91 days or in a prerelease program for two days prior to participating in the furlough.

d. Inmates with detainers are ineligible for furloughs unless the detaining authority provides written authorization for furlough privileges.

e. Inmates serving a mandatory minimum sentence will not be eligible until completion of the mandatory minimum requirement.

f. Inmates with Class I disciplinary reports, to include pending reports and reports in any step of the appeal process, are ineligible for furloughs. This shall include Class II disciplinary reports which have resulted in a loss of furlough privileges.

g. Major and minor disciplinary reports can result in loss of furlough privileges as part of the disciplinary process. Inmates must be sanction free for at least 28 days prior to applying for furlough. This time frame may be extended for serious rule infractions at the discretion of the warden/superintendent.

h. Inmates serving time for a felony conviction, other than a Class "A," shall have served a minimum of one-sixth of the sentence or four months, whichever is greater, in an institution, from the date of commitment to discharge date.

i. Rescinded 3/20/91.

j. Inmates shall have sufficient funds to cover the cost of the furlough including transportation costs.

k. Inmates with pending work release or parole revocation or rescission hearings are not eligible for furlough.

l. Inmates who are suspended from their work assignment or confined to the housing area are not eligible.

m. Inmates with pending transfer referrals to a more secure classification are not eligible.

n. Any inmate having committed murder, rape, or sexual abuse of a child which resulted in a conviction, reduction in charge, plea bargain, or dismissal, or possesses a risk assessment requiring more than three votes for release, shall not be eligible for furlough until the parole board has recommended gradual release and the following procedures are completed:

- (1) Classification committee reviews/approves and forwards to the warden/superintendent.
- (2) Warden/superintendent reviews/approves and forwards to the deputy director of institutions.
- (3) Deputy director makes final approval.

Other than classification appeals to the warden/superintendent, if any step denies the recommendation, that decision is final and the inmate is not entitled to further review. Reasons for denial shall be documented. The denying authority shall state when the case may again be submitted for review. This process will take place on an individual and case-by-case basis.

o. Inmates who have been revoked from work release parole will not be eligible for furlough until six months (182 days) from the date of return to IMCC.

20.12(2) Furlough plan requirements.

a. Law enforcement officials in the community to which the inmate plans to furlough shall be advised of the inmate's intention to furlough. Community input will be taken into consideration during the approval process.

b. Except for community service furloughs, inmates taking furloughs are required to be under the supervision of a responsible person as defined in Title II definitions. A responsible person may be required to have a prefurlough interview with staff when requested and may be required to provide three character references.

c. The furlough plan must be submitted for approval and review before and after the furlough and shall include but not be limited to the following:

- (1) Purpose of furlough which shall include specific reasons and objectives for the furlough.
- (2) Furlough destination to include name, address, telephone number, and relationship of responsible person.
- (3) Complete and adequate transportation plan including means of transportation which must be:
With anyone on the inmate's visiting list;

By public transportation. When public transportation is not available from the community in which the institution is located, the warden/superintendent or designee may approve other means of transportation to the public transit site.

(4) Activity schedules to include dates, times, telephone numbers and locations, law enforcement check-ins, estimated departure, arrival times, purpose of the activity, and any further information deemed necessary by the warden/superintendent or designee. Activity schedules will be verified by staff prior to departure and after return. Unspecified or unaccounted for time on furlough will not be permitted.

(5) Names and relationship to all persons with whom the inmate will be in contact.

(6) Whether or not the furlough residence is equipped with a call-forwarding device.

Inmates will not be permitted to have married individuals of the opposite sex (other than immediate family members) as responsible persons unless both husband and wife are listed as responsible persons. Married inmates will not be permitted to have any individuals of the opposite sex (other than immediate family) as responsible persons.

d. The warden/superintendent or designee may impose additional requirements in the furlough plan.

