



New Jersey.
" DEPARTMENT OF INSTITUTIONS AND AGENCIES. Division of Correction and Parole.
REGULATIONS FOR COUNTY WORK RELEASE PROGRAMS.

CHAP. 372 P.L. 1968 AND AS
AMENDED BY CHAP. 243 P.L. 1969

SUBJECT: Regulations to provide for the employment and vocational training of certain prisoners confined in county institutions in certain cases.

PREPARATION OF AND ENFORCEMENT OF REGULATIONS: Chapter 372 P.L. of 1968 and as amended by Chapter 243 P.L. of 1969 provides that the State Department of Institutions and Agencies shall prepare and enforce regulations for this Act in accordance with the provisions thereof.

PURPOSE: This Act seeks to provide additional constructive extensions to correctional practice in county jails, penitentiaries and workhouses. It permits, with the approval of the Court which committed the person, or by the assignment judge of the county in which the sentence was imposed, opportunity for selected persons, from among those committed to county correctional facilities, to engage in work release, or vocational training release to meet family needs.

Benefits which might derive from implementation of this Act include:

1. Full time normal work in the community.
2. Participation in community based vocational training programs.
3. Continuation and strengthening of constructive community ties.
4. Retention and extension of good work skills and habits.
5. Defrayment in whole or part of the cost of incarceration and support of dependents.

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6. Payment on debts.
7. Opportunity to accumulate savings while in confinement to meet financial needs on release.
8. Opportunity to meet family needs by females confined in the county correctional facility.

ACTION
NECESSARY
BY A COUNTY
BOARD OF
CHOSEN
FREEHOLDERS:

The provisions of this Act become operative in any county in which the County Board of Chosen Freeholders finds, on the basis of the present conditions, the state of the correctional facility and other pertinent circumstances, that the implementation of this Act is feasible.

Upon adoption of a resolution to implement this Act, the County Board of Chosen Freeholders shall designate a county work release administrator who may be the Sheriff, Warden or other person to whom the responsibility for administering this Act, under regulations promulgated by the State Department of Institutions and Agencies, is assigned.

Upon adoption of such a resolution the County Board of Chosen Freeholders shall notify the Commissioner of the State Department of Institutions and Agencies of its action identifying the person designated to serve as the county work release administrator.

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DIVISION
OF CORREC-
TION AND
PAROLE
DESIGNATED
TO ACT FOR
THE
COMMISSIONER:

The Division of Correction and Parole in the State Department of Institutions and Agencies shall act for the Commissioner of the State Department of Institutions and Agencies and shall exercise general supervision for the implementation of this Act under procedures promulgated by the State Board of Control of the State Department of Institution and Agencies.

WORK RE-
LEASE IN-
CLUDES RE-
LEASE TO A
JOB, OR TO
ATTEND
VOCATIONAL
TRAINING OR
TO ATTEND TO
FAMILY NEEDS:

The term "work release," as used in these regulations permits selected offenders to be in the community during specified periods to engage in remunerative employment, to attend vocational training and, in the case of female offenders, to attend to family needs.

DUTIES AND
RESPONSIBIL-
ITIES OF THE
COUNTY WORK
RELEASE
ADMINISTRA-
TOR:

Under provisions contained in this Act and in accordance with regulations promulgated herewith by the State Department of Institutions and Agencies, the county work release administrator shall be responsible for the implementation of this Act and the regulations related thereto.

CRITERIA FOR
SELECTION OF
PRISONERS
FOR PARTICI-
PATION IN
THIS PROGRAM:

A person convicted of any offense and sentenced to the county jail, workhouse or penitentiary may be placed in a work release program by order of the Court in which such person was convicted, or by the assignment judge of the county in which the sentence was imposed.

Greatest care should be taken in authorizing work release for offenders identified with large scale, organized criminal activity; offenders convicted of crimes against the person or whose records include such offenses; offenders with serious emotional or personality defects and those with histories of violent or assaultive behavior; and prisoners whose offenses involved violations of financial or public trust.

In administering elements of the work release program there should be constant awareness of the need to protect the program from jeopardy arising from adverse public reaction and the need to avoid subverting the intent of criminal justice by allowing certain prisoners to escape the onus of a sentence to imprisonment.

ADMISSION
OF PRI-
SONERS FOR
PARTICIPA-
TION IN
THIS
PROGRAM:

No prisoner against whom additional untried criminal charges are pending may be admitted to this program.

