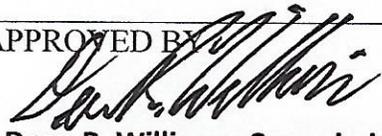


STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Institutions		PAGE: Page 1 of 11
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	TITLE: Prisoner Work Release Program		
	APPROVED BY:  Dean R. Williams, Commissioner		DATE: 11/22/17
ATTACHMENTS / FORMS: (A.) WRP / VWRP Employment Agreement Form. (B.) WRP / VWRP Application Form. (C.) WRP / VWRP Terms And Conditions Form. (D.) WRP / VWRP Placement Checklist. (E.) WRP / VWRP Approval / Denial Notice.		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.121 AS 11.41 AS 33.30.131 AS 11.56.340-350 AS 44.28.030 AS 25.27 DOC P&P 304.01 AS 33.05.010 DOC P&P 808.04 AS 33.16.180 DOC P&P 808.14 AS 33.30.011 DOC P&P 1000.01 AS 33.30.021 DOC P&P 1208.15 AS 33.30.101 DOC P&P 1208.16 USCIS, Form I-9, OMB #: 1615-0047.	

DISCUSSION:

The Department of Corrections (DOC) recognizes that by providing an opportunity for certain prisoners to engage in productive / pro-social work outside of the institution, those prisoners start to connect to appropriate resources and become self-sufficient. This increase in independence along with a continuum of care from the Department can aid in a prisoner's successful transition and reentry in to the local community upon their release.

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place procedures for a work release program for qualified prisoners.
- II. It is the policy of the Department to allow prisoners to engage in work as part of a group as well as on an individual basis.
- III. It is the policy of the Department to only allow prisoners to be employed by an employer and at a location pre-approved by the Department.
- IV. It is the policy of the Department to monitor participants in the Work Release program to ensure their compliance with the conditions of the program.

APPLICATION:

This policy and procedure will apply to all Department employees and prisoners.

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DEFINITIONS:

As used in this policy, the following definitions shall apply:

Firm Release Date:

The date on which a prisoner is scheduled to be released, as established by statutory good time calculation, court order, or parole board action.

Offender Management Plan (OMP):

An offender-specific supervision and services plan developed with the prisoner and probation staff that is based on the assessment of a prisoner's risks / needs and strengths which detail the prisoner's programming, supervision and reentry expectations. The OMP is designed to assist the prisoner by identifying and addressing specific criminogenic needs that are a barrier to behavioral change and successful transition from confinement to integration to the community.

Offender Trust Account (OTA):

The system through which prisoner funds are deposited, monitored and disbursed by the Department.

Probationer Accountability with Certain Enforcement (PACE):

A Department program whereby probationers who violate their probation by testing positive for drugs or alcohol or for missing an appointment with their Probation Officer, are immediately arrested and brought to court within two (2) business days.

Protective Orders:

An order used by a court to protect a person, business or entity in a situation involving alleged domestic violence (DV), harassment, stalking or sexual assault. Such orders include: Restraining Orders, DV Protective Orders; and Stalking and Sexual Assault Protective Orders.

Shock Jail Time:

An intervention in which an offender is ordered to jail for a short time, usually followed by probation.

Vocational Work Release Program (VWRP):

A program designed for employment of an individual prisoner at a specific business / employer, outside of an institution's grounds.

Work Group:

Any group of prisoners designated for employment outside of the institutional grounds which may require transportation and other special considerations from the Work Release Program.

Work Release Program (WRP):

A program designed for employment of a work group at the same business / employer, outside of an institution's grounds.

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Work Release Program / Vocation Work Release Program Monitoring Staff:

A team of staff approved and assigned by the institution’s Superintendent who are familiar with the work release program and the software and devices used to monitor prisoners in the program. Such staff may include Correctional Officers and Probation Officers and are usually drawn from those working in the Department’s reentry programs.

