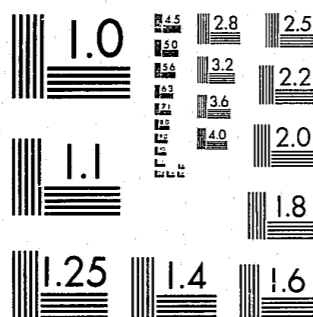


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NATIONAL EVALUATION PROGRAM

PHASE I REPORT

SUMMARY

FURLOUGH PROGRAMS FOR INMATES

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ABSTRACT

ACQUISITION 3

This report summarizes the findings and recommendations of The National Evaluation Program Phase I Grant Furlough Programs for Inmates. This impressionistic study attempted to evaluate what is known about furlough programs today by reviewing publications, project reports, statutes and program descriptions. This review was coupled with on site observations of furlough program operations in a purposive sample of state and federal institutions. The information developed was used to construct a set of theoretical models, generic flow diagrams, a single site evaluation design, and a plan for broadening the information base regarding furlough programs.

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## CHAPTER 1. INTRODUCTION

### PREFACE

Furloughs are one of the many innovations which have been adopted by correctional agencies in recent years. The press to modernize and upgrade correctional programs has caused the adoption of new procedures without prior evaluation and frequently without a complete evaluation of potential program impact. Unfortunately, the resources for conducting such evaluation models are not readily available to the correctional administrator.

A primary goal of NEP is the development of effective evaluation models for Criminal Justice administrators. This project has developed a usable evaluation model for furlough programs. This report summarizes our findings. Additional information can be made available to the interested reader.

We hope that you find this summary and our other products useful.

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The use of furloughs with adult offenders has grown rapidly during the last ten years. In 1963 only two states released inmates on furlough. Today forty-seven states, the District of Columbia, and the Federal Bureau of Prisons have furlough provisions. Furloughs are one type of conditional release. In conditional release the incarcerated offender is released before the end of his sentence with certain restrictions placed on his release. These restrictions or conditions can include specified behaviors, participation in specific treatment programs, or an agreement to return to the institution.

For this study a furlough is a temporary, unsupervised, non-regular release from an institution. Temporary release programs utilizing regular releases and returns such as study release and work release are not furloughs for the purpose of our study. However, these releases are frequently referenced as furloughs which leads to some confusion. Furloughs are granted for a wide variety of reasons. A furlough program for our purpose is a systemized set of procedures for evaluating and conferring furloughs. Program complexity ranges from the very simple request by a caseworker to the relatively complex process typical of furlough programs which are a part of a comprehensive approach to offender rehabilitation or institutional management.

The President's Commission on Law Enforcement and the Administration of Justice in The Challenge of Crime in a Free Society (1967) focused on the shortcomings of the Criminal Justice system and specified a set of remedies. Among these we find encouragement for the expanded use of furlough programs. More attention is directed to this issue in the Task Force Report: Corrections (National Advisory Commission on Criminal Justice Standards and Goals, 1967). The Commission urges that furloughs should serve to enhance the gradual reintroduction of the offender to normal community life. While furloughs have been used extensively with juveniles, only three states had temporary unsupervised release policies for adults before the sixties. While little attention has been paid to furloughs by the National Advisory Commission on Criminal Justice Standards and Goals,<sup>1</sup> rapid development in this area has been observed in almost all correctional communities.

As is the case with any program that takes risks with offenders in an attempt to divert them from a life of crime, furlough programs have failures. We have observed that the focus is not upon escapes, but on potential harm to citizens created by the danger of having confirmed felons "roaming the streets." Instances of harm to the public, although apparently rare, are given extensive coverage, usually accompanied by a negative example of the furloughed prisoner. At

<sup>1</sup>Page 68 mentions furloughs in this discussion of Standard 2.17 access to the public and can be inferred from Standard 7.4 Inmate Involvement in Community Programs, p. 244.

times such as these, few point out that we are dealing with people who will be rejoining society at some time in the future or that the vast majority of furloughed offenders return quietly to the institution without creating community problems. While programs vary from state to state, most programs have selection criteria which exclude sex offenders, violent offenders, "habitual offenders" or those potentially dangerous to society.

Almost every agency requires minimum custody status and a clear disciplinary report for a specified time. While those programs with the most relaxed standards are the ones most heavily attacked, the charges tend to be generalized to even the most restrictive of programs.

Although most furlough programs are relatively restricted, law enforcement agencies and prosecutors tend to view them negatively. The resentment which develops due to the difficulty in convicting and incarcerating offenders immediately focuses on programs which return the offender to the community for even short periods. This, coupled with bad press, provides legislators with ample information to support their opposition to furlough legislation. As a result, most prison administrators avoid any publicity of their programs, contributing to the one-sided picture presented to the public.

Furlough programs are both controversial and confusing. The field of corrections has paid little attention to the rationale and philosophy underlying furlough programs. This lack of attention to rationale has reduced most furlough programs to technique or procedure status. We have observed that most correctional employees and inmates can tell us how to obtain a furlough but few can tell us why their particular system makes furloughs available.

This lack of rationale has also confused research and evaluation efforts. Few states do more than collect the most basic of statistics with the most advanced states restricting their efforts to simple descriptive relationships between escape and background variables. When there is no clear statement of goals and objectives, these goals and objectives can not be measured. There is a need today for a clear, accurate statement about furlough programs, their rationale and their evaluation so that correctional administrators can make effective decisions. A major purpose of this project is to develop a clear statement of what is known today. In the following pages we have summarized our observations and conclusions.

The primary purpose of The National Evaluation Program is the development of effective techniques for the evaluation of Criminal Justice processes. Throughout the history of the Criminal Justice system, programs have been adopted or abandoned on the basis of their philosophical merit rather than on the degree to which they improved the enforcement of the law and the protection of society. Frequently, the goals have not been clearly understood and basic assumptions have not been clearly stated or recognized. By closely examining programs designed to solve crime and enhance Criminal Justice processes, an information base can be developed for use by Criminal Justice administrators. The more information which can be made available, the more accurate administrative decisions will become. The ultimate goal, then, is to increase the effectiveness of the Criminal Justice system.

We must say at the onset that the information which we have developed is clearly impressionistic and nonquantative in nature. Our task was to develop an effective evaluation design, not to collect quantitative data regarding furlough program operations. Thus, while tables appear in the text, the data presented was not gathered through rigorous systematic design. Our main processes were designed to provide the maximum breadth of exposure so that all relevant variables influencing the furlough process could be identified.

There were three focal points in the information gathering process. First, we identified and reviewed all of the information available in the libraries of the University of Alabama. At the same time we contacted state and federal departments of correction, state planning agencies, and organizations with an interest in corrections. We sought program descriptions, evaluative data and unpublished or uncirculated reports. We summarized and assessed the information developed from these two focal points. This information was used to construct tentative models and to select visitation sites for in-depth observation of furlough program operations.

In all we interviewed over a thousand subjects including correctional employees at all levels from correctional officer to warden, inmates, prosecutors, law enforcement personnel, parole officers and other citizens. While these subjects were chosen systematically to avoid bias the choices were not random. Thus, a representative group of subjects was interviewed by our teams of three researchers. Team members entered the setting and observed all that occurred around them. Thus, the interview schedules represent just one aspect of the information gathered.

We also interviewed a number of legislators from the Alabama state legislature and from the federal legislature and a group of employees from Alabama social service agencies. We also added an additional group of sponsors of furloughs as we felt that those families and sponsors selected in the host states were not representative. We utilized local probation

and parole personnel and social service agencies to identify and interview families and sponsors from several parts of Alabama. After consideration of the materials received from various states we selected a set of sites for visitation. Our sample was not a random sample of projects but a deliberate selection of sites designed to include sites representative of the variations available in furlough programs. We controlled for two main factors--size and intensity of security of system detention capability.

Within these parameters site selections were based on a number of related variables. Included were: program type (location of special elements such as county programs, female furloughs, range of options for release, formality of the furlough granting process, and number of inmates released on furlough), geographical representation, and the amount of additional information which could be gained in relation to the cost of collection. After meeting with LEAA staff, ten primary sites and three secondary sites were selected.

When possible a site was defined as a total state. This permitted us to assess variations within each system as well as the variation between systems. When distances were great between institutions or the number of institutions was large, a sample of institutions was selected for team visitation. We planned four day site visits with the fifth work day reserved to allow for unforeseen difficulties in collecting data.

Generally, all the principal prisons in each state were visited and in a few states community or pre-release centers were included. However, in Illinois and in the federal system only institutions representative of each security level were identified and visited because of the large number of institutions. In addition to these prison systems, the Montgomery County, Maryland pre-release center was visited in order to include a local department of corrections. In all, we visited the District of Columbia, eleven states, one institution in Georgia, and five selected federal institutions.

Our basic approach used personal interviews. The interviews were focused unstructured interviews. Interviewers were instructed to discover everything they could about furlough program operations. They were instructed to regard the schedules as a guide but to deviate from the schedule if productive leads developed. Each interviewer summarized his or her findings after each site visit.

A three person team of a senior researcher and two junior researchers was assigned to each full state or major site. Single institution or minor sites were visited by two researchers. North Carolina was visited by two local researchers from the North Carolina area. Approximately twenty schedules were completed at each institution. A sample of ten inmates was drawn from the population list using a table of random numbers. Employees were selected to be representative of the job classifications of the institution. We used an informed consent approach. All subjects were advised that participation was voluntary and had the purpose of the research explained to them. The number of refusals was minimal.

Additional subjects were interviewed at all major sites. With the assistance of field services in each of the states we visited, we selected three to five families or sponsors of furloughees. We also interviewed two parole officers, two law enforcement officers, and one prosecutor. All subjects were interviewed with the same schedules and instructions applied in the institutions.

After reviewing the data we decided that the family interviews were inadequate. The selection process apparently caused confusion and anxiety for the respondents. Two attempts were made to expand our data in this area. Using our Alabama resources we identified a number of families through the assistance of various social service agencies. We also utilized local probation and parole officers to locate a second set of families. We found no differences. Sponsors appear to be totally supportive of the furlough process. This data was added to our store of knowledge.

We also collected information from two collateral areas. Furloughs are in almost all cases established by legislatures. In time of stress it is usually the legislature which acts to reaffirm furlough programs. In order to gain insight into legislative perspectives we interviewed a non random sample of state and federal legislators. We also noted that volunteer programs can interface with furlough programs. We contacted a number of persons involved in volunteer programs and sought their opinions. Volunteers can serve as sponsors or provide a wide range of services for the furloughee.

With this information we developed a set of theoretical models of the assumptions underlying the granting of furloughs, developed a generic model of the procedural process, identified critical variables, and developed a research design for a single site evaluation and a design for expansion of the national information base regarding furloughs. In addition to the final report we prepared a manual for implementing the single site evaluations for use by correctional administrators.

### CHAPTER 3. REVIEW OF LITERATURE

Relatively little has been written about furlough programs in comparison with other correctional innovations. To a great extent what has been written is impressionistic, dealing with the merits of furloughs on a philosophical basis, rather than in terms of goal achievement or relative effectiveness of programs. A number of issues are discussed repeatedly with conflicting beliefs supported by the strength of the argument or by a single case with a marked absence of supporting data.

One area of concern for those who support furlough programs has been the wife-husband relationship. The issue was first articulated by Ruth Schonle Caven and Eugene S. Zemans.<sup>1</sup> They administered questionnaires at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders asking for information about contacts between prisoners and their spouses and children. They were concerned with the loss of close personal contact of prisoners with their wives. While this data is now dated, it lends international perspective to the issue. In sum, they found that in the 1950's, many European and South American countries were far beyond the United States in providing programs that maintained contact between husbands and wives both in conjugal visits and furloughs. Since that time progress in both the use of conjugal visits and furloughs has been made in the United States.

In recent years four articles have explored the development of both conjugal visits and the use of furloughs to maintain positive relationships between prisoners and their spouses. Two of these articles report a 1964 study which attempted to assess the attitude of wardens toward conjugal visits and furloughs.<sup>2</sup> Seventy-two percent of the wardens responded with 56% opposed to conjugal visits. Both conjugal visits and home visits attempt to deal with the same problems, thus the pros and cons for one can easily be transferred to the other. Some of the major objections cited were: (1) problem of selection of program participants; (2) if visits are denied for disciplinary reasons, the rehabilitation effect will be lost; (3) common law marriages or relationships would be excluded, creating frustration; (4) non-married inmates would have their frustrations intensified; (5) birth control would be a problem, particularly for families on welfare; (6) institutional security would be compromised; and (7) additional facilities and staff would be required. Some of the major benefits were: (1) the preservation of family life; (2) an additional incentive for positive institutional behavior; (3) potential reduction in escapes; (4) reduction of sex problems and homosexuality; and (5) the potential for improved prisoner morale. Hopper<sup>3</sup> points out that the Mississippi Christmas furlough program is just one component in a multifaceted approach to the maintenance of family relationships.

Johns makes another point relative to furlough programs and conjugal visits.<sup>4</sup> He argues that conjugal visits are so controversial that they will not be put into use in most

American prisons in the near future. In addition to the objections raised by other authors, he points out that legally married inmates are in the minority in most prisons, reducing the overall positive impact and intensifying the negative impact in many prisons. This, coupled with contemporary morals, will effectively prevent the development of programs featuring conjugal visits. He suggests that furloughs, while controversial, are more palatable to the American public and add the element of integration of the offender into other facets of community life. In sum, he feels that the use of home visits is both more effective and more likely than conjugal visits.

Two articles deal with the programs of Denmark and Sweden which are the most progressive programs in existence today.<sup>5</sup> Their furlough programs are just one component of their relatively open system. In these countries everyone is permitted furlough privileges after a period ranging from six months for mild offenders to three years for those with life sentences. Precautions are taken with those who are potentially dangerous with an assessment of their stability made before furloughs are granted. Before a leave is granted, the prisoner must make extensive plans for his visit with a caseworker. Sweden has a particularly high escape rate of 8%. However, the Swedish community is proud of their correctional system and are willing to tolerate an appreciable escape rate as a part of the rehabilitation process. As in this country, however, many "escapes" are prisoners who return late, rather than prisoners who do not return voluntarily.

Several of these articles deal with the merits of furlough programs from the perspective of the correctional professional.<sup>6</sup> The use of furloughs can also provide for meeting personal emergencies and the facilitation of the re-entry of the prisoner into normal community life. Many now advocate the use of the furlough to allow inmates to spend time with their families during the period immediately preceding their release. The furlough is often confused with special leaves, which many adult institutions have been willing to grant under extremely extenuating circumstances. In many cases, the prisoner travels under escort while with the furlough, the prisoner is under his own supervision. Some programs, like that of Pennsylvania, attempt to reduce correctional pressures as well as meet human needs.<sup>7</sup> Pennsylvania's program begins with the offender's entrance into the system. Extensive psychological and educational testing, coupled with participation in other institutional programs, influences the decision to grant a furlough. The resident develops his own treatment plan which can include a furlough option. The resident must find a community sponsor and maintain contact with the sponsor during his stay. The prisoner can apply for a furlough after completion of one-half of his minimum sentence. His request is evaluated by his caseworker with the ultimate decision as to release resting with the superintendent of the institution. Pennsylvania notifies the sentencing court, law enforcement agencies, parole and other treatment resources.

Nelson considers furloughs a part of a total community based correctional treatment plan.<sup>8</sup> The emphasis is on the treatment of offenders or the changing of offenders into law abiding citizens. Work release, study release, and furloughs serve to reintegrate the offender into the community life and community programs. He argues in part that the release of offenders on furlough, like their release on parole, results in an increase of public safety, rather than a decrease. The additional supervision and short term nature of the program reduces the risk of danger, by reducing the risk of eventually releasing a dangerous person prematurely.

Nachman argues strongly for the therapeutic value of furlough programs.<sup>9</sup> He points out that the furlough provides an opportunity for the inmate to experience his release environment in a meaningful way. The primary purpose of the furlough is to allow the system to observe how the client responds to his normal environment. Problems which surface can be resolved before the offender is released and beyond the controlled environment of the institution. Regular leaves can be used to initiate contact with existing agencies so that the offender can avoid a total release context, which would enhance the success of his readjustment to community life. While the furlough can not solve all release problems, it enables institutional staff to deal with many things of which they would otherwise remain unaware.

The popular press has done more to draw out the issues involved in furlough programs than any other source. The concept of the furlough has drawn heated opposition and response from those outside of the correctional community. These articles have ranged from the 1969 U.S. News and World Report<sup>10</sup> article describing California's furlough programs to Newsweek's blow by blow account of the rise and fall of The District of Columbia furlough program.<sup>11</sup> A pair of linked articles appearing in Newsweek in 1975 assessed the pros and cons of furlough programs.<sup>12</sup> They point out that furloughs enable an inmate to re-establish ties with the family, look for a job or look for a place to live. They identify as the critical core of opposition the question of the relative danger to the law abiding public created by the release of prisoners before they have served completed sentences. In particular, public attention had been focused on the release of offenders who have committed extremely violent acts.

Four authors have conducted nationwide surveys of correctional practices. Smith and Milan investigated the scope, age, and mode of authorization for U.S. furlough programs.<sup>13</sup> Of the fifty agencies which responded, forty-five reported that emergency leave programs were in operation while twenty-five agencies reported that they had unsupervised leave programs. Leaves ranged from one to thirty days. It is interesting to note that while most agencies reported enabling legislation, four states indicated that their programs operated under the authorization of departmental regulations alone.

Markley reports research similar to that of Smith and Milan with added facets.<sup>14</sup> He has collected information on program size, selection criteria, anticipated program change, restrictions, and problems encountered. While few states reported problem areas, it is interesting to note that the most common problem cited was bad publicity. Markley points out that few states have attempted to evaluate their programs. Those who have evaluated their programs have failed to consider the impact on recidivism and other criteria variables. He also points out that there is a selection bias in that only the "better" inmates are eligible for furloughs in most states.

The Massachusetts Division of Research and Planning in the Department of Corrections has also gathered nationwide data.<sup>15</sup> While there is no running commentary, the individual descriptions of each state program represent the most comprehensive set of information available today. This report provides a state by state program description including program type, implementation date, statistics, policy and eligibility statements.

A final nationwide survey appears in Corrections Magazine.<sup>16</sup> It reviews the development of furlough programs and presents an up-to-date count of states with furlough programs. The Corrections Magazine has also examined closely the use of furloughs in The District of Columbia.<sup>17</sup> The District of Columbia has in the past applied the most relaxed furlough procedures in the nation. As a result inmates who constituted a present danger to society were released. Following the arrest of three inmates for felony offenses during their furloughs, the program was sharply criticized and reduced from an annual rate of 38,500 trips by 886 men to about 50 men. Direct legal action was taken by Attorney General Saxbe to restrict the program over the objections of correctional staff. This fits a pattern we have noted in other areas. Furlough programs are begun cautiously. After a period of initial success (no escapes, no incidents) the release of inmates grows rapidly. An incident occurs or the rate of release is brought to the attention of the public. As a result the program is severely restricted. The program is redefined with firm guidelines and gradually expands. Corrections Magazine features one or two states in each issue. These state summaries include a discussion of their furlough program.

