


<b>POLICY TITLE: FURLOUGH INVESTIGATIONS</b>		<b>PAGE 1 OF 3</b>
<b>POLICY NUMBER: 10.3 - ACS</b>		
<b>CHAPTER 10: INVESTIGATIONS</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Adult Community Services</b>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>Approved by:</b> <u><i>Martin Magnusson</i></u> <b>Signature of Commissioner</b>	
<b>EFFECTIVE DATE:</b> December 18, 2006	<b>LATEST REVISION:</b>	<b>CHECK ONLY IF</b> APA [ ]

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Adult Community Services

**III. POLICY**

It is the policy of the Department of Corrections that Probation Officers investigate and report to the appropriate correctional facility the results of a community residence and community/victim sentiment investigation for those prisoners determined eligible for furloughs pursuant to Department Policy.

**IV. CONTENTS**

Procedure A: Furlough Investigations  
 Procedure B: Subsequent Furloughs  
 Procedure C: Furlough Arrests

**V. ATTACHMENTS**

Attachment A: Sample - Furlough Investigation Report Format

**VI. PROCEDURES**

**Procedure A: Furlough Investigations**

1. A furlough investigation is initiated when the Regional Correctional Administrator (RCA) receives a request from a correctional facility.

2. The request should be received by the Regional Correctional Administrator at least nine (9) weeks prior to the proposed furlough date.
3. The Regional Correctional Administrator or Assistant Regional Correctional Administrator shall review the furlough request to ensure that the necessary case material is available and shall assign a Probation Officer to conduct the investigation. If the Probation Officer finds a discrepancy in the furlough request (e.g., wrong address, phone number, etc.), he/she shall immediately contact the correctional facility for clarification.
4. It is the duty of the Probation Officer to go to the address to which the prisoner is requesting the furlough and to:
  - a. Verify that the furlough sponsor is aware of and in agreement with the proposed furlough and has received a copy of the furlough rules;
  - b. Determine that the residence has adequate room for the prisoner;
  - c. Determine if the environment of the residence is conducive to the rehabilitative goals of the furlough and will not contribute to criminal behavior or other furlough violation, and;
  - d. Verify transportation arrangements.
5. The result of the investigation shall be reported using the Furlough Investigation Report (Attachment A).
6. All responses received from the office of the prosecuting attorney and other law enforcement agencies in response to the Department's notification of a furlough request shall be attached to the investigation report.
7. In all cases involving crimes of violence, the Probation Officer shall make every effort to obtain sentiment from the victim(s) either directly or through the Department's Victim Services Coordinator or, when appropriate, the Victim/Witness Advocate in the office of the prosecuting attorney and shall include that sentiment in the investigation report.
8. When the Probation Officer completes the investigation, the investigation report and any attachments shall be sent to the Chief Administrative Officer of the appropriate correctional facility. The report shall include the Probation Officer's recommendations. If the request is received at least nine (9) weeks prior to the proposed furlough date, the investigation report shall be sent to the correctional facility no later than twenty-one (21) days prior to the proposed furlough date. If the request is received less than nine (9) weeks prior to the proposed furlough date, the Probation Officer shall send the report to the facility in as timely a manner as practical, making a reasonable effort to meet the twenty-one (21) day return date

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>10.3 – ACS Furlough Investigations</b>	<b>10. Investigations</b>	<b>Page 2 of 3</b>

9. It is the responsibility of the Regional Correctional Administrator to ensure that investigation assignments are made promptly and investigation reports are completed and returned to correctional facilities on time.

**Procedure B: Subsequent Furloughs**

1. Adult Community Services does not investigate second and subsequent furlough requests for the same address unless there is a special request to do so from the Chief Administrative Officer. Each week the correctional facility shall forward to each Regional Correctional Administrator a list of all furloughs granted for the upcoming weekend in the region. If the Regional Correctional Administrator or any other Adult Community Services staff member has any information that might impact a second or subsequent furlough, that information shall be provided immediately to the Chief Administrative Officer by phone.

**Procedure C: Furlough Arrests**

1. Upon the request of the Commissioner, or designee, a Probation Officer shall arrest a prisoner who has been conditionally released to a furlough.
2. A Probation Officer may arrest a prisoner who the Probation Officer has probable cause to believe has violated a condition of a furlough.
3. The Probation Officer shall notify the Chief Administrative Officer, or designee, at the correctional facility once he/she has taken the prisoner into custody and request that staff from the facility return the prisoner to the facility. If the prisoner is being returned to the facility due to a violation of furlough conditions, the Probation Officer shall provide the Chief Administrative Officer, or designee, with enough information for a facility disciplinary report. In any case, within three (3) working days, the Probation Officer shall forward a written report to the Chief Administrative Officer, or designee, setting out the reason for the prisoner’s return to the facility. Copies of the report shall be sent to the Regional Correctional Administrator and to the Associate Commissioner for Adult Community Services.

**VII. PROFESSIONAL STANDARDS**

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.3 – ACS Furlough Investigations	10. Investigations	Page 3 of 3