

COVID-19: Temporary Release & Furlough from Jails

Justice & Accountability Center of Louisiana



ABOUT JAC

The Justice and Accountability Center of Louisiana tackles deficiencies in the post-conviction phase of the criminal justice system while creating a supportive collaborative space for attorneys and advocates.

We help people recover from the criminal justice system.

www.jaclouisiana.org

504.322.4050



Goals for Tonight

- Explain the law (Louisiana Revised Statutes) that applies to local sheriffs and jails for possibly releasing your loved one to your care
- Provide outline of email/letter/fax you can send to the local sheriff
- Describe our unanswered questions about how the law works



La. Rev. Stat. 15:811

Title: *“Inmate contact with persons outside of parish or multiparish prison; temporary release or furlough”*

Purpose: TEMPORARY release from local jails

Disclaimer: JAC has never tried this before!



La. Rev. Stat. 15:811(A)

Section A: temporary release for those under court judgment (NOT pre-trial) when serious illness/death of a family member or job interview (MAY be conflict with DOC in section C – PJI will discuss)

“Notwithstanding any provision of law to the contrary, the sheriff or administrator may authorize the temporary release of an inmate only for serious illness or death of a member of the inmate’s family or for an interview of the inmate by a prospective employer. For purposes of this Section an inmate is a person serving a sentence pursuant to a court judgment.”



La. Rev. Stat. 15:811(B)

Section B: furlough as a rehabilitative tool, maintain family relationships – for EVERYONE, both pre-trial and serving a sentence (we will discuss exceptions in parts C and D next)

“The sheriff or administrator may authorize a furlough to an inmate of a parish or multiparish prison. Such a furlough is intended as a rehabilitative tool to assist an inmate in maintaining family relationships during his incarceration.”



La. Rev. Stat. 15:811(C)

Section C: if your loved one is serving DOC time in a local jail the standards are under different law, and possibly new medical furlough standards (PJI will address this, also on later slide)

“An inmate sentenced to the Department of Public Safety and Corrections who is in the custody of the sheriff shall not be eligible for a furlough unless that inmate is in compliance with the Department of Public Safety and Corrections standards for such a furlough.”



La. Rev. Stat. 15:811(D)

Section D: consequences for reporting – this could potentially apply to supervision/monitoring as well

“Failure to promptly report to destination or return from temporary release or furlough shall be considered an escape under the provisions of R.S. 14:110.”



La. Rev. Stat. 15:811(E)

Section E: if you are requesting temporary release for convicted people because of illness or death in the family (A), EVERYONE is eligible for release. If you are requesting furlough for a convicted person and they have been convicted of anything in the list below, they are only eligible during last 6 mos.

“Except in cases of serious illness or death of a member of the inmate's family, or for an interview of the inmate by a prospective employer in which case the inmate may be released only in security escort with Department of Public Safety and Corrections authorized personnel, any inmate who has been convicted of first degree murder (R.S. 14:30), second degree murder (R.S. 14:30.1), aggravated or first degree rape (R.S. 14:42), attempted aggravated or first degree rape (R.S. 14:27 and 42), forcible or second degree rape (R.S. 14:42.1), aggravated kidnapping (R.S. 14:44), aggravated arson (R.S. 14:51), armed robbery (R.S. 14:64), attempted murder (R.S. 14:27 and 29), attempted armed robbery (R.S. 14:27 and 64), producing, manufacturing, distributing, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or Schedule II of R.S. 40:964, and persons sentenced as habitual offenders under R.S. 15:529.1, shall be ineligible for temporary release or furloughs as provided for herein, except during the last six months of their terms.”



How do I ask for this?

Serving a sentence, illness/death of family member (A)

Dear Sheriff/Administrator: (sgautreaux@ebrso.org)

- The prison is closed to visitation, we are under a stay at home order, this is a national emergency
- Describe how related to convicted person and provide their full name, DOB, gender, race, any other identifying information (i.e. DOC # if you have it)
- My loved one is serving a sentence for _____[conviction] until _____[date of release]



How do I ask for this?

