

POSITION PAPER

THE MASSACHUSETTS FURLOUGH PROGRAM

Massachusetts Department of Correction

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Commissioner**

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Description of the Furlough Program

Legislative Authorization and Intent

Laws providing for the temporary release of prison inmates date back to 1923 when prisoners were first permitted to attend, within the Commonwealth, the funeral or last illness of a family member or foster parent. Formal recognition of the need for a furlough program in a modern correctional system, however, occurred when a furlough program for inmates of Massachusetts Correctional facilities was authorized by Section 90A of the Correctional Reform Act (Chapter 777) which became effective on October 15, 1972. Specifically, this law permitted the Commissioner of Correction to "extend the limits of the place of confinement of a committed offender at any state correctional facility by authorizing such committed offender under prescribed conditions to be away from such correctional facility but within the Commonwealth for a specified period of time...". Today, Massachusetts is one of 45 states along with the District of Columbia and the Federal Bureau of Prisons system with operational furlough programs.

The real significance of the 1972 law was that it established the concept of furloughs as a vital tool in minimizing the isolating effects of institutionalization, building or rebuilding solid ties between offender and community, and reintegrating offenders from prison to community life, major tasks of correction first identified by the President's Commission on Law Enforcement and the Administration of Justice in 1967. Consistent with this mandate, the furlough program has been viewed by the Massachusetts Department of Correction as a means by which

incarcerated offenders may maintain or re-establish direct ties with the communities from which they have come, and therefore, to be consistent with its policy of community reintegration.

Purposes for Granting Furloughs

The principle of the use of furloughs as a community reintegration mechanism is clearly embodied in the 1972 law which broadly expanded the purposes for which furloughs could be granted. These purposes are:

- to attend the funeral of a relative;
- to visit a critically ill relative;
- 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;
- to contact prospective employers;
- to secure a suitable residence for use upon release on parole or discharge;
- for any other reason consistent with reintegration of a committed offender into the community.

Further provisions of this law stated that: 1) Inmates may be released on furlough no more than 14 days in the course of a year; and, 2) inmates serving a life sentence or a sentence for a violation or attempt to violate certain specified violent crimes (e.g. attempts to murder, manslaughter, armed robbery, kidnapping, etc.) may be furloughed only upon recommendation of the Superintendent and the approval of the Commissioner.

DOC Policy on the Furlough Program

The furlough program has been in operation by the Massachusetts Department of Correction since November 6, 1972. In order to supplement the legislative provisions of the Correctional Reform Act, the Department of Correction implemented a set of rules and regulations which govern the administration of the furlough program. This directive, D.O. 4670.1, created three distinct types of furloughs, established basic eligibility requirements, instituted a thorough screening process, authorized procedures for certification of inmates for furlough, provided for the automatic notification of proper law enforcement officials, and formulated definitive policies for the handling of inmates who abuse the furlough privilege. Although periodically revised since their formulation, the basic rules and regulations governing administration of the furlough program are described below.

Types of Furloughs

Three types of furloughs were established by D.O. 4670.1: 1) a "Furlough" is an extension of the limits of the place of confinement for a trustworthy inmate at a state correctional facility; 2) an "Emergency Furlough" is a furlough that is approved for an inmate where a serious and generally personal situation exists which requires the inmate's immediate presence in the community; and 3) an "Emergency Furlough Under Escort" is an emergency furlough granted to an inmate who requires close supervision while in the community. An inmate on emergency furlough under escort must be accompanied by two correctional officers or one correctional officer and a correctional staff member who possesses a commission as a special state police officer.

Eligibility

An inmate is eligible for 14 furlough days during the course of his or her furlough year, which commences from the date of final approval of an initial furlough and ends twelve months later. A furlough day consists of twenty-four hours or forty-eight half hour periods.

