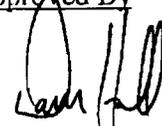


 <b>Davidson County Sheriff's Office</b> <b>2011 OCT 17 AM 9:10</b> <b>FILED METROPOLITAN CLERK</b>	<u>Chapter</u> Institutional Services	<u>Page</u> 1 of 6
	<u>Subject</u> Work/Educational Release	<u>Effective Date</u> 6/23/11
<u>Index Number</u> 1-4.701	<u>Related Standards</u> ACA 4-ALDF-5A-01, 03, 5B-16, 17, 6D-01; 2-CO-4F-01, 4G-01, 5A-01	<u>Approved By</u> 
<u>Supersedes</u> Policy # 1-4.701	<u>Subject</u> Work/Educational Release	<u>Effective</u> 7/09/10

**PURPOSE**

To establish guidelines for offender participation in the Davidson County Sheriff's Office (DCSO) work/educational release program.

**POLICY**

It is the policy of the DCSO to provide a program whereby eligible offenders may participate in a community-based work/educational release program prior to their release from the DCSO custody, and that approval for program participation shall be given without discrimination based upon sex, race, color, religion, age, gender, disability, or national origin. The DCSO shall provide services and opportunities that encourage inmates to take responsibility for their actions. Opportunities shall be based on victim and community input and will be fashioned in a way that seeks to ameliorate the harm done.

This policy is reviewed annually.

**DEFINITIONS**

Court Order - Any rule or regulation of a court with which one must comply or risk a contempt action.

Work/Educational Release - The DCSO program that permits qualifying offenders to leave their assigned facilities during reasonable and necessary hours for occupational or scholastic purposes as provided by Tennessee law, commonly referred to as "work release."

Work Release Commission/Board - A panel of twelve citizens, appointed by the sheriff and approved by the Metropolitan Council, authorized and empowered to permit qualifying offenders to participate in the work release program.

0% Work Release - The sentencing judge has made a determination that the offender is eligible to apply for work release.

**PROCEDURAL GUIDELINES**

Offenders may be placed in the work release program by order of the sentencing court, or may be eligible to apply to the program pursuant to Tennessee Code Annotated (TCA) § 41-2-127. State offenders on work release will follow the state guidelines in the TCA § 41-21-511 while in custody of the DCSO.

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The work/educational release program shall have the following elements:

- written operational procedures
- careful screening and selection procedures
- written rules of inmate conduct
- a system for evaluating program effectiveness
- efforts to obtain community cooperation and support

Requirements for eligibility include, but are not limited to, the conditions below. To qualify for consideration, the offender must:

- demonstrate good conduct for thirty (30) days from the date of any disciplinary infraction;
- be within one year of the earliest possible release date;
- meet all judgment percentage requirements;
- be clear of outstanding warrants, wants, hold, or pending charges;
- bear the cost of any tools, special clothing materials, etc., required in conjunction with work/educational release;
- have transportation, if needed, to and from the work place. Offenders are not permitted to drive to/from a DCSO facility or park a vehicle on Metro property.

Offenders who wish to participate in the work release program must submit a petition to the work release manager. The sheriff/designee must join in the petition, and the facility administrator must approve it in writing. The work release manager serves as the sheriff's designee for petitioning the Work Release Commission. The commission then reviews the application and decides whether to grant or deny it.

The Davidson County Work Release Commission, or Board, meets at least twice each month to consider applicants for work release participation. Two work release board members must sit on each panel and the approval of both is required for the offender to be placed in the program. The board has discretion to mandate a psychological evaluation whenever an offender's criminal or behavioral history indicates such evaluation would be useful to its decision.

The decision of the Work Release Commission or Board is final. If the work release manager finds that an offender has experienced a significant change in status, the work release manager may submit a revised application to the Board. Such a decision to resubmit is at the discretion of the work release manager or facility administrator.

Offenders charged with any domestic violence offenses, or violation of an order of protection during their current incarceration will not be released on work/educational release without the written consent of the victim. Any offenders with active orders of protection will not be released on work/educational release without the written consent of the victim.

In compliance with TCA § 40-35-213(a) an offender convicted of a sexual offense or violent sexual offense or who is currently registered on the sex offender registry will not be released on the work/education release program.

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An offender serving a felony sentence based on a crime against person or property shall not be eligible to apply for work/educational release if he/she has a previous sentence defined as a felony against person or property.

An offender serving a sentence of more than one hundred twenty (120) days on misdemeanor offenses and all felony offenses must be approved for work/educational release by the work release board. The decision of this board is final.

Pursuant to the Order of Director-Approved Work Releases, the Work Release Commission has designated the director of work release to act on its behalf to approve otherwise qualifying petitioners for entry in the work release program who:

- have been found in contempt of court for nonpayment of child support, and are sentenced to serve one hundred eighty (180) days or less or,
- have one hundred twenty (120) days or less remaining to serve for a misdemeanor offense.

In conjunction with the Order of Director Approved Work Releases, the facility administrator has authority to approve or disapprove participation for each inmate.

In compliance with TCA § 40-35-213 persons convicted of a second, third, or fourth offense or more DUI are not eligible for work release until they have completed the minimum mandatory sentence on that conviction. If the offense resulted in personal injury or the death of another the offender is not eligible for work release.

