

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

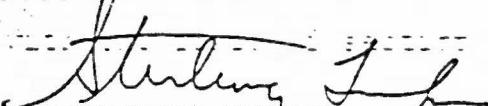
May 11, 1977

D.C. Law 1-130

"Resocialization Furlough Act of 1976".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, (PL 93-198) the Act, the Council of the District of Columbia adopted Bill No. 1-223 on first and second readings July 20, 1976 and November 23, 1976, respectively. Following expiration of the ten-day period provided the Mayor, in which no action was taken, pursuant to Section 404(e) of the Act, this legislation was assigned Act No. 1-224, published in the February 11, 1977, edition of the D.C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c)(1) of the Act. [Redacted] made the Committee of the

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired and, therefore cites the following legislation as D.C. Law 1-130, effective April 23, 1977.


STERLING TUCKER
Chairman of the Council

(Vol. 23, D.C. Register, 5955, February 11, 1977)

D.C. LAW

1-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 23, 1977

To authorize the Mayor of the District of Columbia to operate a program of resocialization furloughs for the residents of the institutions and facilities of the District of Columbia government operated by the District of Columbia Department of Corrections, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Resocialization Furlough Act of 1976".

Definitions

Sec. 2. For the purposes of this act-

(a) The term "Department" means the District of Columbia Department of Corrections.

(b) The term "Director" means the Director of the Department of Corrections, or his designated agent.

(c) the term "furlough" means any extension of the limits of the place of confinement of a sentenced prisoner for the purposes outlined in section 4 of this act, and when said purposes are in agreement with the goals of section 442

of Title 24, D.C. Code (1976 Supp.) when the person sentenced is not escorted by a United States Marshall or an officer or employee of the District of Columbia.

(d) The term "minimum custody status" means that status of an individual who-

(1) in the case of an individual who has been sentenced to serve for a definite number of years, is within twelve (12) months of his earliest possible date of parole;

(2) in the case of an individual who has been sentenced to serve for a sentence of not less than a minimum period, has served for at least one-half of that minimum period;

(3) in the case of an individual who has been sentenced to serve for an indefinite period, has served for twelve (12) months;

(4) in the case of an individual who has been sentenced to serve for a definite period of less than eighteen months has served for at least one-half of that period.

(e) The term "resident" means an individual confined, after conviction and sentencing, in an institution or facility of the District of Columbia operated by the Department of Corrections.

(f) The term "committee" means an Institutional Review Committee established pursuant to section 8 of this act.

Authority to Grant Furloughs

Sec. 3. (a) The Mayor of the District of Columbia, or his designated agent, may grant a resocialization furlough to any eligible resident for the purposes specified in this act and according to the procedures provided for in this act. The decision to grant or deny a furlough shall not be made on the basis of rewarding a resident for good behavior nor for punishing misbehavior. Furloughs shall not be used to shorten sentences; any resident furloughed shall be considered, while on furlough, to still be in custody, and time spent on furlough shall be credited toward the remainder of his sentence.

(b) For the purposes of this act, an eligible resident shall be any resident who-

(1) has attained minimum custody status;
 (2) has demonstrated responsible attitudes and behavior in the institution or facility so that there is reasonable assurance that he will comply fully with the conditions of the furlough;

(3) has received, where applicable, a favorable recommendation by the appropriate committee; and

(4) is mentally, physically, and financially capable of completing the furlough without escort or assistance from any officer or employee of the Department after his release from the institution or facility.

(c) Any individual who is incarcerated in any institution or facility operated by the Department after being convicted of having violated either section 798 (relating to first degree murder), section 799 (relating to first degree murder), or section 800 (relating to second degree murder) of the Act of March 3, 1901 (D.C. Code, sec. 22-2801) (relating to rape), or section 103 of the Act of June 9, 1948 (D.C. Code, sec. 22-3501) (relating to indecent acts with a minor) shall not be eligible for any furlough under the provisions of this act, except where such individual is within twelve months of a firm release date.

