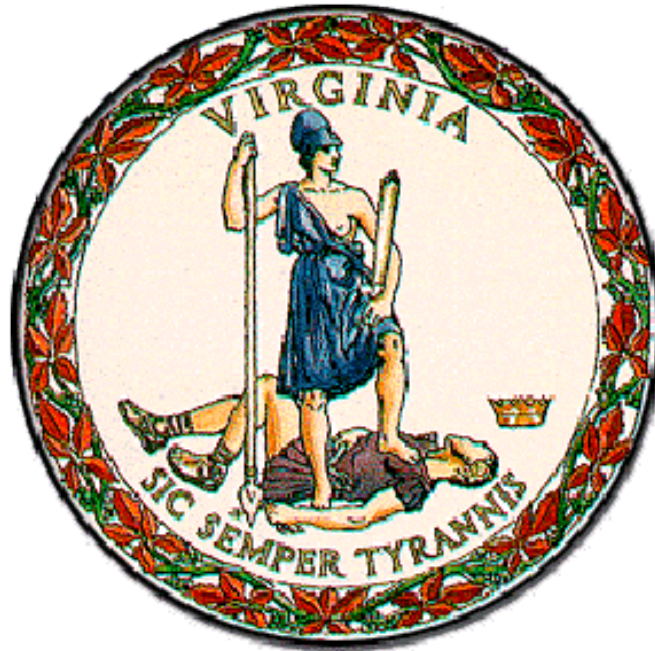


Work Release Programs in Virginia

*Office of the Secretary of Public Safety
and Homeland Security*



December 2022

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
AUTHORITY	4
IMPACT STATEMENT: LOCAL & REGIONAL JAILS	7
HISTORY: WORK RELEASE PROGRAMS IN VIRGINIA	8
CLASSIFICATION	
CURRENT PRACTICES	9
RECOMMENDATIONS: ELIGIBILITY CRITERIA	9
EMPLOYMENT & FINANCIAL MANAGEMENT	
CURRENT PRACTICES	11, 12
RECOMMENDATIONS: EMPLOYMENT	11
RECOMMENDATIONS: FINANCIAL MANAGEMENT	12
PROGRAMMING	
CURRENT PRACTICES	13
RECOMMENDATIONS: PROGRAMMING	13
i. PREREQUISITES	13
ii. GOALS/OBJECTIVES	14
iii. WORK RELEASE PHASE PROGRESSION	15
a. PHASE I	15
b. PHASE II	15
SECURITY & TRANSPORTATION	
CURRENT PRACTICES	17
RECOMMENDATIONS: SECURITY	17
RECOMMENDATIONS: TRANSPORTATION	18
RECOMMENDATIONS: STAFFING (SECURITY/TRANSPORTATION)	19

TABLE OF CONTENTS

FISCAL IMPACT	20
CLOSING STATEMENT	22
APPENDIX	23

EXECUTIVE SUMMARY

AUTHORITY

House Bill 170 directed the Secretary of Public Safety & Homeland Security to organize a workgroup that would make recommendations regarding the implementation of work release programs for incarcerated individuals who are close to release from state correctional facilities.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Secretary of Public Safety and Homeland Security shall convene a work group to study inmate work release programs and shall include in the study a review of the availability of both public and private employment for inmates eligible for work release within the locality of a correctional facility. The work group shall be composed of at least one representative from each of the following groups: the Office of the Executive Secretary, Department of Corrections, Virginia Sheriffs' Association, Virginia Association of Regional Jails, and one or more organizations that specialize in reentry services, including transition and employment. The work group shall report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on Rehabilitation and Social Services, and Senate Committee on the Judiciary by December 1, 2022.

Pursuant to that requirement, this report is the product of engagement and collaboration among workgroup members who had varying expertise and perspectives on the recommendations. The members included representatives from the Virginia General Assembly, Office of the Executive Secretary, Virginia Department of Corrections, Virginia Sheriffs' Association, Virginia Association of Regional Jails, CARES/Re-Entry T.E.A.M, and Spectrum Health Systems. By name, membership included:

VADOC Legislative Team	VADOC Stakeholders	Non-VADOC Stakeholders
Jermiah Fitz, <i>Corrections Operations Administrator & Legislative Liaison</i>	Barry Kanode, <i>Warden, Green Rock Correctional Center</i>	Daniel Marshall III, <i>House of Delegates, District 14 Virginia General Assembly</i>
Rose Durbin, <i>Corrections Operations Manager & Constituent Affairs Liaison</i>	Dara Watson, <i>Warden, St. Brides Correctional Center</i>	Sonny Daniels, <i>Assistant Secretary of Public Safety & Homeland Security</i>
Annie Morgan, <i>Contract Specialist</i>	Troy Ford, <i>Central Classification Manager</i>	Colonel Derek Almarode, <i>Rockbridge Regional Jail, Virginia Association of Regional Jails</i>
Tish Rothenbach, <i>Legislative Analyst</i>	Amber Dunnings, <i>Work Release Supervisor</i>	Elizabeth Hobbs, <i>Staff Attorney, Virginia Sheriffs' Association</i>
Shaina Morris, <i>Administrative Staff Assistant</i>	Tori Raiford, <i>Central Classification Supervisor</i>	Madonna Flores, <i>Family Services Supervisor, CARES/Re-Entry T.E.A.M.</i>
	La'Portia O'Neal, <i>Cognitive Program Manager</i>	Earl Warren, <i>Vice President of Corrections, Spectrum Health Systems</i>
	Sherdal Lewis, <i>Program Director, Transitional Women Work Release</i>	

Workgroup members developed four subcommittees relating to their areas of expertise which were (1) Classification, (2) Employment & Financial Management, (3) Programming, and (4) Security & Transportation. Each subcommittee was tasked with evaluating background information and current practices within work release programs; such findings led to recommendations encouraged by the entire workgroup. When taken together, these recommendations provide the framework for the implementation of a “pilot” work release program within the Department of Corrections.

The workgroup reviewed the current eligibility criteria to determine if the criteria needed to be modified in order to allow additional inmates to participate in work release programs. At present, the eligibility criteria is restrictive in terms of certain criminal offenses eliminating inmates from work release eligibility. The Classification section details recommendations of suitable eligibility criteria for participation within a work release program, which would require the Department of Corrections to slightly loosen its existing criteria. This workgroup recommends that information in the Classification section of this report be utilized to evaluate inmates for potential participation in a VADOC-operated Work Release program. This workgroup also strongly encourages implementation of such a program to be located at a pilot site, and that 24-hour medical care be provided—such an accommodation would increase the number of inmates who could be considered “eligible” to participate in the program.

The workgroup agreed that employment opportunities in both private and public sectors should be considered as potential avenues for partnerships. However, workgroup members also acknowledge that the potential employers’ hiring policies and the companies willingness to accommodate program guidelines/security protocols would ultimately determine if the company would be a good fit as a partnering employer. Financial Management is also an important component of the Work Release program. Currently, *Code of Virginia § 53.1-131*¹ outlines work release for those confined to jails. The workgroup agrees that the wages earned by inmates held in state correctional facilities should be handled in a similar manner as specified in code, with the exception of “the inmate pays a fee to defray the cost of his keep.” An amendment to *Code of Virginia § 53.1-131 (A. 1)*² should be made to provide an exemption of VADOC inmates.

This workgroup recommends that inmates participate in an intensive reentry program for a minimum of six (6) months as a mandatory prerequisite to work release. The primary goal of work release is to assist inmates with successful transition into their respective communities and family units as prosocial and productive citizens. Effective cognitive skill building and educational services are provided within the context of peer community. This workgroup recommends a model that is similar in design to the current Transitional Women’s Work Release, which operates from State Farm Work Center. The recommended model will incorporate evidence-based program components from both Cognitive and Therapeutic Community models with a focus on cognitive restructuring and behavior changes to complement all professional- and self-development gained during each inmate’s tenure within the proposed model.

¹ <https://law.lis.virginia.gov/vacode/53.1-131/>

² <https://law.lis.virginia.gov/vacode/53.1-131/>

The Department of Corrections has a multitude of security practices and policies in effect that could pragmatically be applied to the security & custody of work release inmates. However, specific modifications to these operating procedures would likely prove beneficial to the success of a VADOC-operated work release program. Additionally, the workgroup suggests that all transportation of work release participants be provided by Spectrum Health Systems. Such services are already in use at the Transitional Women's Work Release Program (TWWR) located at the State Farm Work Center. The 4.0 Driver/Transportation Operating Procedures listed in the appendix of this report address the essential needs and tasks of securely transporting work release participants via Spectrum Health Systems.

Throughout the workgroup's study of a VADOC-operated work release program, the findings revealed a consistent theme of such a program requiring increased full-time staffing levels at the institution(s) where work release inmates would be housed. Such positions should be considered for hire to ensure adequate coverage of security and transportation needs – and therefore would require additional funding for employee compensation and vehicle expenses to be addressed in the agency's contract with Spectrum Health Systems.

A fiscal impact has been determined based upon internal and external factors. For example, internal factors that have been considered within the financial planning of a work release program include the geographical location of the pilot site as well as staffing vacancies and/or transfers across the agency. Piloting such a program is contingent upon external factors as well, such as partnerships with public and private sectors and the employers' willingness to hire VADOC inmates. Additionally, this report aims to highlight specific staffing considerations put forth by the workgroup as detailed in the Fiscal Impact section.

