

1.4.G.4 Inmate Furlough

I Policy Index:



Date Signed: 11/06/2019
Distribution: Public
Replaces Policy: 4G-5
Supersedes Policy Dated: 01/02/2019
Affected Units: All Institutions
Effective Date: 11/06/2019
Scheduled Revision Date: October 2020
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Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections, giving due consideration to public safety, may allow eligible inmates unsupervised access to the community for certain pre-approved purposes, through a department managed furlough program.

III Definitions:

Bedside Visit:

The act of an inmate visiting an immediate family member who is seriously ill or injured and is receiving emergency medical care and is under the direct care of a physician. Includes those diagnosed with a terminal illness that is reasonably expected to result in death within a short period of time. May be at a facility or private residence, provided the family member's condition has been verified with proper authorities.

Furlough:

A furlough is the authorized absence of an inmate from DOC custody for an approved reason. An inmate released to furlough remains under the legal custody of the Department of Corrections. A furlough is a privilege, not a right, and will not be granted automatically.

Immediate Family:

The inmate's spouse, biological children, step children, parents, step parents, siblings, step siblings, grandparents, grandchildren, or at the discretion of the Warden or his/her designee, a relative who was the inmate's primary care giver. Relationship of the immediate family member to the inmate will be verified through inmate records and the inmate's visit list.

IV Procedures:

1. Inmate Eligibility:

- A. Inmates must meet the following eligibility criteria at the time of their request to be considered for a furlough:

1. Must be minimum custody status and currently assigned to and residing in, a minimum custody facility (includes contract facilities) (See DOC policies 1.4.B.2 *Male Inmate Classification* and 1.4.B.14 *Female Inmate Classification*).
 2. The inmate's behaviors and history proximate to the request must support a reasonable belief that, if released on furlough status, the inmate will return to the facility at the pre-approved time and date and will follow all conditions set forth by the DOC regarding the furlough (SDCL § 24-2-25).
 3. The inmate has arranged for his/her own transportation to and from the facility, and currently has the means to provide for all personal expenses and needs while placed on furlough.
 4. The inmate does not have an active felony warrant, hold or detainer listed within a current warrants check. This must be confirmed with Central Records. A current NCIC III criminal history report for the inmate shall be obtained and reviewed as deemed necessary.
- B. Any inmate who misleads the DOC in any way during the application process or while released on furlough, may have his/her furlough rescinded or denied. The Warden may order the immediate return of any inmate released on furlough.

2. Reasons:

- A. Qualifying minimum custody inmates may be granted a furlough for the following reasons:
1. For a bedside visit of an immediate family member who is terminally ill or seriously injured and is receiving emergency medical care and under the direct care of a physician; or to attend the funeral of an immediate family member.
 - a. Inmates will only be allowed one (1) bedside visit furlough per immediate family member.
 - b. An inmate may be granted a bedside visit furlough and a second furlough to attend the funeral of the same immediate family member, with approval from the Warden or designee.
 2. To receive health care services outside of the facility, as approved by Health Services, including but not limited to, medical, surgical, psychiatric, specialty/consult, or dental (See DOC policy 1.4.E.2 *Medically Necessary Health Care*). Does not include elective procedures, unless deemed medically necessary by Health Services.
 3. To appear at a scheduled civil court proceeding before a grand jury; or to comply with an official request/order to appear from the court, judge or prosecuting attorney.
 - a. When possible, DOC staff will assist in making arrangements for the inmate to participate telephonically/electronically from the institution, as permitted or directed by the court, judge or prosecuting attorney.
 - b. If an inmate is ordered to appear and testify in a grand jury hearing or criminal proceeding in a court located in another state, the judge within the jurisdiction where the inmate is housed or the South Dakota Attorney General, will direct the location and time when the inmate shall appear in that state (SDCL § 23A-14A-2).
 4. For compelling reasons consistent with the public interest and mission and legitimate penological interests of the DOC. Such reasons are subject to prior approval by the Warden or designee.