Furloughs have been mentioned in passing in a number of articles dealing with other programs. However, to date no article exists which deals with furloughs in a comprehensive manner.



Notes

<sup>1</sup>Cavan, Ruth S. and Zemans, Eugene S. "Marital relationships of prisoners in twenty-eight countries." The Journal of Criminal Law, Criminology, and Police Science, Vol. 49, No. 2, 1958, pp. 133-139.

<sup>2</sup>Balough, Joseph. "Conjugal visitations in prisons: a social perspective." Federal Probation, Vol. 38, Sept. 1974, pp. 52-58.

<sup>3</sup>Hopper, C. B. "Sex in Prison." Louisiana State University Press, 1969.

<sup>4</sup>Johns, Donald R. "Alternatives to conjugal visiting." Federal Probation, No. 1, March 1971, pp. 48-51.

<sup>5</sup>Morris, Norval. "Lessons from the adult correctional system of Sweden." Federal Probation, Vol. 30, Dec. 1966, pp. 3-13.

<sup>6</sup>Moeller, H. G. "The continuum of corrections." Annals of the American Academy of Social Sciences, Vol. 24, Jan. 1969, pp. 381-88.

<sup>7</sup>"An evaluation of the home furlough program in Pennsylvania correctional institutions." Temple Law Review, Vol. 47, 1974, pp. 288-320.

<sup>8</sup>Nelson, Elmer, K., Jr. "Community-based correctional treatment rationale and problems." The Annals of the American Academy of Social Sciences, Vol. 32, 1972, pp. 82-91.

<sup>9</sup>Ibid., pp. 43-46.

<sup>10</sup>"The California plan--how one state is salvaging its convicts." U.S. News and World Report, Vol. 69, Aug. 24, 1970, pp. 44-47.

<sup>11</sup>"Furor over furloughs." Newsweek, Vol. 84, Oct. 28, 1974, p. 54.

<sup>12</sup>"Furloughing convicts: menace to society or a good idea?" U.S. News and World Report, Vol. 78, March 24, 1975, p. 65.

<sup>13</sup>Smith, Robert R. and Milan, Michael A. "A survey of the home furlough policies of American correctional agencies." Criminology, Vol. 11, 1973, pp. 95-104.

<sup>14</sup>Markley, Carson W. "Furlough programs and conjugal visiting in adult correctional institutions." Federal Probation, Vol. 40, March 1973, pp. 19-26.

<sup>15</sup>Wright, Michael. "National Furlough Data." Division of Research and Planning, Massachusetts Department of Correction, Nov., 1974.

<sup>16</sup>Serrill, Michael S. "Prison furloughs in America." Corrections Magazine, Vol. 2, No. 6, Jul-Aug., 1975, pp. 2-12.

<sup>17</sup>Serrill, Michael S. "Profile/District of Columbia." Corrections Magazine, Vol. 2, No. 6, July-August 1975, pp. 53-56.

#### CHAPTER 4. PHILOSOPHICAL ANTECEDENTS

When one follows a strict definition of prison furloughs to exclude educational leave, work release, and the special leaves awarded inmates because of extenuating circumstances and characterized by the prison guard escorting the inmate, there is a surprising lack of antecedents for the twentieth century practice of unsupervised leaves for inmates.

With other types of correctional innovations one normally finds scattered references to experimentation at various points in time. Generally, such experiments are subject to changing fads in terminology, as well as in application of technique so it is customary to seek similar practices that can be conceptualized as antecedents to current practice. However, even strained analogies do not seem to fit the modern furlough practices.

Frederick A. Moran<sup>1</sup> wrote a classic article in 1945 entitled "The Origins of Parole." The article, appearing in the National Probation Association's Yearbook for 1945, is highly innovative in surveying historical practices that can be conceptualized as antecedents to parole. Even using Moran's technique one finds a paucity of historical references to anything remotely like the modern unsupervised prison furlough.

There is, nonetheless, one train of thought in the correctional literature that seems to presage the furlough practice. While it is an awkward analogy, it is worth considering in the search for antecedents to furlough practices. One may reject the notion that the following constitutes an antecedent to furloughs, but can still gain insight into the rigidity of thought that delayed development of the practice. Blake McKelvey's classical work "American Prisons: A Study in American Social History Prior to 1915"<sup>2</sup> is one logical place to look for antecedents to furlough programs. One finds in the pages of his book a recapitulation of the debate over the relative merits of the Pennsylvania solitary system and the Auburn silent system. The Pennsylvania system was founded on the principle of solitude and, when operating properly, the inmate never saw or spoke to any other inmate during the entire period of confinement. Inmates spoke only with those persons designated by the prison staff as religious instructors and such occasions were infrequent. In principle, the very essence of the Pennsylvania system was complete physical and emotional isolation of the inmate to allow him to do penitence.

The development of the Auburn silent system established an alternative philosophy of incarceration that laid the foundation for decades of stormy debate over the relative merits of the two systems. The Auburn system, with its work in congregate shops under a rule of silence and solitary confinement at night, was no more compatible with the concept of furloughs than the Pennsylvania system. Both stressed the social isolation of the inmate to the maximum extent possible compatible with the considerations of economic efficiency in prison industry. Disciples of either system would never have thought

of suggesting that an inmate be allowed to visit persons outside of the institution--with or without an escort. Such an event would have been self-defeating given the parameters of thought involved. The efforts of Louis Dwight and other noted prison reformers began to make an impact on the daily operation of prisons by establishing the idea that it was possible and desirable to do something for the inmate while he was incarcerated. Such programs did not propose the radical taking of the inmate into the community for interaction, but increasingly brought outsiders into the prison to administer various kinds of activities. This reform etiology was accompanied by a wave of humanitarianism and brought about the change of direction in American penology that would portend the furlough of the distant future. The 1860's brought a relaxing of the old rules of silence and the occasional granting of holidays in the prison yard. It is this trend, the relaxing of the dogmatic position of constantly and consistently seeking complete social isolation for the inmate, that constitutes a true antecedent for the furlough of today. In other words, not until after the Civil War did penologists feel comfortable with the idea of letting inmates out of their cells--not to leave the prison temporarily--but merely to leave their social isolation temporarily to mix freely in the prison yard for a few hours. If there is an antecedent to the furlough, it is this granting of "freedom of the yard" privilege gradually becoming established in prisons to set the stage for the next logical step: the inmate who is allowed to leave the isolation of his cell to mingle with other inmates for a few hours in a social setting might eventually be trusted to leave the prison for a few hours to mingle with non-prisoners in a social setting.

The shift in ideology that so recently has made furloughs popular among penologists is not unlike the earlier shift that made freedom of the yard possible. Over the decades penologists have gradually redefined the degree of freedom appropriate for the inmate. Thus, the philosophy has slowly evolved toward increased freedom for the inmate from the beginning: the Pennsylvania solitary system completely isolated the inmate from other inmates and most staff members, the Auburn silent system took the inmate out of the isolation of the cell for work in congregate shops, but attempted to maintain social isolation by enforcing the rule of silence and placing the inmate in a solitary cell at night. Eventually, the reformatory ideology resulted in education and vocational training programs that brought inmates together in a social setting. The humanitarian impulses of the reformatory movement resulted in recreation activities for prisoners and the necessary "freedom of the yard" on occasion to participate in recreational activities. From allowing the inmate to leave the cell for purposes of socializing with other inmates in the prison yard, it is a logical step that social thought evolved to the furlough concept of allowing the inmate to leave the prison for associating with family and other free persons.

Other types of conditional release, such as work release, developed in the period spanning release to the yard, relaxed visiting, and eventually the furlough. It can be argued, however, that these releases developed from a different philosophical position. These programs can be seen to develop from the concept that the inmate should work or be productive in some way. Thus work release is an extension of the work area more than an extension of inmate freedom.

Carson W. Markley<sup>3</sup> reports the first survey of furloughs in his article found in the March 1973 issue of Federal Probation. It appears that furloughs began in Mississippi around 1918 and in Arkansas around 1923 as a reward for inmate trustees. These men were allowed to visit their families at Christmas. During our visits to state systems we have found that while other states may have been informally granting furloughs for some time, no other programs were formally recognized until the 1960's. "A survey of the home furlough policies of American correctional agencies" by Smith and Milan<sup>4</sup> appearing in Criminology in 1973 and "Prison furloughs in America", an article by Serrill<sup>5</sup> in the July, 1975 issue of Corrections Magazine indicate the rapid growth of furlough programs. We have found that today all but four states grant unsupervised leaves in some way.

Notes

<sup>1</sup>Moran, Frederick A. "The origin of parole." National Probation Officers Yearbook, 1945.

<sup>2</sup>McKelvey, Blake. "American Prisons: A Study in American History Prior to 1915." Montclair, New Jersey: Patterson Smith Pub., 1968.

<sup>3</sup>Markley, Carson W. "Furlough programs and conjugal visiting in adult correctional institutions." Federal Probation, Vol. 40, March 1973, pp. 19-26.

<sup>4</sup>Smith, Robert R. and Milan, Michael A. "A survey of the home furlough policies of American correctional agencies." Criminology, Vol. 11, 1973, pp. 95-104.

<sup>5</sup>Serrill, Michael S. "Prison furloughs in America." Corrections Magazine, Vol. 2, No. 6, 1975, pp. 2-12.

## CHAPTER 5. THE DEVELOPMENT OF FURLOUGH LEGISLATION

Before becoming a significant part of prison programs and therefore receiving administrative attention by the development of standard procedures, the authority for temporary releases without escort was found in the general authority of wardens to define the place of confinement of imprisoned felons and the authority of governors or boards of parole to grant reprieves, suspensions of execution of sentences, and paroles.

At present, statutory authority for the director or commissioner of corrections to determine the place of confinement of convicted felons would appear to be sufficient authority for granting furloughs, absent some specific statutory prohibition or contrary requirement. This same authority is seen in the statutes that permit the prison authority to transfer a convict to local jails where the convict may have the same opportunities for freedom as local prisoners. We do not know to what extent such authority is used to provide temporary releases.

At any rate, information about furloughs under such general authority is generally anecdotal because of infrequent use and because records were not required to be kept. The political character of many such releases also would make data less accessible.

Four states appear to have had furlough programs before 1965 when the Congress approved furloughs for federal prisoners:

Mississippi	1918
Arkansas	1922
Louisiana	1964
Delaware	1964

None of these states operated at those dates on the basis of statutory authority comparable to that existing in most states today, and the dates are suspect as to the actual beginning of those furlough programs.

In 1965 North Carolina and Utah initiated furlough programs contemporaneous with the federal program. Federal legislation applied to the District of Columbia as well as to other federal prisoners. Both of these state statutes track the federal law. In addition, California statutes enacted in 1965 provided for furloughs to residents of community correction centers to arrange for a suitable residence and employment. The impact of the federal statute can be seen in the adoption of its basic scheme in most states in the next ten years. The chronology of legislation shows that many states authorized furloughs first in prerelease or community corrections centers, or work release programs. Modifications were generally by way of liberalizing the granting of furloughs. Pennsylvania also granted judges power to give sentences of partial confinement. That is, judges could specify participation in conditional release programs.

Finally, it should be noted again that furlough programs do not necessarily begin when legislation becomes effective. Furlough authority is usually permissive. The establishment of regulations and the grant of furloughs "is authorized" sometimes "at the discretion" of the official or the department who "may" establish regulations or grant furloughs.

The origins of present furlough legislation may be traced to (a) the federal statute, (b) escorted emergency leave, (c) temporary reprieve or parole, (d) holiday reprieve or temporary suspension of execution of sentence, (e) work release, (f) new legislation design and (g) administrative law.

The federal statute has clearly had the greatest influence in both form and substance on the development of state legislation. At least fifteen states use the introductory language of the federal statute and practically all states that enumerate allowable reasons for furloughs follow the federal scheme. Aside from the similarity of language and schedule of reasons, the influence of the federal scheme is evident in the eligibility requirements that states have adopted to describe statistically the prisoner "as to whom there is reasonable cause to believe he will honor his trust."

Escorted furloughs have probably not been considered as freeing the prisoner from custody, and probably were not thought to require statutory authorization. Massachusetts had such a statute and replaced it with the federal model. Minnesota, however, provided its furlough authority by dropping "under guard" from the grant of temporary parole in 1971. Other states such as Rhode Island combine the escort model with others by specifying which authority may decide whether an escort is necessary, as a second determination to be made after leave is granted.

Arkansas, reported as having furloughs since 1922, adopted its first authorizing statute in 1968. Mississippi, still with no furlough legislation, is reported as having had Christmas furloughs since 1918. It is likely that the Arkansas practice was similar to that of Mississippi which grants what is called a "ten day suspension" under the reprieve power of the governor. In Texas, where no recognized furlough program exists, there are trial and temporary reprieves or paroles which allow jail and prison inmates, respectively, to be released from custody. The inmate must return at the end of the reprieve period and his sentence will be extended for that length of time unless he successfully applies to the pardon and parole board for a commutation of the time he spent out of prison.

Instances of temporary reprieves or paroles, particularly on the occasions of family emergencies and religious holidays, indicate a strong model for furloughs granted through the executive clemency powers of the governor or warden, sometimes transferred to a parole board. This may be the reason, along with their accustomed vigilance for the public safety, that parole boards are given continued authority in classifying a prisoner for community activities, as is the case in work release in Florida. In North Dakota and Nevada, the parole boards share furlough authority with the wardens.

The fourth identifiable development of furloughs is their use initially in prerelease, work release or community correctional centers. In Maryland, it is clear that the legislative development began with work release, then provided furloughs within work release, and finally authorized furloughs more generally.

The specific authorization of the use of furloughs thus varies from agency to agency. While the mode of authorization varies greatly, we have found considerable consistency in the procedures of furlough programs. We will discuss procedures in a later section.

## CHAPTER 6. SUMMARY OF SITE VISITS

We visited a diverse sample of state and federal institutions. In all cases we found the staffs to be cooperative and helpful. Because of the excellent cooperation we received from staff, we were able to successfully complete our data gathering task at each site visited. The presence of a research team always creates some disruption of normal institutional functions. We attempted to keep disruption at a minimum, and the host agencies accepted the difficulties created by our presence in a cordial manner.

Generally, all the principal prisons in each state were visited and, in a few states, community or prerelease centers were included. However, in Illinois and in the federal system only institutions representative of each security level were identified and visited because of the large number of institutions; and in Georgia one facility with an active furlough program was visited. In addition to these prison systems, the Montgomery County, Maryland prerelease center was visited in order to include a local department of corrections.

The inmates were also cooperative. We were careful to provide informed consent with easy withdrawal. All but a mere handful of the approximately four hundred inmates interviewed readily consented to participate in our study. The same was true of community respondents. Our efforts were facilitated in every way by field services staff. Representatives of other Criminal Justice agencies made themselves available to us contributing valuable information.

We noted that furlough programs shared a number of common characteristics from agency to agency. Most furlough programs are interfaced with work and education release, and pre-release and community correction centers, often using work release eligibility as the primary requirement and almost always providing more extensive furlough privileges in connection with participation in such programs. There was also a high relation to security status of inmate or other criteria that would be reflected in security status, such as requirement of minimum or percentage of time served, length of time until release, nature of offense, and good conduct in the institution. While these requirements together would generally tend to agree with security status, individual requirements would sometimes restrict furloughs more than the security level, particularly in the case of long-term or of specific offenses where the inmate could reach a lower security level and still be ineligible for furloughs.

We did note that in most states, women's facilities tended to have more furloughs. There was generally only one female institution in each state to accommodate all security levels and since most of them operated more as a minimum to medium institution, furloughs were an integral part of the total program. Size and inmate-staff ratio usually related directly to security level so that smaller institutions had more furlough experience and furloughs were more integrated into the institutional and individual programs.

In addition to interviewing approximately ten randomly selected inmates and a cross-section of ten staff to represent the different functions of administration, treatment, maintenance and security and various levels of supervision in each facility visited. We also interviewed in each state a selection of families or sponsors, law enforcement personnel, prosecutors and parole supervisors. In most states the central office was also visited for meetings with administrators and researchers.

Generally, higher security male institutions had fewer furloughs as well as fewer other rehabilitation programs, while women's facilities, coed institutions, and less secure institutions had more rehabilitation programs, more furloughs and a greater integration of furloughs into the treatment program. Smaller institutions within a state generally had more highly developed furlough programs, but among states institutional size did not relate to availability of furloughs. Institutional tension, disagreement about how the furlough program operates, dissatisfaction with the program, disapproval of furlough rationales, high security level, large population, overcrowding, lack of consistency and clarity of guidelines were all related negatively to frequency of furloughs.

The main differences between the various furlough programs had to do with the extent and manner of integration of furloughs into the entire program of inmates and institutional management. They were integrated either as a treatment tool, as a way of managing inmate behavior, or both. The size of an institution was significant within a state, but not among states. Where furloughs were infrequently given they, of course, had little impact even though inmates and staff usually thought they would have an impact if used. Where used as a part of a treatment plan, they did not have great impact if the plan was unspecific. Where used forthrightly as a reward for behavior with the behavior specified, they had great impact and increased usage. Much suspicion was voiced as to whether such behavior was "sincere" and whether, if not sincere, it was meaningful. Such suspicions were uncritical and not placed in the theoretical framework used to discuss other rehabilitation programs.

All of the programs visited operated under statutory authority and regulations issued by the department of corrections except for Colorado where separate regulations were issued by wardens of the state penitentiary and state reformatory under certain guidelines provided by the department. In almost every case the regulations were more restrictive than the statute, and provided details of administration. Rhode Island was unusual in designating in its statute the internal procedure for classification decisions, including the necessary vote reportedly as a reaction to operation of the Massachusetts program. The only site that presented a question of authority was the District of Columbia, where previous departmental regulations were found by legal counsel to exceed statutory authority and where delegation of authority by the U.S. Attorney General

had been modified to greatly restrict the program in 1974. Except for minimum security inmates, furloughs were given on a trial, ad hoc basis, for Christmas, 1975. Variations were sometimes found among institutions in the same state or system because of the delegation of the furlough approval function or because of the internal organization of the several prisons.

The actual procedure followed in each institution was substantially the same as the stated procedure. The only significant variations had to do with covert inmate influence on the decisions of staff or correctional officers and development of preliminary screening by a counselor to avoid rejection and consequent delay in reapplication. A few inmates suggested that it was necessary to cause trouble first and then let the staff "help" you, in order to get favorable consideration; that is, it was necessary to mess up and then let the staff straighten you out.