PROCEDURES:

I. WRP / VWRP Acceptable Employer / Employment Guidelines:

A. WRP / VWRP Employer / Employment Conditions:

1. Any employer wishing to participate in the WRP / VWRP must provide employment under conditions and at wages that represent the prevailing standard for the area in which the institution is located.
2. Employers must pay at least minimum wage and must pay prisoners by payroll check.
3. Prisoners may not work for commission only.
4. Prisoners may not participate in employment where an organized labor dispute is in progress.
5. Prisoners may not accept end of contract payment, defined as payment upon completion of a job.
6. Prisoners may not work as day laborers with payment at the end of the day.
7. Employers and locations of employment must be pre-approved by the Department. (See below.)

B. WRP / VWRP Employer Approval Process:

1. All employment locations will be approved based on local Standard Operating Procedures (SOP) developed by each institution.
2. After initial contact is made with a potential employer and any further agreements or documents required by SOP are completed, they must be sent the *WRP / VWRP Employment Agreement Form* (Attachment A) to review and complete prior to any prisoners starting employment.
3. Once an employer returns the signed *WRP / VWRP Employment Agreement Form* (Attachment A) the original must be kept on file and a copy must be returned to the employer for their records.
4. Each institution must keep a log of local employers approved for the WRP / VWRP.

II. WRP Application Guidelines:

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A. Eligibility Criteria:

1. To be eligible for consideration for the WRP / VWRP prisoners must meet the following requirements:

- a. Prisoner applicants must be misdemeanants or felons with sentences no longer than five (5) years from their Firm Release Date and not less than 30 days from their ARD.
- b. Prisoner applicants must be minimum custody.
- c. In accordance with federal employment requirements, all prisoner applicants must be able to produce identification / employment authorization documents upon request. If not readily available, prisoner applicants must immediately apply for identification documents and are responsible for any associated costs. Approved documents include:
 - i. Social Security card;
 - ii. Birth certificate;
 - iii. Valid driver's license;
 - iv. State identification card; or
 - v. Native American tribal document.

Note: A complete list of acceptable documents for employment authorization can be found on page 4 of the Federal Employment Eligibility Verification Form I-9.

- d. All prisoner applicants must be able to pass a drug test at the time of application.
 - e. All VWRP prisoner applicants must be in compliance with their Offender Management Plan (OMP) by having completed all programming and assessments they have been referred to or court ordered to, during their incarceration.
2. The following criteria mean a prisoner applicant is restricted from applying for WRP / VWRP consideration in some way:
- a. Prisoner applicants that have been found guilty of a high moderate infraction are restricted from applying for the WRP / VWRP for 120 days from the date of the infraction.
 - b. Prisoner applicants that have been found guilty of a major infraction (excluding escape or unlawful evasion from a Community Residential Center (CRC), see e. below) are restricted from applying for the WRP / VWRP until they have had a period of three (3) years of clear conduct following the date of the infraction.
 - c. A prisoner applicant with a pending disciplinary action at any level cannot be considered while the disciplinary action is pending.

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- d. Prisoner applicants with domestic violence related convictions will only be considered if the victim does not reside in the local WRP / VWRP area. (See Procedures section II, (D), (4) below regarding victim notification.)
- e. Prisoner applicants who have previously been convicted of escape / unlawful evasion from a Community Residential Center (CRC) within six (6) months prior to their application date are restricted from applying.
- f. Prisoners whose case is in appeal status will not be considered until the appeal is resolved.

3. The following criteria mean a prisoner applicant is not eligible for WRP / VWRP consideration:

- a. Prisoner applicants with sex offenses or kidnapping convictions will not be considered, regardless of the date of offense.
- b. Prisoner applicants with detainers will not be considered for the program.
- c. Prisoner applicants who have previously escaped from a secured correctional facility will not be considered.
- d. Any prisoner applicant with an in-state want or warrant or an extraditable out-of-state misdemeanor want or warrant will not be considered.
- e. A prisoner applicant with Shock Jail Time imposed or a prisoner applicant who is a PACE participant will not be considered.
- f. Prisoner applicants with in-state Domestic Violence (DV) Protective Orders or Violations of in-state DV Protective Orders within five (5) years prior to their application date will not be considered.