3. Application and Approval Process:

- A. Minimum custody inmates may initiate a furlough request by contacting their unit team, or staff at the contract facility if placed at a contract facility and request a *Furlough Application* (See [Attachment 1](#)). The inmate must complete the application and return it to staff. Inmates with communication disabilities may request assistance from staff to complete the application.
1. Staff will verify the inmate's eligibility and accuracy of all information provided on the application.
 2. Staff receiving the application will ensure a warrants check is completed and verify the inmate has no active felony warrants or holds (questions should be directed to DOC Central Records staff).
 3. If, after review, it is determined the inmate is not eligible for a furlough, staff will inform the inmate his/her application is denied.
 4. If it is determined the inmate is eligible for a furlough, staff will forward the completed application to the appropriate Associate Warden or Deputy Warden, or appropriate contract staff person if the inmate is placed at a contract facility.
- B. The Associate Warden, Deputy Warden or contract staff person will review the application.
1. If the inmate's application is denied, this will be returned to the inmate's unit staff/contract staff, who will in turn notify the inmate the application has been denied.
 2. If the application is approved, the Associate Warden or Deputy Warden will forward the application to the Warden.
- C. For inmates in DOC custody, final approval of the application shall be determined by Warden. Each request will be considered on a case-by-case basis, with careful consideration given to the safety of the community and the inmate's likely return to custody.
1. The Warden or designee will notify the Associate Warden or Deputy Warden of his/her decision.
 2. The Associate Warden or Deputy Warden will return the application to the inmate's unit staff/contract staff, who will in turn notify the inmate of the Warden's decision.
- D. Applications approved by the Warden will be distributed as follows:
1. The original furlough application will be sent to unit staff.
 2. A copy of the furlough application will be issued to the inmate. Inmates should be issued a copy upon release to furlough as well. Unit staff will retain the original application at the housing unit.
 3. Staff will ensure the departure and return times are recorded on the original application, along with the transporter's signature (if applicable) and any additional comments and instructions specific to the inmate's release to furlough.
 4. Upon the return of the inmate from furlough, the completed furlough application will be recorded in the Comprehensive Offender Management System (COMS).

5. The original completed furlough application will be sent to the inmate's case manager to be maintained in the inmate's institutional file.

4. Funeral and/or Bedside Visit:

- A. When DOC staff/contract staff receive reliable information an inmate's immediate family member is seriously ill, injured, or deceased, staff will contact the inmate or unit staff to relay the information. If the inmate meets the preliminary eligibility requirements listed in Section 1 of this policy, the staff person may provide the inmate with a *Funeral Attendance/Bedside Visit Worksheet* (See [Attachment 2](#)) or complete the top portion of the worksheet for the inmate if the inmate has requested a furlough.
 1. The staff member will verify the person is an immediate family member by reviewing the inmate's records and/or approved visit list.
 2. The status of the family member's condition must be verified. Normally this completed by contacting the attending physician, medical facility, nursing home, hospice care provider, local law enforcement or funeral home. Verification must be completed prior to approving an inmate's request for furlough.
- B. Upon verification of the immediate family member's condition, staff will notify the inmate.
 1. The inmate may be authorized to make a special telephone call (See DOC policy 1.5.D.4 [Inmate Access to Telephones](#)).
- C. Upon completion of Part 2 of the Worksheet, the unit team will determine if the inmate is eligible for a furlough (See Section 3 of this policy).

5. Victim Notification:

- A. If the inmate is approved for a furlough, notification(s) will be provided to victims through SAVIN when "MOVEMENTS" show the inmate has been moved to furlough, and when the inmate returns to the facility/custody (See DOC policy 1.1.E.4 [Victim Notification](#)).

6. Travel Time and Distance Limitations:

- A. Inmates approved for a furlough may travel within the boundaries of the state of South Dakota, including SD Indian reservations. Out of state travel is subject to specific approval by the Warden.
- B. Inmates must sign an *Agreement to Waive Extradition* (See [Attachment 2](#)) prior to release on furlough.
- C. Time and travel limitations will be determined by the approving authority and will be based on the distance to and from the approved destination, with an appropriate amount of travel and visit time granted for the inmate to accomplish the approved purpose of the furlough.
 1. The Warden, Associate Warden or Deputy Warden has authority to approve changes to the conditions of an inmate's furlough.
 2. Furloughs will normally not be approved with departure time before 0800 hours or a return time exceeding 2200 hours.