The understanding of procedures was almost always positively related to smallness of the institution and percentage of inmates who were eligible for furloughs. It was also positively related to the integration of furloughs into the classification and management system, and to the use of furloughs to reward specific inmate behavior, whether good conduct or program participation. Staff whose reports were considered in the furlough decision generally understood procedures as did individual staff who adopted a sponsoring or helping role with inmates they supervised for either security or work. Usually these factors were related to the security level reflected differences in criteria for eligibility that raised or lowered the number of inmates who could qualify for furloughs.

Furloughs provided in the systems visited may be placed in these categories: (1) emergency; (2) medical; (3) prelease; (4) special activity; (5) day passes; (6) holiday; (7) home visits; and (8) complementary to work release. The order in which they are given here generally reflects a progression from the more to less restricting furlough experience with the result that the more restrictive experiences were available for more inmates. The first five are also purposes for which escorted leave is often provided when general eligibility criteria for unescorted leave are not met or when the individual inmate is evaluated as not being safe to be allowed out on his own. In Rhode Island, short home visits of one-half day are also provided with escort. The order in which they are listed also reflects the increasing requirements for eligibility, with some maximum custody inmates granted emergency and medical furloughs without regard to amount of time served or length of time until possible parole if they are considered dependable. The procedures for these types of furlough are usually more simple, often involving only the warden and usually only the warden and the director or commissioner of corrections.

While the categories listed varied from agency to agency, inmates were usually released for all of these reasons. The wording of the furlough application is tailored to fit an



existing category for which furloughs are given when the real purpose is not included in the list of purposes.

Except for the first three narrow-purpose types of furlough, there is often an expected progression in approval of furlough for individual inmates whether formalized or not, from the more limited in duration and distance, special activity and day passes to the more liberal home visits on the assumption that they prepare an inmate for more freedom and give him an opportunity to demonstrate his responsibility without creating as great a community risk. In this way, the furlough itself is used as an evaluative and training device. Some systems provide a gradation of hours for day passes and days for home visits, as well as the frequency with which they may be granted. It is common for work release participants to reach a point of regularly scheduled home visits in the last months before release or parole. Almost all systems provided a relatively wide open policy for granting extensive furloughs to those on work release, apparently on the logic that those inmates were carefully screened, often were housed separately and presented no danger to the security of the prison, and were already on their own most of the time anyway. In Louisiana, these assumptions carried over to other inmates for maintenance work at the same satellite facilities which housed work release participants.

Holiday visits are the same, for all intents and purposes, as home visits. However, they appear to provide more justification for furlough and appear less likely to exacerbate the fears of a sympathetic public because of familial, cultural and religious feelings and the tradition of amnesty.

Emergency furloughs or compassionate leave to visit a critically ill member of the immediate family or to attend the funeral of such a person appears to be the oldest and most accepted kind of furlough. Many states had escorted leave for these purposes before furloughs. As a result, little attention was paid to the procedure or experience of emergency furloughs, except that in many maximum security facilities they would be the only type available. A few states restricted these furloughs to deathbed visits, and there is some variation in the listing of relationships considered within an inmate's family. Some states require minimum custody status for such furloughs, most leave it to the warden to decide whether escort is required, and some require that the department director either be notified or also approve.

The only negative comments reported were questions about the abuse of the privilege if the facts were not checked out. Rhode Island limited the number of visits to the same sick family member to one every sixty days. In Rhode Island general furlough authority rests with the seven member classification board, with the director deciding whether escort is required. The warden, under delegation by the director, grants emergency furloughs which are automatically terminated when the board meets unless extended by the board. In the federal system, the emergency furlough responds to a family crisis or emergency.

The information is verified by a U.S. probation officer and the warden approves without using the usual evaluation process. In most states this is done by a counselor who makes the information available to the warden.

All states visited provided medical furloughs, which included psychological treatment and evaluations related to vocational rehabilitation services. As with emergency furloughs, this was an infrequent use and could be accomplished with escort if the prisoner did not qualify as to custody status or other eligibility criteria.

All programs included special purpose furloughs to make job and residence arrangements before release. In Louisiana, this kind of furlough was provided after the parole board had granted parole. In Rhode Island the pre-release purpose was recognized, but no additional time was given, so inmates had to choose between use of the fourteen days each six months for home visits and using them to look for jobs. Most states, however, provided additional furlough time within one or two months before a parole hearing.

In the federal system, as in most states, inmates are generally moved to a prerelease center or a minimum security facility before flat time or parole release, if they have not qualified earlier. Furloughs are often used in the federal system to effect such a transfer, saving the cost of transportation and escort. In both the federal system and the states, inmates often take furloughs to visit a halfway house or community center to become acquainted with the staff and setting, and often to decide if they wish to go there. As part of a program requirement, as part of an individual furlough plan, or sometimes on the inmate's initiative, the parole officer is contacted during home visits or prerelease furloughs. This procedure was recommended by both institution and parole staff.

Prerelease furloughs were almost unanimously adopted as desirable by inmates, staff and community people. A few custody and law enforcement people thought they should be escorted, some custody staff did not think all furlougees actually looked for work, and a few thought that was the job of the parole officer or family. However, most interviewees felt that since the person was likely to be released soon, there was little increase in danger for the potential benefit to be gained. Parole officers reported that it saved them time, and job developers said it was more effective for the inmate himself to inquire about a job and to interview for it, especially in a tight job market as in Massachusetts and Rhode Island. There was, surprisingly, considerable doubt expressed as to whether furloughs increased the prospect of parole success, based most often on the differences in duration and circumstances.

About half of the states provided for unescorted trips by individuals or groups of inmates to participate in civic, community or athletic activities, and several anticipated the inmates' volunteering at times of emergency. The most common civic activity described was drug abuse or crime prevention

programs; other activities for the benefit of the inmate were included in some states to encourage participation in Alcoholics Anonymous. In Massachusetts this kind of activity did not come out of the total fourteen days per year furlough time, so inmates were found to carefully schedule their activities to provide the greatest time away from prison with the least possible use of the limited furlough time.

Many special activities could also be carried out with escort, particularly those involving groups, so the difference for the inmate would not always be great. Obviously, however, furloughs would provide a greater variety of activities. Community volunteers often were allowed to escort inmates to special activities, such as church meetings.

Most prison facilities were found to have day passes for short visits with family members, shopping trips or just free time. Often they were not thought of as furloughs. These seemed to be more common with the women's institution, but were also used in metropolitan areas such as Massachusetts and Rhode Island. In many states they were used in a carefully graduated system to work up to overnight visits, and in Montgomery County, Maryland, they were matched to specific program achievement week by week. There is certainly a possibility that short daytime leaves might become rather commonplace.

Permitting inmates to go home for specific holidays of the dominant religious groups is the same as furloughs to visit families, but it takes advantage of public sentiment, narrows the risk time and provides more control for correctional staff. It also has a greater impact on the institution as far as decreasing costs and staffing requirements.

Louisiana, Alabama, Georgia, and The District of Columbia emphasize holiday furloughs as far as the general inmate population goes with work release participants having more access to family visits at other times. Colorado State Reformatory includes holidays as a special purpose furlough approved according to guidelines issued for a single holiday that does not count against earned furlough time.

The administrative procedure varies in some respects from agency to agency for holiday furloughs. In Louisiana, all inmates are processed without initiating a request or providing any information. An approved list is posted, then inmates are asked to name sponsors. In Georgia, in The District of Columbia, and evidently in Colorado, an announcement is made inviting applications, which are then processed. However, in The District of Columbia there is evidently some kind of eligibility list generated by the department or superintendent since the maximum security administrator remarked that occasionally they are sent the name of someone eligible for furlough, at least on initial screening. In most agencies the inmate must apply before eligibility can be determined beyond meeting basic program criteria.

Louisiana has Easter and Christmas furloughs, Georgia adds Thanksgiving and a summer date; Alabama emphasized Christmas furloughs in its statute but other states probably observe this

holiday as much because of the preference of inmates to be home at that time if they qualify at all. In The District of Columbia, New Year was seen as a particular test because of the likelihood of drinking.

All the states visited provided for certain inmates to be released without escort to visit their families. Most restrict such visits to within the boundaries of the state and some restrict home visits to sponsors who live within the state. The Rhode Island furlough board recognized this problem in approving a sponsor establishing residence at a local motel for the purpose of receiving a furlough visit. In Colorado, the penitentiary regulations exclude visits unless the family lives in the state but the reformatory regulations provide for individual evaluation of out-of-state cases. Arizona provided "sponsored" furloughs for visits with others than family. There were some problems about common-law marriages. In Rhode Island the classification committee had to go beyond the affidavit usually accepted where two inmates claimed the same mentally retarded person as a spouse.

All states restrict the visits to the designated area and some indicate the tolerance for deviation rather closely. Most states notify local officials in one way or another. In Iowa the inmate himself checks in with the police and telephones them twice a day at specified times. Colorado, Illinois, Louisiana, Massachusetts, Oregon, Pennsylvania and Rhode Island routinely notify local police after approval of a furlough. Illinois also notifies the prosecuting attorney and provides for a hearing if he were to object. None have done so. Pennsylvania notifies the sentencing judge who may object and thereby deny a furlough unless a special hearing is held by the parole board. Other states contact police through general field checks of the place to be visited, and the thorough investigation before general approval by North Carolina includes contact with the police. The field check by the local parole officer probably serves this function for the federal system. Louisiana treats the sheriff or local police objection as disapproval for furlough to that area, and administrative reaction to objections in other states may have much the same effect.

Colorado, Louisiana, Oregon, and Rhode Island require the sponsor to accept responsibility for custody of the inmate until returned to the institution. Generally, the sponsor signs a custody agreement (during application process in Rhode Island, otherwise at departure). However, it is not clear that this applies to all leaves, such as day passes.

Several states provided contraceptive pills for women prisoners, specifically because of pending furloughs. In Louisiana, participation in the holiday furlough seemed to be conditioned on taking the pill; most agencies offered it, but it was not required. No problem was reported because of pregnancy of inmates resulting from furloughs.

A few interviewees guessed that an unhappy home situation could be a problem and much of the field checks were expected

to avoid such a problem. However, no report was given of specific circumstances where such a problem was created. The single case available illustrating such a denial resulted from excessive drunkenness of the sponsor on the parole officer's visit.

Criteria for eligibility were generally considered the first step in screening inmates for furlough, after which certain judgments were made by individual staff, treatment teams, classification boards and a series of administrators. Additional procedures were often required for certain categories of persons described usually by offense but sometimes by some classification status which had attached. In the federal system the Special Offender status which includes persons associated with organized crime, persons with detainers, state prisoners and those whose offenses were notorious, requires central office approval. Usually any additional procedures required review at a higher level.

Generally, initial criteria for eligibility included a percentage of sentence served, actual time served (sometimes different for different offenses), parole eligibility or a prescribed period of time until possible parole or a flat time release, eligibility for work release or prerelease status, minimum time in present facility for orientation, minimum time in requiring security status, previous limited furlough experience, availability of unused furlough time or length of time since disciplinary report or escape.

Factors considered by a classification board or individual case manager included favorable reports on attitudes or performance from housing, work, program or security staff; absence of unfavorable reports of institutional disciplinary action; involvement in programs; change of attitudes or behavior, possible benefit from furlough; urgency of need for furlough, length of time until release; previous furlough experience; attitude of inmate when previously denied furlough; associations of inmate with other prisoners; cooperation of inmate with staff or guards; whether inmate has a drug or alcohol addiction problem; whether inmate has been suspected of dealing in drugs; whether sponsor or other associations on furlough might get the inmate into trouble; whether the inmate is likely to observe furlough rules and return; inmate's emotional stability; frequency of visits by sponsor at prison; favorable or unfavorable report from field investigation; objections of law enforcement, court officials, victims, family or other persons in the community; whether inmate has adequate financial resources; seriousness of offense for which imprisoned; aggravated nature of offense; pattern of violent behavior in or out of prison; notoriety of offense; threats to victim, witnesses, family or officials, seriousness of detainers; information from presentence investigation for probation; denial or approval of parole; stability in work or program performance; indications of acceptance of personal responsibility; involvement in community service; and sudden suspect improvement in attitude, and performance in program participation.

The way in which these factors come to be considered depends on classification and record keeping techniques. Some systems require reports from staff who supervise specific parts of inmate's activities. Other systems evaluate on the absence of negative reports. Yet other systems depend on the knowledge of the members of the classification board. In the last two cases, the membership of the board is critical for the inmate because his success depends on how the individual members get and evaluate information. In treatment oriented systems, team members usually make the decision and recommendation, and are primarily concerned with inmate participation in treatment programs. This is usually the case in smaller institutions with a high staff-inmate ratio where many custody functions are carried out by team members. In large, custody oriented facilities, high level security staff often dominate the classification process and use information informally transmitted from the officers they supervise. In such an institution, if the classification function is carried out with minimal security staff participation, only formal disciplinary reports are likely to be considered, and security staff and inmates are likely to complain that important information from security staff is not utilized. It is in this situation that personal favorites receive an advantage because it takes an initiative on the part of a staff member to get favorable or unfavorable information considered.

On the whole there is considerable similarity in furlough programs from agency to agency. The variations are fewer than common points with the difference frequently being minor except for the range of purposes for which a furlough can be conferred.

## CHAPTER 7. STATE FURLOUGH PROGRAMS

One task completed by this effort was the collection of data from all fifty states for the following criteria: (1) types of furloughs or purposes for which furloughs could be used; (2) entrance criteria and restrictions, and (3) program data for 1974 (from states which had existing furlough programs).

Requests were sent to all fifty states for all information concerning existing prison furlough programs. Most states sent copies of statutes, statements of procedures, and what collateral materials they had. After summarizing the state reports and tabulating the data we found that much information was not readily available. In order to secure information from non-responding states and to obtain missing information from cooperating states, a series of phone calls was made to each state. All states provided data with most states devoting scarce manpower to the development of the information we requested.

Project staff members felt, however, that a few state prison officials gave inadequate and/or inaccurate information in response to requests made by phone. When contacted, it was obvious from the time spent answering questions that they were not taking time to look up adequate or accurate information. In addition, when contacted again by a different project staff member conflicting responses were received. As a result, repeat follow-up phone calls were made to all states requesting the information so that we could assess the reliability of the information provided. On several occasions different information was provided by the same respondent.

Special thanks are due those states whose cooperation and diligent efforts enabled the project staff to achieve as nearly as possible the project goals. It should be pointed out that the information contained in the tables in Appendix A can only be as accurate and complete as the information received from the respective states. The fact that much of the information was not readily available and was developed for our purpose makes much of the information unreliable.

The information received is broken down into three tables. Table 1 graphically displays the types of furloughs available and the purposes for which furloughs can be granted. Table 2 contains eligibility criteria and restrictions for the furlough programs. Table 3 represents program data for the year 1974. In some instances 1974 data was not available. In these cases data from a twelve month period for which information was available was used. An asterisk will be used to denote estimated numbers where factual data was unavailable to the state prison officials. An asterisk is used only in those cases where respondents actually stated that their figures were estimates.

Eight states do not have prison furlough programs as per our definition. The state of Hawaii does not permit furloughs from its prison. However, furloughs are granted from the

Medium Security Center, Community Centers, and the Conditional Release Center.

The state of Montana does not grant unescorted leaves from prison under any circumstances; however, furloughs from halfway houses are permitted. Several states make furloughs available only to residents in halfway houses. The states of South Dakota and Wisconsin do not claim to have a prison furlough program although enabling legislation exists. Not even the work release and study release inmates receive furloughs. Inmates may receive emergency leaves, but they are escorted. The state of Texas has a reprieve program. It consists of emergency and medical reprieves only. The state of Wyoming does not permit unescorted leaves from prison, but they allow supervised emergency leave. However, furloughs are permitted for inmates who participate in the work release program.

The state of Oklahoma defines its program as a leave of absence program. The governor is the final decision-maker and he can grant leaves of absence with or without the recommendations of the Pardon and Parole Board. He can grant a leave of absence up to sixty days, and it can be renewed. While on a leave of absence, the inmate does not receive credit on his sentence for the days he is absent.

According to Markley,<sup>1</sup> Mississippi began the first furlough program in 1918. As recent as 1975, four states have initiated some type of furlough program. In general, furlough programs are a product of the last decade. One discrepancy was found between the research Markley had conducted and information received from the state of Alaska. Markley stated that furlough legislation was passed in Alaska in 1970. Information gathered from the state shows that in 1960, family visitation was being approved by the superintendent without specific legislative authority. It is felt that other states may have been allowing furloughs by administrative policy prior to legislative enactment. Several states have also had statutory provisions for some time before they initiated a furlough program.

Most states permit furloughs to be used for the following purposes: emergency, home visits, job interviews, pre-planning release, leave pending parole and medical. The majority of the states have a legislative statute which states "furloughs may be granted for any purpose consistent with the public interest or rehabilitation." A minority of the states permit furloughs for these reasons: public or civic interviews, meritorious leave, holiday, religious, extended furlough, and special training school.

A few qualifications need to be made concerning Table 1. Some states permit inmates to make public or civic appearances, but the inmates are escorted by a staff member or sponsor. In cases such as this, the states did not meet our definition of a furlough and were not counted as having public or civic interviews.

Most of the states do not have meritorious leave. However, they do have meritorious good time and consider institutional

good behavior before granting furloughs. Inmates receive meritorious good time for good behavior within the institutions.

Although states which have holiday furloughs are in the minority, it does not mean that the states feel that the holidays do not hold special meaning for the inmates. Most of the states do not limit their furlough program specifically to the holidays. Inmates may plan to make their furloughs on holidays even though the states may not have holiday furloughs per se.

States that have leave pending parole are in the minority. However, some states have leave pending end of sentence so that there there will be no interference with the authority of the parole board. Alabama is one such state which has leave pending end of sentence, whereby inmates may be released for up to ninety days before their discharge.

While a minority of the states actually extend furloughs, extending furloughs for short periods of less than twenty-four hours is a regular occurrence in many states. In other states extended furloughs are only permitted under certain circumstances and after rigorous verification of exigent circumstances.

States which permit furloughs for the purpose of receiving special training or schooling are in the minority, but many states do have a study release program. Study release is not included in our definition of a furlough. However, quite a few states permit furloughs for receiving special training. One such state is Oregon. Inmates there can be furloughed up to thirty days in order to receive special training and this type of furlough can be renewed.

The majority of the states have medical furloughs. Several states require a staff member or correctional officer to stay at the hospital with the inmate thus are not included in our definition of a furlough.

Prison furlough entrance criteria and restrictions cannot easily be grouped into very many generalities because each state varies from the others in restrictions as can be seen in Table 2. It can be generally stated that the majority of the states do not allow an inmate to receive a furlough if he has a detainer. Some states consider detainers on an individual basis. These programs are coded as "varies" on the table. Inmates who have detainers may receive escorted furloughs for emergency or medical purposes. However, this does not fit our definition of furlough.

Most of the states require that a portion of the inmate's sentence be served before he is eligible to receive furloughs. This requirement varies widely according to the state and the type of offender.

