



Jim Pillen, Governor

Policy Directive 024-021

DATE: July 10, 2024

TO: NDCS Agency

FROM: Rob Jeffreys, Director

RE: Policy 201.04 *Community Reintegration Opportunities*

Effective immediately, the following changes will be in effect concerning Policy 201.04 *Community Reintegration Opportunities*. These revisions will be incorporated into this policy during the next scheduled review. You may contact Deputy Director-Prison Operations Robert Madsen with questions regarding this change.

Page 2, add DEFINITIONS section as follows:

DEFINITIONS

- I. **At-Large Sponsor** - An individual who provides support, transportation and accountability on furloughs from those incarcerated at a community corrections center.
- II. **Personal Sponsor** - An immediate family member of an incarcerated individual who is an approved visitor and had been approved by the facility warden/designee to accompany their incarcerated family member on an approved furlough. "Immediate family" is defined as a spouse, parent, stepparent, persons acting in place of a parent (as documented in the institutional file), sibling, step-sibling, half-sibling, child, step-child and grandparent.

Page 4, PROCESS II.D. Furlough Eligibility, add the following **BOLD** language to the third paragraph:

Sponsors are approved by the warden with review of the application and security background check. Sponsors must attend orientation prior to taking an incarcerated individual on a furlough. At the time of each furlough, the sponsor will be provided details on the conditions of the furlough and shall indicate his/her willingness to abide by those conditions prior to leaving the facility. At the discretion of the warden, sponsors may be required to attend additional training sessions, may receive sponsorship suspension or be terminated. Annual training and updated security check information is also required to maintain sponsorship. **Sponsors will not be issued photo ID cards.**

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Department of Correctional Services

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Page 4, PROCESS II. C., add the following **BOLD** language:

C. General Rules for Furloughs

Furloughs are the authorized absence of an incarcerated individual from the facility for the purpose of promoting stable housing, employment/income and educational interests, medical needs, mental health/substance use management, and encourage prosocial supportive relationships. The five categories of furloughs are personal needs, programming, job seeking, medical and family.

An incarcerated individual granted a furlough shall remain in the legal custody of NDCS. Time spent on furlough in the community is credited toward service of the sentence. An incarcerated individual who absconds while on furlough, or who fails to return from furlough, shall be considered on escape status, with notification to law enforcement. An incarcerated individual who fails to follow the conditions of the furlough agreement shall be subject to appropriate disciplinary action.

All expenses incurred while on furlough, including transportation to and from the facility, shall be the responsibility of the incarcerated individual, his/her family, sponsor, or other appropriate sources as approved by the warden and the director/designee.

All furloughs are restricted to the state of Nebraska. All personal needs and programming furloughs are restricted to the city of Lincoln or the Omaha Metropolitan area depending on the location of the respective community center.

All furloughs shall require a signed furlough agreement, which includes a detailed itinerary, which must be approved by the warden/designee.

All incarcerated individuals must have a signed extradition waiver on file in order to be approved for a furlough.

Any change to the furlough itinerary after the incarcerated individual departs the facility will require the approval of the shift supervisor/leader. While on furlough, the incarcerated individual remains on the facility count.

Furlough requests for community custody incarcerated individuals deviating from the *Community Incentive Program* will be submitted to the director/designee for approval. **Incarcerated individuals are not permitted to have unauthorized visits while on furlough. Examples include but are not limited to, victim of current offense, minor children if visits are restricted on visiting list, active parolees, active probationers, co-defendants.**

A team member who is a member of an incarcerated individual's immediate family may sponsor that incarcerated individual on furloughs and passes. Approval must be obtained from the team member's warden (or respective deputy director if not assigned to a facility) and the warden of the community center to which the family member is assigned.

Sponsors may be on the visiting list of immediate family members residing at a community corrections center. (See Policy 205.02 *Visiting* for the definition of immediate family.)


