

	State of Alaska Department of Corrections Policies and Procedures	Index #: 818.04	Page 1 of 1
		Effective: 87-3-31	Reviewed:
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	Chapter: Release Preparation and Temporary Release		
Subject: Community Programs			

Authority

In accordance with AS 44.28.030, AS 33.30.021, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

Purpose

To establish procedures for prisoner participation in community programs; to include activities outside of institutions, furlough, placement in a Community Residential Center and designation to a Restitution Center or Contract Misdemeanant Housing.

Application

To all employees and prisoners.

Definitions

As used in this document, the following definitions shall apply:

A. Community Residential Center (CRC):

A structured short-term residential setting in the community designed to facilitate the reintegration of offenders back into society with varying levels of supervision and services provided as determined by offender needs and jurisdictional constraints.

B. Community Service:

Work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public services, lands, forests, parks, roads, highways, facilities, or education; community service may not confer a private benefit on a person except as may be incidental to the public benefit.

C. Contract Misdemeanant Housing (CMH):

A correctional facility provided through contract agreement for the confinement of prisoners convicted solely of misdemeanor crime(s); quasi-correctional facility providing a degree of security, custody, care, and discipline for misdemeanor prisoners similar to that required by the Policies and Regulations of this Department, consistent with the security and custody status of the prisoners who have been placed in the CMH facility.

D. Firm Release Date:

The date on which the prisoner is scheduled to be released, as established by one of the following methods:

1. Good time calculations;
2. Court order; or
3. Alaska State Board of Parole action.

E. Furlough:

An authorized leave of absence from actual confinement within an institution, CRC, restitution center, or contract misdemeanor housing for a specific purpose and time in accordance with 818.02, Furlough, as follows:

1. Prerelease Furlough: A furlough for the purpose of reintegrating the prisoner into society by education, training, employment, treatment or other activities; prisoner must be classified community custody; approving authority is the Regional Director or designee.

2. Short-duration Furlough: A furlough for a specific period of time not to exceed 12 hours at anyone time, except for a family visitation, that may not exceed one week or occur more often than once in each four-month period; or medical treatment, for which the furlough may not last longer than necessary for the treatment; prisoner must be classified community custody; approving authority is the Regional Director or designee except for family visitation which requires the approval of the Deputy Commissioner for Operations.

F. Restitution Center (RC):

A residential center in the community whose purpose is to provide certain non-violent prisoners with rehabilitation through community service and employment while protecting the community through supervision and partial incarceration, and to create a means to provide restitution to victims of crimes, payment of court ordered fines, dependent support, prisoner cost of care, and other prisoner expenses.

Policy

Selected prisoners may be designated or classified and permitted to participate in community programs which will facilitate reformation, the payment of restitution through employment, provide community service and/or transition from incarceration to the community. Such participation is limited to prisoners who are considered minimal security risks. All prisoner community program participation must include:

- A. A system of face-to-face supervision;
- B. The prisoners written agreement to comply with all rules;
- C. Prisoner involvement in education, training, medical, mental health, substance abuse treatment, employment, community service projects, or other therapeutic and beneficial activities;
- D. Each prisoner participant who is employed shall pay subsistence, restitution or fine(s), appropriate to his or her case;
- E. Appropriate return to incarceration for rule infractions;
- F. Complete documentation of prisoner participation; and
- G. Periodic written progress evaluations.