Some states require that the offender must have served a certain portion of the sentence before he is eligible to receive furloughs. This requirement also varies according to the states. A majority of the states do not have a parole eligibility requirement that must be met before an inmate is eligible to receive a furlough. We have found, however, that an informal parole eligibility standard is applied in many states.

In all fifty states institutional good behavior is considered before an inmate receives a furlough. In many instances, an inmate must not receive a disciplinary report within a certain time period. Offenses which exclude furlough participation vary widely from state to state. The offenses range from "life" status to alcoholics. Only a few states fail to automatically exclude specific types of offenders from furlough eligibility.

Approximately two-thirds of the states require that an inmate be classified as having minimum or medium security custody status before he is allowed a furlough while only a few states permit permit maximum security inmates to receive furloughs.

Most of the states do not have a return tolerance for the inmate returning from a furlough. Of the states that have a return tolerance the time limit is under six hours. Prison officials on duty have discretion as far as the return tolerance is concerned; very few states express concern if they receive a phone call from the inmate saying he will be late. However, some states will penalize the late returning inmate by making him ineligible for furloughs for a certain period of time or by deducting his late time from his next furlough.

When it comes to community notification of the pending furlough, the majority of the states contact some agency or authority, be it the probation and parole office, the sheriff, the judge, the district attorney, Attorney General, state police or the local police. Some states contact only one of these agencies, others contact a mixture. One state (Georgia) puts notification of pending furloughs in the news media.

Most states have a set limit on the maximum number of furloughs that are allowed furloughees per year. The limit varies from state to state and type of releasing facility. Some states set their requirement on the number of furloughs disregarding the number of days, and some states set a limit based on the number of days that an inmate may have for the purpose of furloughs.

An attempt was made to collect uniform basic statistics from each state. The year 1974 was selected to collect a uniform set of statistics. Where 1974 statistics were not available, other years were used as data bases. In each case the figures reference twelve months of program operation. In gathering program data from the states, either figures for the twelve actual months of 1974 were collected or figures for fiscal year 1974 were gathered. When 1974 program data were not available, 1973 or 1975 data were used.

Program data for 1974 consist of five sets of statistics which include the following: number of furloughs granted; number of furloughees; number of escapes which occurred while on furlough; number of arrests and the number of furlough rule violators. Unfortunately, not all the states have available the five statistics desired. Estimates were taken at times when the data were not available.

The statistics for the number of furloughs granted are tainted because escorted furloughs are included in the totals

for some states. According to some states a furlough is a furlough regardless of whether or not the furlough is escorted or unescorted. Some states make a differentiation between escorted and unescorted furloughs, but we were unable to systematically determine specific procedures for each state.

Only a few states keep an adequate and accurate amount of statistics concerning their furlough program. Arizona, Massachusetts, and Rhode Island keep the most accurate statistics. While Arizona and Rhode Island have new programs, Massachusetts has collected consistent data for several years. In many cases the only firm figure was the total number of furloughs granted per year. Other figures were estimated or computed for our benefit. While the data is not accurate, we can make some rough estimates of use. It appears that approximately 285,000 furloughs are granted each year with approximately 1,313 escapes. Thus less than one-half of one percent of the furloughs granted produce an escape.

Note

<sup>1</sup>Markley, Carson W. "Furlough programs and conjugal visiting in adult correctional institutions." Federal Probation, Vol. 40, 1973, pp. 19-26.

## CHAPTER 8. CONTEMPORARY ISSUES

Much more is unknown than is known about furlough programs. What is worse, furlough programs are rarely thought out; they are just initiated and maintained. The absence of a clear body of knowledge or, at least a clear set of questions regarding the rationale and functions of furlough programs, has led to general confusion. One purpose of this study is to dispel this confusion. There are, however, several clear and many implied theoretical and operational issues. At the present the most critical areas are substantive areas whose lack of clarity leads to an inability to resolve issues at the operational and evaluational levels.

### A. Substantive Issues

There is some confusion regarding the appropriate location of furloughs among the alternative release mechanisms available to the correctional third of the Criminal Justice system. Short-term temporary release with close supervision is often included under the furlough heading. This occurs because it is usually the third alternative in the solution of a common problem--the rise of an emergency. When the inmate is faced with a need to be released from the institution to deal with a family crisis, the institution has three alternatives: (1) deny release; (2) release without supervision; or (3) release accompanied by a guard. Thus, when a problem arises, these alternatives are seen as parts of the same process, rather than as separate processes.

We defined furlough as any unsupervised release which includes an expected date of return to the institution conducted on a non-regular basis. Work release is a regular unsupervised release for the purpose of employment, while study release is the regular unsupervised release for the purpose of participating in an educational program. The time period for each of these two programs is undefined: they can be day release, week release, or in some cases, release for more than a month. In each case, however, the prisoner is expected to return to the institution at regular intervals.

Some of the confusion about furloughs can be reduced if we differentiate between the uses of the furlough on the basis of the underlying philosophy motivating the release. We suggest that four basic rationales for granting a furlough are humanitarian, tension reduction, reintegration, and inmate management.

1. The humanitarian philosophy. The humanitarian philosophy sees the offender as having basic needs, both physical and psychological, which must be met. When the offender is faced with a personal crisis or need, we respond to that need. In the case of an extreme crisis, correctional institutions take exceptional steps to meet those needs. The humanitarian philosophy can be expanded to include less serious needs.

Thus, in Sweden, inmates are released on a regular basis for vacations or relaxation from the pressures of prison life, leading into the reduction of tension rationale.

2. Reduction of tension philosophy. In reduction of tension concept, the ultimate aim is to stabilize institutional activity by reducing the tension which is generated by long-term restricted captivity. We find this most prevalent when applied to sexual frustration. The various processes developed for permitting a man to meet privately with his wife and family has led to some confusion with the furlough. In essence, if the man remains within the boundaries of the institution while receiving a visit from his wife or family, we have a conjugal visit. If he leaves the confines of the institution, that is, prison property, and is expected to return at a later date, then he receives a furlough, even if he has simply gone to a nearby town.

There is some overlap between the humanitarian rationale and the tension reduction rationale with the major difference lying within the goal structure. From the humanitarian perspective, the goal is the reduction or mitigation of the stresses created by institutionalization within the individual. Tension reduction follows the same processes, but the overall goal is the reduction of tension within the institutional setting leading to fewer crises and less conflict.

3. Inmate management philosophy. Inmate management is similar to the reduction of tension model in some respects. The furlough becomes one more tool for the correctional administrator to apply to the maintenance tasks of his program. The goal of the overall program is to reduce negative activity in the institutional setting. Inmates conform to institutional rules and participate in programs to earn the furlough reward. The potential loss of the furlough privilege coupled with other privileges is sufficient to insure the appropriate community behavior while on furlough. This model does not focus on the individual offender. Rather it focuses on the smooth operation of the facility. As such, it may not be suitable for facilities housing dangerous offenders.

4. The reintegration philosophy. In reintegration, there is recognition that institutional life is atypical and the offender must be allowed the opportunity to both adjust to his return to the community and, in some cases, to maintain community ties. If the offender's reintegration can be smoothed, the incidence of reinvolvement in criminal careers is assumed to be reduced. The goals of reintegration involve the subsequent successful adjustment on release of the furloughed offender. Reintegration can be facilitated by special purpose releases for employment interviews, family planning, and related tasks or by continuous release so that the offender can maintain effective community links and contacts.

We suggest that assumptions underlying programs influence decision processes. Lack of consideration of assumptions can play havoc with furlough programs. For example, if decisions to release under one of the alternative philosophies reflect a desire to reduce institutional tension, disruptive persons could be released to the community where their behavior would jeopardize program survival.

Each of these philosophies or rationales support a different set of assumptions supporting different purposes or goals of various programs. These assumptions, even though implicit, affect operating procedures with particular emphasis on decision making processes. We have found that present furlough programs do not assess or plan from a particular model. Rather, the individuals who operate the program apply their particular mix of beliefs to the process. As a result, most programs contain elements from each of these philosophies, but fail to apply any one element consistently.

The failure to clearly identify or consider philosophical rationale leads to difficulties when developing operating procedures and planning evaluations. When different groups and individuals perceive the rationale for programs differently, the efficiency of those programs is decreased. The decision making process becomes confused and differences of opinion lead to dissatisfaction and conflict. Before effective decisions about other substantive issues can be made, furlough programs must be clearly defined.

The most widely debated issue regarding furloughs is the degree of public safety which must be maintained. We have observed repeatedly in the literature and in our interviews that many argue that the premature release of offenders, particularly those who have been involved in violent crimes, creates undue and premature risk to the public which outweighs the potential benefit to be gained. Proponents respond that these offenders will be released eventually. The furlough serves as one mechanism which allows correctional officials to observe the offender's ability to adjust before complete release. Many of our subjects argued that very few offenders released on furlough are arrested for violations of statutes while in the community. Before decisions can be made regarding the degree to which the public safety can be endangered, both the relative risk and potential gains must be assessed. In programs with restricted goals (humanistic and tension reduction) risk taking behavior should be less and only "safe" inmates should be furloughed. If the reintegration rationale underlies program operation, then greater risks are justified as the long term goal is improved public safety through interruption of criminal careers.

The issue of eligibility then is closely linked with public safety. Assuming that furloughs are going to be granted, then there must be some criteria for determining who will be released and who will be denied access to furlough programs. The approach to eligibility should be determined by the rationale underlying the granting of furloughs with some evaluation of the dangerousness of the offender in every case. In

programs with limited short term goals, specific types of offenders who are defined as inherently dangerous should be excluded from the furlough eligible group. In a humanistic approach, the need of the individual should be weighed against the degree of danger posed with conservative decisions being the rule as undue risk to the public can be questioned. In reintegration, which includes rehabilitative furloughs, occasional justifiable risks could be taken with the degree of justifiable risk increasing as the offender nears completion of his sentence.

A virtually untested issue relates to institutional tension. Some respondents argued that furlough programs increase institutional tension. They pointed out that only a limited number of inmates can qualify for release on furlough. Those denied furlough or those who can not qualify for furlough become more frustrated than they ordinarily would if furloughs were not available, increasing institutional tension. It is also possible that the inmate may become aware of community problems, thus be motivated to escape to solve those problems. In addition, the use of furloughs opens one more avenue for the introduction of contraband into the institution, creating additional pressures for correctional personnel. Supporters argue that providing outlets for tension reduction for any part of the prison population reduces the overall tension in the institution. They also note the reward potential inherent in any systemic use of furloughs. Inmates will be motivated to conform to institutional rules in order to qualify for furlough consideration. The potential for an actual release of qualified inmates can increase institutional morale, producing lower institutional tension rates. Escapes, for furlough eligible inmates, will become less frequent when inmates have a legitimate means to obtain release to deal with family crises and personal emergencies.

Little attention has been paid to the length and frequency of furloughs. Most states, in the absence of a clear rationale for their programs, have established arbitrary length and frequency guidelines. We have no information to support any of the models observed. As in other issues, the underlying rationale and assumptions should determine initial standards with modification of furlough length following firm evaluation.

## B. Procedural Issues

Most procedural issues flow from substantive issues. The absence of clearly defined rationales, assumptions, and goals has produced sets of procedures that are administratively determined or reflect arbitrary administrative decisions. If we assume that clarity of goals and procedures enhances program effectiveness, then the most basic requirement of furlough programs at this point is a clearly defined set of procedures, eligibility requirements, restrictions, and general statement of rationale. This information, if made available to employees



and inmates, would provide a clear mechanism for the smooth operations of furlough programs.

Involvement of both Criminal Justice components and non-Criminal Justice components in the decision making process is an issue that has multiple components and which is closely linked with the decision making process. There are two facets to this issue: first, what parts of the non-correctional community should be involved; and second, what weight should community information bear on the final decision. The types of people consulted varies from law enforcement personnel through judges and prosecutors with some systems relying heavily on field services. In some cases, community rejection is binding; in others, it is one factor considered among many. In either case, early input would be advisable.

At some point in each system the application process becomes routine. The effective decision making authority rests with the last unit who closely evaluates the facts and makes a decision. In cases where the effective decision making authority rests with the caseworker or treatment team, community input should be considered before the application leaves that point. Even when the effective decision maker is further up the chain of authority, community input should be considered in early stages. In many systems the effective decision maker is the caseworker or treatment team; in others the warden or superintendent makes the effective decisions. In a few systems the central office screens each application closely. In some systems the sponsoring institution makes a recommendation which is then screened by field services with field services having the power to reject. It is assumed that if clear eligibility guidelines exist, effective decisions can be made by caseworkers and treatment teams with community input evaluated. Thus, central office staff would monitor applications from a monitoring perspective, rather than from an effective decision making perspective.

Notification procedures vary from program to program. In most cases law enforcement officials are notified when an offender is to be released on furlough. Other states include prosecutors and judges, while in other programs, only the sponsor and field services are notified. Again, the absence of a clearly articulated rationale has produced a set of procedures that are arbitrary, rather than reasoned.

In almost all programs little is done to prepare the family or sponsor. In most cases they are simply advised that the offender's application has been approved for a specific set of dates. The rationale for the release is not provided, nor are the sponsors provided with a set of guidelines or goals for the release. When specific goals have been established, all participants who are notified should be well informed.

Qualifications for sponsors have not been articulated. In many cases the only criteria for sponsorship is a family relationship or friendship. In some programs the sponsor must appear at the institution and sign a statement of responsibility for the offender. In others, the offender is released and makes his own way to the furlough site.

In almost all programs the offender or his sponsor must bear all direct costs of the furlough. We have found that most furlough eligible inmates can generate the resources necessary although some can not. The most prohibitive cost appears to be transportation. Some consideration must be given to the provision of minimal funding for inmates who lack resources if furlough programs are to be equitable. If goals can be articulated and benefits defined, then funding can be justified.

Procedural issues can not be resolved until there is a clear statement of the rationale, assumptions, and goals underlying the operation of the furlough program. For each issue, there are a number of viable options. The decisions as to how a particular program is operated must be determined by principles underlying program operations.

### C. Research and Evaluation Issues

The position that the rationale, assumptions, and goals of a furlough program must be clearly articulated and form the basis for procedural decisions is even more critical for evaluation efforts. The first step in the development of an effective design is the identification of the variables to be measured for an effective evaluation. There is a tendency to look closely at what we are doing and at the costs involved to the exclusion of underlying goals and secondary effects. A primary goal of this effort is the development of an effective evaluation design.

Many states lacking the capability to develop comprehensive research designs, concentrate on summary descriptive statistics to evaluate their programs. In the case of furloughs, most states collect frequency data, failure to return data, and negative incident data.

The best tested issue to date has been the short term success of furlough programs through an assessment of their failure rate. Failure in this context has two facets: failure to return and misbehavior while on furlough. An issue exists as to the proper method of measuring escape rates. Many states measure escapes by comparing the number of escapes with the number of furloughs granted. Critics suggest that the rates would be better stated if the number of escapes were compared with the number of furloughees, thus controlling for the case where a single person receives several furloughs. Correctional administrators respond by stating that the proper way to compute a failure rate is to compare the number of incidents with the potential number of possible incidents for accurate assessment. Clouding the issue is the technical definition of escape specified by most statutes and administrative rules. If a person released on furlough returns late, he is an escapee. Thus, we are unable to distinguish between those who do not return and those who voluntarily return late. A similar issue exists for improper conduct while on furlough. Most states do not distinguish between those who violate the law and those who do things which are normally lawful, but forbidden by furlough rules. The most frequent abuse tends to be drinking intoxicating beverages while on

furlough; thus the inmate who returns under the influence is classified as a violator. While it appears that most reports of furlough violations fall into this category, firm data is not available.

Almost all evaluations to date have been limited to these measures. A few states have attempted to compare these statistics across a set of background variables. Thus, they can speak about the variation in failure rates as they are related to personal characteristics, institutional differentiations and situational differences. The few states who have attempted to assess goal achievement have relied upon impressionistic data. That is to say, furlough programs are good and achieve goals because participants feel that they are good and that goals were achieved. The absence of a goal setting rationale prevents most states from considering goal achievement as a critical variable.

The absence of a clearly articulated rationale creates an inability to perceive furlough program operations in terms of goals. Thus, practitioners are unable or fail to perceive secondary effects as legitimate measurement variables. Therefore, while all are concerned with institutional tension, none define this as a variable or attempt to measure it. The absence of a long term perspective toward furlough programs prevents long term impact evaluation. Furlough programs are seen as administrative processes, thus no attempt is made to measure post release impact.

Effective research or program evaluation requires a carefully developed design before critical variables can be identified; there must be a clearly stated description of the furlough program including the rationale, assumptions, and goals. Care must be taken to collect data in a systematic controlled manner if hypotheses are to be supported.

We have identified six modules or groups of variables which can be measured in the evaluation of furlough program operations: crude costs, risk to society, short term goal assessment, institutional tension, long term goals, and community attitudes. These modules will be discussed in greater detail shortly.

#### D. Legal Issues

Litigation concerning furloughs has involved the issue of whether failure to return from furlough is an escape, the issue of whether inmates have a right to procedural due process in classification and other decisions resulting in denial of furloughs, the issue of whether inmates have substantive due process rights in the administration of furlough programs, and the issue of whether equal protection applies to the discretion exercised by prison officials in conducting furlough programs. All of these issues have been resolved in the affirmative.

A large number of cases from state courts on the subject of furloughs are concerned with whether or not failure to return from furlough constitutes escape from prison under the various escape statutes. These statutes usually mention custody and the

argument was made that since the prisoner left custody with permission when he went on furlough, he could not come under these escape statutes. Under this theory, all the prisoner was guilty of was a violation of an internal prison regulation and not the separate crime of escape. The courts have unanimously rejected this contention.

Due process is required if the consequences of an official's actions amount to a "grievous loss". In order to find what process is "due" in such a case, the court states that an inmate's interest in accuracy of the classification must be balanced against the government's interest in the orderly administration of the prison system. Courts have ruled that preclusion from access to benefits entails a loss as grievous as that occasioned by their revocation.

In reviewing the administrative decision to deny a furlough, the scope of the inquiry is limited. The court will look for denials of due process or equal protection and for treatment which is shocking to the conscience or cruel and unusual.

Although there is no support for requiring a prison system to have a furlough program, there is a growing body of decisions to the effect that if a state does set up a furlough program, prisoners must be granted procedural due process in the granting or denial of furloughs. Prison officials must not act arbitrarily in the administration of such programs. Denial of the benefit of furlough is a grievous loss requiring due process whether accomplished through classification procedures or other administrative action.

Absent emergency conditions, process that is "due" in classification cases requires notice of the contemplated action, specification of the reasons, the right to appear and present testimony, hearing by an independent officer, a written finding, and review at each level of administrative authority. Witnesses need not be called who would be put in danger or whose appearance would undermine authority. Confrontation and cross-examination of all sources of information is not required, counsel need not be furnished, and no transcript is necessary. This due process applies to general classification that limits access to furlough and other benefits available to other inmates. Administrative decisions denying or granting furlough in a particular case, not involving general classification, would appear not to require as much procedural safeguards. The cases are not clear on this, but some due process along the lines of that required in classification schemes is necessary.