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EFFECTIVE: March 1, 1980
 REVISED: October 18, 2013
 REVIEWED: November 24, 2014
 REVISED: October 30, 2015
 REVISED: August 31, 2016
 REVISED: August 31, 2017
 REVISED: December 15, 2019
 REVISED: December 31, 2020
 REVISED: December 31, 2021
 REVISED: December 31, 2022
 REVISED: December 31, 2023
 REVISED: July 31, 2024

SUMMARY OF REVISION/REVIEW

PROCESS – I. – Language updated. II.B. – Language updated. II.D. – Language updated.
 II.D.4. – Language updated. III. – Language updated.
 ATTACHMENTS – New attachment, *Acknowledgement of Legal Liability*.

APPROVED:


Rob Jeffreys (Jun 24, 2024 10:42 CDT)
 Rob Jeffreys, Director
 Nebraska Department of Correctional Services

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PURPOSE

This policy governs the process of the Nebraska Department of Correctional Services (NDCS) to determine eligibility of and grant incarcerated individuals reintegration opportunities in the community prior to the completion of their sentence. These opportunities, available at minimum B and community A and B custody levels, will assist incarcerated individuals in preparing for successful reentry into the community to include maintaining and/or re-establishing family ties, utilizing pre-approved community health care services, locating a residence, and seeking employment prior to release. (ACI-5B-01, ACRS-5A-16)

NDCS facilities housing individuals at minimum B and/or community A or B, consistent with its function and the nature of its incarcerated individual population, shall implement this policy and develop procedures specific to the following:

- I. Screening and selection procedures
- II. Rules of conduct specifying unacceptable behavior while on furlough and sanctions which may be applied
- III. A system of supervision to ensure program compliance including regular surveillance and electronic monitoring
- IV. A record keeping system
- V. A system for evaluating program effectiveness
- VI. Law enforcement and victim/witness notification
- VII. Efforts to obtain community cooperation and support


PROCESS

I. OPPORTUNITIES AVAILABLE AT MINIMUM B (3B) CUSTODY

Incarcerated individuals having minimum level B custody may be permitted to work outside the security perimeter under intermittent supervision of correctional personnel. They shall be permitted to work on a detail within the facility, a park or road crew, or other work detail in the community. Road or park crews comprised of minimum B custody incarcerated individuals shall not exceed eight incarcerated individuals per supervisor and is limited to the state of Nebraska.

Incarcerated individuals assigned to minimum B custody may be permitted to work special detail assignments and attend community programming under the supervision of authorized personnel with intermittent supervision of correctional personnel. Prior approval for these assignments must be obtained from the director/designee. All work and program assignments are restricted to the state of Nebraska.

Females having minimum B custody level may be granted a medical furlough when admitted to a hospital for childbirth. Medical furloughs are restricted to the state of Nebraska and must be approved by the director/designee.

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II. OPPORTUNITIES AVAILABLE AT COMMUNITY CUSTODY

A. Work/Education Detail

Incarcerated individuals having community A custody (4A) shall be assigned to a job within the facility or a park, road crew, off-site education release or other work detail in the community, with intermittent supervision. Education detail requires a facility job assignment and an educational plan, including acceptance and funding, to be approved by the warden. Detail assignments are restricted to the state of Nebraska. See Policy 201.01 *Incarcerated individual Classification* for additional details.

Incarcerated individuals approved for education detail are permitted to establish an email account associated with the approved education program in which they attend. Use of the email accounts is intended to directly communicate education program related information between the school and NDCS team member. Use of email to communicate with any other person or entity is prohibited and may be subject to appropriate disciplinary action. All passwords must be provided to facility team members who will randomly monitor the email account.

B. Work Release

Incarcerated individuals assigned to community B (4B) custody may be permitted to work at paid employment in the community as provided by law. The warden may approve incarcerated individuals on work release to attend education or training programs if such does not conflict with the incarcerated individual's work schedule. Such employment/education or training programs are restricted to the State of Nebraska.

