

lasts 16 hours or less and ends before midnight.

(2) *Overnight furlough*— A furlough which falls outside or beyond the criteria of a day furlough.

(b) An *anticipated release date*, for purposes of this rule, refers to the first of the following dates which applies to an inmate requesting a furlough:

- (1) The inmate's mandatory (statutory) release date;
- (2) The inmate's minimum expiration date;
- (3) The inmate's presumptive parole date; or
- (4) The inmate's effective parole date.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45051, Sept. 30, 1983; 59 FR 3510, Jan. 21, 1994]

§ 570.32 Justification for furlough.

(a) The authority to approve furloughs in Bureau of Prisons institutions is delegated to the Warden or Acting Warden. This authority may not be further delegated. An inmate may be authorized a furlough:

- (1) To be present during a crisis in the immediate family, or in other urgent situations;
- (2) To participate in the development of release plans;
- (3) To reestablish family and community ties;
- (4) To participate in selected educational, social, civic, religious, and recreational activities which will facilitate release transition;
- (5) To transfer directly to another institution or to a non-federal facility;
- (6) To appear in court in connection with a civil action;
- (7) To comply with an official request to appear before a grand jury, or to comply with a request from a legislative body or regulatory or licensing agency;
- (8) To appear in a criminal court proceeding, but only when the use of a furlough is requested or recommended by the applicable court or prosecuting attorney; or
- (9) To participate in special training courses or in institution work assignments, including Federal Prison Industries (FPI) work assignments, of 30 calendar days or less, when daily com-

muting from the institution is not feasible.

(b) The Warden may recommend a furlough for an inmate to obtain necessary medical, surgical, psychiatric, or dental treatment not otherwise available. In addition to the recommendation of the Warden, a furlough of this nature requires the recommendation of the Chief Medical Officer (Chief of Health Programs). Approval for a furlough of this type occurs in one of the following ways:

(1) Staff shall contact the Regional Health Services Administrator for approval when the cost of medical care is at the expense of the government. In case of medical emergency, staff may authorize a furlough for hospitalization and shall notify the Regional Health Services Administrator as soon after the emergency admission as possible.

(2) When medical care expenditures are borne by the inmate, or other non-governmental source, the furlough request requires the approval of the Medical Director and the Assistant Director, Correctional Programs Division.

(c) The Warden may refer a request for a furlough in other situations through the Regional Director to the Assistant Director, Correctional Programs Division for approval.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45051, Sept. 30, 1983; 59 FR 3510, Jan. 21, 1994]

§ 570.33 Expenses of furlough.

(a) Except as provided in paragraphs (b) and (c) of this section, the inmate or the inmate's family or other appropriate source approved by the Warden shall bear all expenses of a furlough, including transportation, food, lodging, and incidentals.

(b) The government may bear the expense of a furlough only when the purpose of the furlough is to obtain necessary medical, surgical, psychiatric, or dental treatment not otherwise available, or to transfer an inmate to another correctional institution (includes community corrections centers), or, if it is for the primary benefit of the government, to participate in special training courses or institutional work assignments (including FPI work assignments) as outlined in § 570.32(a)(9).

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(c) The Warden may allow an inmate scheduled for transfer to a community corrections center (CCC) to choose the means of transportation to the CCC if all transportation costs are borne by the inmate. An inmate traveling under these provisions is expected to go directly as scheduled from the institution to the CCC.

[48 FR 45052, Sept. 30, 1983, as amended at 59 FR 3510, Jan. 21, 1994; 59 FR 53937, Oct. 27, 1994]

§ 570.34 Eligibility requirements.

(a) Except as provided in paragraph (b) of this section, the Warden may grant a furlough only to an inmate with community custody.

(b) The Warden may grant a furlough to an inmate with "out" custody only when the furlough is for the purpose of transferring directly to another institution (except community corrections centers) or for obtaining local medical treatment not otherwise available at the institution.

(c) The Warden may grant a furlough only to an inmate the Warden determines to be physically and mentally capable of completing the furlough.

(d) The Warden may grant a furlough only to an inmate who has demonstrated sufficient responsibility to provide reasonable assurance that furlough requirements will be met.

(e) The Warden shall determine the eligibility of an inmate for furlough in accord with the inmate's anticipated release date and the basis for the furlough request.

(1) The Warden may approve only an emergency furlough (family crisis or other urgent situation) for an inmate who has been confined at the initially designated institution for less than 90 days.

(2) The Warden may approve only an emergency furlough for an inmate with more than two years remaining until the inmate's anticipated release date.

(3) The Warden may approve a day furlough for an inmate with two years or less remaining until the inmate's anticipated release date.

(4) The Warden may approve an overnight furlough within the institution's commuting area for an inmate with 18 months or less remaining until the inmate's anticipated release date.

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(5) The Warden may approve an overnight furlough outside the institution's commuting area for an inmate with one year or less remaining until the inmate's anticipated release date. The Warden may ordinarily approve an overnight furlough not to exceed once each 90 days.

(6) If the Warden approves a furlough outside the above guidelines, the Warden shall document the reasons in the inmates's central file.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45052, Sept. 30, 1983; 49 FR 8566, Mar. 7, 1984; 59 FR 3511, Jan. 21, 1994]

§ 570.35 Limitations on eligibility.

(a) The Warden ordinarily may not grant a furlough to an inmate convicted of a serious crime against the person and/or whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense. If the Warden approves a furlough for such an inmate, the Warden must place a statement of the reasons for this action in the inmate's central file.

(b) The Warden may approve a furlough for an inmate classified a central monitoring case upon compliance with the requirements of this rule and the requirements of part 524, subpart F.

(c) Staff at a contract facility may approve a furlough for a sentenced inmate housed in the contract facility as specified in that facility's written agreement with the Bureau of Prisons.

(d) The Bureau of Prisons does not have the authority to furlough U.S. Marshals prisoners in contract jails. Staff are to refer requests for such furloughs to the U.S. Marshals.

(e) Furlough for pretrial inmates will be arranged in accordance with the rule on pretrial inmates (see part 551, subpart J).

[46 FR 34552, July 1, 1981, as amended at 48 FR 45052, Sept. 30, 1983]

§ 570.36 Procedures.

(a) An inmate who meets the eligibility requirements of this rule may submit to staff an application for furlough.