Procedures

A. Outside Activities:

1. Each institution operates programs involving community and inter-institutional participation designed to improve or enhance the reformation efforts of the prisoner. Community service projects are an example of community programming. Participation in community program activities is a privilege and must be governed by the following guidelines:
 - a. Prisoners approved for participation in community activities must be community or minimum custody. Community custody prisoners may participate in community activities without direct supervision. Minimum custody prisoners must be under direct supervision. Medium custody prisoners are not eligible for work assignments or activities outside an institutions perimeter unless recommended by the Superintendent through the Regional Director and approved by the Deputy Commissioner for Operations. Close and Maximum custody prisoners are not eligible for community activities. Limits on participation must be established to ensure that prisoner numbers do not exceed that which can be supervised within the project parameters, surroundings and type of activity;
 - b. Prisoner custody, background, institutional adjustment, psychological profile, nature of offense, length of sentence and firm release date will be evaluated as appropriate to each type of activity being considered; and
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- c. Sufficient and appropriate personnel available to properly supervise prisoners participating in community activities; and
 2. Activity types and scale are established by the Regional Director, to include the following guidelines:
 - a. Activities must be supervised by approved sponsors and/or staff;
 - b. Institutional prisoner organizations or groups are limited to one meeting or function involving persons from outside the institution every 30 days. Any exceptions must be recommended by the Superintendent and approved by the Regional Director;
 - c. All group trips must be completed within eight hours. Exceptions must be prearranged by the Superintendent and approved by the Regional Director; and
 - d. Athletic groups that are in a recognized league may, with approval of the Superintendent and written concurrence by the Regional Director, be allowed to participate in accordance with a published schedule.
- B. Community Residential Center or Community Placement via Furlough:
1. A prisoner may be placed on furlough in a Community Residential Center. The standards for eligibility and selection of prisoners for furlough are outlined in 818.02, Furlough;
 2. Prisoners may be granted furlough involving residence outside a Community Residential Center; however, such a furlough is an exception and requires the approval of the Deputy Commissioner for Operations. This exceptional furlough will be coordinated between Community Corrections and the Institution. Furlough eligibility criteria is outlined in 818.02, Furlough. The Community Corrections responsibility includes:
 - a. The Superintendent of the furloughing institution shall contact the Regional Administrator for a District Probation Officer Assignment;
 - b. The assigned probation officer shall investigate the furlough plan for authenticity and verification that it is a viable and appropriate plan;
 - c. The field investigation and report must be completed within three weeks of the date of assignment;
 - d. If the probation officer finds the furlough plan is not authentic or in the best interests of the prisoner's rehabilitation, the officer shall advise the appropriate institutional staff member;
 - e. The institutional probation officer, in cooperation with the prisoner and community corrections staff, will, if possible, develop a more appropriate furlough plan;
 - f. In instances where community corrections staff and institutional staff cannot reach an agreement as to the furlough plan, the matter may be referred to the Regional Director; or, the furlough plan may be withdrawn;
 - g. When a furlough plan is investigated and certified as appropriate, the approving authority shall determine when the furlough is to occur, along with appropriate reporting instructions;
 - h. Assigned community corrections probation officers shall provide community residential furloughs the same level of supervision as maintained for Probationers and Parolees; and
 - i. Conditions of furlough will be monitored in accordance with the furlough agreement and 818.02, Furlough.
- C. Pre-release or Short-duration Furlough From An Institution For Purposes of Employment:
1. A furlough for purposes of employment is administered in accordance with 818.02, Furlough. When such a furlough is granted directly from an institution, the prisoner(s) involved should be housed in quarters separate from the rest of the prisoner population;
 2. The fundamental goals of this type of furlough are to allow the prisoner to locate and maintain employment, reduce the subsistence cost to the State, enable the prisoner to meet financial obligations, pay restitution and accumulate funds toward release;
 3. All transportation arrangements to and from the prisoner's job must be approved by the Superintendent;
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4. Fees collected from prisoners on "Work Furlough" are as follows:
 - a. Each furloughed prisoner engaged in work outside the institution is required to pay to the State one third (33 1/3%) of his or her net earnings as set out in 818.02, Furlough;
 - b. When it is necessary for the institution to furnish transportation, the prisoner may be required to pay a fee for the cost of transportation. The transportation fee will be established by the Superintendent;
 - c. No fees may be charged to a prisoner engaged in a community work program if the program does not provide financial compensation to the prisoner worker; and
 - d. After the prisoner begins work, the supervising institutional staff member shall maintain regular contact with the employer to ensure the prisoner is abiding by furlough terms. Documentation of all employer contacts must be entered in the prisoner's case record in accordance with 602.01, Prisoner Case Record Management;
5. The institutional probation officer shall monitor the location of the prisoner at work, maintain employer contact, monitor necessary security considerations, and prepare furlough reports; and
6. At all times the prisoner is not at work or travelling directly to or from work, he or she will be confined in the institution.