B. Prisoner applicants with in-state Protective Orders (not DV-related) will be considered on a case by case basis.

C. Prisoner applicants with a conviction under AS 11.41, Offenses Against The Person will be reviewed on a case by case basis.

D. The Application Process:

- 1. Prisoners wishing to apply for the Work Release Program (WRP) or Vocational Work Release Program (VWRP) must obtain a *WRP / VWRP Application Form* (Attachment B) and a *WRP / VWRP Terms And Conditions Form* (Attachment C) from the Institutional Probation Officer (IPO).
- 2. Alternatively institutional staff may identify prisoners whom they think may be good candidates for

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the WRP / VWRP and the staff may encourage those prisoners to apply.

3. All *WRP / VWRP Application Forms* (Attachment B) and *WRP / VWRP Terms And Conditions Forms* (Attachment C) must be fully completed and signed by the prisoner and then returned to the IPO for processing.
4. In accordance with DOC P&P 1000.01, Victim Notification, the victim(s) of a prisoner's crime will be notified when a prisoner is being considered for a WRP / VWRP. This will be done using the procedures and forms described for "Furlough / Electronic Monitoring" in DOC P&P 1000.01, Victim Notification:
 - a. The Institutional Probation Officer (IPO) shall make such notification upon receipt of an application from a prisoner for a WRP / VWRP consideration.
 - b. This shall be done at least 30 days prior to the proposed start date of the prisoner's work.
5. After receiving a *WRP / VWRP Application Form* (Attachment B) , a *WRP / VWRP Terms And Conditions Form* (Attachment C) and notifying any victims, the IPO must complete the *WRP / VWRP Placement Checklist* (Attachment D) to determine placement eligibility and risk criteria.
6. The assigned IPO shall, through file review, determine if the applicant has any pending litigation, outstanding criminal charges or court cases. The IPO may also contact the AK Court System as part of this process.
7. When completing the *WRP / VWRP Placement Checklist* (Attachment D) the IPO must also consider any feedback from the prisoner applicant's victim(s), if they have received it in time.
8. All prisoner applicants must also be screened through the medical and mental health departments in order to ensure that they are suitable for the proposed work.

III. WRP Approval / Denial Process:

- A. After the IPO has screened the *WRP / VWRP Application Form* (Attachment B) and completed the *WRP / VWRP Placement Checklist* (Attachment D) they shall make a recommendation concerning the application based on the prisoner's score. This may be done by completing the relevant section at the bottom of the *WRP / VWRP Placement Checklist*.
- B. The IPO will then forward the completed *WRP / VWRP Placement Checklist* (Attachment D) along with the *WRP / VWRP Application Form* (Attachment B) and any supporting documentation to the institution's Superintendent for a final review.
- C. The Superintendent will review the application packet and make a decision on whether to approve the application or not.

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- D. After indicating their decision on the *WRP / VWRP Placement Checklist*, the institution's Superintendent shall sign the checklist in the indicated space and return it to the IPO.
- E. The IPO shall notify the prisoner of the outcome of their *WRP / VWRP* application in writing, via the *WRP / VWRP Approval / Denial Notice* (Attachment E).
 - 1. If the application is denied on a temporary basis, the IPO shall indicate the time frame of the denial on the *WRP / VWRP Approval / Denial Form* (Attachment E).
 - 2. The completed notice will be delivered to the prisoner by the IPO. The prisoner will acknowledge receipt by signing the notice. If the prisoner refuses to sign the document it must be annotated by the IPO. A copy of the signed or annotated *WRP / VWRP Approval / Denial Notice* (Attachment E) must be placed in the prisoner's institutional file.
- F. If the prisoner is approved, the assigned IPO must prepare a CRC Escape Form, per DOC P&P 1208.16, Institutional Emergency Plan. This form must be placed in section II of the prisoner's institutional file.
- G. The institutional Superintendent's decision is final. There is no appeal process for the denial of a *WRP / VWRP* application.