The workgroup recommends "re-purposing" a field unit as the pilot work release location. The workgroup recognizes that successful execution of a work release program comprised of the abovementioned components, at the specified pilot site location, would potentially introduce a need for the reallocation of agency funds and/or a request for additional funding from the General Assembly.

IMPACT STATEMENT: LOCAL & REGIONAL JAILS

Virginia Association of Regional Jails

October 28, 2022

Association Liaison Report on HB170

Colonel Derek Almarode, Vice President
Legislative Chair

The Virginia Association of Regional Jails appreciates the opportunity to have served on this workgroup, we found the experience to be productive and we look forward to future partnerships such as these in the future.

The function of the workgroup is to make recommendations toward establishing policy referencing the stated objectives of HB170. Thus, the position of the association is as follows. If the state were to implement "Work Release" throughout the Commonwealth in every VADOC institution, it would have the potential to mitigate and likely eliminate the ongoing programs operated by local and regional jails. Thus, negatively impacting those agencies, offenders, and participating employers.

The association supports a work release program within the Virginia Department of Corrections; however, we support a "need specific" approach. Meaning, there are areas and regions throughout the state that have no work release programs being conducted by the local or regional jails. As reported in the workgroup, VADOC has workcamps in every region of the state.

Thus, it is our position that VADOC target those areas of need and implement a program utilizing their closest camp or work center. In doing so, this would allow the local and regional jails that currently operate a Work Release program to continue. In addition, it would also allow VADOC to implement the program on a limited basis in the areas of need. In doing so, the local and regional jails in partnership with VADOC would have a broader impact on Virginia serving more communities.

A "need specific" approach is certainly more cost effective and likely doable on the current funding projections. A state-wide program would again devastate existing programs and services and financially overburden the Commonwealth in implementation cost.

Sincerely,

Colonel Derek Almarode
Rockbridge Regional Jail Superintendent
Association Vice President

cc: VARJ Leadership
Mike Edwards, Kemper Consulting

HISTORY

WORK RELEASE PROGRAMS IN VIRGINIA

According to an article provided by the National Criminal Justice Reference Service in July 1982, *A Report on the Virginia Work Release Program*³ detailed the then-current status of work release programs across the state and affirmed: “work release in Virginia was initiated by the General Assembly in 1950” (Section 53-38 of the Code of Virginia). The legislation set forth general guidelines authorizing the Director to ‘establish work release programs subject to rules and regulations as the Board may prescribe, whereby a convict who is proficient in any trade or occupation, whom the Director is satisfied is trustworthy, may be approved for employment.’

The Virginia Department of Corrections (VADOC) operated a small work release program from a state correctional facility, specifically at a field unit, from the early 1980’s until February 1989. However, work release programming was subsequently ended due to challenges encountered shortly thereafter.

In the 1990’s, VADOC contracted with the local jails to begin administering the work release programs. This benefited both VADOC and the jails as it allowed the Department of Corrections to distance itself from work release operations. Additionally, this partnership gave jails the opportunity to oversee the program and build ties with community employers who were seeking a workforce.

In 2013, VADOC implemented the Transitional Women’s Work Release (TWWR) Program at the former Deerfield Women’s Work Center. In 2019, TWWR moved to State Farm Work Center in Powhatan, Virginia.

Today, work release programs are offered through collaborative operations by the Virginia Department of Corrections, local and regional jails, and Spectrum Health Systems. Specifically, these programs are housed within State Farm Work Center as well as several local and regional jails across the Commonwealth. Participants of such programs benefit from opportunities of financially planning and saving; developing professional skills; and securing and maintaining gainful employment while earning no less than the federal minimum wage. Employment opportunities have been offered by both private and public sector agencies within, but not limited to, the following industries— food service, warehouse distribution, landscaping, and construction.

Currently, the *Code of Virginia*, Section 53⁴ regarding work release programs remains valid, including its amendments and reenactments over several decades.

³ <https://www.ojp.gov/pdffiles1/Digitization/91704NCJRS.pdf>

⁴ <https://law.lis.virginia.gov/vacode/title53.1/chapter2/section53.1-60/>

CLASSIFICATION

CURRENT PRACTICES

Currently, the VADOC has contracts with local and regional jails to house VADOC inmates for the purpose of Work Release.

Operating Procedure 830.7 currently governs the eligibility criteria for VADOC inmates to participate in jail work release as well as the Transitional Women's Work Release Program. Additionally, this operating procedure identifies areas of caution when determining suitability of inmates.

RECOMMENDATIONS

VADOC Facility Work Release

- A. The VADOC Facility Work Release Program is a joint collaboration between the Virginia Department of Corrections (VADOC) and Spectrum Health Systems, Inc. (Spectrum).
1. The program should be located at a field unit and should provide male inmates with the opportunity to work in the community for three (3) to eight (8) months before their release date.
 2. An inmate's participation in the program should not be limited by the individual's release plan area.
 3. Male inmates with a release plan to the area surrounding the pilot site are not eligible for VADOC Jail Contract Work Release and will be reviewed for Work Release through the VADOC Facility Work Release program, only.
- B. Eligibility Criteria
1. Inmates must have 12-14 months remaining to serve before their Good Time Release Date (GTRD) or Mandatory Parole Release Date (MPRD). Those inmates who have completed Phase 2 of Therapeutic Community (TC) must have six (6) to eight (8) months remaining to serve.
 2. Inmates serving time for, or who have an offense history involving any of the following felony offenses are not eligible for the VADOC Facility Work Release Program:
 - a. Abduction/Kidnapping; see COV §18.2-47⁵, Abduction and kidnapping defined; punishment
 - b. Mob related offenses; COV §18.2-38⁶, "Mob" defined
 - c. Sex Related Crimes; see COV §18.2-61⁷, Rape
 - d. Homicide/Murder; see COV §18.2-30⁸, *Murder and manslaughter declared felonies*

⁵ <https://law.lis.virginia.gov/vacode/18.2-47/>

⁶ <https://law.lis.virginia.gov/vacode/18.2-38/>

⁷ <https://law.lis.virginia.gov/vacode/18.2-61/>

⁸ <https://law.lis.virginia.gov/vacode/18.2-30/>

3. Inmates with the below listed criminal offenses will be evaluated by a review team comprised of the Regional Operations Chief, Regional Administrator, Director of Offender Management Services, and Central Classification Services Manager
 - a. Carjacking; see COV §18.2-58.1⁹, *Carjacking; penalty*
 - b. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming; see COV §18.2-51¹⁰, *Shooting, stabbing, etc., with intent to maim, kill, etc.*
 - c. Robbery; see COV §18.2-58¹¹, *How punished*. This offense may include present or implied weapon
4. Inmates with a Mental Health Code of “2” or lower would be eligible provided they have been stable on their medication for a six-month period of observation.
5. Medical classifications other than “A” will be evaluated and approved by the medical authority for participation in work release on a case-by-case basis.

C. Suitability Criteria

1. Risk assessment factors are a consideration when evaluating an inmate’s ability to abide by program expectations and level of risk to the public.
2. The following suitability criteria is used in making a final decision for an inmate’s assignment to the VADOC Facility Work Release Program:
 - a. Severity and total number of current and prior criminal convictions; misdemeanor assaults within the prior five years may disqualify an inmate from acceptance.
 - b. Program participation and performance during incarceration, e.g., GED
 - c. Institutional work history and employment stability prior to incarceration
 - d. Previous probation/parole supervision adjustment
 - e. Previous adjustment in Work Release or other community release program
 - f. COMPAS Risk/Needs Assessment results
 - g. Any significant adverse public sentiment to the inmates’ presence in the community should be considered; this may be gauged by specific objections expressed by prosecuting attorneys, courts, local law enforcement officials, victims, or others.

- D. In order to transfer into the work release program, the inmate must first complete the Cognitive Community Reentry Program, or Phase II of the Cognitive Therapeutic Community Program, currently located at Indian Creek Correctional Center.

This workgroup recommends that the above criteria be utilized to evaluate inmates for potential participation in a VADOC-operated Work Release program. This workgroup also strongly encourages implementation of such a program to be located at a pilot site, and that 24-hour medical care be provided—such an accommodation would increase the number of inmates who could be considered “eligible” to participate in the program.

⁹ <https://law.lis.virginia.gov/vacode/18.2-58.1/>

¹⁰ <https://law.lis.virginia.gov/vacode/18.2-51.1/>

¹¹ <https://law.lis.virginia.gov/vacode/18.2-58/>

EMPLOYMENT & FINANCIAL MANAGEMENT

CURRENT PRACTICES: EMPLOYMENT

Currently, the Virginia Department of Corrections, in conjunction with Spectrum Health Systems, operates the Transitional Women Work Release (TWWR) program at State Farm Work Center. After meeting eligibility requirements set forth in *OP 830.7* and programming requirements, inmates may obtain employment through partnerships with community employers for the remaining five (5) to seven (7) months of their sentence. In operation since 2013, the TWWR program established procedures as it relates to employment and financial management for the inmate participants. It is recommended that VADOC work closely with the TWWR program to establish work release procedures.

Two areas of consideration were identified as it relates to employment within work release – employment and financial management.

