



Pete Ricketts, Governor

Policy Directive 021-004

DATE: March 10, 2021

TO: Executive Steering Council

FROM: Scott R. Frakes, Director

RE: Policy 201.04, *Community Reintegration Opportunities*

Policy 104.06, *Computer Usage, Telephone Usage, and Information Systems*

Policy 204.01, *Inmate Property Control*

Effective April 15, 2021 the following changes will be in effect concerning the above mentioned Policies. These revisions will be incorporated into the respective Policies during the next scheduled review. You may contact Warden James Jansen and Warden Ryan Mahr with questions regarding these changes.

Policy 201.04, *Community Reintegration Opportunities*

Page 3, II.B replace language as follows:

II. OPPORTUNITIES AVAILABLE AT COMMUNITY CUSTODY

B. Work Release

Inmates 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 inmates on work release to attend education or training programs if such does not conflict with the inmate'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 obtain and maintain a no-contract cell phone and establish an email address to further that connection. Facility procedures outline the eligibility requirements, request and approval process, as well as permitted and prohibited activities. Any inmate 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.

Scott R. Frakes, Director

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 NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY COMMUNITY REINTEGRATION OPPORTUNITIES		
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EFFECTIVE: March 1, 1980
 REVISED: August 18, 2010
 REVISED: August 24, 2011
 REVISED: August 27, 2012
 REVISED: September 3, 2013
 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

SUMMARY of REVISION/REVIEW

PROCEDURE – I. - Language updated. II.B. – Language updated. III. – Language updated.

APPROVED:



Scott R. Frakes, 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 inmates 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 inmates 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. (5B-01)

GENERAL

NDCS institutions housing individuals at minimum B and/or community A or B, consistent with its function and the nature of its inmate 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

PROCEDURE

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

Inmates 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 inmates shall not exceed eight inmates per supervisor and is limited to the state of Nebraska.

Inmates 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 and the Board of Parole. All work and program assignments are restricted to the state of Nebraska.

Female inmates 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 and the Board of Parole.

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II. OPPORTUNITIES AVAILABLE AT COMMUNITY CUSTODY

A. Work/Education Detail

Inmates 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 an institutional 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, *Inmate Classification* for additional details.

B. Work Release

Inmates 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 inmates on work release to attend education or training programs if such does not conflict with the inmate's work schedule. Such employment/education or training programs are restricted to the state of Nebraska.

C. General Rules for Furloughs

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

An inmate 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 inmate who absconds while on furlough, or who fails to return from furlough, shall be considered on escape status, with notification to law enforcement. An inmate 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 inmate, 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 inmates must have a signed extradition waiver on file in order to be approved for a furlough.

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

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Furlough requests for community custody inmates deviating from the Community Incentive Program will be submitted to the Director for approval.

Community corrections center staff will document participation in the furlough program in inmate contact notes, to include the type of furlough completed and compliance or violations with the furlough agreements.

D. Furlough Eligibility

Inmates assigned to community custody, at a community center, are eligible for personal needs or programming furloughs as approved by the warden. Only inmates 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 inasmuch 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.

Sponsors are approved by the warden with review of the application and security background check. Sponsors must attend orientation prior to taking an inmate 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 funeral 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. Inmates 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

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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 inmate is admitted to a hospital. The inmate must be within 12 months of release and qualify for a family furlough in accordance with the Community Incentive Program. All inmates 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 inmates who do not meet the stated criteria, will require written request from the warden and approval by the director and require face-to-face contact by staff members at least once per shift.

5. Family Furloughs

A family furlough requires an approved immediate family sponsor 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, inmates 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 inmate accountability. Staff may verify attendance at activities including reporting of tardiness/absence, ensure timelines are met, as well as identify any program violations. (ACRS-2A-13) All violations, including an interruption in service, will be promptly reported to the shift supervisor/leader and appropriate action will be taken. (ACRS-2A-15) If an inmate refuses to wear the monitor, the furlough will be cancelled.

Criteria for placement and duration of electronic monitoring will be determined by the warden or designee of the respective facility and may include while at work, on educational detail and/or while

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on furlough. Inmates may be required to submit to a urine analysis test, breathalyzer test and/or a strip search upon return to the facility.

Inmates 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 inmate and the staff member. (ACRS-2A-16) A copy of both documents will be provided to the inmate.

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

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

IV. LAW ENFORCEMENT AND COMMUNITY NOTIFICATION

In accordance with Nebraska Revised Statutes §83-173.01, §81-1850(3), §81-1848.02, and §29-4004 (7) (8), notifications will be made, as outlined below, when inmates 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 inmates leaving the facility on family furloughs, upon request and in compliance with any signed memorandums of understanding.

A. Assignment to Community Custody

Community center staff 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 inmate is received at a community corrections center, indicating that the inmate 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 inmate 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 staff 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

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assault are authorized to temporarily reside outside the community corrections center (i.e., family furlough) for 24 hours or more.

For inmates required to comply with sex offender registration, facility staff will make notification to the Nebraska State Patrol to update the sex offender registry with the temporary address.

C. Escape

Community center staff members shall notify all of the following:

1. The prosecuting attorney
2. Known victims/witnesses when an inmate 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

- A. Nebraska Revised Statute(s) §83-173.01, §81-1850(3), §81-1848.02, §29-4004 (7) (8)

II. NDCS POLICIES

- A. Policy 201.01, *Inmate Classification*
- B. Policy 220.01, *Victim/Witness Notification*

III. ATTACHMENTS – None noted

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