

Work Release Program

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## WORK RELEASE PROGRAM

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### I. PURPOSE

- A. Section 4024.2 of the Penal Code allows the Board of Supervisors of any county to authorize the Sheriff or any other official in charge of county correctional facilities to offer a voluntary program under which any person committed to the facility may participate in a work release program in which one day of participation will be in lieu of one day of confinement.
- B. The Work Release Program is in place to reduce sentenced inmates incarcerated in the jail by identifying low risk offenders that do not require incarceration for placement in the program.
- C. The intent of this procedure is to outline a step-by-step process for the completion of the application process by the applicant, the initiation of the interview process, the interview, job placement, scheduling and discipline of inmates.

### II. POLICY

- A. It is the policy of the Sheriff's Office to maximize the use of the Work Release Program and will review all applications submitted to the Sheriff's Office

### III. APPLICATION PROCESS

- A. Once the subject has been sentenced, they can receive an application from the Work Release Coordinator. The subject will be instructed to fill out the application and submit it to the Work Release Program with an application fee.
- B. Applications can be picked up Monday through Friday, 8:00AM to 12:00 PM and from 1:00 PM through 5:00 PM at the Sheriff's Business Office.
- C. When the Work Release Coordinator receives the subject's application and the \$35.00 non-refundable application fee, the Work Release Coordinator will send a letter to the applicant requesting they call and schedule an appointment.
- D. When the applicant calls the Work Release Coordinator, the WRC will set up an appointment time.

#### IV. SCHEDULED APPOINTMENT

- A. At the scheduled appointment, the WRC will:
1. Confirm the identification and citizenship of the applicant:
    - a. The applicant must provide a valid state ID card, or a valid consular card from their country of origin.
    - b. Immigration status will also be confirmed through Immigration and Customs Enforcement (ICE).
      - i. Immigrant applicants that are found to have legal status in the U.S. will be allowed to participate in the program.
      - ii. Immigrant applicants that do not have legal immigration status will not be allowed onto the program and will need to report to the jail on their court ordered commitment date.
  2. Review the application for completeness.
  3. Ensure that the person is only sentenced to 45 days or less. If the person is serving more than 45 days, they will have to wait until they have 45 days to go on their sentence.
  4. Ensure that the sentencing judge did not exclude the person from the program.
  5. Review the applicant's criminal history:
    - a. Ensure that no criminal protective order/restraining order is active. Persons with criminal protective orders or restraining orders will be precluded from the program.
    - b. The applicant has not had any felony convictions in the last 3 years.
    - c. The applicant is not on active Parole.
    - d. There are no out-of-county detainers for the applicant.
  6. The Work Release Coordinator (WRC) will complete the health inventory with the applicant.
  7. The WRC will complete the Work Release Decision Tree and make a determination of whether or not the applicant will be placed on the program.

## V. DECISION TREE

- A. Eligibility for Work Release will be determined by the Work Release Decision Tree. The Decision Tree is a flow chart that determines the risk level of the applicant.
- B. The WRC will fill out the heading of the Decision Tree with the applicants name, age, sex, race and date of birth along with their Master Identification Number (A number), date and time of the interview, and their name and ID number.
- C. The WRC will check to see if the applicant has been on any jail programs before.
  1. If the applicant has been on any jail programs and was not successful, they will be ineligible for the program.
  2. The WRC will note the unsuccessful completion along with the date of the failure in the override section of the Decision Tree.
- D. Using the health inventory questionnaire, the WRC will answer following the questions on the Decision Tree. Does the applicant have:
  1. A history of/or current medical problems.
  2. A history of/or current mental health problems.
  3. A history of/or current suicidal ideations.
- E. If the applicant answers yes to any of the major medical or mental health questions, they will need to provide a medical or mental health clearance from a licensed physician.
- F. If the applicant answers no to the medical or mental health questions or have obtained a medical or mental health clearance, they will begin the risk assessment portion.
- G. The first box under Risk Assessment, *High Risk Offenses*, does the applicant have current charges that are high risk offenses.
  1. High risk offenses include current charges of:
    - a. Aiding Escape.
    - b. Aggravated Battery with Deadly Weapon.
    - c. Armed Robbery (multiple, with injury).
    - d. First Degree Burglary.
    - e. Escape (secure facility).