D. Restitution Center Placement:

1. A prisoner may be placed in a Restitution Center via designation and/or Classification action in accordance with 735.02, Designation Process for Short-term Sentenced Prisoners, 735.03, Initial Classification, 745.01, Classification Review; or via Pre-release furlough in accordance with 818.02, Furlough;
 2. The prisoner being considered for RC placement must:
 - a. Be community or minimum custody. A Minimum Custody prisoner must be under constant, direct staff supervision if and when he or she is permitted in the community, for whatever reason;
 - b. Not have ever been convicted of an offense, in this State or another jurisdiction, involving violence or the use of force, as defined in AS 11.81.900; in this policy, violence or the use of force includes possession of a firearm, as defined in AS 11.81.900, in the commission of an offense, whether or not the firearm was actually used;
 - c. Not have ever been convicted of an offense under AS 11.41.410-.470 (Sex Offenses) or any offense in this State or another jurisdiction having elements substantially identical to a sex offense under Alaska Statute;
 - d. Not have a history of escape or attempted escape within the last five years;
 - e. Be employable or eligible to work on approved community service projects and agree to secure employment or participate in community service projects; and
 - f. Obey the rules of the Restitution Center;
 3. The following administrative factors pertain to prisoners placed in a restitution center to serve a sentence:
 - a. A Restitution Center must provide a degree of custody, care, and discipline similar to that required for prisoners in a state correctional institution consistent with the security and custody of prisoners in residence, and the center must be in compliance with State and local fire and life safety laws;
 - b. Each prisoner placed in a Restitution Center is subject to the rules of the facility and 809.02, Acts Prohibited and Penalties;
 - c. The Restitution Center Manager shall designate staff who shall regularly monitor the location of the prisoner in the facility and in the community, contact the employer or community service supervisor concerning work performance, ensure the prisoner has adequate work clothing, monitor relevant security measures, etc.;
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- d. Whenever a prisoner placed in a Restitution Center is not at work, community service, job interview, or traveling directly to or from work, community service, or job interview, the prisoner must be confined in the facility or on the premises or under the supervision of the Restitution Center commensurate with the prisoner's custody level and program parameters as a designated prisoner or furlougher;
- e. A prisoner residing in a Restitution Center is eligible for furlough or emergency absence in the same manner and by the same criteria as a prisoner confined in a state correctional institution consistent with custody level and in accordance with 818.02, Furlough, or 803.15, Transportation of Prisoners, for community and/or minimum custody prisoners designated to the facility in a custodial status other than furlough;
- f. Except for an authorized emergency absence or furlough, a prisoner may not be absent from the restitution center for more than 12 hours in a 24-hour period;
- g. Any prisoner failing to return to the Restitution Center on time from work, community service, job interview, emergency absence or furlough shall be considered to have committed an evasion from confinement and is subject to prosecution relating to escape and evasion. Steps to verify the escape or evasion shall be taken as outlined in 803.16, Institutional Emergency Plans, for an escape. The district attorney must be notified of any escape or escape related activity which, if established, would constitute a felony crime in accordance with 809.03, Reporting Procedures for Prohibited Acts;
- h. If a violation of a condition of furlough is charged which, if established, would constitute a violation of a criminal statute or threatens the public safety including the security of the residential setting of the prisoner, or there is a likelihood of the prisoner's absconding, the RC staff will arrange for the immediate return of the prisoner to the nearest appropriate State correctional center. Within seven days, the prisoner shall appear before the institution's classification committee for determination of whether or not to continue the furlough. A disciplinary hearing to deal with the alleged infraction may also be held as a separate action at the holding institution;
- i. If a violation of a condition of furlough is charged which does not jeopardize public safety, and in the judgment of the RC Manager, in coordination with the furloughing Superintendent, may be handled without immediate return to a state correctional center, RC staff will arrange for the prisoner to appear for a preliminary hearing to determine whether probable cause exists to believe that the prisoner violated the condition(s) of furlough, as follows:
 - (1) The preliminary hearing must be conducted by an impartial person who was not involved in the allegation of violation of the furlough condition(s) designated for this purpose by the Regional Director;
 - (2) The prisoner is entitled to:
 - (a) at least 12 hours notice of the preliminary hearing which informs the prisoner of the purpose of the hearing;
 - (b) appear at the hearing and speak in his or her own behalf and present letters, documents or individuals who can give relevant information to the hearing officer;
 - (c) upon request, have any person who has given information adverse to the prisoner questioned in the presence of the prisoner, unless the hearing officer determines that the person would be subjected to risk of harm if the person's identity were disclosed; and(d) a written summary of the hearing officer's decision which includes the evidence in support of a violation of the condition(s) of furlough, the prisoner's responses and the prisoner's position, and the determination as to whether probable cause exists to believe the prisoner has violated the conditions of furlough;