An important aspect of maintaining a positive work history is communication with the employer. In order to better facilitate communication between employees and employers, individuals assigned to community B custody may be eligible to utilize an employer-issued cell phone if required by the employer. Facility procedures outline the eligibility requirements, request and approval process, as well as permitted and prohibited activities. Any incarcerated individual in possession of a cell phone that has not been approved or not in compliance with the rules of this program may be subject to disciplinary action, and prosecution under Nebraska Revised Statute §28-936.

Individuals at community centers may drive a vehicle for the following purposes outlined below. No incarcerated individual is permitted to drive a state-owned vehicle on a public roadway.

1. To obtain a driver's license as part of the testing process
2. With a valid Commercial Learner's Permit and/or driver's license as a student in an approved CDL program
3. While employed, with permission from the employer and as part of their required job duties, to drive a company vehicle, which is insured by the company. (does not include to and from the community corrections centers)
4. A liability form must be completed by the employer and the individual, see *Acknowledgment of Legal Liability* (Attachment A)

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C. General Rules for Furloughs

Furloughs are the authorized absence of an incarcerated individual from the facility for the purpose of promoting stable housing, employment/income and educational interests, medical needs, mental health/substance use management, and encourage prosocial supportive relationships. The five categories of furloughs are personal needs, programming, job seeking, medical and family.

An incarcerated individual granted a furlough shall remain in the legal custody of NDCS. Time spent on furlough in the community is credited toward service of the sentence. An incarcerated individual who absconds while on furlough, or who fails to return from furlough, shall be considered on escape status, with notification to law enforcement. An incarcerated individual who fails to follow the conditions of the furlough agreement shall be subject to appropriate disciplinary action.

All expenses incurred while on furlough, including transportation to and from the facility, shall be the responsibility of the incarcerated individual, his/her family, sponsor, or other appropriate sources as approved by the warden and the director/designee.

All furloughs are restricted to the state of Nebraska. All personal needs and programming furloughs are restricted to the city of Lincoln or the Omaha Metropolitan area depending on the location of the respective community center.

All furloughs shall require a signed furlough agreement, which includes a detailed itinerary, which must be approved by the warden/designee.

All incarcerated individuals must have a signed extradition waiver on file in order to be approved for a furlough.

Any change to the furlough itinerary after the incarcerated individual departs the facility will require the approval of the shift supervisor/leader. While on furlough, the incarcerated individual remains on the facility count.

Furlough requests for community custody incarcerated individuals deviating from the *Community Incentive Program* will be submitted to the director/designee for approval.

D. Furlough Eligibility

Incarcerated individuals assigned to community custody, at a community center, are eligible for personal needs or programming furloughs as approved by the warden. Only incarcerated individuals assigned to community B custody are eligible for job seeking furloughs. Those who are within 12 months of release will be considered for family furloughs. Each community center will develop procedures detailing the furlough process, which will be different only insofar as necessary based on geographic location and available resources. Consideration will be given to the *Community Incentive Program* and the score indicated on their monthly performance report.

Personal needs furloughs require a personal or at-large sponsor. Programming furloughs for programs other than clinical treatment or approved Vocational and Life Skills (VLS) programs, require a personal or at-large sponsor. Family furloughs require an immediate family member for a sponsor. No sponsor is required for a job seeking furlough.

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Sponsors are approved by the warden with review of the application and security background check. Sponsors must attend orientation prior to taking an incarcerated individual on a furlough. At the time of each furlough, the sponsor will be provided details on the conditions of the furlough and shall indicate his/her willingness to abide by those conditions prior to leaving the facility. At the discretion of the warden, sponsors may be required to attend additional training sessions, may receive sponsorship suspension or be terminated. Annual training and updated security check information is also required to maintain sponsorship.

1. Personal Needs Furloughs

A personal needs furlough requires an approved sponsor and must be approved by the warden/designee for activities such as, but not limited to, shopping (specific store locations may be restricted by the warden), haircuts or hairstyling, family fun centers, movies, restaurants, libraries, zoos, children's sporting events or school activities, court visits, funerals or hospital visits, apartment seeking (parole pending only) or other activities deemed appropriate by the warden. Personal needs furloughs may be up to four hours in length and will generally occur between the hours of 8:00 a.m. and 8:00 p.m. The warden may extend the time of a personal needs furlough to attend a significant event (funeral, graduation, etc.) of an immediate family member. Likewise, restrictions may be imposed at the discretion of the warden/designee.