It has been held that a furlough is not a constitutional right, but a statutory creation which has been committed to administrative discretion. Its characteristics, however, are determined by statutory, constitutional and administrative law and those characteristics determined by interpretation of statutory law and constitutional law should affect the results reached in administrative law.

Since furloughs are for the most part created by legislation, judicial construction of the statute determines what right or privilege has been created. In reviewing decisions

of officials, courts determine first if such decisions are based on the intent of the legislation as found in the statute and in the history of the legislation when the statute was being considered.

The courts will look to the express provisions of the statutes to determine if official decisions are consistent with legislative intent. Officials may not arrogate to themselves decisions properly made by the legislature and their decisions must be consistent with statutory mandates.

Much of the case law has been developed by virtue of litigation in state courts or through action against the Federal Bureau of Prisons. The significance of these cases is that decisions of the courts become the law concerning furloughs, along with the constitutions and statutes, in the areas within the jurisdiction of the courts. However, since there is considerable borrowing among the courts as well as legislatures, particularly in new areas of legal activity, decisions of appellate courts in one state may be indicators for other states with a similar legal heritage. One rule, followed by many courts, is that previous interpretations of a statute by the court in another state are usually adopted along with the statute. This rule and the prevalence of borrowing furlough legislation from the national government and from other states makes most decisions significant. While application of federal constitutional law by the district and federal courts is mandatory only for the states from which the cases arose, they are significant as precedent in other areas absent the adoption of contrary law in the other jurisdictions.

The interested reader should refer to the full report for a more complete review of these cases.

## CHAPTER 9. ANALYTICAL FRAMEWORK

An attempt to develop an analytical framework based on costs and goal assessment requires an extension beyond the assessment of the manner in which furlough programs operate. In almost all furlough programs there is an absence of a specific goal orientation; in effect, the conferring of furloughs is a process which has been defined by the legislature. As a general rule, legislative acts specify a set of uses for furloughs with a general catchall phrase expanding furlough use. Thus correctional administrators have considerable discretion in defining their furlough programs. Administrative rules note the specific rules and prescribe a process for approving furlough requests keyed to the specific uses allowed.

As is to be expected in a process oriented technique, the goal is obtaining the furlough itself, rather than something which can be achieved through the awarding of furloughs. Of course, several agencies are notable for their exceptions to this general rule. Some staffs, like that of the women's facility in Oregon, have clearly defined the furlough as a treatment tool. Decisions to grant or deny furloughs are primarily assessed in terms of the treatment needs of the residents in question. Others, like Colorado, clearly use the furlough as an inmate management tool in their medium security facility. Generally, however, the conferring of furloughs is a process oriented, not goal oriented, procedure.

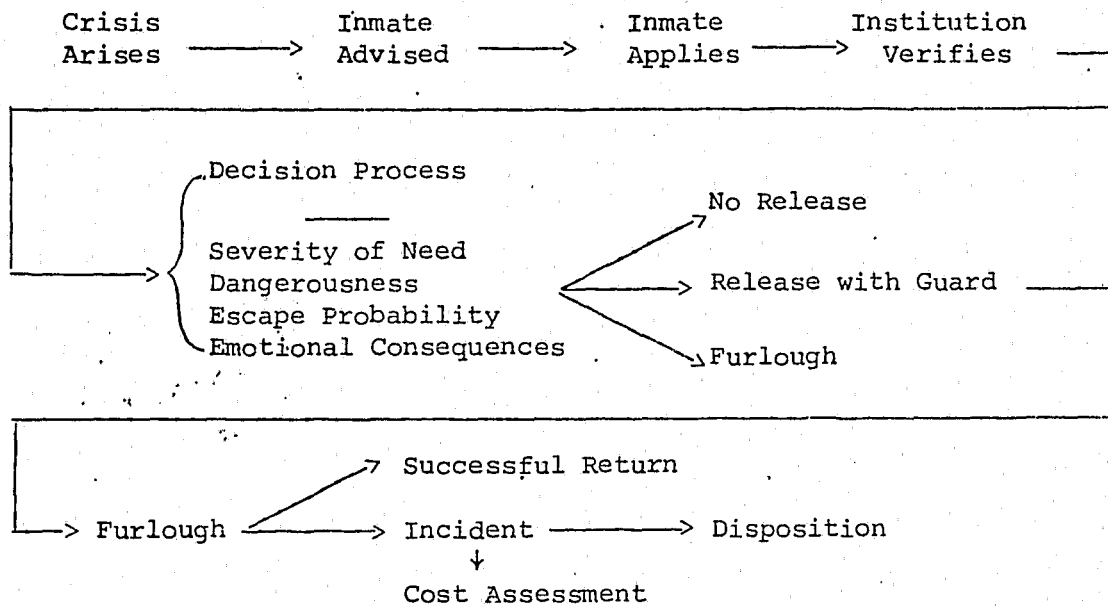
### A. Philosophical Models

The four basic reasons for granting a furlough are humanitarian, tension reduction, reintegration, and inmate management. The humanitarian rationale suggests emergency or special need. The process begins when a crisis arises. The inmate is notified and the institution usually becomes aware of the crisis at the same time as, or before the inmate. The institution verifies the crisis through contact with the family or the community parole office. The deciding agency, whether it be a special board or parole officer, weighs the severity of the blow to the inmate against the risk of escape and danger to society created by his temporary release, bearing in mind that there may be emotional consequences regardless of the decision. We can graphically represent the humanistic procedures as seen in Illustration 1, page 48.

In this model it is difficult to assess goal achievements as goals are not defined. However, costs can be assessed in terms of risk or harm to society resulting from the inmate's release.

In reintegration there is an assumption that institutional life is atypical and the offender must be allowed the opportunity to both adjust to his return to the community and, in some cases, to maintain community ties. It is assumed that if the offender's reintegration can be smoothed, the incidence of reinvolvement in criminal careers will be reduced.

Illustration 1. Humanistic Procedure



While theoretically the goals are well defined for this model, they are not present in administrative guidelines or in daily operations with the exception of a few agencies such as those in California or Pennsylvania. Even when these goals are specified in the administrative procedure, at times they are not observable in the daily operation of the furlough program.

The reintegration approach has two basic types: the early and continuous use of furloughs and the use of a furlough near the end of a prisoner's stay. The basic procedures are the same with the early and continuous use model assuming that the frequent regular use of furloughs prevents the development of institutionalization, promotes good mental health, and prevents the development of abnormal behavior patterns such as homosexuality. The frequent regular use of furloughs permits the prisoner to maintain relatively normal family and community relations. The terminal approach assumes that adjustment to institutional life *per se* does not affect release adjustment. It is the inability to readapt to non-institutional life that reduces the probability of successful community adjustment on release. Furloughs granted in anticipation of release permit the prisoner to reestablish family relations, seek employment or housing, and establish community contacts. The procedures for these models can be graphically presented in Illustration 2, page 49, and Illustration 3, page 50.

While it is difficult to measure goal assessment in the humanistic model, in the reintegration model goal attainment must be measured after release and must focus on subsequent community adjustment. Costs are also measured in terms of danger to the community interest created by the release of the inmates.

In reduction of tension, the ultimate aim is to maintain positive institutional activity by reducing the tension which is generated by long term restricted captivity. There are two

Illustration 2. Reintegration--Early and Continuous Approach Model

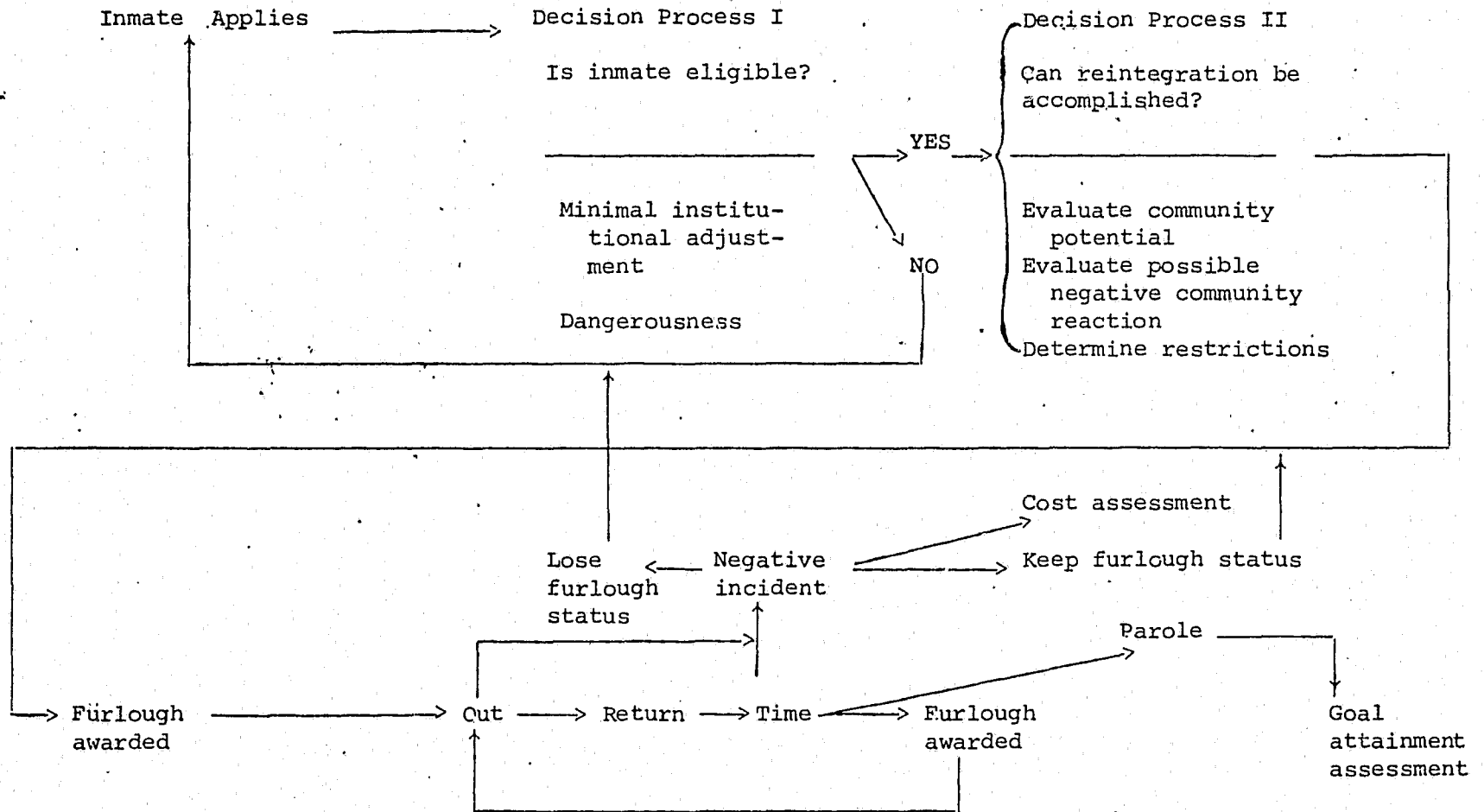
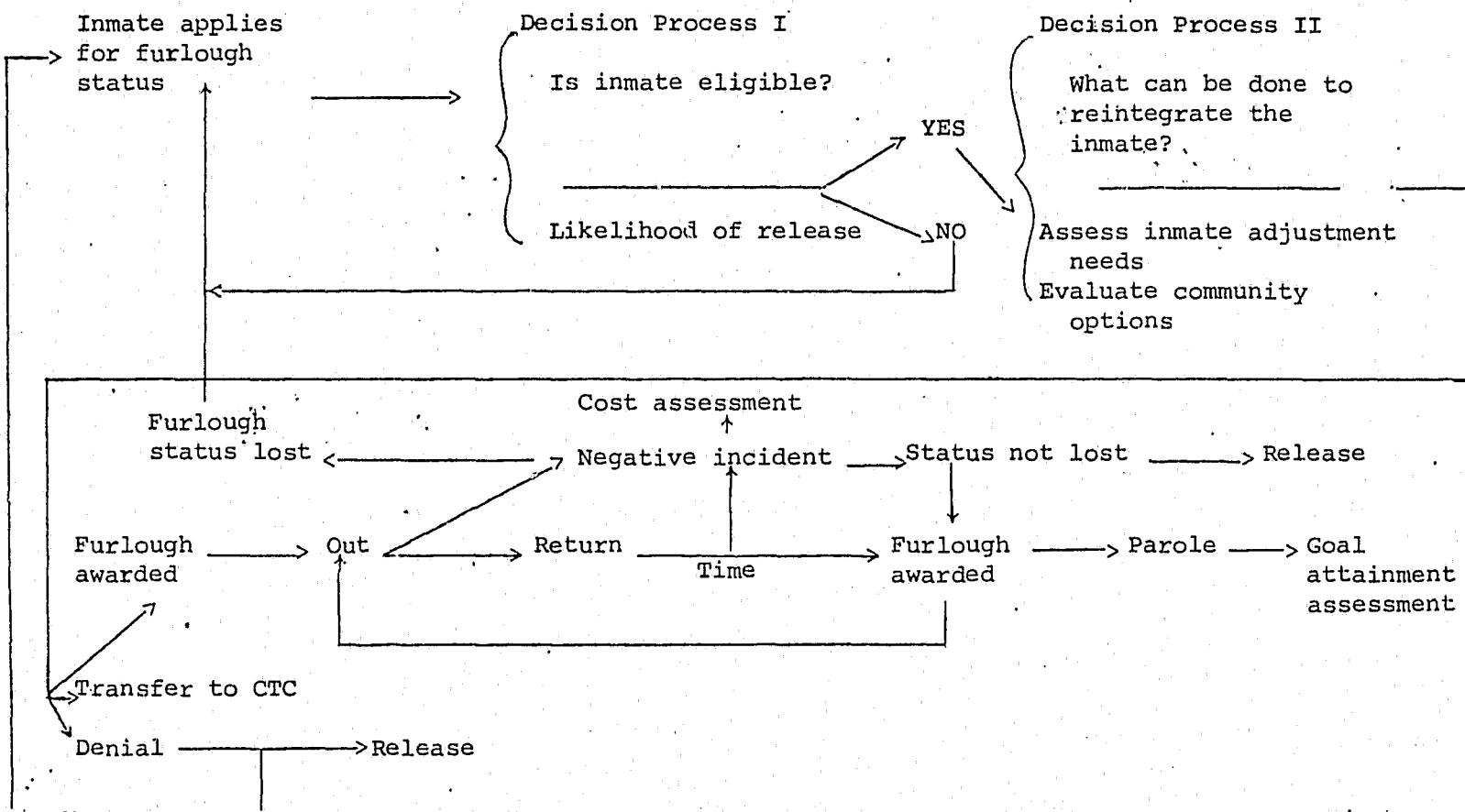


Illustration 3. Reintegration--Terminal Approach Model

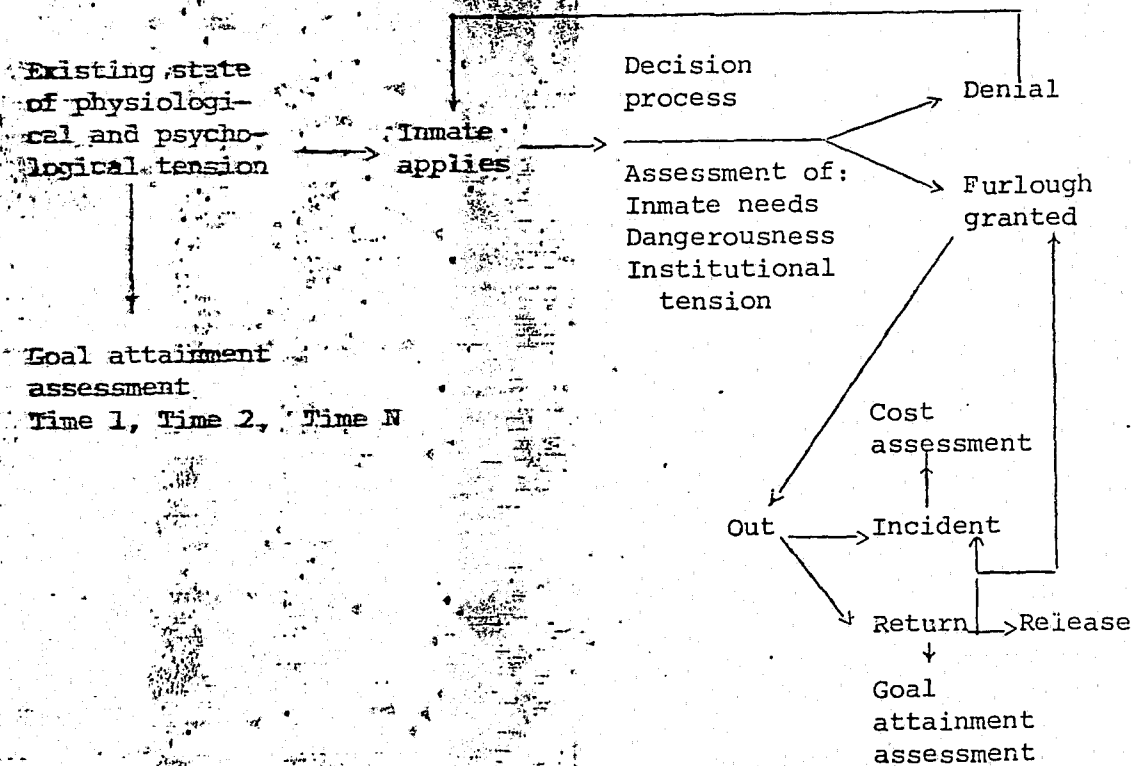


interlinked goals in this model. The first is a reduction of tension in the individual inmate. The second is a reduction in overall institutional tension which is achieved in part by reducing tension of furloughed inmates and in part by changing the climate of the institution. Thus, there are two basic types of reduction--one covert, group based; and one overt, individual.

There is an assumption that prison life by its very one-sex close, closed association nature creates physiological and psychological tension for which there is no acceptable method of tension reduction. It is assumed that occasional home visits or release from confinement permit the inmate to reduce tension and maintain good mental health. The combination of the reward potential of the furlough program and the reduced tension of temporarily released inmates is assumed to operate to reduce overall institutional tension. As this set of assumptions is rarely expressed, the operation of the furlough program in effect determines selection and processing.

This model can be graphically presented as seen in the following illustration.