RECOMMENDATIONS: EMPLOYMENT

The workgroup agreed that employment opportunities in both private and public sectors should be considered as potential avenues for partnerships. However, workgroup members also acknowledge that the potential employers' hiring policies and the companies willingness to accommodate program guidelines/security protocols would ultimately determine if the company would be a good fit as a partnering employer. Current methods used for the TWWR program in searching for potential employers sites include using the Chamber of Commerce business guide, scouting businesses in the area, and online searches. Marketing skills are extremely important when applying employment recruiting techniques and promoting the program. Strategies include using the "2nd Chance" pitch, having brochures, cold calls and/or emails, promoting the benefit for employers such as the Work Opportunity Tax Credit, Federal Bonding Program and reliable/dependable workers.

The workgroup proposed various items to be considered in regards to employment within a work release program, such as the following factors:

- i) Staffing Considerations—based on the number of participants
 - (1) Employment Counselor—recommend one(1) per 25-30 participants
 - (a) Description of job duties
- ii) Employment Recruiting Techniques
- iii) Types of industries that currently work with VADOC work release
- iv) Area specific work industry opportunities
- v) Inmate pay scale expectations
- vi) Inmate employment interview/hiring procedures
- vii) Inmate employment scheduling procedures

The workgroup recommends that the pilot site identified for work release purposes within the Department of Corrections should partner with the Transitional Women's Work Release (TWWR) program and closely follow the TWWR model. The Transitional Women's Work Release program at State Farm Work Center has effective procedures in place that demonstrate a successful re-entry model which can be easily modified or amended to fit the culture and needs of another facility.

Likewise, VADOC would further survey other correctional agencies to evaluate their work release programs and thus determine how to best implement employment protocols from the considerations offered by the workgroup.

CURRENT PRACTICES: FINANCIAL MANAGEMENT

Financial management is an important part of the Work Release program. Currently, *Code of Virginia § 53.1-131*¹² outlines work release for those confined to jails. At present, the VADOC has contracts with local and regional jails to house VADOC inmates for the purpose of Work Release. Each inmate pays approximately \$17.00/day to be housed at the jail, as well as any other fees associated with their stay, i.e. medical expenses.

RECOMMENDATIONS: FINANCIAL MANAGEMENT

The workgroup agrees that the wages earned for inmates held in state correctional facilities should be handled in a similar manner as specified in code, with the exception of "the inmate pays a fee to defray the cost of his keep." An amendment to *Code of Virginia § 53.1-131 (A. 1)*¹³ should be made to provide an exemption for VADOC inmates.

Additionally, the workgroup recommends that VADOC should design financial management procedures for work release parallel to those within the TWWR model.

¹² <https://law.lis.virginia.gov/vacode/53.1-131/>

¹³ <https://law.lis.virginia.gov/vacode/53.1-131/>

PROGRAMMING

CURRENT PRACTICES

The Transitional Women's Work Release Program (TWWR) is still in operation at State Farm Work Center in Powhatan, Virginia. The six- to eight-month program incorporates self-development, educational opportunities, cognitive behavior therapy, social skills training, and community resources as tools to reinforce the core skills, behaviors, and positive living principles that inmates learn while participating in TWWR's cognitive or therapeutic community programs. The first 30 days of the program is designed as an orientation period. During this period, inmates are interviewed and assessed in order to develop individualized service plans for targeted risk- and needs-treatment goals. The remaining five (5) to seven (7) months of the TWWR program consists of job searching, resume-building, interviewing practice, and community employment. Inmates are employed by community employer partners earning living wages while continuing to work toward targeted treatment goals for the duration of the program. Entrance into the TWWR program is based on VADOC eligibility criteria and successful completion of a Cognitive or Therapeutic Community program.

RECOMMENDATIONS: WORK RELEASE PROGRAM

Two types of work release models – the Community Corrections Alternative Program (CCAP) and the Transitional Women's Work Release (TWWR) were reviewed.

The workgroup strives to offer recommendations that provide the best efficacy as it relates to operational accommodations and fiscal planning. Although both models are effective, TWWR presents several advantages, both operationally and fiscally.

The TWWR model is not without operational issues, though. The size of the physical plant at the Work Release/Field Units presents conflicts of sufficient office and classroom space. However, installing trailers that house offices and classrooms is a possible solution.

This workgroup recommends a model that is similar in design to the current Transitional Women's Work Release, which operates from State Farm Work Center. The recommended model will incorporate evidence-based program components from both Cognitive and Therapeutic Community models with a focus on cognitive restructuring and behavior changes to complement all professional- and self-development gained during each inmate's tenure within the proposed model.

PREREQUISITES

Intensive Reentry Community Program

This workgroup recommends that inmates participate in an intensive reentry program for a minimum of six (6) months as a mandatory prerequisite to work release. The cognitive community offers group programming designed to restructure the cognitive thought process of the inmates within the community. Based on the prosocial values, the community as a representation of a prosocial living environment is maintained by the inmate with oversight and

guidance of program and facility staff serving as role models and rational authority. Cognitive programming focuses on the importance of prosocial values, accountability, principles of right living, rational thinking and decision-making and healthy belonging. In addition, program content has a key focus on recognizing and replacing high risk thinking patterns and behaviors associated with re-entry.

GOALS & OBJECTIVES

The primary goal of work release is to assist inmates with successful transition into their respective communities and family units as prosocial and productive citizens. The following objectives will further assist the inmates to adopt behaviors that will led to crime and drug-free healthy living patterns:

- i. Effectively apply problem-solving skills
- ii. Effectively apply communication techniques
- iii. Effectively apply interpersonal skills
- iv. Effectively apply coping skills
- v. Effectively apply leadership skills
- vi. Identify and avoid triggers
- vii. Identify and replace anti-social thinking and behaviors
- viii. Develop strong work ethic
- ix. Develop pro-social attitude, behaviors, and values
- x. Develop relapse prevention skills and plans
- xi. Develop budgeting skills
- xii. Develop Continuing Care Plans
- xiii. Obtain and maintain gainful employment

Individual Case Management

Participants will meet with the Case Manager no less than once per month to ensure that measures are taken to accomplish the goals listed on the individualized service plan. At times individual sessions will address treatment needs, feelings, attitudes, and behaviors by reinforcing the participant to apply prosocial life and coping skills to navigate internal and external conflict situations. During these meetings the Case Manager will also assist participants with obtaining resources, such as housing applications, listings of AA/DA programs near the participant's place of residence, and social services application etc.

Individual Employment Case Management

Participants will meet with the Employment Counselor no less than once per month to ensure that measures are taken to accomplish the goals listed on their individual service plan related to employability skills, financial budgeting, and/or small business planning. These meetings are to

assist participants in establishing financial stability upon release. During these meetings the Employment Counselor will assist the participants with developing a financial plan, resources pertaining to employment opportunities in their local communities, completing job applications, etc.

**Individual Employment and Case Management session will rotate on a bi-weekly schedule to ensure each participant receives case management services at least 2x per month.*

WORK RELEASE PHASE PROGRESSION

PHASE I

Orientation (minimum of 30 days)

- Based on assessment outcomes, participants and the assigned Case Manager will identify specific goals to address the clients' criminogenic needs most relevant to reducing recidivism
- Participants and their assigned Case Manager will develop individualized treatment plans with interventions to achieve treatment goals
- Participants will actively engage in staff-facilitated psychoeducational groups related to motivation enhancement, job readiness, relapse prevention, and mapping recovery/continual care planning
- Participants are assigned to work gangs within the facility prior to obtaining community employment. It is mandatory for all participants to report to work assignments and perform assigned duties as scheduled. Work ethic and performance will be monitored to determine readiness for community employment
- Progression into the Work Release phase is contingent on successful completion of Phase I is contingent upon group attendance/engagement, assessment outcomes, and demonstrated work ethic and performance. Participants will continue to with assigned facility work gang until transition into community employment

PHASE II

Community Employment (3 – 7 months)

- Participants begin their transition into community employment. With the assistance of the Employment Counselor, participants will be interviewing with potential partnering employers
- Once employed participants are expected to demonstrate knowledge and skills related to their employment and maintain positive work ethic and job performance

- Participants must adhere to all program and facility rules/regulations while present on the job sites
- Program participants are responsible for attending and actively engaging in all assigned program groups and/or meetings when not working. Make-up groups will be provided as needed
- Psychoeducational group topic areas within this phase are: life skills for vocational success, healthy relationships, violence reduction, seeking safety, mapping recovery/continuing care planning and relapse prevention
- Participants will participate in individual case management and employment case management sessions with assigned counselors
- Successful completion of the work release is contingent upon completion of phase curricula, maintaining employment, and consistent demonstration of the use of prosocial skills

SECURITY & TRANSPORTATION

CURRENT PRACTICES

The transport of work release participants outside the institution as well as from one jurisdiction to another within the state of Virginia, is provided in a safe and secure method. Traditionally, all inmate transports are made by using a security vehicle/van (a vehicle equipped for specific security needs). However, transportation practices can vary based on the policies and procedures of individual work release programs. Inmates are transported to and from work locations by program staff in non-security 8- or 12-passenger vans. Program supervisors are responsible for ensuring that staff follow a safe, direct route from the assigned facility to the work locations in a timely manner. Work Release transportation staff are properly trained on vehicle safety; facility policies and procedures; and are instructed to follow all traffic laws.