2. Programming Furloughs

A programming furlough may be granted at the warden/designee's discretion for the purpose of participation in reentry activities. Incarcerated individuals on a programming furlough may attend approved NDCS or community programs, religious events and participation in reentry programs or authorized group activities including education or training programs, in line with his/her case plan. The duration of the programming furlough is at the discretion of the warden and is based on the schedule of the activity. Programming furloughs will generally occur between the hours of 8:00 a.m. and 8:00 p.m. Restrictions may be imposed at the discretion of the warden/designee.

3. Job Seeking Furloughs

A job seeking furlough may be granted at the warden/designee's discretion upon approval of the work/educational release application. Job seeking furloughs are granted to go into the community to search for work opportunities, apply for jobs and/or complete job interviews. Job seeking furlough may include time at an approved job assistance location, such as the American Job Center. Job seeking furloughs may be up to eight hours in length and will generally occur between the hours of 8:00 a.m. and 5:00 p.m. The warden may extend the time of a job seeking furlough with documented and verified information to support the request. Restrictions may be imposed at the discretion of the warden/designee.

4. Medical Furloughs

A medical furlough may be granted, with approval by the warden, when an incarcerated individual is admitted to a hospital for individuals who are within 12 months of release and qualify for a family furlough in accordance with the

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Community Incentive Program. All incarcerated individuals on medical furlough must be placed on electronic monitoring for the duration of the furlough. Medical furloughs may be granted by the warden for up to 48 hours. Medical furloughs lasting more than 48 hours, or for incarcerated individuals who do not meet the stated criteria, will require written request from the warden and approval by the director/designee and require face-to-face contact by NDCS team members at least once per shift.

5. Family Furloughs

A family furlough requires an approved immediate family sponsor. Consideration for family furlough approval must include a review of the individual's crime and any victims of such crime; special consideration should be made for individuals who have committed violent crimes and may include activities such as shopping (specific store locations may be restricted by the warden), haircuts or hairstyling, family fun centers, movies, restaurants, libraries, zoos, children's sporting events or school activities, court visits, funerals or hospital visits, home visits or other activities deemed appropriate by the warden. Family furloughs may be up to 48 hours in length, as determined by the *Community Incentive Program* and the score indicated on their monthly performance report. For overnight furloughs, incarcerated individuals will be required to be at their furlough address or the community center no later than 9:00 p.m.

III. ELECTRONIC MONITORING PROGRAM

The electronic monitoring program is a system used to enhance incarcerated individual accountability. Team members may verify attendance at activities, work movement and locations, ensure timelines are met, identify any program violations, and know the exact location of each person wearing an electronic monitor (EM). All violations, including an interruption in service, will be promptly reported to the shift supervisor/leader and appropriate action will be taken. If an incarcerated individual refuses to wear the monitor, the furlough will be cancelled. (ACRS-2A-13, ACRS-2A-15)

Criteria for placement and duration of electronic monitoring will be determined by the warden/designee of the respective facility and may include while at work, on educational detail and/or while on furlough. Incarcerated individuals may be required to submit to a urine analysis test, breathalyzer test and/or a safety search upon return to the facility.

Incarcerated individuals will receive instructions for the wearing of electronic monitoring during orientation. These instructions may also be provided when electronic monitoring devices are installed. The Electronic Monitoring Agreement which will be signed and dated by both the incarcerated individual and the NDCS team member. A copy of both documents will be provided to the incarcerated individual. (ACRS-2A-16)

Access to electronic monitoring computer equipment is limited to authorized personnel. Adequate power and communication backup systems provide continuous, uninterrupted operations. Anytime an incarcerated individual is placed on or taken off of electronic monitoring, NDCS team members will complete the Electronic Monitoring Log. (ACRS-2A-14, ACRS-2A-16)

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Electronic monitoring fees are paid by NDCS. Incarcerated individuals wearing electronic monitoring equipment may be held financially responsible for the intentional damaging of such equipment. (ACRS-2A-17)

Each facility will establish an Electronic Monitoring Review Committee, meeting at least monthly to review assignments and removals.