(d) Any eligible resident who is within 12 months of a firm release date or who is participating in an approved work training or higher education program may be considered for one furlough per month. All other eligible residents may be considered for one furlough every three months.

Purposes of Furloughs

Sec. 4. (a) The Mayor, or his designated agent, may grant a furlough, except as provided in subsection (b), to any eligible resident.

(1) in crder to visit the bedside of a dying relative, or to attend the funeral of a relative, in the Washington Metropolitan Area;

(2) upon the recommendation of the Institutional Review Committee, in order to call upon prospective employers in the Washington Metropolitan Area, enroll in an educational institution or program, obtain suitable housing prior to release, or to finalize parole supervision plans with an officer or employee of the Department; or

(3) upon the recommendation of the Institutional Review Committee, to participate in family and approved community, religious, or educational, social, civic, and recreational activities, when it is determined that such participation will directly facilitate the transition from life in the facility or institution to life in the community.

(4) The Mayor, or his designated agent, may grant a furlough for the purposes specified in paragraph (1) outside of the Washington Metropolitan Area, so long as such furlough does not exceed 72 hours.

(b) The Mayor, or his designated agent, may grant a furlough to an eligible resident for longer than 12 hours, but for no longer than 72 hours, where he finds that, based

on a report from the Institutional Review Committee, such eligible resident-

(1) has demonstrated complete institutional adjustment;

(2) is strongly motivated to benefit from the program;

(3) is considered to have exceptional potential for rehabilitation; and

(4) will not, while on furlough, constitute a threat or danger to the community.

(c) For the purposes of this section, the term "relative" means a spouse, child (including a stepchild, adopted child, or child to whom the resident, though not a natural parent, has acted in the place of a parent), parent (including a person who, though not a natural parent, has acted in the place of a parent), brother, or sister.

(d) In the event any eligible resident applies for a furlough for one of the reasons specified in paragraph (1) of subsection (a), verification of the death or seriousness of the illness, as the case may be, of the relative must be obtained from the attending physician, hospital physician, or funeral home director (as applicable), before such furlough may be granted.

Procedures

Sec.5.(a) Each caseworker or counselor on the staff of the Department who is assigned to investigate an application for a furlough shall (1) verify the reasons given by the applicant for the furlough, (2) determine whether the furlough requested and the applicant meet the requirements of this act, and (3), ascertain whether the furlough will contribute to the attainment of the correctional goals of the applicant. If the caseworker or counselor finds that the request meets these criteria, and the provisions of this act, then he shall prepare a memorandum recommending the granting of the furlough. Such memorandum shall be reviewed by the appropriate supervisory personnel and finally by the Mayor, or his designated agent. Each such memorandum shall contain the name of the resident concerned, his Department number, the crime for which he was sentenced, the reason for the requested furlough, all factual information (including its verification data), and a statement by the caseworker or counselor on how the furlough is expected to contribute to the attainment of the resident concerned correctional goals and the date of the last furlough granted to such resident.

(b) Each resident being released on furlough will be advised in writing of the conditions of his furlough and will be given a thorough explanation of such conditions. In

addition, each resident will be advised that the willful failure to remain within the extended limits of his confinement, or his failure to return to a designated place within the time prescribed may be deemed an escape, punishable by a fine of not more than \$5,000 or imprisonment for not longer than five years, or both. This furlough release authorization form shall be signed by the resident concerned, indicating his understanding of the conditions of the furlough and his willingness to comply with such conditions. Such form will also be signed by the person authorizing such furlough. The resident concerned will be given a copy of such form and instructed to keep it on his person at all times while on furlough.

(c) If a resident on furlough fails to return to a designated place within the time specified in the furlough authorization form signed by him, or if there is reason to believe that he has violated the conditions of his furlough after release, the Administrator shall immediately attempt to contact the resident in order to have him returned to the institution or facility from which he was released. If a furloughed resident cannot be located within 2 hours after the scheduled time for his return, he shall be deemed to be an escapee, subject to the appropriate actions taken under Departmental Order 5120.1A.