RECOMMENDATIONS: SECURITY

The Department of Corrections has a multitude of applicable security practices and policies listed that would effectively apply to the security & custody work release inmates. However, specific modifications to these operating procedures would likely prove beneficial to the success of a VADOC-operated work release program. Therefore, the workgroup offered the following recommendations:

Focus: Security (Institutions/Field Unit)

- Inmates must not exit the worksite unless entering transportation van for departure for the day.
- No roving job sites and/or residential services
- Employers should be provided with no more than 2-3 points of contact to discuss schedules, changes and/or emergencies.
- Designated dorm and bed assignments within housing units/dorms
- Designated prohibited areas within Community Work Site Locations
- When possible, seek community employment partnerships with employers who have surveillance cameras installed, with at least a 3- to 7-day loop.
- Strip-searches performed for work release inmates leaving and returning to the pilot site daily, should align with current policy.
- Augment a 24-hour clock (facility operations schedule) to accommodate the work release inmate needs.
- Staff should administer breathalyzer and/or alcohol test strips upon inmates' return from worksite.
- Sally-port controls should be enhanced by adding a full-body scanner (Adani) and Boss Chair.

- Staff should conduct unannounced security checks at the work site, routinely yet without a set schedule. (Security supervisors, counselors, and other administrative staff could assist.)
- A Memorandum of Understanding (MOU) and/or contract between VADOC and the employer is needed.
- Work release inmates are not permitted to receive visits from family members, friends, children, or other acquaintances. Such visits must be immediately reported to VADOC by the employer.

RECOMMENDATIONS: TRANSPORTATION

The Department of Corrections has a multitude of applicable transportation practices and policies listed that would effectively apply to the transporting of work release inmates. The workgroup suggests that all transportation of work release participants be provided by Spectrum Health Systems. Such services are already in use at the Transitional Women's Work Release Program (TWWR). The *4.0 Driver/Transportation Operating Procedures* listed in the appendix of this report address the essential needs and tasks of securely transporting work release participants via Spectrum Health Systems.

Focus: Transportation/Driver- Job Summary

- Transports participants observing State highway regulations and maintaining custody, control and safe delivery of passengers to and from various work sites as instructed by supervisor
- Conducts visual inspections of vehicles at the beginning of each shift documenting any issues or concerns using the Spectrum Daily Vehicle Inspection Checklist
- Logs all trips and mileage keeping an accurate accounting of each trip, individuals present in the vehicle, purpose of transportation, beginning and ending mileage, the date and time of day
- Brings vehicles for routine maintenance and service and directed by the Program Director
- Reports traffic violations, parking tickets, accidents and any other issue to the Program Director immediately
- Addresses program participant issues, concerns and inappropriate behaviors promptly while providing transportation
- Serves as role-model/mentor for offenders while maintaining professional boundaries
- Reports infractions of work release program rules, issues at work and other behavioral issues to the Program Director immediately as identified

Focus: Participant Identification Card Procedures (VADOC-Issued)

Participant Identification Cards should be handled in accordance with current VADOC operating procedures.

Focus: Inmate Gate/CORIS Outside Work Pass

The use of the Inmate Gate/CORIS Outside Work Passes should be handled in accordance with current VADOC operating procedures.

RECOMMENDATIONS: STAFFING (SECURITY/TRANSPORTATION)

Throughout the workgroup's study of a VADOC-operated work release program, the findings revealed a consistent theme of such a program requiring increased full-time staffing levels at the institution(s) where work release inmates would be housed. Positions that should be considered for hire to ensure adequate coverage of security and transportation needs – and therefore would require additional funding for hourly and salaried employees – include:

1. Correctional Officer
2. Transportation Officer (part time can be considered)
3. Intel Staff

FISCAL IMPACT

A fiscal impact has been determined based upon internal and external factors. For example, internal factors that have been considered within the financial planning of a work release program include the geographical location of the pilot site as well as staffing vacancies and/or transfers across the agency. Piloting such a program is contingent upon external factors as well, such as partnerships with public and private sectors and the employers' willingness to hire VADOC inmates. Additionally, this report aims to highlight specific staffing considerations put forth by the workgroup as detailed below.

The workgroup recommends "re-purposing" a field unit into the pilot work release location. This recommendation is fiscally prudent and it strategically allows for a fairly quick implementation timeline of the pilot. Using the current FY2023 budget for the Patrick Henry Field Unit as an example, the ideal pilot work release location should have an operational capacity of at least 100 beds and the appropriate corresponding level of security and administrative staff (including 24-hour nursing coverage).

The total fiscal impact for staffing, equipment, and vehicle expenses necessary to implement a pilot work release program is approximately **\$967,718.00**. In the chart below, these expenses have been detailed by funding source; and in the sections to follow, these expenses have been detailed by need & category:

<i>Expense Type</i>	<i>Payer</i>	<i>Total Cost</i>
Staffing	Virginia Department of Corrections	\$156,518.00
Equipment	Virginia Department of Corrections	\$165,000.00
Staffing	Spectrum Health Systems	\$595,952.00
Vehicle (3 vans)	Spectrum Health Systems	\$50,248.00
	GRAND TOTAL	\$967,718.00

STAFFING COSTS FOR THE VIRGINIA DEPARTMENT OF CORRECTIONS

The only positions not part of the FY2023-funded field unit staff are Cognitive Counselors. For effective work release operations, the Department of Corrections would need two Cognitive Counselors. These counselors would provide services such as:

- Program facilitation
- Reentry preparation such as assisting with personal documents, housing resources, etc.
- Oversight of the cognitive community program including the morning meetings and afternoon meetings, roles and responsibilities, progressive action, etc.
- Skills building coaching specific to cognitive restructuring
- Collaboration with community partners, arranging presentations and resource fairs
- Organization of special events such as Commencement Ceremonies

If the pilot work release program were to be funded, the VADOC would need to hire two cognitive counselors at a total compensation of **\$156,518.00** (\$78,259.00 per position).

EQUIPMENT COSTS FOR THE VIRGINIA DEPARTMENT OF CORRECTIONS

The other new resource needed would be the purchase of a security body scanner at a cost of **\$165,000.00**. This scanner would ensure the safety of the work release participants and staff.

STAFFING COSTS PER THE SPECTRUM HEALTH SYSTEMS CONTRACT

Using the current TWWR rates as a standard, the cost of programming for work release is approximately \$595,952.00 annually per site. This is contingent on the current labor market and other economic factors at the time of implementation. Below is a list of positions compensated through the agency's contract with Spectrum Health Systems, based on current market values:

1 FTE Program Director	\$ 70,000.00
1 FTE Orientation Spec.	\$ 55,000.00
1 FTE Case Manager	\$55,000.00
1 FTE Employment Spec.	\$55,000.00
.05 PTE Employment Spec.	\$27,500.00
1 FTE Administrative Assistant	\$40,000.00
3 FTE Drivers (Van)	\$105,000.00
.02 Regional Director	\$19,181.00
Sub-total	\$426,681.00
Tax & Fringe	\$ 91,045.00
Total Direct Care	\$517,726.00
Indirect cost (training, supplies, support)	\$ 30,000.00
Admin cost	\$ 48,226.00
Program Total	\$595,952.00

TRANSPORTATION COSTS PER THE SPECTRUM HEALTH SYSTEMS CONTRACT

Using the current TWWR model, transportation services and costs are billed to VADOC by Spectrum Health Systems. Based on Spectrum's FY2022, annual vehicle expenses for fuel, maintenance, insurance, and the value depreciation of three (3) 12-passenger vans is approximately \$50,248.00. *Note: Spectrum does not charge VADOC for the purchasing of vans- only the depreciation of each vehicle; therefore, such costs decrease from year to year.* In terms of gas and oil; vehicle repairs and maintenance; and auto insurance, rates vary year to year due to market fluctuations.

Vehicle Expense: Gas & Oil	\$15,952.00
Vehicle Repairs & Maintenance	\$2,028.00
Insurance: Auto	\$9,332.00
Vehicle Depreciation Expense	\$22,936.00
Total Vehicle Expenses	\$50,248.00

CLOSING STATEMENT

The Virginia Department of Corrections appreciates the time and effort invested into this report by all workgroup members and agency partners.

APPENDIX

Operating Procedures referenced in this report have been provided by the Virginia Department of Corrections on the following pages.

4.0 Driver/Transportation Operating Procedures

The purpose of this procedure is to outline and describe driver and transportation procedures and protocols.

4.1 Position Summary

A. Job Summary

1. Transport participants observing State highway regulations and maintaining custody, control and safe delivery of passengers to and from various work sites as instructed by supervisor.
2. Conducts visual inspections of vehicles at the beginning of each shift documenting any issues or concerns using the Spectrum Daily Vehicle Inspection Checklist.
3. Logs all trips and mileage keeping an accurate accounting of each trip, individuals present in the vehicle, purpose of transportation, beginning and ending mileage, the date and time of day.
4. Brings vehicles for routine maintenance and service and directed by the Program Director
5. Reports traffic violations, parking tickets, accidents and any other issue to the Program Director immediately.
6. Addresses program participant issues, concerns and inappropriate behaviors promptly while providing transportation.
7. Serves as role-model/mentor for offenders while maintaining professional boundaries.
8. Reports infractions of work release program rules, issues at work and other behavioral issues to the Program Director immediately as identified.

B. Normal Routine

1. Rotating Shifts (days, evenings, nights): Hours vary according to Participant work site and schedule.
2. Check your email daily for work schedules, schedule changes, and other pertinent information. Confer with the supervisor daily regarding work details and schedule.
3. At the time designated by supervisor and/or notated on your schedule, report for duty. Reporting time will vary.
4. Confer with Security staff regarding passengers and trip schedules as needed.
5. Confirm with Security staff the availability of staff to report to the Ready Room.
6. Retrieve and inspect the vehicle and complete the vehicle inspection form.