Serving a sentence, illness/death of family member (A)

- I am requesting their temporary release under Louisiana Revised Statute 15:811(A) because:
 - X family member is seriously ill and we need the detainee home to help care for them AND/OR
 - X family member has died and we need the detainee home to assist the remaining family with work, child care, elder care, etc.
- I request temporary release until _____ [choose one below]
 - If current release date is AFTER April 30 (or local stay at home order end date), then request temporary release of the detainee until 14 days after emergency order ends
 - If current release date is BEFORE April 30 (or local stay at home end date), then request temporary release to serve out the rest of the sentence, for the protection of your loved one and jail staff



How do I ask for this?

Serving a sentence, illness/death of family member (A)

- Please release them on their own recognizance to _____[address/housing]
 - If you have funds to pay for supervision (ankle monitoring, etc.) you can state that
 - If you are able to connect them with substance use, mental health, or other reentry services, state that
- I understand you are extremely busy during these challenging times, but I ask that you respond by _____ [3 days after you send the email/fax]
- Provide multiple forms of contact information for you and/or other family members



How do I ask for this?

ANYONE, for rehabilitative reasons (B)

Dear Sheriff/Administrator: (sgautreaux@ebrso.org)

- The prison is closed to visitation, we are under a stay at home order, this is a national emergency
- Describe how related to detainee and provide their full name, DOB, gender, race, any other identifying information (DOC # if applicable)
- Identify loved one as “under a sentence” or not:
 - My loved one is not serving a sentence, but is incarcerated because _____ until _____ OR
 - My loved one is serving a sentence for _____[conviction] until _____[date of release]
 - They are not convicted of anything that would exclude them from furlough OR
 - They are convicted of _____, but are within the last six months of their sentence



How do I ask for this?

ANYONE, for rehabilitative (B)

- I request a furlough under Louisiana Revised Statute 15:811(B) until _____ [choose one of below]
 - If the current release date originally expected release is AFTER April 30 (or local stay at home order end date), then request furlough until 14 days after emergency order ends
 - If the current release date originally expected release is BEFORE April 30 (or local stay at home end date), then request furlough to serve out the rest of the time, for the protection of your loved one and jail staff



How do I ask for this?

ANYONE, for rehabilitative (B)

- Please release them on their own recognizance
 - If you have funds to pay for supervision (ankle monitoring, etc.) you can state that
 - If you are able to connect them with substance use, mental health, or other reentry services, state that
- I understand you are extremely busy during these challenging times, but I ask that you respond by _____ [3 days after you send the email/fax]
- Provide multiple forms of contact information for you and/or other family members



Unknowns

- Under court judgment – sentence? Includes contempt or no?
- For people serving DOC time, sheriff may require your loved one to submit a “furlough plan” under Section B
- For people serving DOC time who were convicted of a sex offense or “violent” crime – there may be a conflict with DOC’s new medical furlough standards that are narrower than this statute (see also PJI letter and presentation)
- Section E contradicts itself about exclusion for illness/death
- Whether jail will permit RoR or want bail/bond
- Length of time for release – what does “temporary” mean?
- Issues with calculating release dates – what is 6 months?
- Credit for time on release/furlough: JAC believes the time should run while released (no extension of sentence)



Other Circumstances

- Promise of Justice Initiative has two additional letters for:
 - Post-trial people who do not qualify under the DOC's plan but are within DOC's authority to furlough held in STATE FACILITIES;
 - Post-trial people who do not qualify under the DOC's plan but are within DOC's authority to furlough held in LOCAL FACILITIES;

Contact: jjohnson@defendla.org for sample letters.



LET US KNOW HOW IT GOES!!

EMAIL: Vanessa@JACLouisiana.org and
Sarah@JACLouisiana.org
504.322.4050

