

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

PART 570—COMMUNITY PROGRAMS

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AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 751, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166, 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

Subpart A [Reserved]

Subpart B—Community Confinement

SOURCE: 70 FR 1663, Jan. 10, 2005, unless otherwise noted.

§ 570.20 What is the purpose of this subpart?

(a) This subpart provides the Bureau of Prisons' (Bureau) categorical exercise of discretion for designating inmates to community confinement. The Bureau designates inmates to community confinement only as part of pre-release custody and programming which will afford the prisoner a reason-

able opportunity to adjust to and prepare for re-entry into the community.

(b) As discussed in this subpart, the term "community confinement" includes Community Corrections Centers (CCC) (also known as "halfway houses") and home confinement.

§ 570.21 When will the Bureau designate inmates to community confinement?

(a) The Bureau will designate inmates to community confinement only as part of pre-release custody and programming, during the last ten percent of the prison sentence being served, not to exceed six months.

(b) We may exceed these time-frames only when specific Bureau programs allow greater periods of community confinement, as provided by separate statutory authority (for example, residential substance abuse treatment program (18 U.S.C. 3621(e)(2)(A)), or shock incarceration program (18 U.S.C. 4046(c)).

Subpart C—Furloughs

SOURCE: 46 FR 34552, July 1, 1981, unless otherwise noted.

§ 570.30 Purpose and scope.

The furlough program of the Bureau of Prisons is intended to help the inmate to attain correctional goals. A furlough is not a right, but a privilege granted an inmate under prescribed conditions. It is not a reward for good behavior, nor a means to shorten a criminal sentence.

[46 FR 34552, July 1, 1981, as amended at 59 FR 3510, Jan. 21, 1994]

§ 570.31 Definitions.

(a) A *furlough* is an authorized absence from an institution by an inmate who is not under escort of a staff member, U.S. Marshal, or state or federal agents. The two types of furlough are:

(1) *Day furlough*—A furlough within the geographic limits of the commuting area of the institution (approximately a 100-mile radius), which

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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).