C. General Duties

1. Park the transportation vehicle in the facility's loading zone.
2. Identify and verify that you have the correct Participant(s) by collecting Participant ID cards as they board the vehicle.
3. Use schedule to verify the proper Participants are present for transport to work sites.
4. Using your transportation schedule and Participant ID cards to verify that all Participants are present for transport prior to leaving the facility.
5. Log in names of each Participant to be transported and facility departure time into the Transport Logbook.

6. Transport Participants to designated work sites as indicated by your transportation schedule.
7. Record drop off time for each Participant in the Transportation Logbook at the time of drop at each designated work site. (Only make drops as indicated on transportation schedule).
8. According to your transportation schedule, return to designated work sites and retrieve Participants for transport back to the facility.
9. Verify using Participant ID cards and transportation schedule that the proper Participants are boarding for return to the facility at the proper times.
10. Log into the Transportation Logbook the names of Participants boarding for return to facility and the work site departure time.
11. Transport Participants back to the facility's Ready Room for clothing change.
12. Contact Security Staff for assistance to the Ready Room. DO NOT allow Participant to exit from the van until Security Staff as arrived.
13. Return Participant ID cards to each Participant exiting the van upon arrival to the Facility.
14. Log into the Transportation Logbook the time of arrival to the Facility and the time the van is clear of all Participants.

D. Driver Checklist

1. Daily Checklist Items
 - i. Ensure vehicle fuel gauge are above a half of tank.
 - ii. Check for any unreported/new physical damages.
2. Weekly Checklist Items
 - i. Turn in signed gas receipts
 - ii. Van cleanout--floors/trash/windows
 - iii. Van road test—must drive 15 miles one way
 - iv. Exterior lights—ensure all is working condition
3. Bi-weekly Checklist Items
 - i. Check mileage for oil change
 - ii. Check dash for warning lights—maintenance lights, fluid level lights, etc.
4. Monthly Checklist Items
 - i. Van exterior cleaning—1x per month or as needed
 - ii. Check First Aid/Emergency Roadside Kit—replace items as need.
 - iii. Check fire extinguisher level
5. Note any discrepancies' and/or findings on the "Driver Checklist" form and notify Program Director of findings verbally and via email.

4.2 Participant Identification Card Procedures

A. DOC issued ID Cards

1. Drivers should collect Participant identification cards as the Participant boards the van. Participants without their identification card (red state I.D card) WILL NOT to report to work until another identification card is issued.

2. Verify the Participant and their identification card with the transportation schedule prior to departure from the Facility.
 3. After Participant work site drop off, return the identification cards to Master Control and request that the identification cards to assigned DOC officer present at the sally port gate.
 4. Prior to departing the facility to pick up Participants from work sites, report to the sally port and request the identification cards for ALL Participants present on your schedule for pick up. DO NOT leave the facility for pick up WITHOUT the identification cards of those Participants returning from worksites.
 - i. In the event, an identification card cannot be located contact the Program Director at 804-5567195 (office hours) or 857-342-0936 (after hours) for further instructions PRIOR to departing the facility.
 5. Upon arrival to worksites for Participant pick-up, verify Participant identification cards with Participants as they are boarding the van.
 - i. In the event that a Participant is attempting to board the van WITHOUT an identification card being present AND their name does not appear on your scheduled pick up time contact the Program Director or Employment Counselor prior to departing from the worksite for further instructions.
 6. Upon arrival to the facility, return ALL identification cards to the Participants as they exit the van.
- B. TWWR Work Pass
1. Participants are provided a second form of identification—the TWWR work pass. The work pass includes a photo of the inmate, name, number and Facility contact number.
 2. Drivers will ensure participants are in possession of the TWWR work pass prior to departing the Facility and prior to departing the van to enter the place of employment.
 - i. In the event that the participant is not in possession of the TWWR work pass, contact the Program Director or Employment Counselor to have another pass created.
 3. TWWR work passes will remain in the participants possession at all times while working in the community.
 4. In the case of a medical emergency where the inmate has to be transported to the local hospital, participants will be sent with the TWWR work pass in their possession for a source of identification.
 5. Drivers will ensure that participants are in possession of the TWWR work pass upon being pick up from their assigned employment site for transportation back to the facility.

4.2 Searches

A. Participant Searches

1. Have all Participants unfold and shake out any folded clothing and empty all pockets prior to boarding the van. Immediately contact the Program Director with findings of any contraband.
2. All participants will be stripped search prior to entering into the Facility upon returning from work sites conducted by certified security officers provided by State Farm Work Center.

B. Vehicle Searches

1. The interior components of the Spectrum vans will be inspected by the drivers upon return to the facility after participant work site pick-up PRIOR to participants re-entering the vans.
2. Immediately report any unusual findings and/or contraband directly to the Program Director.

4.3 Emergency Procedures

A. Work Site Medical Emergency

1. Follow the employer's medical protocol.
2. IMMEDIATELY contact the Program Director at 804-556-7195 (office hours) or 857-342-0936 (after hours) for further instructions.
3. Deerfield Women's Work Center will be contacted by the Program Director to advise of the emergency.

B. Life Threatening Medical Emergency While in Transit

1. Pull van over to the nearest safe area away from oncoming traffic.
2. Unless there is immediate danger, DO NOT allow ANY Participant to exit the van.
3. Contact 911 for medical assistance. Advise dispatcher you are transporting Participants assigned to Virginia Department of Corrections.
4. AFTER 911 has been contacted, immediately contact the Program Director at 804-556-7195 (office hours) or 757-342-0936 (after hours)
5. Deerfield Women's Work Center will be contacted by the Program Director to advise of the emergency.
6. Wait for further assistance and instruction.
7. DO NOT leave Participants unattended.
8. Record any pertinent details.
9. Maintain possession of Participant identification cards. Send Participant with medical transport with TWWR work pass in their possession.
10. Additional vans and Security staff will be dispatched as needed.

C. Non-Life Threatening Medical Emergency While in Transit

1. Pull van over to the nearest safe area way from oncoming traffic.
2. Unless there is immediate danger, DO NOT allow ANY Participants to exit the van.

3. DO NOT contact 911.
4. IMMEDIATELY contact the Program Director at 804-556-7195 (office hours) or 857-342-0936 (after hours).
5. Deerfield Women's Work Center will be contacted by the Program Director to advise of the emergency.
6. Unless otherwise instructed by the Program Director, return to the Facility with ALL Participants for medical services.
7. Once the ill Participant(s) has been taken to medical at the Facility, proceed with transportation schedule.

D. Collision or Accident:

1. Pull van over to the nearest safe area away from oncoming traffic.
2. Unless there is immediate danger, DO NOT allow ANY Participant to exit the van.
3. Contact 911 for police/medical assistance. Advise dispatcher you are transporting Participants assigned to Virginia Department of Corrections.
4. AFTER 911 has been contacted immediately contact the Program Director at 804-556-7195 (office hours) or 857-342-0936 (after hours).
5. Deerfield Women's Work Center will be contacted by the Program Director to advise of the emergency.
6. For life threatening injuries, maintain possession of Participant identification cards. Send Participant with medical transport with the TWWR work pass in their possession.
7. Wait for further assistance and instruction.
8. DO NOT leave Participants unattended.
9. Record any pertinent details.
10. Additional vans and Security staff will be dispatched as needed.

E. Mechanical Failure:

1. Pull van over to the nearest safe area away from oncoming traffic.
2. DO NOT allow ANY Participant to exit the van.
3. IMMEDIATELY contact the Program Director at 804-556-7195 (office hours) or 857-342-0936 (after hours).
4. Deerfield Women's Work Center will be contacted by the Program Director to advise of the emergency.
5. Wait for further assistance and instruction.
6. DO NOT leave Participants unattended.
7. Record any pertinent details.
8. Additional vans will be dispatched.

F. Abscondment Procedures

1. In the event that an Participant has absconded from the work site adhere to the following procedures:
2. Using the Participant identification cards identify the missing Participant by name and state id number. Verify all other Participants are present and accounted.

3. **IMMEDIATELY contact the FACILITY at 804-556-7060 and ask to speak with the Supervisor in Charge.**
4. Provide the responding supervisor with name and state identification number of missing Participant.
5. Contact the Program Director immediately AFTER contacting the facility.
6. DO NOT leave the remaining Participants unattended.
7. Wait for further instructions.
8. Collect all pertinent details to provide further assistance as needed.



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 830.7

Work Release Programs

Authority:

Directive 830, *Classification Management*

Effective Date: November 1, 2020

Amended:

Supersedes:

Operating Procedure 830.5 (Partial), March 1, 2017

Access: Public Restricted

Incarcerated Offender

ACA/PREA Standards: 5-ACI-5F-03;
4-ACRS-5A-14 [I]; 4-APPFS-2C-04

Content Owner:	Jim Parks Director of Offender Management Services	<i>Signature Copy on File</i>	9/15/20
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		Signature	Date
Signatory:	A. David Robinson Chief of Corrections Operations	<i>Signature Copy on File</i>	9/27/20
		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

Table of Contents

DEFINITIONS	3
PURPOSE	4
PROCEDURE	4
I. Work Release Review Criteria.....	4
II. Work Release Assignment Process and Transfer.....	6
III. Work Release Program Participation	8
IV. Program Violations/Removals	9
V. Transitional Women’s Work Release (TWWR)	9
VI. Offender Appeals	11
REFERENCES.....	11
ATTACHMENTS	12
FORM CITATIONS	12



DEFINITIONS

Annual Review - A uniform yearly review of an offender's classification, needs, and objectives; the Initial Classification Date (ICD) is used to establish the review date for an offender received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an offender received prior to February 1, 2006.

