

§ 570.33

28 CFR Ch. V (7–1–10 Edition)

§ 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).

(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.

(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