

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	19.4	4
	Date Filed	Effective Date
	April 12, 2018	June 1, 2018
Authority/References KRS 67A.028, 67B.020, 196.035, 197.020, 197.140, 441.005, 441.415, 532.100, 532.043 501 KAR 3:120 CPP 15.2, 19.3	Subject <p style="text-align: center;">Work Release for State Inmates in Jails</p>	

I. Definitions

“Class D felon” is defined by KRS 532.100.

“Jail” means a jail as defined by KRS 441.005(1) or a regional jail as defined by KRS 441.005(7), but shall not include juvenile facilities for this policy.

“Jailer” means:

- A. The official duly elected or appointed pursuant to Section 99 or 152 of the Kentucky Constitution, charged with the responsibility of administering the jail;
- B. The administrator or director of a department as defined by KRS 67B.020(1);
- C. The administrator or director of a correctional services division as created by KRS 67A.028; or
- D. The administrator of a regional jail as defined by KRS 441.005(7).

II. Policy and Procedure

A Class D felon housed in county jail may participate in work release with the approval of the commissioner of the Department of Corrections.

- A. An inmate meeting the following criteria may be approved for work release. An inmate shall:
 1. Be a class D felon eligible for placement in a jail;
 2. Be classified as minimum or community custody, as established by the Corrections Classification Manual;
 3. Not have a documented behavior that equates to a CPP 15.2 Category III-11 or Category IV or higher rule violation or a criminal conviction within the last six (6) months;
 4. Not be deemed ineligible for work release pursuant to KRS 197.140;

Policy Number	Effective Date	Page
19.4	June 1, 2018	2

5. Not be subject to the provisions of KRS 532.043; and
 6. Not be housed in a reentry center, as defined in KRS 441.005.
- B. An inmate ineligible for work release shall be identified in KOMS.
- C. Inmate participation in work release shall be voluntary.
- D. An inmate shall be responsible for securing his own employment.
- E. The jail shall have a written policy and procedure on work release. The policy and procedure shall include:
1. Prospective employer's access to eligible inmates;
 2. Verification of suitable job placement;
 3. Fiscal procedures for handling of inmate wages and collection of fees;
 4. Transportation to and from work release;
 5. Drug and alcohol screening;
 6. Work site visits; and
 7. Disciplinary violations.
- F. Jail staff shall ensure an inmate is eligible for work release prior to allowing participation.
- G. Jail staff shall give preference to eligible inmates who have child support or restitution obligations.
- H. A participating inmate shall have a suitable job placement that:
1. Can be verified with a:
 - a. Specific location, unless an exception is approved by the Department of Corrections;
 - b. Set schedule;
 - c. Specific employer; and
 - d. Other item of similar significance required by the Department of Corrections; and
 2. Is suitable work for inmate employment. The work shall not be:

Policy Number	Effective Date	Page
19.4	June 1, 2018	3

- a. At an entity that sells weapons;
 - b. A day care;
 - c. An entity that allows access to drugs or other intoxicants;
 - d. Is outside the borders of Kentucky; or
 - e. Other similarly unsuitable work or location as determined by the Department of Corrections; and
3. Pay a lawful wage.
- I. An inmate may be required to pay a fee that complies with the amounts set in KRS 532.100(8)(c). The jailer or his designee shall give notice to the inmate that a fee is required prior to an inmate's participation in the work release program. If a fee is required, the jailer or his designee shall inform the inmate of the fee and a Work Release Agreement (Attachment II) shall be completed. A copy of the signed agreement shall be placed in the inmate's jail file and shall be submitted to Department of Corrections.
 - J. An inmate shall be subject to frequent and random drug testing and may be required to pay for such testing.
 - K. An inmate shall be searched in accordance with the requirements established in 501 KAR 3:120, if entering or leaving the security perimeter of the jail.
 - L. An inmate shall remain at the work site of the employer or at other places under the direct supervision of the employer.
 - M. An inmate shall not go to his home or the home of a friend or relative.
 - N. An inmate shall not have any contact, written or spoken, with a relative or friend of an inmate housed in the jail while out on work release. An inmate shall not have any contact, written or spoken with a relative or friend while out on work release.
 - O. An inmate shall not be in possession of or return to the jail with any type of contraband. Contraband shall include cell phone, pager, tobacco, alcohol, prescription drug, illicit drug, written correspondence, or any other type of written information from an outside party to an inmate housed in the jail.
 - P. An inmate shall not go to a restaurant or public place to eat including a grocery or convenience store. A sack lunch shall be provided by the jail upon request, unless otherwise authorized by the jailer.
 - Q. An inmate shall not go to any place of amusement.
 - R. An inmate shall not partake of any illegal drug or consume an alcoholic beverage.