Central Classification Services (CCS) - Staff members from the Offender Management Services Unit who review certain recommendations made by the Institutional Classification Authority and Multi-Disciplinary Team to render a final decision regarding offender status and assignments

Cognitive Therapeutic Community (CTC) - A structured, residential substance abuse treatment program that incorporates cognitive and behavioral programming to aid in the recovery from alcohol and other drug addictions

Community Corrections Alternative Program (CCAP) - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

Detainer - Any form of legal hold placed on an offender by another jurisdiction, where the effect is that an offender will not be released upon completion of confinement, because that jurisdiction intends to take physical custody of the offender. A legal hold may be filed by federal, state, or local authorities and will include: *Detainers* for arraignment or prosecution of untried charges; *Judgment & Commitment Orders* for an un-served sentence; *Non-Detainer Holds* to serve the balance of a sentence subsequent to escape, or revocation of parole/probation; or any form of *Notify or Hold Request* filed by the U.S. Immigration & Customs Enforcement (ICE).

DOC Jail Contract Work Release - For eligible offenders housed within a DOC institution, the DOC in contract with local and regional jails, provides the opportunity for offenders to return to a local or regional jail for work release.

Facility Reassignment (Transfer) - The physical movement of an offender from the custody of one facility to the custody of another facility within the purview of the Department of Corrections and local jail facilities

Institutional Classification Authority (ICA) - The institutional employee designated to conduct offender case review hearings

Parole Board Recommendation - The Parole Board may recommend an offender for work release participation in lieu of granting parole; these recommendations are reviewed administratively by Central Classification Services.

Sheriff/Jail Requested Work Release - A Sheriff/Jail Administrator may request in writing that a state responsible eligible offender, housed in a jail, be assigned to the jail's work release program.



PURPOSE

This operating procedure establishes the eligibility and suitability criteria for incarcerated offender assignment to work release and governs offender requests for and the management of offender transfers to a designated Department of Corrections (DOC) institution, or a local or regional jail, for program participation.

PROCEDURE

- I. Work Release Review Criteria
 - A. DOC Jail Contract Work Release - Offenders housed in a DOC institution may request assignment to work release at a local or regional jail at the time of their annual review, or the offender may be administratively reviewed at the discretion of the institution based upon pending date of release, provided the offender meets all other criteria. (5-ACI-5F-03; 4-ACRS-5A-14 [I]; 4-APPFS-2C-04)
 - B. Sheriff/Jail Requested Work Release - DOC offenders housed in local or regional jails, a Sheriff/Jail Administrator may request in writing that a state responsible offender be assigned to their jail for the jail's work release program.
 - C. The Institutional Classification Authority (ICA) reviews offender for assignment in accordance with *Eligibility Criteria* and *Suitability Criteria* below:
 1. Eligibility Criteria - Offenders must meet each of the following criteria to be reviewed for work release participation:
 - a. Criminal Offense History - Offenders serving time for, or who have an offense history involving any of the following felony offenses are not eligible for work release unless otherwise noted:
 - i. Abduction/Kidnapping; see COV §18.2-47, *Abduction and kidnapping defined; punishment*
 - ii. Carjacking; see COV §18.2-58.1, *Carjacking; penalty*
 - iii. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming; see COV §18.2-51 *Shooting, stabbing, etc., with intent to maim, kill, etc.* The offender cannot have a conviction for a felonious assault, unlawful wounding, malicious wounding or maiming within the last 15 years or more than two convictions in the last 25 years.
 - iv. Homicide/Murder; see COV §18.2-30, *Murder and manslaughter declared felonies*
 - v. Mob related offenses; see COV §18.2-38, *"Mob" defined*
 - vi. Robbery; see COV §18.2-58, *How punished*. The offender cannot have a conviction for robbery within the last 15 years or more than two convictions in the last 25 years.
 - vii. Sex Related Crimes; see COV §18.2-61, *Rape*
 - b. Release Criteria - Release criteria vary depending on whether an offender is reviewed for DOC Jail Contract Work Release or for Sheriff/Jail Requested Work Release.
 - i. DOC Jail Contract Work Release criteria
 - (a) Offenders must be within 16 months of their Good Time Release Date (GTRD) or Mandatory Release Date (MPRD) with a minimum of ten months left to serve on their sentence.
 - (b) Offenders approved for work release will complete the journal "*Re-entry Planning Workbook*" and view the video "*Money Smart: Making Cents of Your Finances*". Work Release is considered a program that provides job skills.
 - ii. Sheriff/Jail Requested Work Release criteria - DOC offenders housed in local jails must be within 24 months of their release date.)
 - c. Escape History
 - i. There should be no history of escape or attempted escape during the last ten years.
 - ii. Offenders who have had two or more escapes, or attempted escapes, within the past 15 years are not eligible.
 - d. Security Level - Offenders must be assigned to Security Level W or 1.



- e. Good Time Earning Level - Offenders should be assigned to Good Time Class Level I or the equivalent. Central Classification Services (CCS) staff, during administrative reviews, may waive this criterion if an offender is assigned to Good Time Class Level II and meets all other eligibility and suitability criteria.
 - f. Institutional Adjustment - Offenders should not have a recent pattern of institutional disciplinary infractions and should have favorable progress reviews from their counselors and work supervisors.
 - g. Medical/Mental Health
 - i. Medical staff should review each case to ensure medical codes are correct and that there are no pending appointments, surgeries, or mental health or dental problems that could prevent assignment at that time.
 - ii. Offenders on maintenance medication for chronic health issues, such as; high blood pressure, epilepsy, diabetes, etc. may be considered after consultation with medical staff to determine an offender's ability to function in a work setting away from immediate medical services.
 - h. Detainer - Offenders should have no active detainers or pending charges.
 - i. Program Violations - Offenders removed from work release due to a program violation will not be eligible to reapply for work release for a period of 12 months after the date of removal. Offenders removed due to a criminal conviction committed while assigned to work release are ineligible to reapply during the remainder of their sentence per COV §53.1-62, *When ineligible for work release*.
 - j. Offenders removed from a court ordered community program or a Community Corrections Alternative Program (CCAP) are not eligible for sheriff and jail requested work release programs if they are serving a probation violation sentence as a result of their removal.
 - k. Must be eligible to work in the United States
 - l. Offenders must be currently assigned to work outside the security perimeter under unarmed supervision, and must have worked in this capacity for at least the last six months.
 - i. All work release recommendations by the ICA will indicate that the applicant has successfully completed six months of outside work under unarmed supervision.
 - ii. Preferential consideration for work release will be given for offenders who are assigned to a Work Center.
2. Suitability Criteria - The following evaluation criteria should be used when making final decisions for assignment to work release. Consideration should be given to the listed objective risk assessment factors when considering ability to abide by program expectations and level of risk to the public.
- a. Severity and total number of current and prior criminal convictions; a history of misdemeanor assaults or assaultive behavior may disqualify an offender from acceptance.
 - b. Length of time in minimum security and good time class level
 - c. Drug/alcohol abuse history; some jail programs will not accept offenders with "drug distribution" convictions.
 - d. Program participation and performance during incarceration, e.g., GED, NA
 - e. Institution work history and employment stability prior to incarceration
 - f. Previous probation/parole supervision adjustment to include but not limited to failing to report, moving without permission, removal from or failing to complete treatment programs, and absconding from supervision
 - g. Previous adjustment in work release or other community release program
 - h. Any significant adverse public sentiment to the offender's presence in the community should be considered; this may be gauged by specific objections expressed by prosecuting attorneys, courts, local law enforcement officials, victims, or others
 - i. History of domestic violence including misdemeanor assault and battery charges, stalking, active protective orders or prior protective order violations, and threatening charges
 - j. Pattern or history of firearm convictions

II. Work Release Assignment Process and Transfer

A. Offender Requests

1. Offenders who meet the eligibility criteria may request DOC Jail Contract Work Release through their institutional counselor during their annual review; see Operating Procedure 830.1, *Institution Classification Management*.
2. Work Release requests may be considered outside the annual review at the discretion of designated institution staff, particularly in cases where the offender's release date precludes any future annual review.
3. Offenders should inform their counselor of a release plan location, so a determination can be made about the availability of a work release program in that locality.
4. The *Work Release Quick Reference* that lists participating jails and any special criteria is available for institutional staff to discuss with offenders; contact CCS.