7. Transportation Guidelines:

- A. Transportation for inmates on furlough status will be provided by a family member, or with staff approval a responsible friend of the inmate who is at least eighteen years of age, the same gender and on the inmate's approved visit list (See DOC policy 1.5.D.1 *Inmate Visiting*).
1. Public transportation may be authorized when the inmate does not have access to other means of acceptable transportation.
 - a. The DOC is not responsible for any transportation costs incurred by the inmate while on furlough.
 2. Persons providing private (non-public) transportation to the inmate must sign the *Furlough Application* (See [Attachment 1](#)) prior to departing from the facility with the inmate.
 3. Inmates will return to their assigned facility on the specified date and time, unless granted an exception in advance by the Warden, Associate Warden or Deputy Warden.
 4. Inmates on furlough are required to be in the general company of the transport person (if any) who signed the Furlough Application.

8. General Conduct and Conditions:

- A. Inmates released on furlough are required to abide by the following conditions:
1. Furlough applications will specifically identify the location(s) where the inmate is approved to be during the furlough.
 - a. The application will include sufficient information, including telephone number(s) and physical address of where the inmate will be during the furlough.
 - 1) Cell phones numbers are not a "location".
 - b. If at any time, attempts by staff to contact the inmate are unsuccessful or an inmate's location cannot be verified by staff, or there is reasonable cause to suspect the inmate has absconded or does not intend on returning to the facility, staff will contact the shift commander/supervisor immediately.
 2. Inmates on furlough must abide by all local, state and federal laws, local ordinances and applicable DOC policies, rules and conditions. Violations may lead to criminal prosecution and/or disciplinary action.
 3. Inmates will not operate a motor vehicle while on furlough.
 4. Inmates will not consume alcoholic beverages or spend any time in an establishment where the primary function is the serving of alcoholic beverages.
 5. Inmates will not purchase, sell, possess consume or administer, narcotics, marijuana, synthetic drugs, or intoxicants in any form. Inmates will not enter or frequent any place where such materials are sold, dispensed, used or given.
 6. Inmates must immediately contact staff at their assigned facility in the event they are arrested, involved in a serious accident, or suffer serious illness or injury requiring emergency medical care or hospitalization.

7. Inmates will not possess firearms or other dangerous weapons.
 8. Inmates will not associate with persons engaged in illegal activities or fugitives from justice.
 9. Inmates may not marry, sign legal papers, enter into any contract, lease or apply for a loan or bank account.
 10. Inmates will not use prescription medication not prescribed and issued to the inmate by Health Service staff, or receive any medical/surgical, psychiatric treatment without staff permission, except in the case of a medical emergency.
 11. Civilian clothing may be worn by an inmate while on furlough.
 12. Inmates returning from furlough will be searched in accordance with DOC policy 1.3. A.5 [Searches - Institutions](#).
 13. Inmates returning from furlough are required to submit to drug test upon return to the facility (See DOC policy 1.3.A.8 [Offender Drug Testing, Sanctions & Treatment](#)).
- B. Prior to release to furlough, unit staff will inform all sex offenders required to register, pursuant to SDCL §§ [22-24B1-1](#) thru [22-24B-14](#), of their duty to register upon release and inform the inmate of the community safety zone restrictions (See SDCL § [22-24B-13](#)).
- C. Prior to releasing a sex offender required to register to furlough, DOC staff will require the inmate offender read and sign [Attachment 2](#) within DOC policy 1.3.C.2 [Sex Offender Registration](#), acknowledging the inmate's duty to register and community safety zone restrictions have been explained.
- D. Prior to releasing a sex offender required to register to furlough, DOC staff will obtain the address where the inmate plans to reside while on furlough and provide this information to the Division of Criminal Investigation, law enforcement having jurisdiction where the inmate plans to reside, and the state's attorney in the county where the inmate was convicted. (See SDCL § [22-24B-13](#)).

9. Purchases:

- A. Inmates may withdraw no more than fifty dollars (\$50) from their spend or savings subaccounts for incidental expenses; e.g. meals, snacks, transportation, subject to the provisions of DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#).
1. An inmate may not borrow funds from the institution's Benevolent Fund for this purpose.
 2. Unless pre-approved by unit staff, inmates may not purchase merchandise, personal property or hygiene/medical products to bring back to the institution.
 3. The DOC is not responsible for expenses incurred by the inmate while on furlough.