- (3) If the alleged violation(s) of furlough is sustained, RC staff shall arrange for the prisoner's return to the nearest appropriate correctional center and for the prisoner to appear before a classification committee within seven days of his or her return;
 - (4) The classification committee will:
 - (a) determine whether or not to continue the furlough; and
 - (b) consider the increase of custody from community to minimum or higher; and
 - (5) A disciplinary hearing to deal with the alleged infraction may also be held as an action separate from the classification hearing;
- j. If a conduct or law violation is charged against a prisoner designated or placed in the RC by means other than on furlough, the matter and the prisoner will be handled as outlined under F. below;
 - k. A prisoner serving a sentence in a restitution center must be employed full-time, engaged in community service projects, or a combination of employment and community service to constitute a full work week of at least 40 hours work for every seven days in residence, unless there is good cause shown otherwise;
 - l. A prisoner sentenced to five days or less who is serving his or her sentence in a restitution center is required to work in a community service project, when available, unless there is good cause shown otherwise;
 - m. A prisoner who participates in paid employment at or through a RC will have earnings collected by the Superintendent or contract facility manager for payment of the prisoner's board and personal expenses inside and outside the institution or contract residential center. Prisoners are required to pay to the state one third (33 1/3%) of their net earnings for room and board, not to exceed the full cost of care as established by the Deputy Commissioner for Administration. Additionally, the earnings collected will be disbursed to pay:
 - (1) Support to the dependents of the prisoner, and to provide child support payments as required by AS 09.65.132 as a first priority;
 - (2) Any restitution or fine ordered by the court;
 - (3) A civil judgment arising out of the criminal conduct of the prisoner;
 - (4) Reimbursement to the state for an award made for violent crimes compensation under AS 18.67 arising out of the criminal conduct of the prisoner; and
 - (5) Any disciplinary sanction wherein restitution or reimbursement is outstanding;
 - n. The balance, after the authorized deduction(s) and disbursement(s), will be deposited in the prisoner's account. In a case of exceptionally low wage or an unusual financial need, the Regional Director may waive a portion of the subsistence deduction;
 - o. The prisoner shall transfer or deliver his or her entire paycheck (uncashed) to the manager of the restitution Center;
 - p. The RC manager, by contract, is responsible for the receipt, safekeeping, accounting, reporting, and distribution of monies received from or in behalf of each prisoner resident of the Center;
 - q. All monies received per m., n., o. and p. above will be deposited in a bank in accordance with 302.12, Prisoner Accounts. The appropriate disbursements as regards each prisoner's funds in this account are:
 - (1) The 33 1/3% subsistence deduction per m. above will be held for transmittal to the Deputy Commissioner for Administration with a copy of the monthly report. A check made payable to the State of Alaska in the total amount received for subsistence for all prisoners in residence will be attached to the monthly report;
 - (2) Disbursement to the appropriate recipients per m.1.--5. above; and
 - (3) Authorized disbursements in accordance with the prisoner's approved budget plan.
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- r. Prisoners confined in a RC will have individual performance reviews prepared, in writing, for the Director of Statewide Programs every 30 days in residence, at discharge, or other release from the Center, and a classification review in accordance with 750.03, Classification Review Team, at least annually.