The furlough rules and regulations established minimum eligibility restrictions which require inmates to serve a certain portion of their sentences prior to becoming eligible for furlough. Specifically, the following conditions apply:

"An inmate shall be eligible to be considered for a furlough under the following conditions:

- an inmate serving life sentences for murder in the first degree or a sentence of death shall be required to serve ten years from the effective date of sentence, except for emergency furloughs under escort;
- an inmate resident who upon initial commitment to the care and custody of the department is within eighteen months of parole eligibility shall be eligible immediately for a furlough;
- all other inmates shall be required to serve twenty percent of the time between the effective date of sentence and their parole eligibility date, but no more than three years, except for emergency furloughs under escort."

These eligibility restrictions apply to all inmates confined at state correctional facilities with the following exception: Inmates who have successfully completed a furlough without an escort or inmates whose applications for initial furloughs without escort have received final approval, as of May 28, 1975, will continue to be eligible for furloughs.

Furloughs under escort may be granted to inmates immediately following commitment. Inmates classified as sexually dangerous persons pursuant to G.L., c. 123A are ineligible for furloughs by statute.

Screening Process

Three levels of review have been built into the furlough screening process: institutional level; DOC Central Office Furlough Panel; and Commissioner or Deputy Commissioner. Each level of review is designed as an additional safeguard in the process of reviewing applications and granting furloughs.

Institutional Level

An inmate who desires a furlough must complete an application form stating the intended purpose of the furlough, the amount of time requested, dates of departure and return, destination, furlough sponsor, transportation arrangements and projected expenses. This application is submitted to the furlough coordinator who determines the inmate's eligibility for furlough, confirms the details of the inmate's plan in the community, and forwards the application to the furlough committee. The furlough coordinator is also responsible for all administrative details and record-keeping relative to the furlough program.

The furlough committee is a classification committee of no less than three and no more than five institutional staff members designated by the superintendent, at least one of whom shall be a correctional officer. It is the furlough committee's responsibility to evaluate the inmate's application, personally interview the applicant, and to inform, in writing, the superintendent and inmate of the committee's recommendations and reasons for such recommendation.

The furlough sponsor designated in the inmate's furlough application must complete and sign a furlough sponsorship agreement. A probation check is done on the furlough sponsor and that person is also interviewed at the DOC facility which houses the inmate they will sponsor. The great majority of furlough sponsors are relatives of inmates although friends of the inmate may also act as sponsor.

It is the responsibility of the Superintendent to review all furlough applications, relevant material and the recommendations of the furlough committee in order to determine whether to authorize or deny the furlough application. Final approval for initial furloughs never rests with the Superintendent but the Superintendent does have final approval for subsequent furloughs.

DOC Central Office

When an initial furlough application reaches the DOC Central Office Classification Division, it is carefully reviewed and researched by the DOC Furlough Office, which consists of a Furlough Coordinator and several case workers. A recommendation is made by the Furlough Office to the Central Office initial Furlough Panel and the application then receives final consideration and authorization by the Commissioner.

The Central Office Furlough Panel is comprised of the Associate Commissioner for Programs and Treatment, Associate Commissioner for Operations, Director of Programs and Classification, Deputy Director of Programs and Classification, and Director of Internal Affairs. Prior to final consideration by the Commissioner, the Furlough Panel reviews those initial and subsequent furlough applications approved by the institution and recommended for approval by the Furlough Office which are felt to entail greater risk. For example, all initial and

subsequent furloughs for first degree lifers are reviewed by the Furlough Panel prior to their reaching the Commissioner for final review. At least three members of this panel must vote on each case. This panel has the authority to countermand furlough applications approved by institutions and recommended for approval by the Furlough Office, prior to their reaching the Commissioner for final consideration and authorization.