10. Returning Late:

- A. If the inmate is more than 30 minutes late returning from a furlough, the Shift Commander/OIC will be notified.

- B. If an inmate is more than one (1) hour late returning from furlough, and the inmate has not been approved for late return by designated staff, the OIC will contact the Warden or designee immediately.
- C. If an inmate at a contract facility is more than one (1) hour late returning from furlough, contract staff shall contact the facility liaison immediately.

V Related Directives:

SDCL §§ 22-24B1-1 thru 22-24B-14.

DOC policy 1.1.B.2 – *Inmate Accounts and Financial Responsibility*
 DOC policy 1.1.E.4 – *Victim Notification*
 DOC policy 1.3.A.5 – *Searches - Adult Institutions*
 DOC policy 1.3.A.8 – *Offender Drug Testing, Sanctions & Treatment*
 DOC policy 1.3.C.2 – *Sex Offender Registration*
 DOC policy 1.4.B.2 – *Male Inmate Classification*
 DOC policy 1.4.B.14 – *Female Inmate Classification*
 DOC policy 1.4.E.2 – *Medically Necessary Health Care*
 DOC policy 1.5.D.1 – *Inmate Visiting*
 DOC policy 1.5.D.4 – *Inmate Access to Telephones*

VI Revision Log:

December 2003: **Combined** DOC policy on Funeral Attendance and Bedside Visits with this policy. **Deleted** references to Type A and Type B furloughs. **Deleted** reference to the Benevolent Fund. **Revised** travel restrictions to just the State of South Dakota, including Indian reservations. **Added** a definition for “escape history”. **Added** a definition for Furlough. **Revised** guidelines on staff expenses.

July 2004: **Changed** travel requirements to allow out-of-state travel at the Warden’s discretion. **Added** contact information for the Rapid City Trusty Unit to Attachment 2.

November 2005: **Added** “probation absconding” under the definition for “history of escapes”. **Added** definition for security perimeter and referenced security perimeter under information on escape from a secure facility. **Added** reference to DOC policies 1.4.B.2 and 1.5.D.1. **Changed** Unit Staff to unit team. **Revised** the document to clarify procedures for the SDWP.

November 2006: **Revised** the definition of security perimeter. Made minor style/format changes throughout the policy.

November 2007: **Combined** furlough approval procedures for male/female inmates into one standard procedure. **Revised** the records retention procedures. **Revised** attachments 1 and 3. **Added** that a copy of the completed furlough application will be kept in an inmate’s institutional file. **Clarified** law enforcement notification procedures.

October 2008: **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2. **Replaced** central records with case manager in ss (E3 of Application/Approval for Funeral Attendance or Bedside Visit). **Added** title of Attachment 1 in ss (A5 of Transportation Guidelines). **Replaced** “commissary” with “spend” in ss (A of Purchases While on Furlough/Bedside Visit/Funeral Attendance). **Added** reference to DOC policy in section V. **Combined** Attachments 4 with Attachment 3 and made reflection of change in policy. **Revised** minor wording and grammatical changes throughout policy.

October 2009: **Revised** 1.4.B.2 into its two respective policies of 1.4.B.2 and 1.4.B.14. **Revised** titles of DOC policies 1.4.G.1 and 1.5.D.1. **Deleted** reference to the Redfield Minimum Unit within Attachment 1 and 2. **Revised** screen shots of Attachment 1 and 3. **Added** hyperlinks.

October 2010: **Revised** formatting of Section 1. **Revised** title of DOC policy 1.1.A.1.

February 2011: **Added** A. 5. to ss 1 (Procedures) **Inserted** A. 2. SS 3 (Procedures) **Added** Warrants check completed box to Attachment 1. **Added** “narcotics” to 8. A. 5.

