



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-108000 Inmate Furloughs	Issued: 03/11/22 Effective: 03/11/22	Reviewed: 03/11/22 Revised: 03/11/22
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- a. NMSA 1978, Section 33-2-12.1, as amended
- b. Policy *CD-010100*
- c. Policy *CD-130200*

## REFERENCE:

- A. ACA Expected Practices **5-ACI-5F-04**, **5-ACI-7D-18**, and **5-ACI-7D-20**. *Performance Based Standards and Expected Practices for Adult Correctional Institutions*, 5<sup>th</sup> Edition.

## PURPOSE:

To provide the procedures governing the furlough program of the New Mexico Corrections Department. Under the furlough program, NMCD allows inmates who meet certain requirements to be temporarily released under carefully prescribed conditions. The Warden may authorize a furlough for an inmate to be present during a crisis in the immediate family. The Corrections Department will grant inmates escorted leave from correctional facilities when circumstances indicate that an escorted leave would be in accordance with good correctional practices.

## APPLICABILITY:

All Corrections Department employees and inmates of the New Mexico Correctional facilities.

## FORMS:

Furlough Application (*CD-108000.1*)

## DEFINITIONS:

Escorted Emergency Leave: Authorized (by corrections staff) escorted leave or furlough from a Corrections Department facility for emergency purposes, i.e., bedside visits at a hospital or funeral. This type of leave may be available to inmates at all custody levels, except for those inmates under sentence of life imprisonment without possibility of release or parole.

Hospice Visits: A visit to a residence where an inmate's immediate relative resides that has been diagnosed as terminally ill and is unable to leave the residence.

Relative: An inmate's legal spouse; natural parents; adoptive parents; stepparents or foster parents; grandparents; brothers and sisters; and children, natural or adopted, stepchildren or grandchildren.

The term does not include an inmate's aunts, uncles, or cousins unless a bona fide foster relationship exists, nor does it include persons with a common-law relationship to an inmate.

**POLICY:**

- A. All expenses of a furlough, including transportation, food, lodging, and incidentals, are the responsibility of the inmate, the inmate's family, or other appropriate source approved by the Warden.
- B. An inmate is informed in a timely manner of the verifiable death or critical illness of an immediate family member. In case of the critical illness of an immediate family member, the inmate is allowed, whenever statutes and circumstances allow, going to the bedside under escort or alone. **[5-ACI-7D-18]**
- C. Inmates with appropriate security classifications are allowed furloughs to the community to maintain community and family ties, seek employment opportunities, and for other purposes consistent with the public interest.**[5-ACI-7D-20]**
- D. Written policy, procedure, and practice provide for escorted leaves into the community. **[5-ACI-5F-04]**
- E. Local law enforcement and probation/parole staff will be notified of any escorted furloughs/hospice visits within the community.
- F. Probation and parole field staff shall cooperate in providing information on the legitimacy of furlough and hospice visit requests and shall provide assistance in supervising the inmate while on an escorted furlough.
- G. Layovers, if necessary, shall be planned so that approved detention facilities are available for the safekeeping of the prisoner (no dusk/nighttime transports permitted for hospice visits).
- H. Any deviations or violations of the escorted furlough contract will be cause for immediate termination of the escorted furlough.
- I. The return of the inmate to the facility following termination of the bedside visit, hospice visit, or funeral will be immediate, via the most expeditious route.
- J. A hospice visit may be terminated, at the escorting officer's discretion, if at any time the officer feels the situation is not safe.
- K. The Corrections Department shall not approve any out-of-state leave; and no person under a sentence of death, or inmates on Pre-Hearing Detention (PHD), Disciplinary Segregation, Predatory Behavior Management Program (PBMP), or Interstate Compact Agreements shall be allowed any form of leave except as directed by the courts and otherwise approved by the Department.



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## PROCEDURES:

### A. General Guidelines:

1. Furlough requests will be initiated by the inmate or by the inmate's legal counsel by utilizing the Furlough Application Form (*CD-108000.1*).
2. The Inmate's assigned Classification Officer once in receipt of the application will verify either the funeral or hospice visit legitimacy.
3. The Classification Officer will consider the inmate's disciplinary record, charges, and any previous instance of attempted escape.
4. The Warden or designee must be the final authorization having full knowledge of the inmate's history, escape attempts, and charges.
5. Hospice visits must be approved by the Deputy Director of Adult Prisons and particular attention shall be directed on the following:
  - a. Verification of terminal illness or death.
  - b. Location/remoteness of the residence.
  - c. Safety issues.
  - d. High profile offense.
  - e. Inmate's gang affiliation.
  - f. Travel time and distance (No dusk/nighttime transports permitted); and
  - g. Adverse public reaction.
6. In the case the facility is a privately-owned facility the Contract Monitor will approve of the furlough in accordance with the facility Warden or designee.
7. The facility Business Office will work with the appropriate security staff in a confidential manner in order to properly access the costs and will communicate to the Classification Officer the total expense.
8. The Classification Officer will communicate to the immediate family or inmate counsel the cost for the furlough.
9. The immediate family or legal counsel will deliver to the facility a cashier's check or money order for the full amount before the furlough request can be fully processed.

10. The inmate may also pay for the furlough out of their trust account with a debit memo to the business office.
11. All costs must be paid up-front before the Furlough will be granted by the Warden.



### FURLOUGH APPLICATION

Funeral

Bedside

This application is submitted on \_\_\_\_\_ by \_\_\_\_\_ on behalf of \_\_\_\_\_  
*Staff/Name and Title*

To attend a bedside or funeral visit with

*Inmate Name* \_\_\_\_\_ *NMCD #* \_\_\_\_\_

*Relative First and Last Name* \_\_\_\_\_ *Relation to Inmate* \_\_\_\_\_

Location and Address or funeral or bedside visit

*Name of Funeral Home/Cemetery/Hospital/Nursing Home* \_\_\_\_\_ *Date of Funeral or Bedside* \_\_\_\_\_

*Street Address* \_\_\_\_\_ *City/Town* \_\_\_\_\_ *Zip Code* \_\_\_\_\_

**Attach documentation used to verify the following:**

- Travel Time and Distance
- Verification of Illness/Death
- Custody Level
- Enemies
- Gang Affiliation
- Misconduct Reports
- Escape History
- Safety Issues

**Warden or Designee/or Contract Monitor**

APPROVED

DISAPPROVED

*Name*

*Signature*

*Date*