

State of Vermont Agency of Human Services Department of Corrections	Title: FURLOUGHEE DRIVING PRIVILEGES		Page 1 of 1
	REVISED		
Chapter Correctional Services	#307.01	Supersedes: #307 dated 4/10/85 & 307.01 dated 3/9/1998	
Revision History: Supersedes the following documents: Directive 307.01 dated March 9, 1998 and #307 dated 4/10/85.			
Attachments, Forms & Companion Documents: 1. Request for Offender Driving Privileges			
Local Procedure(s) Required? No Applicability: All staff (including contractors and volunteers) Security Level: "B"- Anyone may have access to this document.			
Approved: _____ October 31, 2011 December 21, 2011 Andrew A. Pallito, Commissioner Date Signed Date Effective			

PURPOSE

The purpose of this administrative directive is to describe the process necessary for a furlougee under the supervision of the Department of Corrections to obtain motor vehicle driving privileges.

POLICY

The Vermont Department of Corrections recognizes that operating a motor vehicle is a privilege extended by the State of Vermont to qualified citizens. A furlougee with a valid Vermont driver's license will be allowed to operate a properly insured and legally registered motor vehicle as long as so doing has a positive impact on the furlougee's reintegration into the community and does not present a foreseeable risk of harm to the general public. The Commissioner of Corrections can prohibit or limit in any manner a furlougee's privilege to drive if it is determined that driving is a risk factor for that furlougee, or if driving by that furlougee presents a foreseeable risk of harm to the general public.

AUTHORITY

28 V.S.A. § 102 (c) (1).

REFERENCE

Department Administrative Directives #371.13 *Pre-approved Furlough*, #371.15 *Conditional Re-entry*, #371.26 *Reintegration Furlough*, and #430.11 *Risk Management Supervision*.

DEFINITIONS

Foreseeable Risk of Harm: A case-by-case determination by Department employees in consultation with treatment providers and others involved in the offender's case planning that is based upon: 1) an offender's prior criminal background, personal history, and current conduct; 2) the type of crime for which the offender was most recently convicted; and 3) the surrounding circumstances in which the offender is being supervised, including the relationship of the offender to a third party (ies).

Furlougee: A legal status for an offender under the custody of the Commissioner serving all or part of their incarcerative sentence in the community outside a correctional facility. This includes offenders on pre-approved furlough (PAF), conditional re-entry (CR), reintegration furlough (RF), treatment furlough (TF), and medical furlough.

Furlough: (1) A period of reintegration into the community following incarceration during which the offender is participating in restorative and/or risk management programs; (2) An approved absence from a correctional facility under precise conditions.

PROCEDURAL GUIDELINES

1. Conditional Re-Entry and Reintegration Furlough Status

- a. The furlougee must request permission to drive from their supervising Probation Officer (PO) or Caseworker and fill out a *Request for Offender Driving Privileges* form. See *Attachment 1*.
- b. The Probation Officer will evaluate whether granting driving privileges would be a foreseeable risk of harm to the community, and if it would have a positive effect on the offender's success in the community.
- c. If the PO determines that there would be a foreseeable risk of harm to the public from allowing the furlougee to drive, they must document their reason(s) in electronic case notes. The PO should also lay out steps that would be necessary in order to allow the furlougee to drive.
- d. If the PO does not think that the offender driving would be a foreseeable risk of harm to the community, they will move forward with the following steps:
 - i. They must verify that the furlougee holds a valid Vermont driver's license.
 - ii. They must also ensure that the vehicle being driven by the offender is insured with at least the minimum mandatory coverages required pursuant to 23 V.S.A. § 800 and the offender has proof of such insurance coverage, as well as proof of vehicle registration. They must decide whether the offender should have full or limited (work/P&P office/treatment, etc.) driving privileges.
 - iii. They must sign the offender-completed *Request for Offender Driving Privileges* form (*Attachment 1*) and submit it to the District Manager.
 - iv. They must include a written narrative with the offender request form that has the following in it:
 - The reasons why permission to drive is being sought and its positive effect on the furlougee's reintegration into the community;