Illustration 4. Reduction in Tension



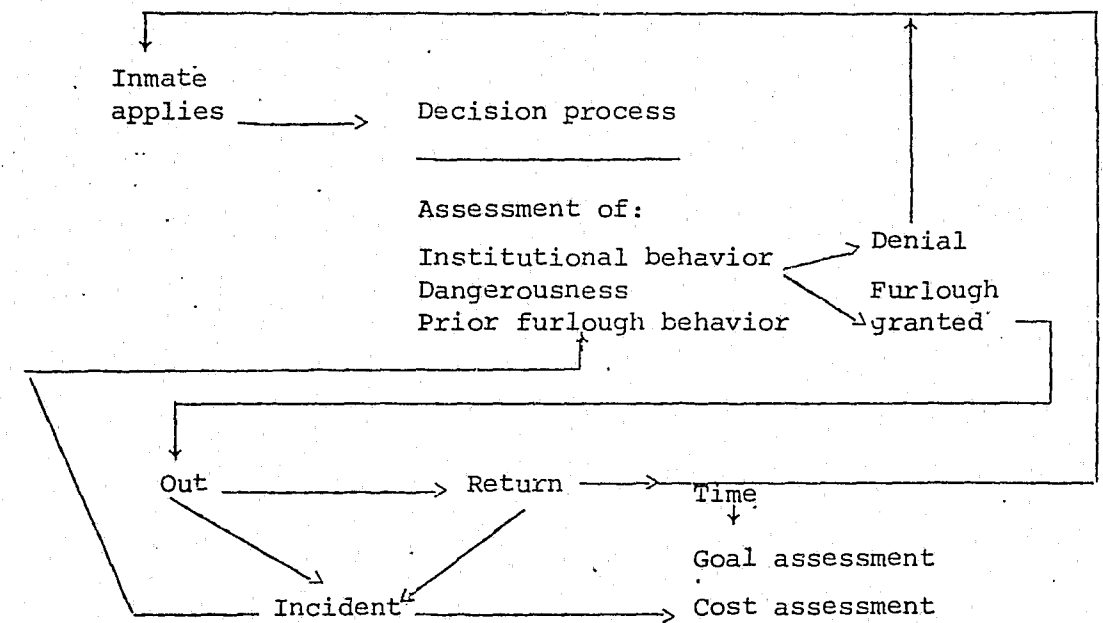
The rationale for denial suggests that the potential danger to society outweighs the potential gain for the offender and the institution from tension reduction. Goal attainment is measured by assessment of institutional tension levels and by measurement of individual tension. Costs are measured in terms

of potential threat or danger to society as indicated by the rate of failure in existing programs.

The inmate management model is oriented toward the smooth operation of the facility by controlling inmate behavior. The process and rationale closely approximate that found in the institutional tension reduction options. In effect, the furlough becomes a reward mechanism which prison administrators can apply along with other reward and disciplinary options to control inmate behavior.

In this model the goal is clearly stated. By differential application of the furlough reward, inmate behavior in the institution can be controlled. It is assumed that inmates will desire furloughs; thus, they will be strongly motivated to conform to institutional rules and participate in institutional programs. This model is graphically presented in Illustration 5.

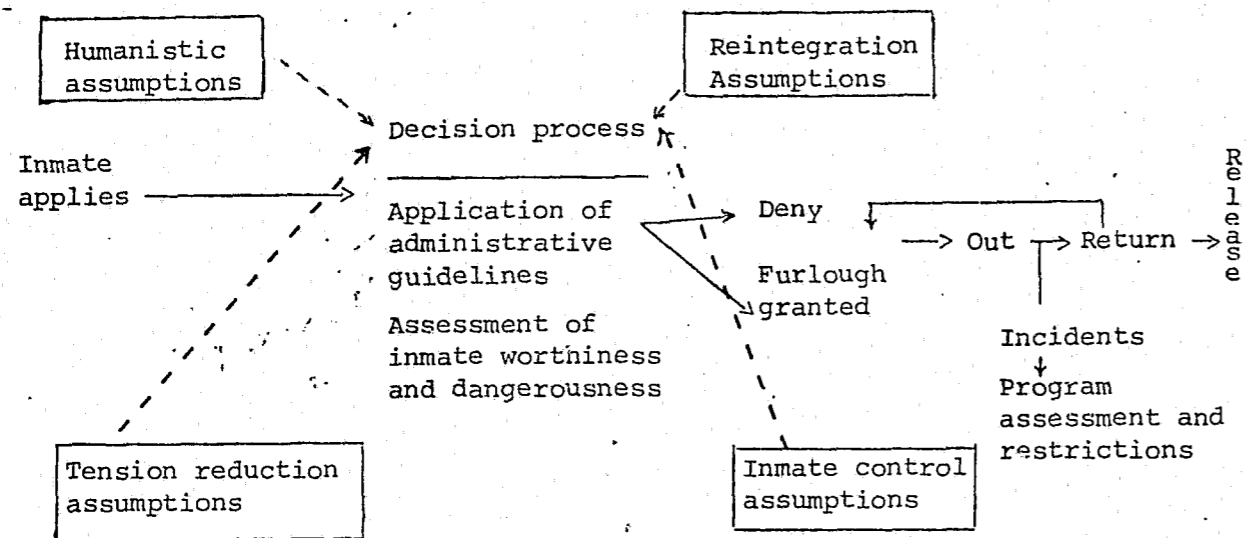
Illustration 5. Inmate Management



In this model the rationale for denial can be either inadequate institutional adjustment or excessive danger to the community. In the second rationale for denial, the risk to society is perceived as outweighing the potential gain from inmate control. Goal achievement is assessed by monitoring individual inmate behavior and the overall level of negative behavior in the institution.

In the operation of most furlough programs the rationale and assumptions are not clearly stated, thus parts of all of the models are brought to bear in the decision making process. The operation of this process is graphically presented in Illustration 6.

Illustration 6. Field Operations Model



In the overall undefined model applied by most agencies today, the goals, rationales and assumptions underlying the program operation lie in the belief systems of the people who are effective decision makers. In systems where more than one person effectively makes the decisions, the philosophy applied will shift from case to case as one or the other of the decision makers becomes dominant. This leads to irregularity in decisions creating inmate frustration and negative reactions. This can be seen in the processes utilized by many of the agencies which we visited.

#### B. The Generic Model

Assessment of the furlough application process of each of the states visited identified procedures and processes which were fairly typical. Thus, after a flow chart of the furlough application process was constructed for each of the states, the charts were reviewed for similarities and differences. A generic flow model was then developed for the two major aspects of the system--the furlough application process and the furlough leave process. It should be pointed out that the charts are designed purposely to be reflective of the general procedures involved in the application and actual leave processes. It is not reflective of any one single system, nor does it attempt to identify all the variations which occur from system to system.

The model does suggest that certain factors are evident in the furlough decision making process in each of the states. It was discovered that seven crucial functional areas were important in processing the furlough request. These functional areas are depicted as flow chart column headings. They include

the sponsor, the inmate, the counselor or institutional caseworker, other internal staff and staff committees, the office of the warden, external department staff, and external community system participants.

It was discovered in every state that rules and procedures existed which described when, how, and if furloughs were to be provided to inmates committed to the state. These rules were utilized in the development of the particular procedures which were adopted in each institution. Additionally, it was found in most states that there was considerable information about formal policy, and that this information provided the bases for the initiation of a furlough request.

The generic models in Illustration 7, page 56, and Illustration 8, page 59, depict the furlough application process and the furlough leave process. The furlough application process generally can be viewed as stopping at the point that the application is finally approved/disapproved and the inmate/counselor/sponsor have been properly notified. The actual furlough leave process is depicted in Illustration 8, Furlough Leave Processes.



## LEGEND

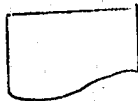
### FLOW CHART SYMBOLS

START

Indicates start point in system



Function block: any process or function which should be completed



Document symbol: indicates paper document, code numbers indicate formal forms (usually with "P.D." or "PRISON") and informal forms ("D" code)