Commissioner Level

Final approval for all initial furloughs rest with the Commissioner or his designee. All initial and subsequent furloughs for first degree lifers have to be approved by the Commissioner. The rules and regulations established a process of certification whereby the Commissioner may authorize an inmate to receive furloughs for one furlough year or a part of the furlough year without obtaining the additional approval of the highest approving authority (Commissioner) for each individual furlough during the period of certification. At present, all initial furlough applications approved by the furlough committee must also be reviewed by the Superintendent, Furlough Panel, and the Commissioner. The certification process simplifies the review procedure for inmates who have established a solid history of furlough success. However, inmates receiving furlough certification continue to be required to submit applications for each separate furlough and have it reviewed by the furlough committee, and by the Superintendent. The Commissioner or Superintendent may, at any time, revoke the certification of a resident.

Notification of Police

Administrative regulations require the written notification of the Chief of Police of the community the furlonghee designates as his or her destination and the Department of Public Safety, at least one week prior to the release of an inmate on furlough. District Attorneys or other law enforcement agencies may be notified upon their written request.

Abuse of Furlough Privilege

If an inmate fails to return to the state correctional facility at the designated time, a disciplinary report will automatically be filed for being "out of place", regardless of prior notification to the facility that such inmate will be returning late. Failure of an inmate to return within two hours of the designated time is declared an escape, again regardless of prior notification, and appropriate law enforcement officials are notified immediately of the escape.

Furloughs for First and Second Degree Lifers

Since the inception of the furlough program in 1972, guidelines for granting furloughs have become increasingly stringent especially with respect to first and second degree lifers. This is partly evident from the fact that most of the escapes on furlough by first and second degree lifers occurred in the early years of the furlough program (i.e., 1972-1975). Beginning in 1975, first and second degree lifers behind walls were no longer eligible for unescorted furloughs. In 1981, the amount of time served from effective date of sentence before becoming eligible for furloughs was extended from five to ten years for first degree lifers and three

to seven years for second degree lifers. The result of these changes has been a concomitant gradual and consistent decline in the furlough escape rate for the total population who received furloughs, as well as first and second degree lifers both of whom have a lower escape rate while on furlough than the overall rate.

Specific safeguards were established in 1981 for first degree lifers on furlough. These included requiring that the inmate remain with the sponsor for the entire furlough. To help insure this, a policy of random phone checks was instituted for first degree lifers on furlough. Another safeguard added to the screening process in 1981 was the establishment of the Central Office Furlough Panel which reviews all initial and subsequent furlough applications by first degree lifers prior to their review by the Commissioner. Finally, to remain on positive furlough status, all inmates, but especially first degree lifers, must continue to receive positive evaluations at their facility. The receipt of any major disciplinary reports would result both in a return to higher custody and exclusion from eligibility for the furlough program.

There are a number of pending revisions to the furlough policy for first and second degree lifers which will have the effect of placing even tighter safeguards and more stringent eligibility requirements around the program. These include:

1. Institution furlough panels shall be appointed by the Commissioner of Correction. Superintendents are required to submit recommendations for furlough panel membership to the Commissioner for approval.
2. Superintendents are required to personally interview and assess the candidacy of furlough candidates approved by the institution furlough panel. Furthermore, Superintendents shall meet with all furlough candidates who are serving a life sentence for murder in the first or second degree.
3. All first degree lifer furlough candidates who have exhibited violent tendencies either in the commission of their crime(s) or while incarcerated shall be afforded an examination by a Ph.D. level psychologist or psychiatrist designated by the Commissioner. This assessment must be conducted and received by the Superintendent prior to the Superintendent rendering a decision regarding the suitability of the inmate for the furlough program.