December 2011: Deleted 3. and Added a. - d. in Section 1 C. 2. Added “and other court ordered or correctional ordered placements” to Section 1 C. 2. d. 3) Added “approved community passes and being in the non-physical custody of law enforcement following an arrest” in Section 1 C. d. 4) Added “on a felony charge” and “not” to Section 1 C. 2. e. Deleted “that the” and Added “it is unlikely the” Deleted “not” in Section 1 C. 4. Added 5. to Section 1 C. Added a. “The Warden may waive this requirement if the institution’s benevolent fund has sufficient funds available to pay the total calculated cost of providing supervision or the remaining balance, after applying the inmate’s funds to these costs” in Section 1 C. 5. Added 4. “In addition to verifying the terminal illness of the immediate family member or funeral arrangements when reviewing the inmate’s Funeral Attendance Worksheet, unit staff should check for any changes in the funeral arrangements and/or condition of the terminally ill family member (for a bedside visit) prior to the inmate being released to furlough” in Section 4. E. 4. Added “duty officer” to Section 5 D. 3. Added E. “The Warden has discretion to waive a portion or all of the supervision costs.” to Section 7. Deleted c. “Institutional staff will attempt to contact the inmate at one (1) of the inmate’s listed locations” in Section 8 A. 1. Added “staff attempt to contact the inmate and” and “Staff will contact the shift commander immediately” to Section 8 A. 1. Added 1. to Section 10. B. Added “has not returned and” Deleted “late returning from a furlough/bedside visit/funeral attendance” and Replaced with “past their approved return.

February 2014: Revised definition of “Furlough”. Updated definition of “Immediate Family” consistent with definitions within policy. Deleted “Inmates who are not eligible for a furlough may be approved for a supervised bedside visit or funeral attendance” in the policy statement. Deleted “in order to apply for and be approved for a furlough” and Replaced with “at the time of their request” in Section 1 A. Deleted “Must not be currently placed in ad. det. Or disciplinary segregation” in Section 1 A. 2. Added “Must be assigned” and “or low medium custody” in Section 1 A. 1. Deleted B, C, C, 1-6 C. 2.a-d, 1)-4) C. 5. a. referencing Low Medium and high medium custody inmates. Added “The Warden may order the return of any inmate released on furlough” in Section 1 E. Deleted “may be granted” and Replaced with “Qualifying minimum custody inmates may be granted a furlough for the following reasons” in Section 2 A. Added “when an immediate family member has been critically injured” to Section 2 A. 1. Added “The Warden may grant an exception if the request is less than thirty (30) days apart” to Section 2 A. 1. b. Added “to include but not limited to medical, surgical, psychiatric or dental) in Section 2 A. 2. Added “appear before a grand jury or comply with an official request from the court/judge or prosecuting attorney” in Section 2 A. 3. Added “Bedside Visits, Funeral Attendance” to title of Section 2. Deleted b. “A properly executed court order is required for inmates who are not eligible for a furlough but who are required to attend a court proceeding off the grounds of a DOC facility” in Section 2 A. 3. Deleted c. “Inmates who are not eligible for furlough but who are required to attend a court proceeding off the grounds of a DOC facility will be transported/escorted by DOC staff” in Section 2 A. 3. Added “and will be monitored by staff” in Section 4 A. 3. b. Added “by the Warden” in Section 2 A 4. Deleted 3. (redundant) in Section 4 B. Deleted 1 & 2. from Section 4 C. Deleted D. and E. from Section 4. Added “verify if a confidential notify exists and” in Section 5 A. 2. Deleted 2 & 4. In Section 6 C. Deleted B. “Eligible low medium, high medium and maximum custody inmates may make bedside visits or attend funerals within the State of SD, including Indian reservations. Out of state travel is subject to approval by the Warden” and Deleted B. 1-2 and in Section 6. Deleted 1. (redundant) in Section 6 C. Deleted Section 7 “Financial Obligation of Inmate” Renumbered sections that followed. Added “of the same gender as the inmate” in Section 7 A. Deleted b. and c. in Section 7 A. 1. Deleted 2-4 in Section 7 A. 1. Added “generally” and “with staff approval” in Section 7 A. Added “and address” to Section 8 A. 1. a. Added “institutional rules and the general conditions. Violation may lead to criminal prosecution, in addition to disciplinary action” in Section 8 A. 2 Added 5-11 in Section 8 A. Added “as approved by staff. Applicable to minimum custody inmates only” in Section 8 B. Added 3. to Section 9. A. Added new C. to Section 10. Deleted B. in Section 10. and Renumbered sections that follow.