IV. *WRP / VWRP* Standards Of Conduct:

All *WRP / VWRP* participants will be required to adhere to the following standards of conduct:

- A. *WRP / VWRP* participants will not be permitted to operate a motorized vehicle, unless special approval to operate a forklift or similar equipment is given by their institutional Superintendent.
- B. Transportation to and from the work site will be coordinated with the employer. If transportation by DOC is necessary, the respective Superintendent, Assistant Superintendent, or Prisoner Transportation Coordinator (PTC) may authorize a modification to the minimum transportation requirements as outlined in DOC P&P 1208.15, Transportation Of Prisoners:
 - a. Local escort provided by DOC will be in accordance with Department policy. This allows for the escort of up to six (6) prisoners by one (1) Correctional Officer (CO) / PO within the local area. In lieu of a CO / PO, prisoners may also be escorted by a DOC employee approved by the Superintendent.
 - b. Transportation provided by the employer or approved third party that will need to be verified by the *WRP / VWRP* monitoring staff beforehand. A list of up to five (5) drivers will be accepted, an APSIN run will be conducted on these personnel, operator's license(s) verified, and insurance information checked. The employer and / or prisoner(s) will be responsible for all transportation costs.
- C. *WRP / VWRP* participants will be provided with up to two (2) complete set of work clothes and may purchase, at their own expense, clothing items sold by the employer. Any clothing item purchased from

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the employer must be returned to the institution at the end of the employment period. These clothing items will be entered into the participant's personal property or dispersed at the participant's expense.

- D. WRP / VWRP participants must adhere to work schedules approved by the WRP / VWRP monitoring staff.
- E. WRP participants in a work group may not leave the designated employment boundaries for any reason. This will be enforced by GPS / electronic monitoring technology.
 - a. VWRP participants, with proper notification from the employer and approval of WRP / VWRP monitoring staff, may leave employment boundaries as deemed necessary and appropriate for employment related activities.
- F. Sack meals will be provided to the prisoner upon request, for them to take to work.
- G. WRP / VWRP participant routine medical needs will be provided by the Department. However, this does not include Worker's Compensation coverage (and associated medical needs) which must be provided by the employer.
- H. WRP / VWRP participants will not be permitted to use any medication or substance that will result in a positive UA.
- I. The use or possession of alcohol or controlled substances will not be permitted and will result in the participant's immediate termination from the program.
- J. WRP / VWRP participants will not be permitted to receive visitation from family members or other persons while at their respective place of employment.
- K. WRP participants will not be permitted to possess and / or utilize any type of computer or cellular phones / smart devices, or have internet / computer access while at work.
 - a. VWRP participants will be similarly restricted; unless deemed necessary by the employer in accordance with job duties, and approved by WRP monitoring staff and the institutional Superintendent.
- L. WRP / VWRP participants will not be permitted to receive or send mail outside of the normal institutional channels.

V. WRP / VWRP Participation Monitoring:

A. Monitoring by DOC Staff:

- 1. WRP / VWRP monitoring staff will conduct employment visits on an unscheduled basis, but shall visit the WRP / VWRP employment location at least once per week.

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2. During these visits WRP / VWRP monitoring staff will ensure that both the prisoners and the employers are complying with the requirements of the WRP / VWRP, and shall ensure that the employment location meets the requirements for:

- a. Supervision and security of the prisoners;
- b. Health and safety; and
- c. Sanitation and hygiene.

Note: When the safety and security of the institution, DOC employees, community and / or prisoners may be compromised, the WRP / VWRP may be temporarily suspended at all or any employment location by the Superintendent or their designee.

3. Employment visits must be conducted by at least two (2) officers, and may include the Department's Canine (K-9) Support Unit. Before conducting an employment visit, officers must notify their own supervisor of the visit.