Policy Number	Effective Date	Page
19.4	June 1, 2018	4

- S. If an inmate is required to work overtime on any given day, the employer shall notify the jail in writing by 3:00 p.m. of the inmate's regular work day.
- T. If an inmate is required to work additional days from his set work schedule, the employer shall notify the jail, in writing, no later than 3:00 p.m. on Friday of the end of the inmate's regular scheduled work week.
- U. An inmate shall be transported to his place of employment by the employer, employer's designee, or jail staff, no earlier than thirty (30) minutes prior to the time the inmate is scheduled to report to work. If an inmate needs to leave early or leave late the employer shall receive approval from the Jailer. An inmate shall be returned to the jail no later than thirty (30) minutes after the end of his shift. An inmate shall not drive a motor vehicle.
- V. The jail shall verify daily that the inmate is at the approved work site.
- W. An inmate shall not change employment without prior approval from the Jailer.
- X. An inmate shall return to the jail for any court appearance scheduled during work release. An inmate shall not transport himself or be transported by the employer to court.
- Y. An inmate shall sign in/out for work in the work release log. The employer or employer's designee shall bring a photo ID and sign the inmate out in the work release log. Upon return from work, an inmate shall have the employer or employer's designee sign the inmate back in from work.
- Z. A participating inmate shall read and sign the Work Release Rules and Code of Conduct for State Inmates (Attachment I). A copy shall be placed in the inmate's jail file and shall be submitted to the Department of Corrections.
- AA. Jail staff shall revoke work release privileges to an inmate for violating any duly promulgated or adopted rule of the jail governing inmate conduct or work release. Upon revocation of work release, a written report shall be completed stating the reasons for the revocation and citing the rule or regulation that was violated. A copy shall be submitted to the Department of Corrections.
- BB. The Department of Corrections shall pay for the incarceration of a Class D inmate participating in work release at the same rate and under the same conditions as Class D felons incarcerated in the jail under KRS 532.100.
- CC. An inmate participating in work release shall not be eligible to receive pay from the Department of Corrections.

Policy Number	Effective Date	Page
19.4	June 1, 2018	5

- DD. Department of Corrections staff shall provide training to jailers and jail staff at jails who implement a work release program for state inmates to ensure understanding and compliance with this policy.

(Name of jail)

(Jailer)

WORK RELEASE RULES AND CODE OF CONDUCT FOR STATE INMATES
(Effective date _____)

1. While away from the _____ jail on work release, you shall remain at the work site of the employer or at other places under the direct supervision of the employer.
2. You shall not go to your home or to the home of friends or relatives.
3. You shall not have any contact, written or spoken, with any relatives or friends of inmates housed in the _____ jail.
4. You shall not be in possession of or return to the jail with any type of contraband. Contraband shall include cell phone, pager, tobacco, alcohol, prescription drug, illicit drug, written correspondence, or any other type of written information from an outside party to an inmate housed in the jail.
5. You shall not go to any restaurant or public place to eat (a sack lunch will be provided by the jail at your request unless otherwise authorized by the Jailer), this includes grocery/convenient stores.
6. You shall not go to any place of amusement.
7. You shall not partake of any illegal drugs or the consumption of alcoholic beverages-you will be randomly drug and alcohol tested.
8. If you are required to work overtime on any given day, your employer must notify the jail in writing by 3:00 p.m. of your regular workday.
9. If you are required to work additional days from your set work schedule, your employer must notify the jail (in writing) no later than 3:00 p.m. of the end of your regular scheduled work week (no later than Friday).
10. You shall be transported to your place of employment by your employer, employer's designee or jail staff, no earlier than thirty (30) minutes prior to the time you are to report to work. (If you need to leave earlier, you must have it approved through the Jailer). You shall be returned to the jail no later than thirty (30) minutes after the end of your shift. You are not allowed to drive a motor vehicle.
11. The jail shall and is authorized to:
 - a. Search you thoroughly, including the authority to strip-search, each time you leave and return to the jail
 - b. Verify daily that you are at your work site, and
 - c. Randomly drug test you while on work release
12. You shall not change employment without prior approval from the Jailer.
13. You shall return to the jail for any court appearance you have while on work release. You shall not transport yourself or have your employer transport you to court.

14. You shall sign in/out for work in the work release book. Your employer or employer's designee shall bring a photo ID and sign you out in the work release book. Upon return from work, you shall have your employer or employer's designee sign you back in from work.
15. State inmates may be required to pay work release fees to the jail. These fees shall be designated in the Work Release Payment Agreement and shall be paid each week.
16. Work release is a privilege, not a right. Any violation of work release rules shall be reported to the Department of Corrections to determine if work release privileges are to be revoked.

I have read and understand that any violation of the above rules may result in revocation of work release privileges.

(Inmate Signature)

(Date)

(Name of Jail)

WORK RELEASE PAYMENT AGREEMENT

I understand that I have been granted the privilege to participate in the work release program at the _____ Jail (hereinafter referred to as "Jail"). I understand that as a condition of this privilege I am responsible to pay work release fees to the Jail at a rate not to exceed the lesser of \$55.00 per week or 20% of my weekly net pay. (KRS 532.100(8)(c)) I also understand that if I fail to make my work release payments that I can have my work release privileges suspended and/or revoked.

Inmate Signature

Date

Jailer Signature

Date