October 2014: Added “giving due consideration to public safety” to policy statement. Deleted definition of “Security Perimeter”. Added “Each request will be decided on a case by case basis, with careful consideration given for the safety of the community” in Section 3 C. Added “nursing home, hospice care provider” to Section 4 A. 1. Added a. to Section 4. A. 1. Revised section 4 to require

staff to verify the family member's condition prior to notifying the inmate. **Added** "departure time before 0800 hours" to Section 6 C. 2.

October 2015: Deleted "and death in imminent" and **Replaced** with "that is reasonably expected to result in the death of the family member within a short period of time" in definition of bedside visit.

Added "Does not include elective procedures unless deemed medically necessary" to Section 2 A. 2. **Added** b. to Section 2 A. 3. **Added** B. to Section 5.

October 2016: Added "The inmate will complete the application and return this to a member of his/her unit team. Inmates with communication disabilities may request assistance from a staff member in completing the application and/or obtaining and providing the required information" in Section 3 A. **Added** "If the inmate meets all of the eligibility requirements listed in Section 1 of this policy" in Section 4 A. **Deleted** "record the furlough information and complete all notifications" and **Replaced** with "contact the SAVIN system to identify if the inmate has any victims identified within the system. Notifications shall be provided prior to the inmate being released to furlough" in Section 5 A. 1. **Deleted** 2. and 3. in Section 5 A. and **Deleted** B. in Section 5. **Added** "or there is reasonable cause to suspect the inmate will not return the facility as instructed" in Section 8 A. 1. b. **Added** "who is a fugitive from justice" in Section 8 A. 8. **Added** B. ,C. and D. to Section 8.

October 2017: Reviewed with no changes.

October 2018: Reviewed with no changes.

October 2019: Revised definition of "Bedside Visit". **Added** "This must be confirmed with Central Records. A current NCIC III criminal history report for the inmate shall be obtained and reviewed as deemed necessary" in Section 1 A. 4. **Added** "and the inmate's likely return to custody" in Section 3 C. **Added** C. to Section 10.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

11/06/2019

Date

Attachment 1: Furlough Application

The **Furlough Application** form is located at:

<M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Furlough Application.doc>

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Furlough Application Please refer to DOC policy 1.4.G.4 Furlough/Bedside Visit/Funeral Attendance	
FURLOUGH APPLICATION			
Inmate Name		Number	
Crime		Sentence	
Initial Parole Date		Release Date	
Next Parole Date		Release Date	
Housing Unit		SOWP	
Date placed at minimum facility		Date classified to minimum security status	
Purpose of Furlough		Medical	
Bedside Visit		Funeral	
Court		Other Specify	
Transporter		Relationship	
Address		Phone Number	
Furlough scheduled from _____ to _____			
<input type="checkbox"/> Institutional staff will attempt to contact the inmate at one (1) of the inmate's listed locations.			
	Location	Phone Number	
7:00 am			3:00pm
8:00 am			4:00pm
9:00 am			5:00pm
10:00 am			6:00pm
11:00 am			7:00pm
12:00 am			8:00pm
1:00pm			9:00pm
2:00pm			10:00pm
Application information verified <input type="checkbox"/> Yes <input type="checkbox"/> No			
Signature of Unit Staff			
I understand that I must remain in the general company of the transporter or sponsor during the entire period of the furlough. I understand that all travel and living expenses incurred in connection with this furlough will be paid by me. I understand and agree to abide by furlough regulations/policies of the Department of Corrections and this institution. I also understand that if I need help or will be delayed in returning, I am to call the appropriate Control room or institution as follows: SD SP 387-6120, Durfee State Prison 388-2201, Yankton Minimum Unit 688-3366, South Dakota Women's Prison 773-6388, Rapid City Correctional Unit 384-6284 or local law enforcement.			
Inmate Signature		Date	
Transporter/Sponsor Signature		Date	
Associate Warden/Deputy Warden Signature		Date	
Warden Signature		Date	
FILL IN INFORMATION AND RETURN TO AW OPERATIONS/PROGRAMS WHEN COMPLETED			
Model and license number of transport vehicle			
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