Placement criteria is divided into two separate categories, temporary and permanent. At a minimum, the following criteria should be considered.

A. Temporary

1. Job seek
2. Furloughs - first three (3) furloughs.
3. Behavior - serious misconduct/incident reports or pending investigation.
4. Parole revocation
5. High profile/previous removal from community/institutional history/sentence length

B. Permanent

1. Security Threat Group – Active affiliation to any Security Threat Group in a dedicated or member status.
2. Criminal history
 - a. Current or previous conviction for a sex offense.
 - b. Current or previous conviction for taking a life
 - c. Current or previous conviction (last 2 years) for escape.
3. Employment – certain work locations and hours
4. Victim request – must be on the victim notifier list.

C. Facility Verification

Each facility will establish procedures to ensure an individual's electronic monitor is verified at least twice in the last 7 days. These checks can include:

1. Connectivity
2. Compliance with itinerary
 - a. Furlough address
 - b. Employment address

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- c. Unauthorized stops
- d. Work schedule

IV. LAW ENFORCEMENT AND COMMUNITY NOTIFICATION

In accordance with Neb. Rev. Stat. §83-173.01, §81-1850(3), §81-1848.02, and §29-4004 (7) (8), notifications will be made, as outlined below, when incarcerated individuals are assigned to or returned from a community corrections center, granted a family furlough of 24 hours or more, and/or escapes from a community corrections center. (See Policy 220.01 *Victim/Witness Notification*)

In addition to statutory requirements, the NDCS intelligence administrator/designee may provide scheduled furlough information to law enforcement officials prior to incarcerated individuals leaving the facility on family furloughs, upon request and in compliance with any signed memorandums of understanding.

A. Assignment to Community Custody

Community center team members shall notify all of the following:

1. Local law enforcement
2. Law enforcement of the county in which the person was convicted
3. Known victims/witnesses within three days of when an incarcerated individual is received at a community corrections center, indicating that the incarcerated individual may be granted limited, unsupervised release into the community during assignment to the community corrections center.

Notification shall also be made within three days when an incarcerated individual is returned to a secure facility and no longer resides at a community corrections center.

B. Temporary Residence (family or medical furlough of 24 hours or longer)

Community center team members shall notify known victims/witnesses when a person is authorized to temporarily reside outside the community corrections center (i.e., family furlough) for 24 hours or more.

Notification shall be made to at least one law enforcement agency in which the temporary residence is located when individuals convicted of a class IA felony or first-degree sexual assault are authorized to temporarily reside outside the community corrections center (i.e., family furlough) for 24 hours or more.

For incarcerated individuals required to comply with sex offender registration, facility team members will make notification to the Nebraska State Patrol to update the sex offender registry with the temporary address.

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C. Escape

Community center team members shall notify all of the following:

1. The prosecuting attorney
2. Known victims/witnesses when an incarcerated individual does not return to a community center or escapes from custody.

Notification shall be made by any means reasonably calculated to give prompt actual notice to the victim and the prosecuting attorney. Other notifications for escape are made per facility emergency procedures.

REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY

- A. Neb. Rev. Stat. §83-173.01, §81-1850(3), §81-1848.02, §29-4004 (7) (8), §28-936

II. NDCS POLICIES

- A. Policy 201.01 *Incarcerated Individual Classification*
- B. Policy 220.01 *Victim/Witness Notification*

III. ATTACHMENTS

- A. Acknowledgement of Legal Liability

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

- A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-5B-01
- B. Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-2A-13, 4-ACRS-2A-14, 4-ACRS-2A-15, 4-ACRS-2A-16, 4-ACRS-2A-17, 4-ACRS-5A-14, 4-ACRS-5A-16