- f. Inciting Riot.
  - g. Kidnapping.
  - h. Murder (1<sup>st</sup>, 2<sup>nd</sup>).
  - i. Sexual Battery (with violence).
  - j. Aggravated Assault.
  - k. Aggravated Battery.
  - l. Aggravated Child Abuse.
  - m. Arson.
  - n. Battery Law Enforcement Officer.
  - o. Sales, importing or trafficking controlled substances.
  - p. Maintaining a place for unlawful drug activities.
  - q. Extortion.
  - r. Criminal terrorist threats.
  - s. False Imprisonment.
  - t. False Report of Bombings.
  - u. Controlled Substances (importation, trafficking).
  - v. Introduction of Contraband to Detention Facility.
  - w. Manufacture of Explosives.
  - x. Robbery (armed, strong armed).
  - y. Sexual Battery (other than capital or life felony).
  - z. Domestic Violence.
  - aa. Elder Abuse.
  - bb. 3 or more driving under the influences (history).
- H. If yes, the applicant would fall under the maximum custody risk and would be ineligible for the program.

- I. If no, in the second box under Risk Assessment, *History of Ad/Seg or Gang Affiliations*, does the applicant have a history of administrative segregation during prior incarceration, a history of anything other than a level 1 and 2 classification, or are they a gang member/affiliate.
- J. If yes, the applicant would fall under the maximum custody risk and would be ineligible for the program.
- K. If no, the third box under Risk Assessment, *History of High or Moderate Risk Offenses*, does the applicant have a history of high or moderate risk offenses:
  1. High Risk Offenses are listed above; and,
  2. Moderate Risk Offenses include charges of:
    - a. Armed Trespass.
    - b. Second Degree Burglary.
    - c. Carrying Concealed Deadly Weapon.
    - d. Forgery.
    - e. Grand Theft.
    - f. Manslaughter.
    - g. Sale or Delivery of Controlled Substance.
    - h. Tampering w/Witness.
    - i. Welfare Fraud (felony).
    - j. Making or Delivering Checks with Insufficient Funds as a Felony.
- L. If yes, the applicant would fall under the medium custody risk and would be ineligible for the program
- M. If no, the fourth box under Risk Assessment, *History of Escape or Extensive FTS's*, does the applicant have a history of escape or extensive failures to appear:
  1. Escapes would include any walk-aways or non-violent escape attempts.
  2. Extensive failures to appear are defined as:
    - a. Three or more violations of 40508(a) CVC or 853.6 PC in the past five years; or

- b. Any violations of 1320(a) PC or 1320 (b) PC in the past five years.
- N. If yes, the applicant would fall under the medium custody risk and would be ineligible for the program.
- O. If no, the fifth box under Risk Assessment, *History of Disciplinary Problems*, does the applicant have a history of disciplinary problems in custody defined as:
1. One or more incidents of Level Three Rules Violations in the last ten years. Level Three violations are:
    - a. Repetitive Level two rule violations during the current incarceration. (Two violations of any Level Two rule.)
    - b. Refusing to work as assigned.
    - c. Violation of any city, county, state, or federal law or ordinance.
    - d. Attempting or planning to escape, or escape from confinement. Any inmate who leaves his authorized areas, grounds of the corrections facility, or fails to return on time from work furlough or pass, will be charged with the offense of escape.
    - e. Destroying, altering, or damaging jail property or property of another (damage of more than \$400).
    - f. Possession or introduction of an explosive or explosive device.
    - g. Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, or other unauthorized tool or instrument.
    - h. Possession, introduction, or use of any narcotics paraphernalia, drugs, or intoxicants, not prescribed by the medical or mental health staff, to include misuse of authorized medications.
    - i. Smoking, use of, or possession of any tobacco products.
    - j. Possession or use of a lighter or matches.