20.12(3) Furlough conditions. Following are minimum conditions and restrictions placed on inmates during their absence from the institution while on furlough:

a. The inmate shall, in person, report to the local law enforcement agency upon arrival at the furlough destination, as indicated in the plan, and have law enforcement personnel sign the form, including the date and time. Additional check-ins may be required in the plan.

b. Only one inmate on furlough shall be permitted at a residence at any given time. Exceptions may be made when the inmates are immediate family members. Additional exceptions may be made only by the warden/superintendent or designee. Inmates are prohibited from participating in activities together on furlough unless specifically authorized in the plan.

c. The inmate and the responsible person shall be in the furlough residence from the hours of 10 p.m. to 6 a.m. Travel to and from the furlough destination is not permitted between the hours of 10 p.m. and 6 a.m. unless it is not feasible to reach the furlough destination from the institution by 10 p.m. or to reach the institution from the furlough destination without traveling during the restricted hours. This shall be reflected in the furlough plan.

d. Inmates on furlough must be available for telephone checks. Random telephone checks will be made to ensure that the inmate is in the place of assignment designated in the furlough plan.

e. Unspecified or unaccounted for time on furlough is not permitted. A maximum of five hours on any given day will be considered for activities during which the inmate is unavailable by telephone during community visit furlough. Time away from a telephone may be used to go to private businesses, churches, make law enforcement check-ins, or participation in approved treatment. These activities and locations must be listed on the furlough plan. Time away from a telephone is not permitted during visits or recreation.

f. Inmates on furlough are not permitted to use call forwarding devices. The plan shall reflect whether or not the furlough residence is equipped with call forwarding.

g. Inmates are not permitted to drive motor vehicles while on furlough. Exceptions shall be made only by the warden or superintendent.

h. Inmates are not allowed to hitchhike while on furlough.

i. Inmates must abide by all laws and institution rules while on furlough. Inmates may not enter establishments whose primary business is the sale of alcoholic beverages. Inmates are prohibited from consuming any alcoholic beverages or controlled substances.

j. An inmate must call the institution to request permission for any change in the furlough plan. Calls received collect to the institution will be charged to the inmate's account.

k. Out-of-state furloughs are not permitted except in a verified emergency, and only with the approval of the director of the department of corrections and the governor or designee (department policy out-of-state travel for inmates).

l. Furloughs for federal offenders are subject to any additional rules and policies as outlined in the federal manual.

m. If the inmate returns to the institution from furlough during visiting hours, a visit may be requested.

20.12(4) Approval process.

a. Staff shall verify all aspects of the furlough plan and eligibility requirements.

b. Each institution shall have written policy describing the process by which the plan, once submitted by the inmate, is reviewed prior to the final decision by the warden/superintendent or designee and shall include time frames for submission.

c. The following information will be considered in determining an inmate's readiness to meet furlough requirements.

(1) Information contained in the plan.

(2) Any recommendations received from local law enforcement in response to furlough notification.

(3) Institutional performance, including conduct, attitude, program participation, and overall adjustment.

(4) Work reports.

(5) Psychiatric/psychological information.

(6) Nature of the instant offense.

- (7) Criminal history.
- (8) Any other information which may have impact on the successful completion of the furlough.

d. The warden/superintendent or designee shall review each furlough plan and make the final decision to approve or deny the furlough. When the furlough is denied, the inmate will be informed of the reason(s). Upon request, these reasons shall be given in writing. If a furlough is canceled after approval and the inmate is restricted from telephone usage, the institution shall notify the transporting party.

20.12(5) Types of furloughs. Long furloughs may be allowed when a holiday occurs consecutive to a weekend. In this case, the furlough may begin after work on the last work day prior to the holiday weekend and end by 10 p.m. on the last nonworking day of the holiday weekend. Exceptions of this nature shall be made only with the approval of the warden/superintendent or designee.

a. Emergency furlough. Emergency furloughs will be considered in the event of a death or serious illness in the immediate family. Up to three days may be granted for an emergency furlough. In the event of extenuating circumstances, seven days may be granted with the approval of the warden/superintendent or designee.

b. Community placement furloughs. Inmates shall meet minimum eligibility requirements of Level 3 and be within one month of discharge with approval of warden/superintendent or designee.

Discharge. Develop community resources, seek employment and appropriate housing. Up to a maximum of four calendar days may be granted.

c. Community services furloughs. Inmates shall meet the requirements of Level 2 of the furlough level system. Inmates may apply for furloughs to obtain verified needed services or treatment specified in the individual's treatment plan that is not provided by the institution and cannot be completed by telephone or mail. This includes: education, vocational training, driver's license, medical, family, marital and premarital counseling, psychological treatment, and legal matters of a civil nature. Furloughs may be approved as needed and for the time required to meet treatment or legal needs or to provide services or work that benefits the community.

d. Community visit furloughs. Inmates shall meet the minimum eligibility requirements and the requirements of Level 3. Community visit furloughs may be granted to provide inmates the opportunity to maintain family relationships, to reestablish contact with the community and prepare for release, and to provide staff the opportunity to examine the inmate's capacity to abide by the guidelines of the furlough policy and establish productive relationships in order to assess the inmate's ability to function in a less restrictive setting such as parole or work release. The number of eligible hours may be reduced at the discretion of the warden/superintendent or designee.