B. Referral Process

1. Institution staff, the Virginia Parole Board, a Sheriff or Jail Administrator, Pre-Release Program staff, or CCS staff can refer an offender to be reviewed for assignment to DOC Jail Contract Work Release.
2. Institution staff may refer offenders for review and assignment to DOC Jail Contract Work Release through established procedures and review of the offender's eligibility and suitability.
 - a. Institution administrators may refer offenders for review outside their annual review.
 - b. Institutional recommendations are forwarded to CCS for final review and should include:
 - i. Offenders release plan location
 - ii. Name and phone number of the prospective employer, if it is determined to be necessary
 - iii. Current progress report
3. Sheriff/Jail Administrator referrals are written requests to the Director of Offender Management Services.
 - a. A Sheriff/Jail Administrator or designee may request that state offenders, housed in a jail or a DOC institution be assigned to the jail for the purpose of work release.
 - b. Offender Management Services staff will administratively review the case with the final decision resting with the Director of Offender Management Services.
4. Parole Board referrals for DOC Jail Contract Work Release are made by letter to Offender Management Services. CCS staff will administratively review the case and make an appropriate decision. Prior to approval, CCS will obtain a recommendation from the institution.
5. Administrative referrals may be made at any time by CCS in order to manage bed space. Prior to final approval, CCS will obtain a recommendation from institutional staff.

C. Work Release assignment requests and referrals will be submitted, via VACORIS, to CCS staff for review and final decision.

D. Work Release Agreements

1. The current Sheriff or Jail Administrator should sign DOC/Jail Work Release Agreements for Sheriff Requested placements.
2. Offenders approved for DOC Jail Contract Work Release participation must review and sign the *Offender Work Release Agreement 830_F2* prior to transfer to a jail.

E. Pre-Program Placement Counseling

1. Offenders approved for Work Release should be given individual counseling at the current location prior to transfer.



2. Offenders should be notified of the following:
 - a. Offenders are governed by jail rules and regulations, not DOC operating procedures.
 - b. Offenders are responsible for paying their own medical costs while on work release.
 - c. Offenders, once placed at a jail, do not have the option to request transfer to a different jail. Transfers between jails will only be made when there is no available employment at the assigned jail or a keep separate situation exists.
 - d. Offenders may be returned to a higher security institution if removed from Work Release by jail staff.
 - e. The offender's time will continue to be computed by DOC.
 3. Offenders should be given a list of allowable personal property items for their assigned jail. Unauthorized property should be disposed of prior to transfer in accordance with Operating Procedure 802.1, *Offender Property*.
 4. Counselors should assist the offender in obtaining necessary documents for employment, to include a valid Social Security Card and Birth Certificate; see Operating Procedure 820.2, *Re-entry Planning*.
 - a. Institutional staff must ensure that the *Offender Information Form* is completed. The *Offender Information Form* will be accepted by the Virginia Department of Motor Vehicles as a primary proof of residency and as a secondary proof of identity, so that offenders can obtain a DMV identification card.
 - b. Under no circumstances, will an offender, who is ineligible to work in the United States, be transferred to Work Release.
 5. The offender must submit to a drug test and test negative prior to transfer. Test results and date taken should be documented in the "Dummy" file.
- F. Notifications
1. In accordance with COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*, CCS staff will send a 15 day written notification to the Sheriff, Chief of Police and Commonwealth's Attorney of the jurisdiction in which the Work Release facility is located.
 2. If an offender is transferred to another Work Release site, CCS will reissue the 15-day notification to the new locality.
 3. Notifications must also be made to the DOC Victim Services Unit who will initiate victim notifications.
 4. Offenders approved for Work Release may be transferred any time after CCS approval; however, offenders should not be permitted to work in the community until 15 calendar days have elapsed from the postmark of such notice.
- G. Offender Records - Institution and medical "dummy" files will be prepared in accordance with Operating Procedure 050.3, *Facility Release of Offenders*
- H. Transfer Processing
1. All transfers to jail Work Release programs are coordinated through the Central Transportation Services.
 2. Prior to transfer to a Work Release assignment, institutional staff should ensure the following:
 - a. Dummy Files - The "dummy" files are complete per Operating Procedure 050.3, *Facility Release of Offenders*; see the *Dummy File Checklist* 050_F1.
 - b. Medications - Medical staff will provide a supply of medications in accordance with Operating Procedure 720.5, *Pharmacy Services*.
 - c. Property - Only property on the jail's allowable personal property list is sent with an offender to the jail. All other property should be disposed of in accordance with Operating Procedure 802.1,

Offender Property.

3. Transfer Clothing Operating Procedure 050.3, *Facility Release of Offenders*
 - a. Male offenders will transfer in the standard khaki discharge clothing to include work boots or shoes appropriate for a work environment or standard “blue” clothing with the khakis packed in their property as directed by the jail.
 - b. Female offenders will transfer in the standard “blue” clothing; female offenders may be released with personal tennis/athletic shoes.
 - c. All offenders will be provided a jacket for transfers occurring October 15 through April 14.
4. Offender Funds - Offenders will be provided all funds credited to their Trust Account, see Operating Procedure 050.3, *Facility Release of Offenders*.
 - a. Since offenders are not being released from incarceration, institutions do not need to supplement offender funds to meet the \$25.00 discharge allowance.
 - b. A check, in the amount of funds currently available, will be made out to the receiving jail and be included in the offender’s “dummy” file sent with the transporting officer.
 - c. Any additional funds posted after the offender’s release should be forwarded to the appropriate jail upon closure of the Trust Account.

III. Work Release Program Participation

- A. Offenders will be supervised by jail Work Release staff and will be required to abide by all rules, regulations and program criteria of the jail to include job checks, drug screening, transportation to and from work, visitation, recreation, discipline, etc. as directed by jail staff.
 1. Offender attendance at funerals or deathbed visits will be in accordance with jail policies and procedures.
 2. General care such as food, clothing, and routine health services will be provided in accordance with 6VAC15-40, *Minimum Standards for Jails and Lockups*.
- B. Financial Obligations
 1. Offenders participating in Work Release programs will be responsible for making payments from their Work Release wages to defray the cost of judicial or administrative support orders; fines, restitution, or costs as ordered by the Court; and expenses associated with Work Release supervision/programs; see COV §53.1-131, *Provision for release of prisoner from confinement for employment, educational or other rehabilitative programs; escape; penalty; disposition of earnings*.
 2. Offenders will be informed of the fees associated with their financial obligations by jail staff upon transfer to a Work Release program.
 3. Payment priorities, amounts to be applied, and methods of payment will be in accordance with local jail policies and procedures.
 - a. Priority 1 - Meet the obligation of any judicial or administrative order to provide support and such funds will be disbursed according to the terms of such order
 - b. Priority 2 - Pay any fines, restitution or costs as ordered by the court
 - c. Priority 3 - Pay travel and other such expenses made necessary by the offender’s work release employment or participation in educational or rehabilitative programs, including the sums specified in COV §53.1-150, *Contributions by persons on parole, probation, and work release*.
 - d. Priority 4 - Defray the offender’s room and board
 4. The remaining balance will be credited to the offender’s jail account.
- C. Medical Services
 1. Offenders will be provided with medical care in accordance with jail policies and procedures;



offenders will be informed of the jail's policy upon their arrival at the jail.

2. Routine medical care requires a co-payment. Many jails also require full payment for routine medical costs e.g., doctor's visits, medications, etc., since offenders are working and receiving wages.
3. Emergency or critical medical care will be provided by the jail at the time of the occurrence. Jails should immediately notify the DOC Health Services Unit of such situations so that a determination can be made to retake the offender for continued medical care within the DOC and/or to provide reimbursement to the jail for medical costs incurred.

D. Parole Review/Progress Reports

1. Work Release offenders with a parole eligibility date are subject to review by the Parole Board. Often, a satisfactory adjustment in Work Release status will result in Discretionary Parole Release prior to the offender's MPRD.
2. After four full months of satisfactory participation in Work Release, jail staff, at their discretion, may submit a progress report to the Virginia Parole Board for review. A progress report to the Parole Board is not necessary for offenders that are not eligible for parole.
3. If an offender is denied parole, jail staff should immediately review the offender's suitability for continuation on Work Release.
 - a. Offenders recommended for program removal will receive a due process hearing at the jail prior to return to the DOC.
 - b. Transfer of offenders determined to be unsuitable for continuation in Work Release should be coordinated through Central Transportation Services.

E. Release Processing - Jails will assist offenders who have been granted parole or are being released on a Good Time Release Date with release transportation if requested by the offender.

IV. Program Violations/Removals

- A. Offenders who violate program rules and regulations, or commit a crime while on Work Release, will be removed from the program by the jail staff. Appropriate disciplinary and/or criminal proceedings will be implemented in accordance with established jail rules and regulations.
- B. Offenders removed from Work Release are not eligible to reapply for twelve months after the date of removal. If removed due to committing a new criminal offense while on Work Release, the offender is not eligible for consideration during their current incarceration per COV §53.1-62, *When ineligible for work release*.
- C. Jails should immediately notify Central Transportation Services of a program violation, so the offender can be scheduled for retake upon completion of any disciplinary hearing conducted by the jail.
- D. Documentation of the inappropriate behavior and any charges, disciplinary and/or criminal, should accompany the offender when returned to the DOC. Jail staff have the authority and are encouraged to reduce good time class levels when appropriate as part of the jail's disciplinary process.
- E. Receiving institution staff will conduct a formal due process review of the offender's institution assignment, security level, and good time class level, based on documentation received from the jail.
- F. Any wages received by the jail after DOC retake will be forwarded to the offender's current DOC institution.

V. Transitional Women's Work Release (TWWR)

- A. The TWWR program for female offenders is a joint collaboration between the Department of Corrections (DOC) and Spectrum Health Systems, Inc. (Spectrum).
 1. The program is located at State Farm Work Center (SFWC) and provides female offenders with the



opportunity to work in the community for three to eight months before their release date

2. An offender's participation in the TWWR program is not limited by an offender's release plan area.
3. Female offenders with a release plan to the Richmond area are not eligible for DOC Jail Contract Work Release and will be reviewed for Work Release through the TWWR program, only.