- k. Refusing to obey an order from Corrections Division personnel or any other member of the Mendocino County Sheriff's Office.
- l. Communicating with civilians, unless authorized or during regular visiting hours.
- m. Assaulting any person.
- n. Threatening another with bodily harm, or with any offense against his person or property.
- o. Extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection against others to avoid bodily harm, or under threat of informing.
- p. Engaging in sexual acts.
- q. Infliction of punishment under the pretense of law on any inmate, or by the initiation of or participation in a "kangaroo court."
- r. Wearing a disguise.
- s. Setting a fire in the confines of the corrections facility.
- t. Intentionally placing or throwing, or causing to be thrown, upon the person of another, any mixture of human excrement or other bodily fluids or substances.
- u. Selling or giving away authorized medications to other inmates or person.
- v. Rioting or encouraging others to riot, to engaging in, or encouraging, a disruptive group demonstration.
- w. Counterfeiting, forging, or unauthorized reproduction of any document, article, or identification, money security, or official paper.
- x. Use of intoxicants or being intoxicated upon returning from an assigned work program or while in the corrections facility.
- y. Violation of the Home Detention Contract.
- z. Tattooing or piercing and/or use of any instrument used for tattooing or piercing.

- aa. Inmates will submit to a urinalysis or breathe test when requested by staff to do so for the detection of drugs and/or alcohol.
2. Three or more incidents of Level Two Rules Violations in the past five years. Level Two violations are:
    - a. Repetitive Level One rule violations during the current incarceration. (Two violations of any Level One rule).
    - b. Refusing to obey an order from Corrections Division personnel or any other member of the Mendocino County Sheriff's Office.
    - c. Knowingly providing false information to Corrections staff.
    - d. Failing to perform work as instructed by Corrections Division personnel or designated person in charge of an assigned work detail.
    - e. Showing insolence towards Corrections Division personnel or visitor.
    - f. Possession of, receipt of, attempting to receive, and/or aiding and abetting another to receive any contraband.
    - g. Making statements or accusations that could endanger the safety and well being of an inmate or group of inmates.
    - h. Tampering with or blocking any locking device, fence, cameras or camera housing.
    - i. Converting newspapers, books, or magazines to weapons. These are for reading only.
    - j. Possession of contraband. Any item not issued to an inmate, purchased in the Commissary, received by subscription from a publishing house, received in the mail (for example: family snapshots or letters), or something issued by an appropriate staff member is considered to be contraband. "Legal" mail/material is excluded.
    - k. "Checking" medications distributed by medical staff.
    - l. Making or possessing intoxicants.



- m. Attempting to commit any of the above described offenses, aiding another person or inmate to commit any of the above offenses, and making plans to commit any of the above offenses shall be considered the same as a commission of the offense itself.
- n. Indecent exposure. Willful exposure of genitals or breasts.
- o. Possession of unauthorized property belonging to another.
- p. Loaning anything for profit.
- q. Unexcused absence from work detail and/or headcount.
- r. Interfering with the taking of headcount.
- s. Conduct that interferes or disrupts the orderly running of the corrections facility.
- t. Using any equipment or machinery that is not specifically authorized.
- u. Unauthorized use of mail or telephone.
- v. Receiving anything from, or furnishing anything to, a visitor (during visiting hours), unless specifically authorized.
- w. Unauthorized use of property and equipment.
- x. Unauthorized wearing of assigned clothing or clothing not issued by the Corrections Division.
- y. Opening or closing pass-through under any circumstances.
- z. Throwing items against windows, walls, and/or doors.
- aa. Covering, damaging, or disconnecting lights.
- bb. Gambling.
- cc. Giving money or anything of value to, or accepting money or anything of value from, another inmate, member of his or her family or friend, unless authorized through official channels.
- dd. Destroying, altering, or damaging jail property or property of another (damage of less than \$400).

- P. If yes, the applicant would fall under the medium custody risk and would be ineligible for the program
- Q. If no, the applicant would be eligible for the program

#### VI. UNACCEPTED/INELIGIBLE APPLICANTS – APPEAL PROCESS

- A. If the applicant does not meet the established criteria for the program, the applicant will be provided a written statement as to why they were rejected.
- B. If the applicant believes they have been unreasonably denied participation on the program, an appeal may be made to the next higher step in the chain of command.
- C. The WRC will explain the process for appealing the decision.
- D. The chain of command will consist of the following:
  - 1. Corrections Division Lieutenant; and then to the
  - 2. Corrections Division Commander
- E. The court may restrict or deny the person from the program.