4. Effective immediately, furlough sponsorship candidates shall be investigated to determine their appropriateness to act as sponsors. The investigation process is to begin once the institution furlough panel agrees that the inmate requesting furlough is an eligible and potentially suitable candidate. The investigative process for furloughs is to be managed by the DOC Chief of Investigations. All investigators designated by Superintendents are to be approved by the Chief of Investigations and the Deputy Commissioner prior to being authorized to conduct investigations on furlough sponsor candidates.
5. Once an inmate is on positive furlough status with an approved sponsor, documented quarterly sponsor interviews are to be conducted and made available for the Superintendent's review prior to authorizing subsequent furloughs. These interviews are to be conducted for the purpose of determining the appropriateness of the sponsorship arrangement and the success of any activities conducted during the preceding furloughs.
6. Police notifications are a mandatory activity and an important part of the furlough process. Without exception these notifications must be mailed five days prior to the furlough release and must be submitted to the State Police and the local police department of any cities/towns in which the inmate plans to visit based on the approved itinerary. Copies of all police notifications are to be made a permanent part of the furlough record.
7. Furlough itineraries shall be scrutinized and consistent with those reasons for furlough as specified in M.G.L. Chapter 127, Section 90A and 103 CMR 463. Itineraries must include activities which are of programmatic value consistent with the rehabilitation of the offender. Itineraries which reflect purely social activities are to be discouraged.
8. The number of random phone checks made to first degree lifers on furlough shall be increased.

Correctional Functions of the Furlough Program

A furlough program serves a number of critically important correctional functions which transcend the purposes for which furloughs may be granted. Foremost among these functions is the frequent and specific use of furloughs as a vital component in the larger programmatic process of community reintegration. Second, furlough programs reinforce family ties where they exist and benefit the offender's children by allowing him or her to appear in the home. Third, by creating a situation of trust, they reinforce the self-esteem of offenders. Fourth, they contribute to release planning in a process of community linkage. Fifth, they provide a positive aid to rehabilitation and crime prevention. Finally, furloughs provide a process of testing an individual's ability to adapt to increased increments of freedom thus allowing the correction and parole administrator to better decide who and when to release from prison.

As diverse as these functions are, they all share the common desired end result of a reduction in the repeated criminal behavior of the prison releasee. An equally important function of furloughs, however, is their use as a correctional management device for dealing with inmates. This is especially true for first degree lifers with no parole eligibility for whom there are few options available in a correctional management sense.

The privilege of furloughs acts as a strong incentive for inmates generally to behave well while incarcerated since approval for a furlough is partly contingent upon positive institutional adjustment. Moreover, the furlough program as designed has created an internal system of social control among inmates conducive to successful completion of furloughs since the inmate who escapes on furlough places the entire program in jeopardy for other inmates. In the case of first degree lifers lacking parole eligibility, furloughs perform a reintegration function as well once

the lifer reaches a non-walled facility by gradually preparing the lifer for life in non-walled facilities where the daily opportunity to escape is more frequent and greater than that available while on a brief furlough.

Evidence on the Effects of the Furlough Program: 1972-1987

General Overview

The furlough program has now been in existence for nearly fifteen years. Since the inception of the furlough program in November, 1972 until March, 1987 there have been 117,786 furloughs granted to 10,553 different inmates. Of these furloughs, 426 resulted in an escape and 218 resulted in a return of over 2 hours late, yielding an overall escape rate of 0.5 percent. The escape rate has declined since the inception of the program, from 1.9 in 1972-1973, to 0.2 in 1985. Moreover, since the program's inception, guidelines for approving furloughs have become increasingly stringent as illustrated by the fact that for each year between 1974 and 1985, a decreasing proportion of the released population participated in the furlough program prior to release. Furthermore, except for emergency escorted furloughs, furloughs are generally no longer granted to inmates in walled facilities.

First-Degree Lifers

Since its inception, first-degree lifers have participated actively in the furlough program. Changes in policy regarding furloughs for first-degree lifers continue to have a positive impact on the success of the program for this population.

During the earliest period of the program, from 1972 to 1975, there were 756 furloughs granted to first-degree lifers that resulted in 8 escapes for an escape rate of 1.06 or 10 escapes per 1,000 furloughs (see Figure 1).

Beginning in 1975, unescorted furloughs for first-degree lifers from walled facilities were discontinued. The impact of this policy change can be seen in the next period, 1976 to 1980, when 2,328 furloughs were granted and 2 escapes resulted, yielding an escape rate of 0.08, or .8 escapes per one thousand furloughs, significantly lower than that of the first period.