Decision block: a decision is required at this point in the process flow

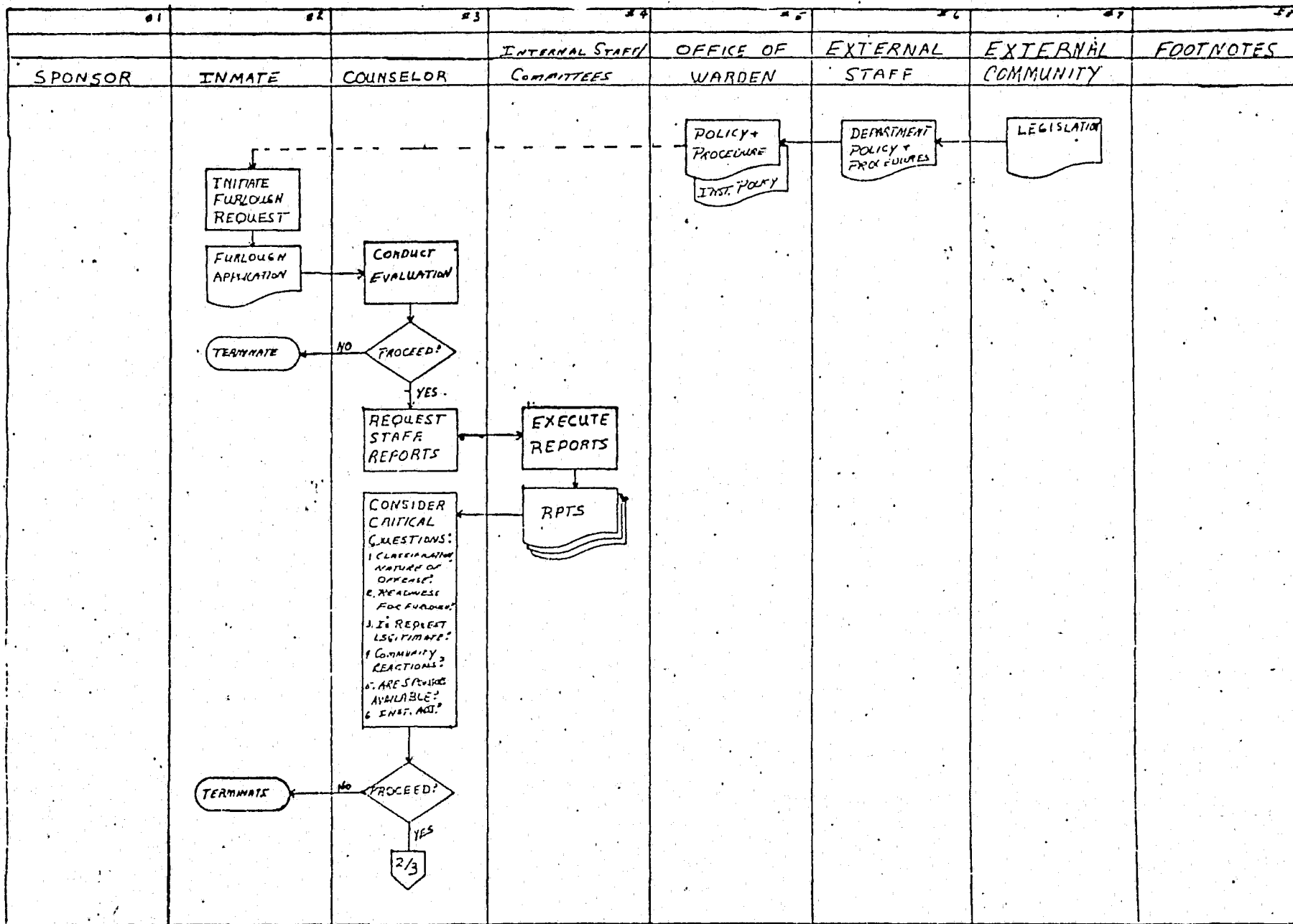


An interrupt point: contains reference directions



Off page connector: exit to or enter at this point

Illustration 7. Furlough Application Process



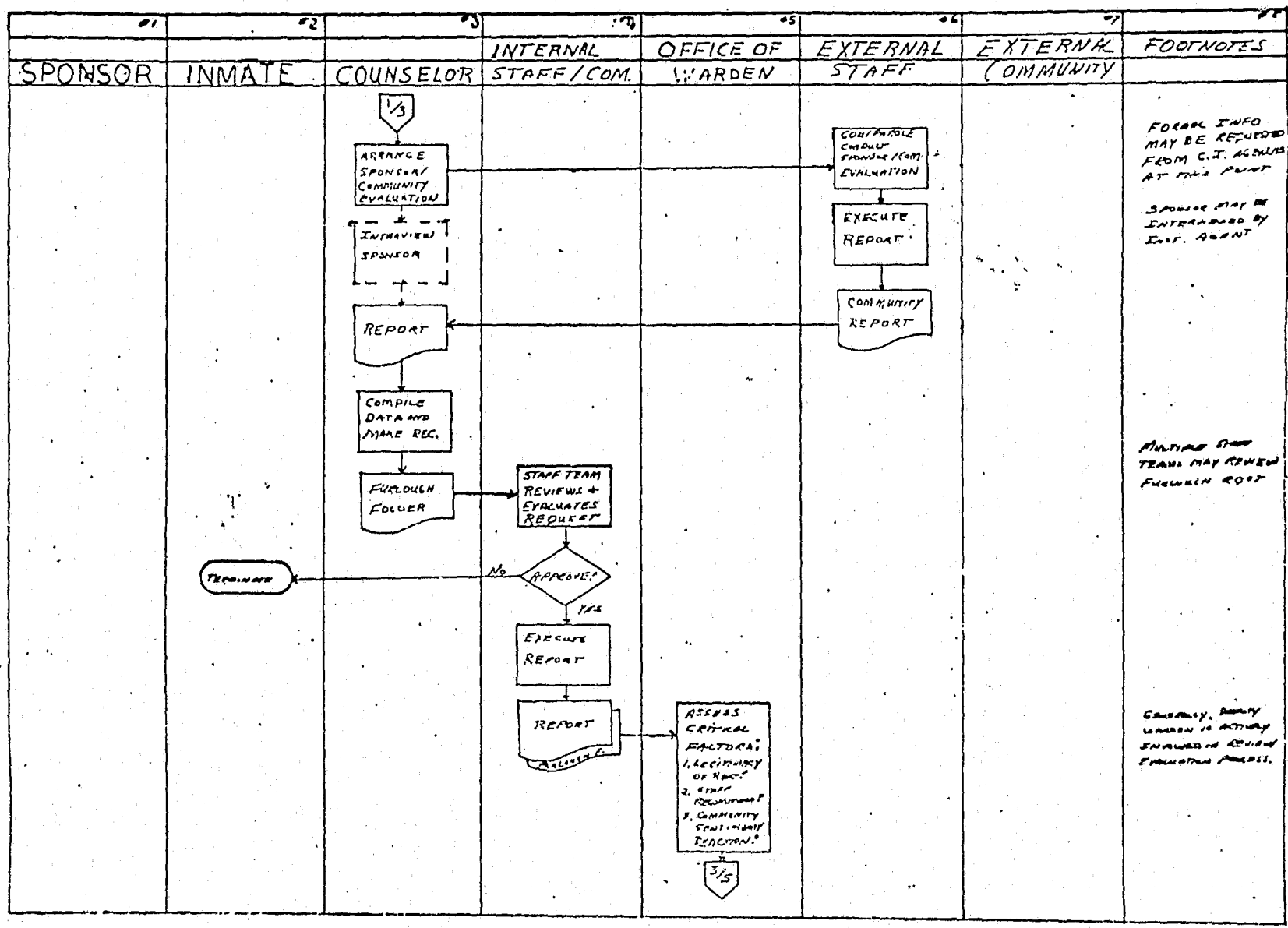


Illustration 7. Continued

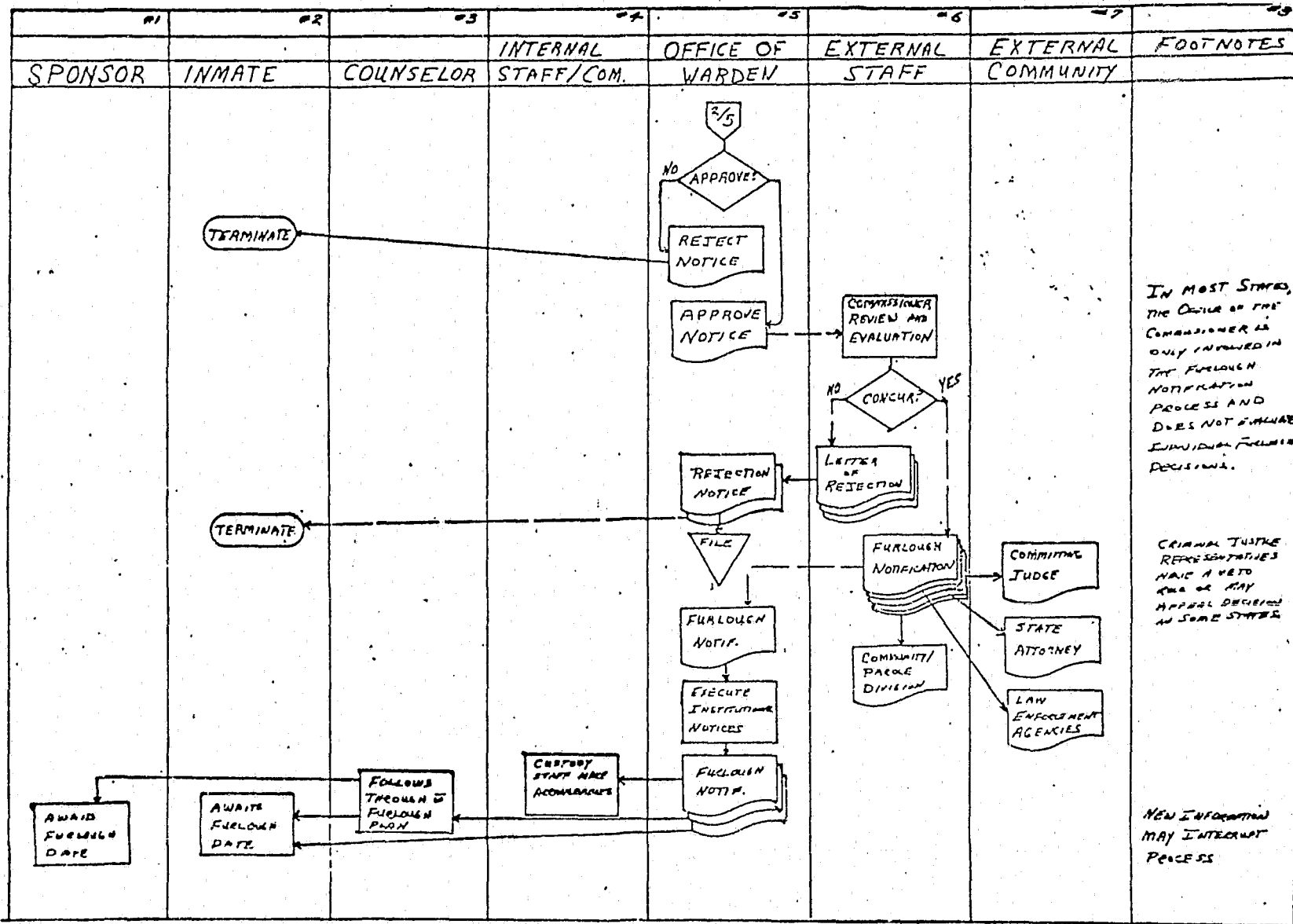
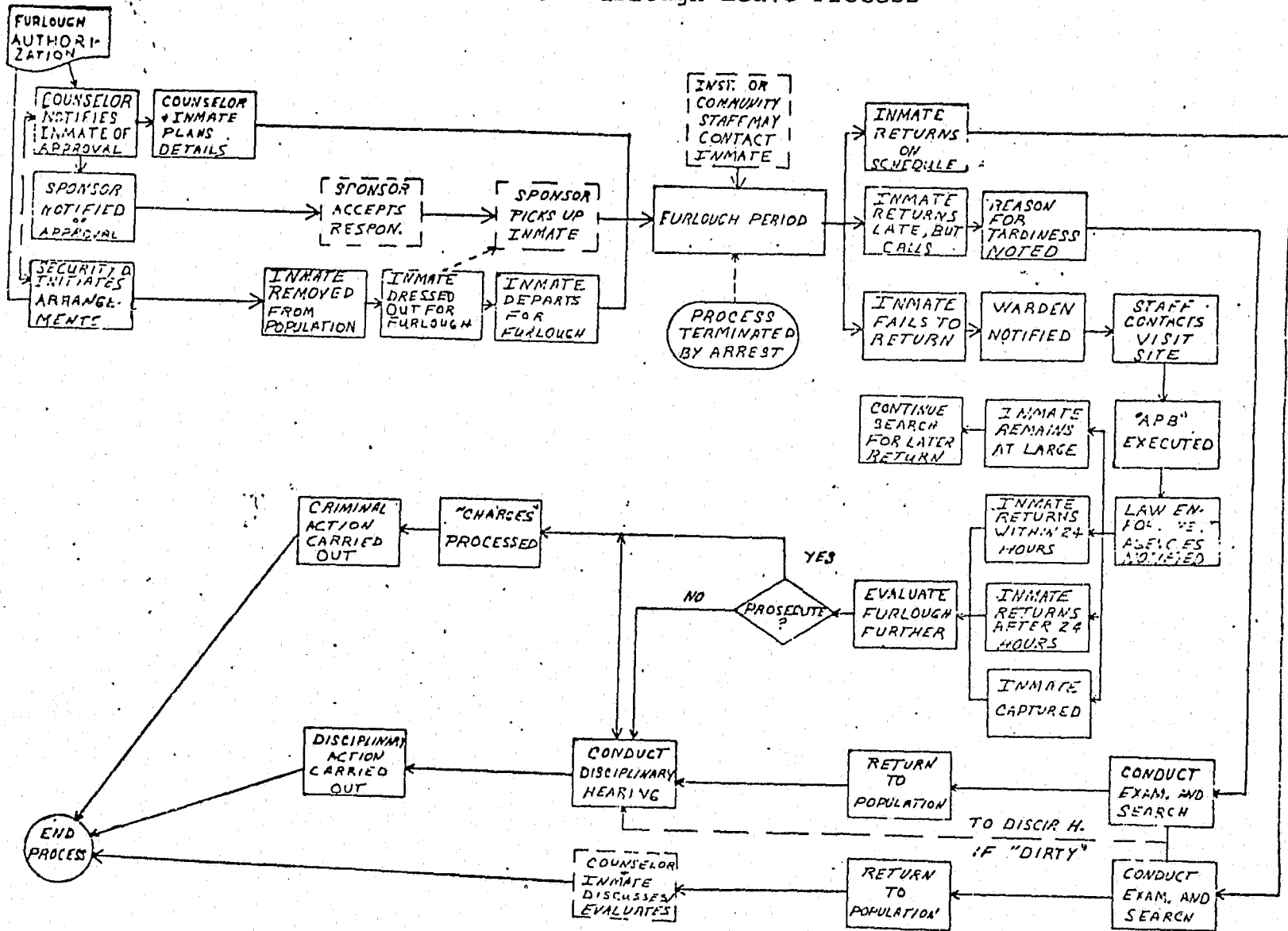


Illustration 8. Furlough Leave Process



While there is variation from agency to agency, all agencies follow the generic procedural model with slight variations. In every case the inmate initiates the furlough request through his caseworker. The caseworker reviews the case, consults institutional information sources, and makes a tentative judgment. If the agency utilizes a treatment or classification team approach, the caseworker brings the application before the team for consideration. While the degree of team input varies from agency to agency, in each case the caseworker is the primary processing agent.

When the caseworker or team has made a tentative judgment, additional information is sought from the community to which the offender will be released. In some agencies the caseworker has verified placement and need at the earliest stages. In addition, at this point, most agencies notify other community agents, permitting their input if they so desire. In most cases a positive action is required from approving community agents. That is, community agencies are notified and must send a response if they object. The caseworker or treatment team then makes a final judgment. In some agencies this is the effective decision making point for the institution. The application is then reviewed by administrative staff at the institutional level. In most agencies final approval lies with the superintendent or warden. In these instances procedures following the warden's approval are notification or advisory procedures. In some agencies the application is reviewed by field services and/or the central administrative unit for the Department of Corrections. In most cases the institutional decision is accepted unless unusual circumstances prevail. In rare instances the effective decision is made by the Director of Corrections. The most common exception deals with special offenders or dangerous offenders. In some systems applications by these types of inmates must be reviewed by a special committee or the central bureau after the institution has made a tentative decision.

The furlough leave process itself is even more uniform than the furlough application process. While length of the actual leave varies greatly from agency to agency, each agency processes its furloughees in the same manner. Most deviations are exceptional and reference a single agency. There is some variation in procedures for the release process. Some agencies require the sponsor to personally appear and accept the inmate. Most agencies, however, will allow the furloughee to use public transportation. It is interesting to note the similarity in this process as most agencies have no written guidelines dealing with this procedure. The only other difference of note is the official recording of an escape. The procedure appears to vary, not only from agency to agency, but from case to case. With the exception of Massachusetts, most correctional administrators have a great deal of discretion in this matter. As a result, each case is dealt with on its merits. An inmate who voluntarily returns within twenty-four hours or who advises the institution that he will be late is not charged with escape in most systems.

Our variables are presented in modules or logical units of variables related to measuring specific costs or goals of a furlough program. Specific combinations of modules or of variables from within modules can be selected for each program to be evaluated.

#### A. Module I: Crude Costs

Crude costs are figured using a basic cost benefit analysis approach. There are various levels of complexity involved in considering the costs and benefits of a furlough program. Benefits, in particular, are subject to different levels of conceptualization that range from reduced expenditures that can be measured easily (for example, if forty inmates are away from the institution for three days, the institution food service has 360 fewer meals to serve) to benefits that can only be estimated roughly (for example, ten inmates use their furloughs for successful job interviews which result in earlier parole, earlier employment with subsequent savings in tax dollars due to the parolee's ability to pay taxes and support himself and his family without public assistance) to benefits that are not subject to measurement at all (for example, an administrator of a furlough program may suspect that the program has reduced the level of tension in the institution sufficiently to avoid the loss of life and property destruction of a riot).

#### B. Module II: Risk to Society

Every agency will need to assess risk to society as one of the basic social costs. When public interest concerning furlough programs is aroused, misbehavior of inmates is almost always the cause. There are two major factors in the risk to society module: escapes and misbehavior. Correctional agencies need to know the exact nature and extent of the risks created by their programs so that they can modify their programs if the risk increases and educate the public if risks are minimal.

There has been some confusion regarding the measurement of escapes as policy varies from agency to agency and as escape is not clearly separated from late voluntary returnees. There is an assumption that a person who has not returned when expected is dangerous to society thus costs are assessed even if the escaped offender does not commit additional criminal acts. There are some cost factors involved in law enforcement time devoted to attempted recapture of the reported missing offender. Rather than escape, we will use the broad category of failure to return as scheduled which will have two major sub categories--late returns and escapes. Late returns will include all cases in which the offender had no escape intent and returned voluntarily. Escape will include all cases where the offender intended not to return. Thus those borderline

cases in which an offender has a change of heart and returns voluntarily after an intentional non return are escapes.

Late returns will have two categories--late with notification and late without notification. When an offender calls or contacts the agency indicating an inability to return as scheduled but indicates that he will return, we have an authorized late return. When the offender returns late without notification but offers an explanation for his delay, we have an unauthorized late return. As the risks and costs increase as the time interval increases, there are two sub-categories: two hours or less and more than two hours but less than twenty-four hours late. We will assume that an unauthorized absence of more than twenty-four hours reflects an intent not to return. Thus, voluntary returnees after twenty-four hours are recorded escapes. Two hours has been chosen as the break point because most agencies will issue an APB for the non returning furlougee at about that point. Escape has two additional categories: involuntary return and inmate at large. The measurement of variables is usually not a straightforward tabulation of instances. In this study the difficulty in defining effective measures is increased by the absence of accurate tested measures and weights. For each of the sets of variables we have developed a recommended set of weights. Thus for each of the modules which follow a set of weights can be found in the full report. We will illustrate the weighting process for failure to return as illustrated in Illustration 9.

Illustration 9. Failure to Return Weights

Late Return	Code
Authorized late return	0
Unauthorized late return--two hours or less	1
Unauthorized late return--more than two hours and less than twenty-four hours	2
Escape	
Voluntary return	5
Involuntary return	10
Inmate at large	15

The codes are weighted values rather than straight numerical values (1, 2, 3, 4, 5, 6) so that the values represent the increased risk. Thus authorized late returns are no risk and are therefore weighted 0. An escaped inmate who has not been captured represents high risk to the public thus is weighted 15 or is assumed to be 15 times as dangerous as an inmate who returns less than two hours late. These weights have been arbitrarily assigned and can be changed. However, we feel that these weights will accurately reflect relative risk and urge their use to maintain consistency among agencies.

The second major category in the risk to society module, misbehavior, also has several categories: rule violations, immoral illegal acts (such as victimless crimes), and criminal acts (acts against persons or property). Misbehavior by inmates represents real costs to the general public; however, different types of misbehavior are worse than other types of misbehavior and therefore should be weighted differently. The placement of specific acts in the framework will have to be determined by the criminal code in your jurisdiction.

Rule violations will include violations of the furlough agreement excluding late returns and escapes; that is, returning to the institution in any manner requiring the filing of a disciplinary report for other than late return or known legal violations while of furlough. Rule violations will be taken to represent little or no threat to the public. Instead, they will be an indicator of release readiness for the furlougees.

A second category will consider violations of the law defining moral behavior. Acts such as drunkenness, illegal vehicle operation, disturbance of the peace and similar law violations will be included in this category. Criminal acts will include all violations of the criminal code other than those listed as defining moral behavior. They will be classified into two categories--crimes involving acts against the person such as assault and armed robbery, and acts against property such as shoplifting and auto theft. The misbehavior variable weights can be found in the full report and the single site evaluation manual.

### C. Module III: Short Term Goal Assessment

This module measures variables which are not included in many basic models. As furlough programs mature, we can expect that they will become goal oriented. While some agencies use furloughs to increase parole successes, the attempts to obtain long range goals are conceptualized in short term goals. Thus, when furloughs are used as a part of an overall treatment or reintegration model, some immediate results are anticipated.

During the furlough planning process, the goals which are formulated should be recorded. The assessment of goal achievement will include both simple success (furlougee John Jones found a job) and effort expended (furlougee John Jones spent twelve hours seeking employment or completed six applications or three interviews). The goals should be stated in appropriate terms for each case. If John Jones has a specific job interview, then both completing the interview and securing employment are relevant measures of degree of success.

We suggest that this short term success would have to be adjusted for costs. If he completed those tasks but robbed a bank, we would not want to say that he had been successful on his furlough. The adjustment can be made by assessing penalty

points for misbehavior. Weights and examples can be found in the full report and the single site evaluation manual.

#### D. Module IV: Institutional Tension

It is difficult to define institutional tension. This variable has been defined as a behavior, a readiness to act, or an attitude. While we will have a behavioral measure, we will define institutional tension as an attitude or mental condition referencing dissatisfaction which produces certain types of self protective behavior. Institutional tension then is a belief that the person is not comfortable in his social setting. This institutional tension can range from dissatisfaction to fear for personal safety. There is usually an assumption that a high tension state produces a predisposition to action of some kind.

Two types of measures will be applied to the measurement of institutional tension: behavioral and attitudinal. The behavior component will measure inmate activities using existing or modified existing institutional records. The focus will be on disciplinary reports and participation in institutional activities. Disciplinary report rates will be prepared for major and minor disciplinary reports. In addition, assault rates will be computed. These rates will be expressed in terms of number of incidents per man per year for specific time intervals. A base can be established from institutional records controlled for policy changes and exceptional events. As furlough programs expand or are modified, changes in these measures for both furlough groups and non-furlough groups will be compared. It is assumed that participation in activities will decrease as tension increases. The daily use of the library, gym, music room and other facilities will be recorded as will participation in programs and cell block activities (number of inmates in cell block rather than in cells). Fluxuation in inmate activities will be compared with number of furloughs granted.

A Likert scale has been developed to measure tension. It was designed for administration to both inmates and employees. The schedule includes direct assessment of tension. Attitudinal scores can be compared with our other measures of institutional tension to see if they are consistent. These scales, like our suggested weights, have not been evaluated or standardized thus should be used with caution.

#### E. Module V: Long Term Goals

We assume that any design to measure the impact of correctional programs will be sophisticated, involving a sample of all offenders. Recidivism should not be a simple return to prison measure. Recidivism will include return to prison and adjustment in the community. Direct success will be a measure of length of stay in the community adjusted for reason for return.

Reasons for revocation will be of four types: a more serious crime than that which generated the original conviction; a crime similar to the crime which generated the original conviction; a less serious crime than the crime which generated the original conviction; and a technical violation. Positive adjustment will consider employment, family involvement and positive acts such as restitutions or civic activities. As in the case with other modules, a complete description of the variables and weighting system can be found in the full report and the single site evaluation model.

#### F. Module VI: Community Attitudes

Community attitudes affect legislative support of correctional programs. Community attitudes should be assessed to measure both the impact of community education programs and the impact of furlough programs on community attitudes. A Likert type scale has been designed to measure positive orientation toward furlough programs. A base will be established to compare with changes over time measuring changing community attitudes. If a sample of all citizens is not feasible, then officers, prosecuting attorneys, judges, registered voters and furlough sponsors can be selected for each testing. The information, while limited, might be informative.

Of the six modules, community attitudes will be the most difficult to measure. Most Criminal Justice components will lack the resources to measure samples of the citizens of their states. Thus community attitudes, where collected, will reflect the perspectives of Criminal Justice employees.

#### G. Application of Evaluation Modules to Theoretical Models

Illustration 10 compares our modules with our theoretical models. While it is possible to measure all variables for each program, the variables or modules which are not necessary reflect areas which could possibly be affected by the furlough program. Thus while long term goal assessment is only necessary or desirable for the reintegration model, it is possible that furlough programs based on other models will also influence long term parole adjustment.

Each of these modules and their measurement is discussed fully in both the full report for this project and in the single site evaluation manual prepared under the auspices of this project. The interested reader should turn to these documents for further information.



Illustration 10. Evaluation Modules Appropriate for Various Theoretical Models

Evaluation Modules	Inmate Management	Tension Reduction	Humanistic	Reintegration
Crude Costs	D	D	D	D
Risk to Society	N	N	N	N
Short Term Assessment			D	D
Institutional Tension	N	N	D	D
Long Term Goals				N
Community Attitudes			D	D

N = Necessary

D = Desirable

CHAPTER 11. THE NEED FOR ADDITIONAL DATA

A phase II project is designed when the phase I evaluation discovers that there is insufficient evidence available to effectively assess program operation. In the case of furloughs we have found that accurate, adequate information is virtually non-existent. First, furlough programs are not usually conceptualized in terms of goals much less measurable goals. Instead, furloughs have been adopted on a procedural basis. That is, furlough programs are something new that can be added to correctional programs, so they are added with little thought to purpose but with high attention to procedure. They appear to be a product of the humanitarian pressures for prison reform which developed in the 1960's.

As a result, evaluations have been non-existent. States with comprehensive effective research components such as Massachusetts collect descriptive data related to frequency and incidence of misbehavior as controlled for background variables. Even in this program, which is the most advanced in the U.S., there is no real measurement of goals. The few studies and evaluations of furlough programs have been impressionistic, focusing on the feelings and beliefs of those who participate in the program. While most states compile basic summary statistics including frequencies of furloughs and escapes, almost none collect any further data and many do not collect this data systematically over their entire correctional system. Instead data is gathered and processed on an interinstitutional basis. In several instances it was clear that we were given "guesstimates" rather than firm estimates or actual figures for escapes, number of furloughees, and similar breakdown data.

Our phase I appears to be the most comprehensive study to date. Of course, by its very nature, this study did not generate hard data. While it was comprehensive, it was also an impressionistic survey. As such, it identified the scanty information presently available and examined present program operation. It is clear that there is a need for accurate information regarding furlough program operations.

We propose that the evaluation have two major components. In the first component we suggest that the single site evaluation developed in this phase I study be implemented in a host state; this would permit the collection of in-depth accurate data from a single site. In the second component, we suggest that a nationwide data collection system be established. If each state could be assisted in the development of a consistent plan for collecting basic statistics, then an accurate assessment of nationwide use will be available for summary presentation and comparative studies. In this way we could evaluate the impact of various system types on furlough programs.

We also suggest that other components of the correctional process should be included. Two additional major programs (halfway houses and work release) combine with furloughs to

form a reentry or reintegration unit. These programs should be included in the basic single system assessment.

An in-depth single site analysis will establish the relationships between the critical variables in the operation of furlough programs. First statements can then be made regarding the benefits and costs to be derived from the wide range of issues.

In addition, the single site evaluation can be evaluated for its effectiveness and weaknesses can be identified and corrected. The instruments can be refined. The result will be an improved and tested single site evaluation model.

The second component is designed to add breadth to our effort. We have seen that even the most basic data are not collected consistently by all agencies. While most agencies can cite negative incidents, many do not consistently collect frequency data and most do not record positive incident data.

By combining an in-depth single site analysis with nationwide summary data, a clearer picture of furlough use in the United States can be developed. Providing a broad comprehensive data base will permit effective decision making in correctional practice regarding the use of furloughs. While an in-depth data base is invaluable in making decisions, a broad data base will provide some basis for generalization. The question of generalizability beyond the host state would be a valid question. Nationwide collection of basic data would permit some point of reference for assessment of the generalizability of the in-depth data to other agency operations.