B. Eligibility Criteria

1. Offenders must have 12-14 months remaining to serve before their GTRD or MPRD. Those offenders who have completed Phase 2 of TC must have six to eight months remaining to serve.
2. Offenders serving time for, or who have an offense history involving any of the following felony offenses are not eligible for the DOC work release program:
 - a. Abduction/Kidnapping; see COV §18.2-47, *Abduction and kidnapping defined; punishment*
 - b. Mob related offenses; COV §18.2-38, *"Mob" defined*
 - c. Sex Related Crimes; see COV §18.2-61, *Rape*
3. Offenders with the below listed criminal offenses will be evaluated by a review team comprised of the Central Region Operations Chief, Central Region Administrator, Director of Offender Management Services, and Central Classification Services Manager
 - a. Carjacking; see COV §18.2-58.1, *Carjacking; penalty*
 - b. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming; see COV §18.2-51, *Shooting, stabbing, etc., with intent to maim, kill, etc.*
 - c. Homicide/Murder; see COV §18.2-30, *Murder and manslaughter declared felonies*
 - d. Robbery; see COV §18.2-58, *How punished*. This offense may include present or implied weapon.
4. Offenders with a Mental Health Code of "2" or lower would be eligible provided they have been stable on their medication for a six-month period of observation.
5. Medical classifications other than "A" medical will be evaluated and approved by the medical authority for participation on a case-by-case basis.

C. Suitability Criteria

1. Risk assessment factors are a consideration when evaluating an offender's ability to abide by program expectations and level of risk to the public.
2. The following suitability criteria are used in making a final decision for offender assignment to the TWWR program.
 - a. Severity and total number of current and prior criminal convictions; misdemeanor assaults within the prior five years may disqualify an offender from acceptance.
 - b. Program participation and performance during incarceration, e.g., GED
 - c. Institutional work history and employment stability prior to incarceration
 - d. Previous probation/parole supervision adjustment
 - e. Previous adjustment in Work Release or other community release program
 - f. COMPAS Risk/Needs Assessment results
 - g. Any significant adverse public sentiment to the offender's presence in the community should be considered; this may be gauged by specific objections expressed by prosecuting attorneys, courts, local law enforcement officials, victims, or others

D. In order to transfer to SFWC for participation in the TWWR program, the offender must first complete the Cognitive Community Reentry Program or Phase II of the Cognitive Therapeutic Community Program, currently located at Virginia Correctional Center for Women.

E. Offenders who are determined to be eligible and suitable will transfer to SFWC for a 30-day evaluation



and orientation by Spectrum.

1. Offenders will participate in Work Release for at least 90 days in the community. An ICA hearing is not required for offender assignment to Work Release
2. Offenders who were approved by the review team for TWWR are automatically approved for assignment to Work Class I. The Facility Unit Head or designee will be responsible for documenting the offenders outside work class in VACORIS.
3. A completed and signed copy of the *Transitional Work Release Offender Agreement 830_F12*, *Transitional Work Release Employer Agreement 830_F13*, and *Transitional Work Release Employment Assignment 830_F14* must be maintained on file at the institution.

F. Notifications

1. In accordance with COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*, institution staff must send a 15-day written notification to the Sheriff, Chief of Police and Commonwealth's Attorney of the jurisdiction in which the Work Release facility is located.
2. Notification must also be made to the Victim Services Unit who will initiate victim notifications
3. Offenders should not be permitted to work in the community until 15 calendar days have elapsed from the postmark of such notice.

VI. Offender Appeals

- A. Offenders may appeal decisions made by institution staff or CCS staff to approve or disapprove their program participation through the established DOC offender grievance process.
- B. Offender appeals on jail operation or supervision issues must be submitted through the jail's established grievance process.

REFERENCES

6VAC15-40, *Minimum Standards for Jails and Lockups*

COV §18.2-30, *Murder and manslaughter declared felonies*

COV §18.2-38, *"Mob" defined*

COV §18.2-47, *Abduction and kidnapping defined; punishment*

COV §18.2-51, *Shooting, stabbing, etc., with intent to maim, kill, etc.*

COV §18.2-58, *How punished*

COV §18.2-58.1, *Carjacking; penalty*

COV §18.2-61, *Rape*

COV §53.1-62, *When ineligible for work release*

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

COV §53.1-131, *Provision for release of prisoner from confinement for employment, educational or other rehabilitative programs; escape; penalty; disposition of earnings*

COV §53.1-150, *Contributions by persons on parole, probation, and work release*

COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*

Operating Procedure 050.3, *Facility Release of Offenders*

Operating Procedure 720.5, *Pharmacy Services*

Operating Procedure 802.1, *Offender Property*

Operating Procedure 820.2, *Re-entry Planning*

Operating Procedure 830.1, *Institution Classification Management*



ATTACHMENTS

None

FORM CITATIONS

Dummy File Checklist 050_F1

Offender Work Release Agreement 830_F2

Transitional Work Release Offender Agreement 830_F12

Transitional Work Release Employer Agreement 830_F13

Transitional Work Release Employment Assignment 830_F14





Transitional Work Release Employer Agreement

The employment procedures of the Transitional Work Release Program are as follows:

1. No offender of the State Farm Work Center is to be considered an agent of the state.
2. This Work Release Agreement neither constitutes nor implies a contractual agreement between the State Farm Work Center and the Employer.
3. All wages earned by an employed offender must be *paid to the order of* that offender. Failure to provide wages on the designated pay periods will result in legal action against the employer on behalf of the offender.
 - a. At no time should a paycheck be issued directly to the offender nor should advances or loans of any kind be made against the offender's paycheck.
 - b. The offender must receive wages commensurate with those received by comparable workers.
 - c. Only standard deductions for Federal, State, and Social Security taxes may be made from the offender's paycheck without prior approval from the Spectrum Program Director or designee.
 - d. The offender's paycheck must be deposited directly into the Offender Trust Account on the employer's established paydays.
4. The offender is expected to perform assigned work tasks in a productive manner and as is required of other employees. Failure to do so must be reported to the Spectrum Program Director, the State Farm Work Center Facility Unit Head, or the State Farm Work Center Security Manager.
5. While employed, the offender must be covered by the employer's insurance and/or Workmen's Compensation Insurance as required by law.
6. In the event of a strike, each offender working at the affected business will be offered the choice of continuing to work during the strike or refusing to cross any picket line. In the event of violence or in any situation where the safety or security of the offender may be compromised due to the strike, the Department of Corrections (DOC) reserves the right to prevent the offender from crossing the picket line for the duration of the violence or other danger.
7. The use of alcohol, tobacco products, narcotics, or other drugs not lawfully possessed by or prescribed to an offender is prohibited.
8. The offender must return to State Farm Work Center immediately upon conclusion of each day's work. The offender cannot leave work early without prior approval of the Spectrum Program Director, the State Farm Work Center Facility Unit Head, or the State Farm Work Center Security Manager.
9. The employer must notify the Spectrum Program Director, the State Farm Work Center Facility Unit Head, or the State Farm Work Center Security Manager of any unusual incident involving the offender or of any unauthorized absence or tardiness.
10. The employer must notify the Spectrum Program Director, the State Farm Work Center Facility Unit Head, or the State Farm Work Center Security Manager of any workplace harassment claims made by an offender.
11. The offender may be allowed to work overtime if the employer makes the request in advance to the Spectrum Program Director and provided suitable transportation arrangements can be made.
12. Deviation from the work schedule and hours designated at the time of employment are not allowed unless authorized in advance by the Spectrum Program Director or the State Farm Work Center Facility Unit Head.
13. The offender is not allowed to operate a motor vehicle.
14. If the offender is injured on the job, they are permitted to receive outpatient treatment at a hospital or doctor's office used by the employer; however, the Spectrum Program Director, the State Farm Work Center Facility Unit Head, the State Farm Work Center Security Manager, or Administrative Duty Officer must be notified immediately of any such injury or care.
15. If the offender's employment is terminated for any reason, the employer must notify the Spectrum Program Director, the State Farm Work Center Facility Unit Head, or the State Farm Work Center Security Manager.





I understand the above procedures and agree to cooperate fully with the State Farm Work Center in carrying out these requirements. I understand that this agreement does not obligate me to employ any offender, and any offer of employment to an offender will be at my discretion and will be contingent upon the availability of the position when the offender is approved.

Signature: _____
Title: _____
Company: _____
Address: _____
Date: _____ Telephone: _____

Statement of Insurance Coverage

The below information must be completed for all job placements in order to ensure that the company participating in the Transitional Work Release Program is adequately covered, and therefore liable if injury of an offender occurs on a job or while the offender is under the direct supervision of the employer.

Name Of Employer: _____
Address: _____
Offender Insured: _____
Offender Number _____

Adequate coverage is provided for the liability of injury if this offender is injured on the job.

Name Of Insurance _____
Address Of Ins. Company: _____
Policy Number or I.D. _____

It is understood by this employer that in the event of an injury of an offender on a job or while the offender is under the direct supervision of the employer, the above named company will be billed. In the event this insurance company does not pay the claim, it is the responsibility of the employer to satisfy the medical expenses resulting from the injury.

Signature of Employer: _____ Date _____
Work Center Representative: _____ Date _____

cc: Offender Facility File