In 1981 the furlough program for first-degree lifers was further restricted by requiring that first-degree lifers serve ten years before being eligible for furloughs. Previously first-degree lifers were eligible for the furlough program after serving five years. From 1981 to 1985, 1,824 furloughs were granted to first-degree lifers and 1 escape resulted, yielding an escape rate of 0.05 or .5 escapes per 1,000 furloughs granted, again much lower than the previous two periods despite the large number of furloughs granted to this population.

Second Degree Lifers

Inmates incarcerated for second-degree murder also have participated actively in the furlough program since its inception. During the first fourteen years of the furlough program, continued policy development has served to enhance participation in the furlough program for second-degree lifers and improved the success rate of the program.

During the first period of the program, 1972 to 1975, there were 1,701 furloughs granted to second degree lifers. Of these, 15 resulted in an escape for an escape rate of 0.88 or 8.8 escapes per 1,000 furloughs (see Figure 2).

Beginning in 1975 unescorted furloughs from walled facilities were

discontinued for second-degree lifers. During the period 1976 to 1980, 5,233 furloughs were granted to second-degree lifers. Of these, 12 resulted in an escape for an escape rate of 0.22 or 2.2 escapes per 1,000 furloughs granted, significantly lower than the rate of the earlier period.

In 1981 the eligibility criteria for second-degree lifers were made more rigorous. Second-degree lifers now have to serve seven years to be eligible for furlough program participation, compared with three years previously. During the period 1981 to 1985 there were 5,084 furloughs granted to second-degree lifers. Of these, 8 resulted in an escape for an escape rate of 0.16 or 1.6 escapes for every 1,000 furloughs granted, lower than the rate of the first two periods.

Furloughs and Recidivism

The best indicator, however, of the positive effects of the furlough program is that related to the furlough program's primary function as a reintegration mechanism. Recidivism studies between 1972-1983 have demonstrated that inmate participation in the furlough program may be an important variable in accounting for the systematic reduction in recidivism rates occurring in Massachusetts. The data revealed that those individuals who had experienced a furlough prior to release from prison had significantly lower rates of recidivism than did individuals who had not experienced a furlough prior to release. When selection factors were controlled, the relationship remained positive. This trend continued in a consistent pattern for the eleven successive years for which data were available.