B. WRP / VWRP Drug / Alcohol Testing:

- 1. Prisoners are subject to urinalysis (UA) testing and re-testing in compliance with DOC P&P 808.14, Substance Abuse Testing. Prisoners will submit a UA at least once a week and, if necessary, at random.
- 2. Prisoners with a positive UA test will be immediately terminated from the program. If a re-test is requested, the prisoner will remain housed in the institution until the results of the re-test are obtained.
- 3. Positive UA results will result in the prisoner being charged for the UA and for any necessary / requested re-testing, not to exceed a total of \$20.00.
- 4. Prisoners may undergo a Preliminary Breath Tests (PBT) upon their return from employment, at any time they are suspected to be under the influence of alcohol, or as deemed necessary by WRP / VWRP monitoring staff.

C. WRP / VWRP Wages Handling:

- 1. Prisoners will pay towards the program weekly, consistent with local Standard Operating Procedures.
 - a. Prisoners must ensure that funds are available within their OTA to provide payment for weekly monitoring costs and any additional costs deemed necessary by WRP / VWRP monitoring staff.
 - b. Prisoners will be notified of the current daily and weekly GPS monitoring / participation cost in the WRP / VWRP.

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c. Non-payment of the weekly fee may result in a prisoner being suspended from participation in the WRP / VWRP.

2. Payroll checks for work groups will be collected in-person from the employer by the WRP / VWRP monitoring staff and returned to the local institution for processing.
3. In accordance with DOC P&P 304.01, Prisoner Wage Disbursal, child support payments are a priority and will garner up to 40% of a prisoner's WRP / VWRP wages. DOC P&P 304.01, Prisoner Wage Disbursal may also be referred to for a description of further payments that may be garnished from a prisoner's wages.
4. Prisoners will also be required to pay towards restitution or fines ordered by the sentencing court (at a rate of up to 20% of a prisoner's WRP / VWRP wages), pay a civil judgment arising out of criminal conduct, or support the dependents of the prisoner as required by AS 25.27.
5. Prisoners' wages may also be used to pay towards institutional restitution if a prisoner owes the institution money as the result of a previous infraction.

D. WRP / VWRP Escape / Non-return:

1. Escape Procedures per DOC P&P 1208.16, Institutional Emergency Plan, will be followed when a prisoner's whereabouts are unknown for two (2) hours.
2. Department staff will confirm that there is an unauthorized absence by physically checking the authorized employment location.
3. The prisoner will be placed on lockdown status via their GPS monitoring device and the electronic monitoring software.
4. WRP / VWRP monitoring staff will attempt to locate the prisoner utilizing any available mapping features in coordination with the prisoner's GPS device.
5. If the prisoner does not return to the institution within the two (2) hour window, law enforcement will be contacted and an arrest warrant will be issued under AS 11.56.340-350. The prisoner is subject to criminal prosecution as well as termination from the WRP / VWRP and disciplinary action.

VI. WRP / VWRP Participation Suspension / Termination:

- A. A prisoner's participation in the WRP / VWRP may be suspended or terminated at any time. Reasons for suspension or termination from the WRP / VWRP may include, but are not limited to:
 1. Failure to comply with the rules set out in the *WRP / VWRP Terms And Conditions Form* (Attachment C);

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2. Failure to comply with the standards of conduct set out in Procedures, section IV of this policy;
3. As a result of a prisoner's institutional behavior while participating in the WRP / VRP; and
4. As a result of a prisoner's voluntary withdrawal from the WRP / VWRP.

B. Suspension or termination in the WRP / VWRP will be governed by the procedures set out in DOC P&P 808.04, Removal From Rehabilitation And Court-Ordered Treatment Programs.

C. The procedures set out in DOC P&P 808.04 will be followed when suspending or terminating a prisoner from the WRP / VWRP, and the forms indicated by DOC P&P 808.04 may be utilized for this purpose.

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