E. Contract Misdemeanant Housing (CMH) Placement:

1. A prisoner may be designated or classified to CMH in accordance with 735.02, Designation Process for Short-Term Sentenced Prisoners; 735.03, Initial Classification; or other applicable policies and procedures contained in Chapter 700, Classification, for misdemeanor prisoners; and
2. Prisoners placed in CMH are subject to the same rules and discipline as a prisoner in a State Correctional Center in accordance with Chapter 809, Rules and Discipline.

F. Return From A Restitution Center Or Contract Misdemeanant Housing:

1. Placement of a prisoner not-on-furlough at a Restitution Center or via designation/classification in Contract Misdemeanant Housing does not create a liberty interest in the prisoner remaining at that contract correctional facility. The prisoner may be returned to an institution at the discretion of the Regional Director;
2. A prisoner may appeal his or her return from a Restitution Center or Contract Misdemeanant Housing per 1. above by filing a written appeal, through an institutional staff member designated by the Superintendent, with the Deputy Commissioner for Operations the same as any other classification action or transfer as set out in 760.01, Appeal Procedures;
3. If return of the prisoner will result in the prisoner being assigned to administrative segregation in accordance with 804.01, Protective Custody and Administrative Segregation, the prisoner must be granted a hearing before a classification committee as set out in 735.03, Initial Classification, as soon as possible, but no later than three working days after placement in administrative segregation unless the prisoner requests a continuance of the hearing;
4. Except as provided in 3. above, within 10 working days after arrival at the receiving institution, the prisoner must be provided a classification hearing as set out in 735.03, Initial Classification; and
5. A disciplinary hearing-crime referral in accordance with Chapter 809, Rules and Discipline, to deal with any alleged misconduct which, if established, would constitute an infraction or violation of law, may be held or otherwise initiated as an action separate from the classification hearing per 3. or 4. above.

G. Community Program Records and Reports:

1. The appropriate institutional, community residential center, restitution center, contract misdemeanor housing, and/or community corrections administrative and supervising staff shall maintain accurate records of prisoner participation in community activities, furlough, restitution center, or contract misdemeanor housing placement in accordance with 602.01, Prisoner Case Record Management;
2. Each prisoner participating in any community program must abide by the rules as set forth in Departmental Policy and Procedure and applicable rules of the contract facility; and
3. 3. Reports will be prepared monthly and must deal with accounting, progress, and problems needing resolution. These narrative reports will be prepared for the Director of Statewide Programs with a copy to the Regional Director who shall include a summary in the Monthly Report to the Deputy Commissioner for Operations in accordance with 101.02, Facility Programming, Reporting and Review.

Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

3/31/87
DATE

Susan Humphrey-Barnett
Susan Humphrey-Barnett, Commissioner
Department of Corrections

Forms Applicable to this policy:

- 818.03A Victim's Comments
- 818.03B Victim Notification of Hearing Outcome/Release
- 818.03C Victim's Comments to Court
- 818.03D Victim Notification of Escape/Return to Custody
- 818.03E Victim Notification/Photograph of Prisoner
- Attachment A Crimes Requiring Victim Notification
- Attachment B Parole Board Victim's Letter #1
- Attachment C Parole Board Victim's Letter #2