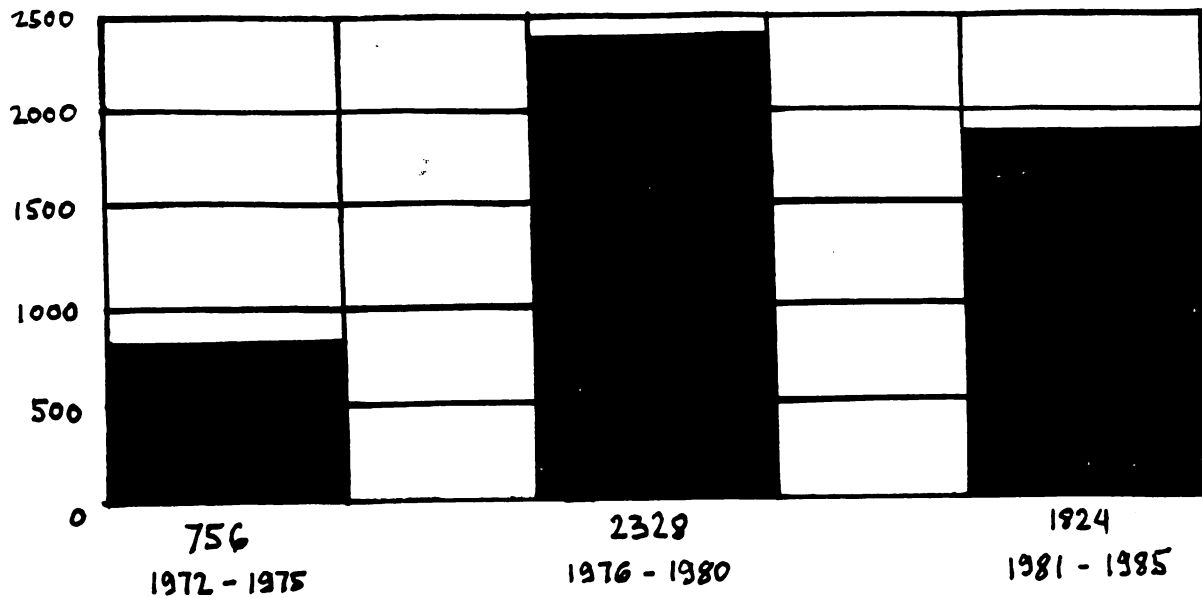
Summary and Conclusions

As demonstrated by the large number of furloughs, low incidence of problems, and low rates of recidivism of furlough participants, it can be said that the furlough program has been used extensively and successfully in the Massachusetts Department of Correction. Inmates incarcerated for first and second degree murder have participated very actively in the furlough program and have exhibited an even lower rate of problems than other inmates. Most importantly, these findings demonstrate the effectiveness of a furlough program both in reintegrating offenders from prison to community life and in the transition from walled to non-walled institutions.