#### VII. PROGRAM ACCEPTANCE

- A. If the applicant is accepted onto the program, the WRC will:
  - 1. Collect the daily work fees per workday are to be paid at the time of the Work Release interview.
    - a. Additional charges will be assessed for all out-of-county transfers, either received or transferred.
  - 2. Determine a suitable placement for the applicant.
    - a. The applicant's interests or special abilities will be considered when determining where the applicant will be placed.
    - b. Placement depends on the availability of job openings with the contractors. If there are no openings with any of the contractors, then the program is considered full and the applicant will be advised to report to the Mendocino County Jail as ordered by the sentencing court.
  - 3. Review the Work Release Rules and Regulations along with the Instructions for Work Release Participants.
  - 4. Book the applicant into the jail system.

- a. The inmate will be classified as pre-housing or "PH" class code.
  - b. Their housing in the computer system will be in a designated Work Release cell.
5. After being booked, the applicant will be instructed to go to the Main Jail so that they may be photographed and fingerprinted.
  6. The WRC will then calculate the applicant's time.

#### VIII. TIME CALCULATIONS

- A. Work Release applicants must work one eight (8) hour day in lieu of one day of incarceration.
- B. When the sentence for incarceration is in hours, the applicant will work the total amount of hours in lieu of total amount of hours of incarceration.
- C. Inmates on the Work Release Program will receive 4019 PC half-time credits.

#### IX. RULES AND REGULATIONS/INSTRUCTIONS FOR PARTICIPANTS

- A. The following are the rules and regulations issued to each inmate accepted onto the Work Release Program:
  1. Transportation to and from the work job site is my responsibility. I will ensure that suitable transportation arrangements are made for the duration of the program.
  2. I promise to appear on my scheduled days. I understand that I will not receive any credit if I fail to show, am late, or if I am sent home for program misconduct.
  3. I will wear suitable clothing to my work assignment (RAIN or SHINE) unless advised otherwise. Tank tops, shorts, and open toed shoes are not allowed. Work gloves are okay.
  4. I may not use any of my personal tools.
  5. I will provide my own bag lunch. WEAPONS, ALCOHOL, AND ILLICIT DRUGS ARE PROHIBITED. I am subject to search and seizure by the Work Release Officer or any Peace Officer.
  6. I may not have any unauthorized visitors, communication, or make personal telephone calls.
  7. I will not appear, at any time, under the influence of alcohol or illicit drug.

8. I will comply and perform the work assigned without insubordinate behavior.
  9. I will not engage in any disputes with the work site supervisor, but will promptly report any problems or disputes to the Work Release Officer.
  10. If I fail to appear as promised, and I am apprehended outside the State of California, I hereby waive extradition proceedings.
  11. I understand that a Peace Officer may, without warrant, take me into custody to serve my sentence if he has reasonable cause to believe that I have violated the program.
  12. I will submit to random substance abuse testing
  13. I understand that any criminal infraction or new charges may result in the removal from the program and referral back to the sentencing court.
  14. Program violations may result in, but are not limited to:
    - a. Removal from the Work Release Program.
    - b. Notification to the court of my violations; and
    - c. Violation of my probation status.
- B. The following are the instructions given to each Participant in the Work Release Program:
1. Each day you report to work, you will check in with the on-site supervisor.
  2. Make sure you sign in on the site sign-in/out log. This is the only proof that you have worked. The log sheet will be with the on-site supervisor.
  3. Each day you report to work, the on-site supervisor will sign and date your time sheet. **MAKE SURE TO TAKE YOUR TIME SHEET WITH YOU EACH DAY.** It is your responsibility to have your time sheet updated each time you work.
  4. At the end of your last scheduled workday at the worksite, you will telephone the Work Release Officer and state that you have completed the program.
  5. You must report to your worksite at least 10-minutes early. **IF YOU ARE LATE, YOU WILL BE SENT HOME AND MAY BE CHARGED A RESCHEDULING FEE OF \$25.00.**
  6. You must stay the full day in order to receive credit.

7. If you are late in the morning or after lunch, or have been drinking or using drugs you will not be accepted and you will be sent home.
  - a. This will be reported to the Sheriff's Work Release Officer and you may be charged a rescheduling fee of \$25.00.
  - b. You may be picked up by law enforcement and returned to the jail.
8. If you are absent or tardy TWO TIMES OR MORE you will be removed from the worksite.
9. All missed work must be reported to the Work Release Officer.
10. If you have to be rescheduled to another worksite, you may be charged a \$25.00 rescheduling fee.
11. Only a written excuse will be accepted for an absence (i.e.: medical, funeral, court appearances, etc.)
12. ABSOLUTELY NO CHANGES WILL BE MADE TO YOUR WORK SCHEDULE WITHOUT THE APPROVAL OF THE WORK RELEASE OFFICER.