- A sufficient supervision plan; (*Note:* This may include the use of an ignition interlock system at the offender's expense.)
 - If the furlougee has DUI or motor vehicle convictions, why the PO thinks these convictions would not pose a risk if the furlougee is granted driving privileges.
- e. The District Manager will approve/disapprove (*Attachment 1*) and inform the supervising PO and/or Caseworker of the decision.
 - f. The District Manager will forward one (1) copy of all approved forms to the Director of Community Corrections, Re-entry & Classification.
 - g. The PO will document in electronic case notes why the decision and rationale for driving privileges were approved or denied, and give a copy of the completed form to the offender.
 - h. The PO will inform the offender that it is the offender's responsibility to notify the PO of any lapse in insurance coverage at any time (e.g., due to non-payment of premium, etc.)
 - i. Annually from the date at which the offender was granted driving privileges, the PO will maintain an up-to-date copy of the license, proof of insurance, and registration in the offender's file.
 - j. The PO will add to the offender's furlough conditions that the offender must have permission from the owner to drive any car that they do not own.

2. Pre-approved Furlough (PAF) Status

- a. An offender on PAF status must request permission to drive from their supervising Probation Officer and fill out a *Request for Offender Driving Privileges* form. See *Attachment 1*.
- b. An offender who has a valid Vermont operator's license, and proof of insurance and vehicle registration may operate a motor vehicle while on pre-approved furlough **unless the following pertains:**

If, after completing an Intermediate Sanction Referral Report (ISR) or during the PAF sentence, the supervising PO determines that allowing the offender who has a valid operator's license to operate a motor vehicle poses a risk to public safety or a specific victim, they may prohibit or restrict the offender's right to operate a motor vehicle. This restriction requires the approval of the PO's supervisor.
- c. The PO will document the offender's proof of a valid VT operator's license, insurance and vehicle registration as for furlougees in Section 1.
- d. The PO will add to the offender's furlough conditions that the offender must have permission from the owner to drive any car that they do not own.

TRAINING

1. The Director of Community Corrections, Re-entry and Classification shall ensure that all District Managers are trained in this administrative directive.
2. District Managers shall ensure that all appropriate staff are trained in this administrative directive.

QUALITY ASSURANCE

1. All District Managers are responsible for compliance with policy, directive and procedures regarding the supervision of offenders in the community.
2. All relevant staff will use practices in compliance with policy, directive and procedures regarding the supervision of offenders in the community.
3. During the Risk Management Supervision Audit, the Program Supervisor will review all furlougee driving documentation and determine if Approval or Denial is appropriate. The District Manager will ensure that all appropriate furlougees are allowed to drive.

ATTACHMENT 1 – SAMPLE

REQUEST FOR OFFENDER DRIVING PRIVILEGES

STATUS: CR ____ RF ____ PAF ____

OFFENDER FILLS OUT BELOW:

(Print Offender Name)

(Date of Birth)

(Place of Birth)

I, _____, supervised out of the _____ Probation and Parole Office, request that I be allowed to drive a motor vehicle while on furlough status to assist me in meeting the requirements of my case plan, for the following purposes (Check all that apply):

Work Treatment/Programs Education Household Obligations (Explain – use back or separate page if necessary.)

Leisure

I currently have a valid VT motor vehicle license and proof of insurance and registration that meets the State’s minimum liability standards on the motor vehicle that I will be driving.

(Signature of Offender)

(Date) _____

STAFF FILLS OUT BELOW:

I have verified that the offender has a valid VT driver’s license and proof of vehicle insurance and registration of _____, and they are allowed to drive in the State of Vermont.

(Offender)

I am in support of the above offender to have LIMITED DRIVING PRIVILEGES.

I am in support of the above offender to have FULL DRIVING PRIVILEGES.

I am NOT in support of the above offender to have DRIVING PRIVILEGES. The reasons for the denial are as follows:

(Signature of Probation & Parole Officer/Caseworker)

(Date)

APPROVED/DISAPPROVED: (Circle one)

(Signature of District Manager or Designee)

(Date)

cc: Offender, Offender’s file, Director of Community Corrections, Re-entry & Classification