20.12(6) Furlough level system. The furlough level system, as published herein allows inmates the opportunity to progress from minimum to maximum privileges available in the furlough program. Progression through the level system is not automatically conferred and is subject to approval of the warden/superintendent or designee. Minimum security institutions in the furlough level system means the Iowa Correctional Institution for Women and the Correctional Release Center. Satellite facilities in the furlough level system means Luster Heights satellite of the Iowa State Men's Reformatory and Montrose (Farm No. 3) and Augusta (Farm No. 1) satellites of the Iowa State Penitentiary.

Due to the structural, staffing, programmatic and geographical differences between the institutions offering furlough programs, it may be necessary to publish in the respective institutional IAC chapters rules which are institution-specific. Levels 2 and 3 shall apply to satellite facilities and minimum security institutions. Levels 4 and 5 shall apply only to prerelease programs in minimum security institutions.

Inmates transferring between furloughing institutions shall maintain their previous furlough level status following a 14-day period at the receiving institution provided that the eligibility requirements continue to be met and provided that level is available at the receiving institution.

a. Level 1.

- (1) Type of furlough: Emergency.
- (2) Frequency: As requested and upon special approval.
- (3) Duration: Three days maximum with special approval up to seven days.
- (4) Time scheduled away from telephone: Up to four hours per furlough day.

(5) Criteria: Medium/Minimum out or minimum live-out status, with no time limit in that status, verified death or life-threatening illness in immediate family. Inmates in these custody levels by override will require approval of DOC deputy director for institutions or designee.

b. Level 2.

(1) Type of furlough: Community service.

(2) Frequency: As needed to complete treatment or legal need.

(3) Duration: As needed to complete treatment or legal need up to 14 days.

(4) Time scheduled away from telephone: To be determined on furlough application.

(5) Entrance criteria: Twenty-one days in minimum live-out status at the institution from which the inmate is requesting furlough. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override will require approval of DOC deputy director for institutions or designee.

c. Level 3.

(1) Type of furlough: Community visit.

(2) Frequency: Up to one per every 56-day cycle.

(3) Duration: Up to 48 hours (may be extended for holiday weekends).

(4) Time scheduled away from telephone: Up to three hours per furlough day.

(5) Entrance criteria: Ninety-one days in minimum live-out status; satisfactory or above weekly performance evaluations. Inmates in minimum live-out status by override will require approval of the DOC deputy director for institutions or designee.

d. Level 4 (Prerelease programs only).

(1) Type of furlough: Community visit.

(2) Frequency: One per 28-day cycle.

(3) Duration: Up to 55 hours (may be extended for holiday weekends).

(4) Time scheduled away from telephone: Up to four hours per furlough day.

(5) Entrance criteria: Minimum live-out status. Prerelease program placement for 42 days. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override require approval of the DOC deputy director for institutions or designee.

e. Level 5. (Prerelease).

(1) Type of furlough: Community visit.

(2) Frequency: Up to two per 28-day cycle.

(3) Duration: Up to 55 hours (may be extended for holiday weekends).

(4) Time scheduled away from telephone: Up to five hours per furlough day.

(5) Entrance criteria: Minimum live-out status. Twenty-eight days at Level 4. Freedom from any disciplinary report other than reprimand for the past 56 days. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override require approval of the DOC deputy director for institutions or designee.

20.12(7) Furlough discipline. Inmates are required to be at scheduled residences. Disciplinary reports for unauthorized absence and violation of a condition of leave will be written in instances where the inmate is not at the assigned/scheduled residence. Disciplinary reports for unauthorized absence and violation of a condition of leave will be written if an inmate cannot be reached by telephone check in a 30-minute period.

A discipline report for violation of a condition of leave and unauthorized absence will be written if an inmate fails to return to the institution by the stated return time.

This rule is intended to implement Iowa Code section 904.108.