#### X. SCHEDULING

- A. Contractors may restrict the number of workers at each job location.
- B. WORK SCHEDULE: This schedule identifies the job location and the dates the applicant is to work. It is NCR, four-part form, the distribution is as follows:
  1. Original & 1st copy - Job Supervisor
  2. Copy 2 - Work Release Coordinator
  3. Copy 3 – Applicant

#### XI. DISCIPLINE

- A. Anytime the Work Release Coordinator received a report of a worker violating any of the rules or regulations, or that the worker is a "No Show," is late for work, or is disruptive to the job site, the following disciplinary measures may apply:
  1. Written warning; or
  2. Removal from the program and reclassified to the jail.
- B. If the inmate's whereabouts is unknown, a Failure to Appear will be completed by the WRC and submitted to the court, requesting a warrant be issued.

## XII. RECLASSIFICATION TO THE JAIL

- A. If an inmate is removed from the Work Release Program they will be reclassified and returned to the jail to complete their sentence
  - 1. If the whereabouts of the inmate is known, the WRC will direct a peace officer to re-take the inmate and return them to the jail.
- B. The Work Release Coordinator will complete an incident report detailing reason(s) for the return.

## XIII. SUPERVISION STANDARDS

- A. Caseload will be set at a maximum of 140 defendants to the Work Release Coordinator assigned to the Work Release Program.
- B. Contractors are nonprofit organizations that are established or operated for the benefit of the public or in support of a significant public interest. Work to be performed by program participants shall consist of any of the following:
  - 1. Manual labor to improve or maintain levees or public facilities, including, but not limited to, streets, parks, and schools.
  - 2. Manual labor in support of nonprofit organizations, as approved by the sheriff or other official in charge of the correctional facilities. As a condition of assigning participants of a work release program to perform manual labor in support of nonprofit organizations pursuant to this section, the Board of Supervisors shall obtain workers' compensation insurance which shall be adequate to cover work-related injuries incurred by those participants, in accordance with Section 3363.5 of the Labor Code.
  - 3. Performance of graffiti cleanup for local governmental entities, including participation in a graffiti abatement program as defined in subdivision (f) of Section 594, as approved by the Sheriff or other official in charge of the correctional facilities.
  - 4. Performance of weed and rubbish abatement on public and private property pursuant to Chapter 13 (commencing with Section 39501) of Division 3 of Title 4 of the Government Code, or Part 5 (commencing with Section 14875) or Part 6 (commencing with Section 14930) of Division 12 of the Health and Safety Code, as approved by the Sheriff or other official in charge of the correctional facilities.
  - 5. Performance of house repairs or yard services for senior citizens and the performance of repairs to senior centers through contact with local senior service organizations, as approved by the Sheriff or other official in charge of the correctional facilities. Where a work release participant has been assigned to this task, the Sheriff or other official shall agree upon in advance with the senior service organization about the type of services to be rendered by the participant and the extent of

contact permitted between the recipients of these services and the participant.

6. Any person who is not able to perform manual labor because of a medical condition, physical disability, or age, may participate in a work release program involving any other type of public sector work that is designated and approved by the Sheriff or other official in charge of county correctional facilities.
7. Contractors are to be randomly contacted to ensure participants are following the rules, and to discuss any problems.
8. At the discretion of the Work Release Coordinator, participants may be chemically tested at any time.
9. Caseload statistics are to be kept on a monthly basis and routed to the Corrections Division Commander by the 10th of each month. Statistics are not to be released to any agency without the approval of the Corrections Division Commander.

#### XIV. INTER-COUNTY PROGRAM EXCHANGE

- A. Inter-county program exchanges will generally be accepted under the following criteria:
  1. Applicants must meet the eligibility and suitability criteria as set forth in the Work Release Decision Tree.
  2. The transferring agency has a Work Release Program and accepts transfers from Mendocino County Sheriff's Office Work Release Program to their Work Release Program.
  3. The application fee for all out-of-county transfers, both in-coming and out-going will be \$50.00. The daily fee will be \$10.00 per day of sentence.
  4. The applicant must provide proof of residency of Mendocino County.

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