Records and Reports

Sec. 6. (a) Residents being released on furlough shall be reported as "furloughed" on appropriate Departmental records and statistical forms, identifying such movement as a furlough. Because time spent on furlough is creditable toward the service of a sentence, such status will not preclude the earning of good time or pay.

(b) Each caseworker or counselor assigned to handle a furloughed resident will, upon the completion of each such furlough, prepare a brief report to include-

(1) the name and Department number of the furloughed resident to whom the report relates;

(2) the purpose of the furlough being completed;

(3) a statement of the results of the furlough, including an explanation of any unusual circumstances or events;

(4) the reporter's assessment of the circumstances or events in relation to the resident's correctional goals; and

(5) the dates of any previous furloughs granted, including the one to which the report relates.

(c) Copies of all executed furlough release authorization forms shall be kept in the office of the Administrator. Within 5 calendar days before the beginning

of each month, the information on these forms (in digested form) will be reported to the designee of the Director. These reports will include-

- (1) the name and Department number of each resident who has been granted a furlough during the reporting period;
- (2) sentence data relating to such resident, including his earliest release date;
- (3) the purpose of the furlough;
- (4) the beginning and ending dates of the furlough;
- (5) the name of the officer authorizing the furlough;
- (6) the number of furloughs previously granted to such resident; and
- (7) the total number of furloughs granted to all residents during the reporting period.

Institutional Review Committees

Sec. 7. There shall be established, within each facility and institution of the Department, an institutional review committee composed of a psychologist, a senior correctional officer, and an academician. Each committee shall be appointed by the Director, or his designee. It shall be the function of each committee to examine the progress and adjustments of the residents of the facility or institution in which the committee was established, and to make recommendations to the appropriate person with respect to the applications for furloughs of such residents. In making such recommendations, each committee shall rely generally upon consideration of the applicant's disciplinary record, psychological evaluation, work and training participation, and attitudinal and behavior adjustment.

Report to Council

Sec. 9. The Director shall submit to the Council's Committee on Public Safety, semiannually (on January 31 and July 31 of each year) a report on the furlough program conducted during the immediately preceding period. The report shall include the number of furloughs granted during such reporting period, the types of furloughs so granted, a listing of all instances where a furloughed resident failed to abide by the conditions of his furlough, an analysis of each of the resident's furloughed, giving the sex, sentence data, and other relevant information relating to each such resident, and such other information as the Director may deem necessary and relevant. The Director shall formulate an overall evaluation and submit same as a part of the report required by this section.

Severability

Sec. 9. If any section or provision of this act is held to be unconstitutional or otherwise invalid in its application to any person or circumstance, such unconstitutionality or invalidity shall not affect the applicability of that section or provision, or the applicability of the remaining sections or provisions of this act, to other persons or circumstances.

Effective Date

Sec. 10. This act shall become effective in accordance with the provisions of Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Considered in Council July 20, 1976First Vote July 20, 1976**RECORD OF COUNCIL VOTE**

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X		-		DIXON	X				SPAULDING	X			
MOORE, D.			X		HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X		-		MOORE, J.				X					
COATES	X				SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

John K. Schaller

(Secretary of the Council)

~~NOV~~ Vote in Council November 23, 1976

Amended First Reading

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING				X
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON				X	WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES			X		SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

John K. Schaller

(Secretary of the Council)

Presented to the Mayor JAN 5 1977*John K. Schaller*

(Secretary of the Council)

I hereby certify that Council Bill 1-223 was presented to the Mayor of the District of Columbia on January 5, 1977 and that the Mayor neither approved nor disapproved the bill within the ten day period specified in Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 of December 24, 1973.

John K. Schaller

Martin K. Schaller, Executive Secretary, D.C.

January 19, 1977