It becomes apparent that to collect adequate data on furlough programs requires an efficient Criminal Justice Information System (CJIS). It is widely known that the Criminal Justice system is divided into multiple subsystems representing a variety of governmental jurisdictions, resulting in major informational problems between the subsystem as well as jurisdictional boundary conflicts. Each officer within the system has considerable discretion regarding making official reports of problematic behaviors of citizens. Additionally, major conflicts frequently exist between correctional personnel and law enforcement personnel which creates barriers to information flow. Finally, much behavior goes unreported. These factors, as well as the absence of adequately developed information systems within the state, compound the problem of compiling objective data about problematic behaviors of furlougees. Thus, furlough officials and CIJS officials must work together to develop an information system that provides objective evaluative data. This data would facilitate program operations, planning and evaluation.

The information developed by this component will add breadth to the data base we seek to establish. By providing nationwide assistance in developing the modules needed for our data, we will be developing the evaluations of furlough programs for each participating agency.

There is a paucity of information available today regarding the operation and impact of furlough programs. Before correctional agencies can undertake effective planning, a data base must be established so that decisions can be based on knowledge.

Relatively little has been written about furlough programs in comparison with other correctional innovations. To a great extent what has been written is impressionistic, dealing with the merits of furloughs on a philosophical basis, rather than in terms of goal achievement or relative effectiveness of programs. A number of issues are discussed repeatedly with conflicting beliefs supported by the strength of the argument or by a single case.

It is difficult to trace the development of the furlough to its historical taproots. The concept of this form of conditional release is relatively new. At best, we can view the change in correctional philosophy from isolation to association as setting the stage for the development of the furlough. Furloughs began in Mississippi and Arkansas as holiday rewards for trustees at the turn of the century. No further development occurred until the 1960's. In the late 1960's and early 70's furlough programs grew rapidly to the point where all but two states have furlough programs.

The popular press has done more to draw out the issues involved in furlough programs than any other source. The concept of the furlough has drawn heated opposition and response from those outside of the correctional community. They identify as the critical core of opposition the question of the relative danger to the law abiding public created by the release of prisoners before they have served completed sentences. In particular, public attention has been focused on the release of offenders who have committed extremely violent acts.

Research efforts have been virtually non-existent. Most states maintain running furlough statistics as a part of their regular annual reports. The few states who have attempted further evaluation have limited their efforts to the descriptive impressionistic evaluation of their programs. Of these, two states stand out--Massachusetts for the depth of its descriptive analysis and absence of impressionistic (feeling) data and Virginia for its analysis of a manipulation caused by changes in the system (quasi-experimental).

The issues of interest today are relatively limited and tend to revolve around public safety, eligibility, failure rate assessment techniques, impact on the institution and selected legal issues relating to escape, due process and furlough as a right.

Furlough programs are but one component of the correctional system which is but one component of the overall Criminal Justice system. Evaluation of any one component must be

conducted with an awareness of the context and with linkages to closely related programs.

Furlough programs do not tend to be goal oriented. Programs are adopted on a general or procedural basis with obtaining a furlough becoming the goal. Before effective evaluations can be conducted, furlough program rationale, assumptions and goals must be identified.

We have suggested a number of theoretical models and procedural models for which we have identified modules of variables appropriate for evaluation. Combinations of variables must be selected to match the program being evaluated.

There is clearly a need for additional information regarding furlough program operation. A two component design is suggested. First, a single site in depth evaluation of furlough program operations should be conducted using the single site evaluation model developed in Phase I. This design should incorporate elements from Phase I designs of related programs. Second, breadth should be developed by collecting nationwide data for Module II, risk to society, and Module IV, long term goal assessment, as modified from the single site Phase I model.

Participating agencies should be encouraged to and assisted in establishing linkages with Criminal Justice Information Systems. This process will provide information for CJIS users in the operation of the furlough program and provide a data base for the evaluation of furlough programs. This same data base can be utilized in the evaluation of other correctional programs.

#### APPENDIX

#### NATIONAL FURLOUGH PROGRAM DATA

Table 1. Types of Furlough Granted by Program

State or federal agency	Date initiated	Emergency	Home visits	Job interviews	Public or civic interviews	Meritorious leave	Pre-release planning	Holiday	Religious	Leave pending parole	Extended furlough	Special training or school	Medical	Any purpose consistent with public interest
Federal Prison System	1965	x	x	x	x		x		x		x	x	x	x
Alabama	1972	x	x	x	x		x		x		x			
Alaska	1960	x	x	x	x		x					x	x	x
Arizona	1974	x	x	x			x	x	x	x		x	x	x
Arkansas	1968	x	x	x		x							x	
California	1969	x	x	x	x		x			x			x	x
Colorado	CSP 1975	x	x	x			x		x		x	x	x	x
	REF. 1971	x	x	x	x	x	x	x	x	x	x	x	x	x
Connecticut	1969	x	x	x			x	x	x	x	x	x	x	x
Delaware	1969	x	x	x			x				x			
Florida	1971	x	x	x	x	x	x		x	x	x		x	x
Georgia	1972	x	x	x			x	x	x	x				x
Hawaii	1968	ALL FURLOUGHS GRANTED FROM MED. SEC. CENTER, COMMUNITY CEN., CONDI. RELEASE CEN.												
		x	x	x	x	x	x	x	x	x	x	x	x	x
Idaho	1974	x	x	x			x	x	x	x				x
Illinois	1972	x	x	x	x		x			x	x		x	
Indiana	1973	x	x	x	x		x		x	x			x	x
Iowa	1969	x	x				x			x		x	x	
Kansas	1973	x	x			x	x	x			x		x	
Kentucky	1974	x	x	x	x		x	x	x	x				x
Louisiana	1968	x	x	x			x	x				x	x	x
Maine	1969	x	x	x	x	x	x		x	x	x	x	x	x
Maryland	1967	x	x	x	x	x	x	x	x	x	x	x		x

Massachusetts	1972	x	x	x	x		x			x		x	x
Michigan	1974	x	x	x			x			x	x	x	x
Minnesota	1972	x	x	x	x		x	x			x		x
Mississippi	1918	x	x	x			x	x			x		x
Missouri	1972	x	x	x	x		x	x	x	x			x
Montana	NO	NO FURLOUGH PROGRAM--RESIDENTS OF HALFWAY HOUSES MAY RECEIVE FURLOUGHS											
Nebraska	1967	x	x	x	x		x	x	x	x	x		x
Nevada	1975	x		x			x			x			
New Hampshire	1975	THIS PROGRAM AVAILABLE ONLY TO INMATES IN HALFWAY HOUSES											
		x	x	x		x	x	x				x	x
New Jersey	1971	x	x	x	x		x			x	x		x
New Mexico	1969	x	x	x			x		x			x	x
New York	1972	x	x	x		x	x	x	x	x	x	x	x
North Carolina	1971	x	x	x	x		x		x	x	x	x	x
										Board of Parole approves these 3			
North Dakota	1970	x	x	x			x			x			x
Ohio	1975	x	x	x	x	x	x	x		x		x	x
Oklahoma		THIS IS A LEAVE OF ABSENCE PROGRAM											
Oregon	1967	x	x	x	x		x		x	x	x	x	x
Pennsylvania	1970	x	x	x	x		x	x	x		x	x	x
Rhode Island	1975	x	x	x			x	x		x	x		x
South Carolina	1967	x	x	x	x	x	x	x	x	x	x	x	x
South Dakota		NO FURLOUGH PROGRAM CLAIMED											
Tennessee	1972	x	x	x	x	x	x	x		x	x		
Texas	1955	x		THIS IS AN EMERGENCY REPRIEVE PROGRAM									
Utah	1966	x	x	x	x		x	x	x	x	x	x	x
Vermont	1969	x	x	x	x	x	x	x	x	x	x	x	x
Virginia	1973	x	x	x	x		x						x
Washington	1969	x	x	x	x	x	x	x	x	x	x	x	x
West Virginia	1972	THIS STATE ONLY HAS FURLOUGHS FROM WORK RELEASE CENTERS											
		x	x	x	x	x	x	x	x	x	x	x	x
Wisconsin		NO FURLOUGH PROGRAM											
Wyoming	1975	x	x	x	x	x	x	x		x	x	x	
		FURLOUGHS ONLY FROM WORK RELEASE											
D.C.	1970		x	x			x	x			x	x	x

Georgia	no	1/4	no requirement	no requirement	yes	violence against peace officer, guard, law enforcement officer, 2 or more preceding conv. violence, sex offender	trustee
Hawaii	varies	CONDITIONAL no requirement	RELEASE CENTERS, not more than 12 mo.	MEDIUM SECURITY within 14 mo. of parole	CENTERS yes	none	med. or min.
Idaho	varies	no requirement	within 90 days of release	yes	yes	varies	max., med. min.
Illinois	varies	no requirement	within 60 days release home visit or 30 from parole plan	no requirement	yes	organized crime, murder, class I felonies	min.
Indiana	varies	1/3	60 days	6 mo. of parole	yes	varies	min.
Iowa	yes	no requirement	no requirement	no requirement	yes 30 days	life sentence offenders	min.
Kansas	yes	2 years	no requirement	no requirement	yes	none	min.
Kentucky	yes	no requirement	within 3 mo. of release	yes	yes	rape, armed robbery, assault, escape	min.
Louisiana	yes	1 year	no requirement	no requirement	yes	sexual, drug, armed robbery, aggrav. assault, burglary	min.
Maine	yes	1/3 or 4 mo.	no requirement	no requirement	yes	escape, bail jump, violent per. assault	none
Maryland	yes	no requirement	varies	within 10 mo. of parole hear.	yes	varies	min.
Massachusetts	no	1st, life-5 yr. 2nd, life-3yr. rest--20% of time served	no requirement	no requirement	yes	sexually dangerous persons	none

Table 2 Continued

State or federal agency	Detainers prevent furlough participation	Portion of sentence previously served	Portion of sentence remaining to be served	Parole eligibility	Institutional good behavior	Offenses which exclude participation	Custody grade requirement
Michigan	varies	1 year	within 6 mo. comp. min. sentence	6 mo.	yes	crimes of violence sexual, mentally disturbed	min. or med.
Minnesota	yes	no requirement	one year	must be eligible at next hearing	yes	varies	reduced
Mississippi	varies	varies	varies	no requirement	yes	varies	min. or med.
Missouri	varies	no requirement	varies	no requirement	yes	capital & varies	min. or med.
Montana		NO FURLOUGH PROGRAM					
Nebraska	yes	1/3	no requirement	no requirement	yes	none	min.
Nevada	yes	no requirement	6 mo.	yes	yes	psychiatric	min. "A" custody
New Hampshire	no	none	90 days of release date	yes	yes	none	halfway house status
New Jersey	yes	5 yr.	no requirement	within 6 mo.	yes/2 mo.	offenses against persons	min.
New Mexico	yes	within 6 mo. parole board	no requirement	no requirement	yes	sexual	min.
New York	varies	30 mo.	10 mo.	within 1 yr.	yes	narcotics, sexual, escape	min.
North Carolina	yes	must reach Level 4	no requirement	no requirement	yes	none	min.
North Dakota	yes	no requirement	60 days	yes	yes	none	min., work or study release
Ohio	yes	6 mo.	no requirement	no requirement	yes	alcoholic	min. (2 years)
Oklahoma	varies	no requirement	no requirement	no requirement	yes	gen. sexual but no written policy	trustee & med.
Oregon	varies	no requirement	no requirement	no requirement	yes	none	none

Pennsylvania	yes	1/2 min. or 9 mo.	no requirement	no requirement	yes	life sentence	none
Rhode Island	yes	1/6 min. "lifer" -10 yr.	no requirement	no requirement	yes 6 mo.	sexual involving minors	none
South Carolina	varies	long enough to obtain "AA" custody	90 days	3 months	yes	none	"AA" custody
South Dakota		NO REPORTED FURLOUGH PROGRAM					
Tennessee	yes	no require- ment	180 days	no requirement	yes	varies	med., min.
Texas	yes	no require- ment	no requirement	no requirement	yes	none	Class 1
Utah	yes	long enough to earn "C" custody	no requirement	no requirement	yes	varies	min. "C" or "D" custody
Vermont	varies	no requirement	no requirement	no requirement	no req.	no requirement	none
Virginia	yes	1/4	6 mo.	1 year	yes	no requirement	min.
Washington	yes	min. 6 mo.	6 mo.	no requirement	yes	none	min.
West Virginia	no	1 yr. or have already seen parole board	3-6 mo.	no requirement	yes	none	work release status
Wisconsin		NO FURLOUGH PROGRAM					
Wyoming	yes	6 weeks in work release program	no requirement	no requirement	yes	1st degree murder, arson, rape	min.
Washington, D.C.	yes	80% of min. or work release	6 mo.	yes	yes	none	min.



Table 3. Furlough Program Data for 1974

State or federal agency	Number of furloughs granted	Number of furlougees	Number of escapes	Number of arrests	Number of rule violations	Return tolerance	Community notification of pending furloughs	Maximum number of furloughs allowed furlougees per year
Federal Prison System	ESTIMATES AND PROJECTIONS BASED ON NUMBERS FROM 24,612	n. avail.	*128	*40	n. avail.	Aug. 11, 1974 to Oct. 31, 1974 2 hr.	U.S. Probation Office	Varies
Alabama	*2,675	n. avail.	*14	n. avail.	*21	none	none	4
Alaska	FROM 734	11 MONTHS OF 1974 426	19	11	87	none	Parole officer	2
Arizona	DEC. 1974--DEC. 1975 207	n. avail.	3	n. avail.	n. avail.	none	Parole officer	2
Arkansas	*200	*125	*5	*4	*2	none	Sheriff, Parole officer	2
California	STATISTICS REPRESENT MALE FELONS ONLY 1,069	n. avail.	15	3	n. avail.	none	Parole officer	varies
Colorado	CSP FEB. 1975--JAN. 1976 1,002	900	13	5	212	2 hr.	Sheriff and police	4
	REF: 4,686 men days 1,562*	n. avail.	42*	2	n. avail.	36 hr.	Local law enforcement and court	4
Connecticut	5,640	n. avail.	4	10	17	none	Police	12
Delaware	167	n. avail.	0	0	6	none	none	varies
Florida	50,734	n. avail.	44	n. avail.	n. avail.	varies	none unless requested	varies
Georgia	n. avail.	2,625	12	n. avail.		4 hr.	news media	4
Hawaii	n. avail.	n. avail.	n. avail.	n. avail.	n. avail.	30 min.	police on extended fur.	varies
Idaho	82	18	2	n. avail.	0	none	Sheriff, parole officer	no limit
Illinois	4,690	n. avail.	21	5	n. avail.	none	State police, attorney in sentencing court	no limit
Indiana	*130	*110	*1	*1	n. avail.	2 hr.	Law enforce. agency and prosecutor	4
Iowa	JUNE 1973--JUNE 1974 3,561	n. avail.	53	n. avail.	n. avail.	2 hr.	Law enforcement	no limit
Kansas	265	143	1	0	2	2 hr.	State law enforcement agencies and parole office	6 days

Kentucky	288	231	1	n. avail.	9	none	Sheriff, police, D.A., parole officer	6 days
Louisiana	CHRISTMAS AND EASTER FURLOUGHS ONLY							
	1,080	n. avail.	6	4	n. avail.	none	Sometimes D.A., sheriff, police	2
Maine	1,576	691	3	3	60	none	Sheriff	varies
Maryland	2,919	n. avail.	157	n. avail.	121	none	none	6
Massachusetts	8,324	1,670	127	n. avail.	n. avail.	2 hr.	State, local police	14 days
Michigan	5,282	n. avail.	n. avail.	n. avail.	n. avail.	none	Law enforce. agency, parole officer	12
Minnesota	153	107	3	n. avail.	n. avail.	none	Law enforce. agency, parole officer	6
Mississippi	400	n. avail.	38	n. avail.	n. avail.	varies	D.A., judge, sheriff	varies
Missouri	934	*300	n. avail.	n. avail.	21	none	Cir. judge, D.A. sheriff	30 days
Montana	NO FURLOUGH PROGRAM							
Nebraska	3,141	n. avail.	1	0	6	1 hr.	Local law enforcement	4
Nevada	n. avail.	n. avail.	n. avail.	n. avail.	n. avail.	1 hr.	Sheriff or police, parole officer	varies
New Hampshire	n. avail.	n. avail.	n. avail.	n. avail.	n. avail.	1 hr.	none	7 days
New Jersey	10,292	n. avail.	83	9	452	1 hr.	Police, parole officer	12, (Com. center-24)
New Mexico	229	n. avail.	1	n. avail.	n. avail.	1 hr.	Parole/prob. officer	limit
New York	16,401	4,628	157	53	315	none	Parole officer	1
North Carolina	*54,264	*16,984	*48	*32	*72	none	Parole officer, police	varies
North Dakota	130	90	1	0	n. avail.	varies	Law enforcement and parole officer	varies
Ohio	n. avail.	n. avail.	n. avail.	n. avail.	n. avail.	varies	Sheriff,	14 days
Oklahoma	3	3	0	0	0	none	Sheriff, police	no limit
Oregon	*2,900	n. avail.	*35	n. avail.	*14	15-30 min.	None of some. State police notify local police of those who have committed crime against person	no limit
Pennsylvania	DEC. 1970-MAY 1976 *4,545	*1,455	55	1	n. avail.	varies	state police, local law enforcement	no limit
Rhode Island	1,049	249	4	3	35	none	state police, Att.Gen.	28 days
South Carolina	847	1	3		15	varies	law enforcement agencies	3
South Dakota	NO FURLOUGH PROGRAM REPORTED							

\*Estimated number provided by agency  
n. avail. = not available.

Table 3. Continued

State or federal agency	Number of furloughs granted	Number of furloughs	Number of escapes	Number of arrests	Number of rule violations	Return tolerance	Notification of pending furloughs	Maximum number of furloughs allowed furloughees per year
Tennessee	DOES NOT INCLUDE 1,273	INFORMATION FROM WOMEN'S DIVISION n. avail.	47	2	2	4-6 hr.	Law enforcement and parole office	2-3
Texas	729	n. avail.	n. avail.	n. avail.	4	varies	Sheriff	no limit
Utah	*600	*200	*4	n. avail.	n. avail.	30 min.	Law enforcement agency, parole officer	4
Vermont	16,342	506	31	10	103	varies	varies (gen. none)	varies
Virginia	4,156	n. avail.	42	n. avail.	n. avail.	none	Law enforcement, parole officer	2-3
Washington	*3,000	n. avail.	*18	n. avail.	n. avail.	none	Law enforcement, parole officer	60 days
West Virginia	n. avail.	n. avail.	n. avail.	n. avail.	n. avail.	6 hr.	none	1 every weekend
Wisconsin	NO FURLOUGH PROGRAM							
Wyoming	*3,600	72	2	1	4	10 hr.	Sheriff	no limit
Washington, D.C.	36,763	767	71	19	299	2 hr.	Police	none
Total U.S.	284,798	32,797	1,313					

\*Estimated numbers provided by agency

n. avail = not available

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**END**