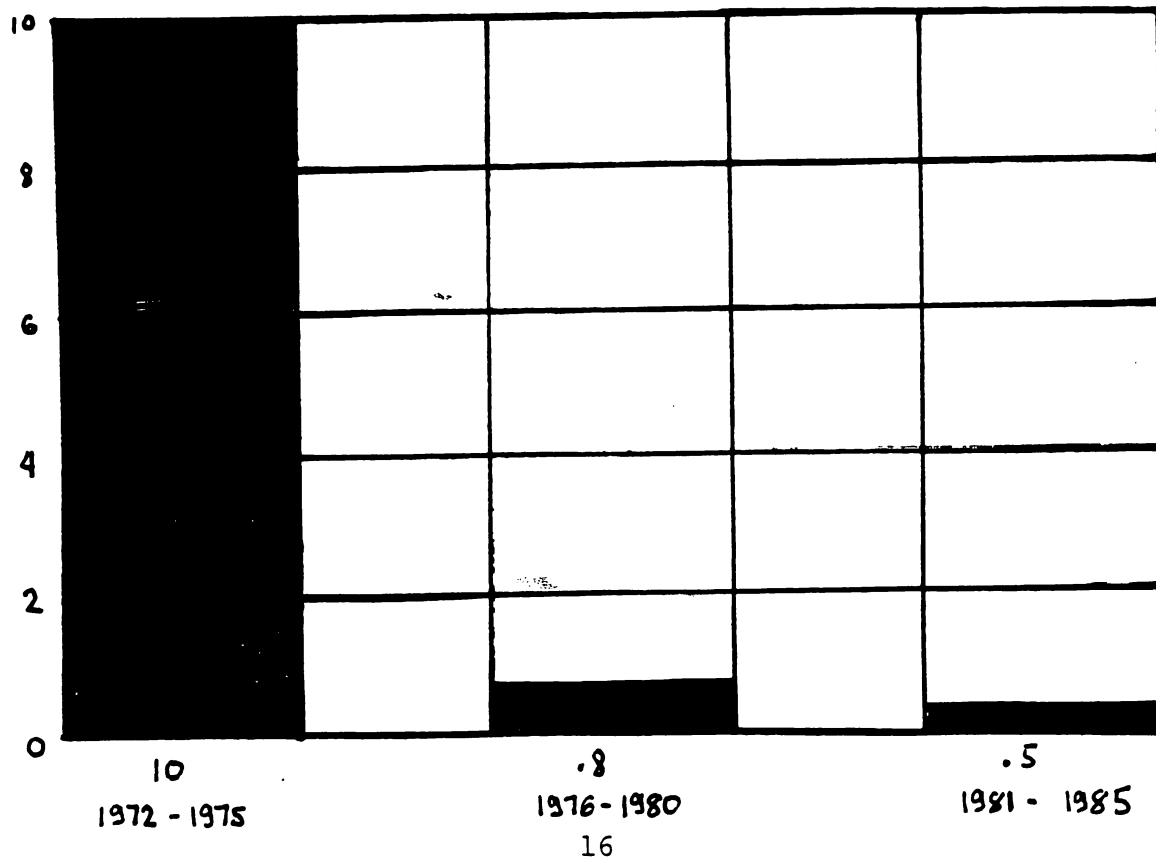
FURLOUGH PROGRAM EXPERIENCE OF FIRST-DEGREE LIFERS

FIG. 1

* NUMBER OF FURLOUGHS GRANTED



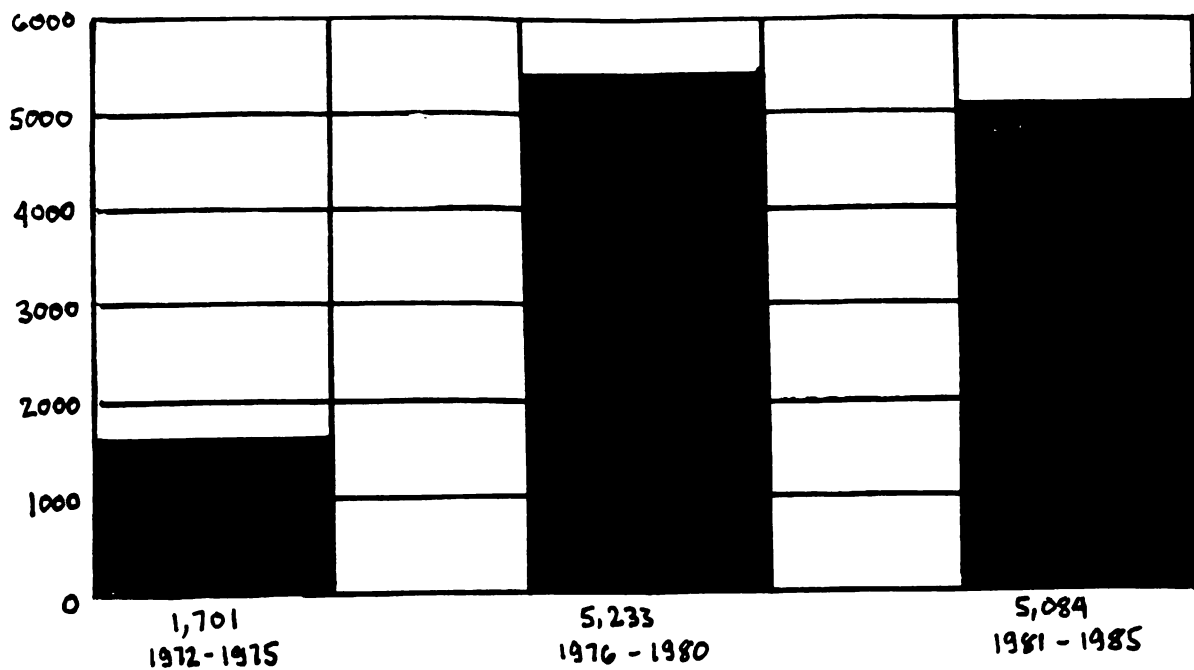
* ESCAPES PER 1,000 FURLOUGHS (ESCAPE RATE)



FURLOUGH PROGRAM EXPERIENCE of SECOND-DEGREE LIFERS

FIG. 2

* NUMBER OF FURLOUGHS GRANTED



* ESCAPES PER 1,000 FURLOUGHS (ESCAPE RATE)