Any work release participant who fails to report to work, leaves work without permission, or fails to return to the correctional facility may be charged with escape pursuant to policy # 1-3.233, "Loss of Custody."

Any work/educational release participant sentenced in Davidson County is eligible for an unescorted furlough on Sunday only, if he/she is within thirty (30) days of the scheduled release date and meets requirements for furlough as set forth in DCSO policy # 1-4,702, "Furloughs."

An offender **HOLD** can be placed on an offender with supportive documentation by the following:

- administrator;
- director of operations;
- lieutenants;
- work release manager;
- work release monitors;
- administrative assistant;
- unit manager.

An offender **HOLD** can be removed by the work release manager/designee.

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Offenders participating in the work/educational release program will be allowed to work forty-eight (48) hours within a seven (7) day workweek. Offenders will be allowed an appropriate amount of time to report to and from work.

Each employer will be issued a work release agreement describing the work release program rules and regulations. This agreement should be signed by the employer and returned to the DCSO before an offender can begin employment.

#### **Disciplinary Infractions**

Work/educational release participants charged with a disciplinary infraction will be held in the facility, pending the outcome of the disciplinary hearing. A finding of guilt for a major disciplinary infraction shall result in removal from the program.

A work/educational release offender found guilty of a minor disciplinary infraction may be returned to work/educational release upon completion of disciplinary sanction and approval of the work release manager.

#### **Wages of Employed Offenders**

Offenders participating in the work release program are required to turn over their wages when received. The offender's entire check and check stub must be given to an authorized DCSO employee. The employee will then log the offender's check in the money log book and drop the check and check stub in the locked mailbox at the checkpoint area. The DCSO courier will collect all checks and money orders from the mailbox and sign the money log book as receiving the checks. This employee will then forward the check and check stub to the DCSO finance division. A work release monitor will print the "Work Release Approved Inmates with Days Worked Report" and the "DCSO Work Release Sign In/Out Sheet" to be delivered to the finance division. NOTE: This procedure will be done weekly for comparison. The work release manager/designee shall print the "Work Release Approved Inmates with Days Worked Report" from the Work Release Reports in the Jail Management System (JMS) and deliver this report along with the sign in/out sheets for the previous week to the finance division on Monday of each week barring any holidays or unforeseen circumstances.

All wages are to be turned in on one check at the Correctional Development Center – Male.

The work release manager/designee shall reconcile the "Work Release Approved Inmates with Days Worked Report" and the "DCSO Work Release Sign In/Out Sheet," and forward to the finance division each Monday.

All wages must be supported by payroll documentation from the offender. Failure to turn in wages will be considered a major disciplinary infraction. The work release manager/designee shall collect the wages, determine if any participant has not turned over wages, and place any participant not turning over wages on a hold status for investigation and disciplinary action if applicable.

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An offender will be allowed to submit earnings via money order **ONLY** if the employer requires direct deposit as a condition of employment and/or the offender earns tips. The money order must be accompanied by supporting payroll documentation (direct deposit slip). If prior direct payments to debtors are charged to the offender's bank account upon entering the work release program, the offender must provide supporting documentation and submit the remainder to the work release manager/designee. This exception does not in any way relieve the offender of any prior minimum requirements established in this policy.

The DCSO finance division shall receive, disburse, and account for offender wages. Disbursements include, but are not limited to:

- room and board fees;
- travel expenses and incidentals;
- child/spousal support as mandated by court order;
- court costs;
- debts acknowledged in writing or reduced to a judgment;
  1. medical co-payments
  2. payments to commissary, etc.
- other disbursements as required by law, ordered by the court, or incurred while in custody.

The wages or salaries of employed offenders shall be disbursed for the purposes and in the order mandated by the Tennessee state law.

Note: Child support payments should be paid through the finance accounting system unless otherwise determined by the court.

Work release offenders will have deducted from their offender trust account \$10 per day released for employment. An additional \$100 will be deducted from the first wages. This \$100 will be refunded to the participant upon release if room and board charges have been covered. Ten percent of net income will be deducted to pay court costs and restitution payments, if applicable.

The work release manager/designee shall compile the total amount paid in court costs and the termination report for the month and forward said material to the presiding judge over criminal court.

The work release manager/designee will create and maintain a work release file for each offender participating in the program.

The work release manager/designee shall obtain a copy of the child support court order and forward to the finance division.

The finance division will obtain a copy of the "Bill of Costs" via CJIS for each new offender entering the program, if applicable, to determine court costs owed to the clerk's office.

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Once released, the offender must wait ten business days to collect any funds left on his/her account of the \$100 prepaid fee charged upon being placed on work release. This will give the finance division time to collect any outstanding debt incurred by the offender while on work release.

**Insufficient Funds**

If an offender submits a check for deposit and is deemed to have insufficient funds, the offender's employer will have until the next deposit period to honor the check, via money order. If the check is not honored in this time period, the offender will be removed from the current employer.

**Access to Programs and Services**

Work release participants shall have access to programs and case management services, including but not limited to:

- one-on-one counseling;
- religious services;
- recreation and leisure time activities;
- crisis and grief counseling;
- library services.

**Day Reporting Program Participation**

All convicted misdemeanant offenders who have been granted work/educational release shall automatically qualify for screening and possible participation in the Day Reporting Program pursuant to Judicial Order GSA02-2. Such offenders must have completed one half of the actual sentences and must have been clear of any disciplinary infractions while on education/work release.