The Court which sentences the offender or the assignment judge of the county in which the sentence was imposed may, at the time of sentencing or at any time thereafter during the term of the sentence, approved, by order of the Court, participation by a prisoner in this program.

Persons approved for participation in this program may be placed at outside labor under conditions outlined later herein or permitted to attend a vocational training program operated or sponsored by a public or private agency in the county in which the sentence was imposed.

In the case of female offenders, a work release order may include release from confinement during specified hours to care for her family.

APPLICATION
TO COURT
FOR ADMIS-
SION TO
PROGRAM:

A prisoner who, at the time of sentencing by the Court, is placed in work release, or released to vocational training, or released to meet family needs, shall be required to complete the prescribed form¹ and to submit the completed form to the county work release administrator.

A prisoner committed by the Court to a county correctional facility who desires an opportunity under this program shall be required to submit an application on this prescribed form¹ to the Court through the county work release administrator.

It shall be the responsibility of the county work release administrator to advise inmates in the county correctional institutions that he may submit an application to the county work release administrator for participation in the released program for submission to the Court for its approval.

PREPARA-
TION OF
DATA TO BE
AVAILABLE
TO THE COURT
WHEN WORK
RELEASE
APPLICATION
IS CONSIDER-
ED:

The county work release administrator shall review and evaluate the data collected by him on each work release applicant and make a recommendation to the Court for the Court's guidance.

Recommendations to the Court by the county work release administrator are to be based on the cognition that work release is but one more tool in the correctional arsenal and that it can bring about positive results when used in conjunction with other program and treatment resources available to the county correctional setting. Work release is not a cure all and should not be used as a substitute for other correctional alternatives but in supplementation thereto.

¹IACP-CWR-1A, 1B & 1C appended hereto.

The county work release administrator shall be responsible to develop information for submission to the Court which shall include at least these items: the degree and extent of prior criminal history, detailed information re circumstances of the present offense, detailed information re circumstances of any untried charges pending against the prisoner and the status of such charges, information on the prisoner's emotional and personality make up including any record of violent or assaultive behavior, information about the prisoner's violation of financial or public trust, data on his family and family relationships including responsibility of the prisoner for assisting with his family's maintenance, information on his work history, data on his personal health, and data on the specific job or job opportunities or vocational training program or release to meet family needs.

NOTIFICA-
TION TO
INMATE OF
DECISION OF
COURT ON HIS
APPLICATION:

The county work release administrator shall advise the inmate in writing of the Court's decision on his application for admission to the work release program or vocational training program or family care program.

Were the Court approves the inmate's application for participation in this program, the county work release administrator shall provide the inmate with a copy of the conditions contained in the work release plan or vocational training program or family care program on prescribed forms².

²IACP-CWR-2A, 2B & 2C appended hereto.

CUSTODY:

Persons approved for participation in this program shall be assigned full minimum custody status and, insofar as it is possible, shall be housed in specifically designated quarters segregated from prisoners not in this program. These quarters may be in a special section of the main institution or in outside minimum custody facilities apart from the main institution.

Control over the introduction of contraband into the correctional facility should be that normally used for minimum custody prisoners and implemented as each work release prisoner leaves from and returns to the correctional facility and such other times as appears indicated.

EMPLOYMENT
OF INMATES
UNDER
PROVISIONS
OF THIS
PROGRAM:

The county work release administrator shall carefully evaluate each job's potential to fulfill the need in a particular instance in conformity with the purpose of this Act. An inmate approved for work release placement should be continued in the job he may have been working at when committed provided such employment is in conformity with Chap. 372 P.L. 1968 and with regulations pertaining thereto.

Emphasis is to be placed, wherever practicable and desirable, on work release employment which is related to prior training, work experience, institutional training and suitability of the employment for the inmate's continuation in it when his sentence is terminated.

The county work release administrator shall determine that the work release placement does not impair existing contracts for services; he shall determine that the rates of pay for persons employed under the work release program shall not be less than that for similar work in the locality in which the job is located.

and that the conditions on the work release placement shall be those generally prevalent for like work in the labor market in the area where the job is located.

The county work release administrator shall consider the reasonableness and availability of transportation when evaluating employment under the work release program especially as transportation has reference to the problems of shift and overtime work assignments on the work release placement.

The county work release administrator shall make every effort to secure suitable employment for those offenders approved for the work release program who need assistance in securing a work release placement.

EMPLOYMENT
OF WORK
RELEASE
PLACEMENTS
BY THE
COUNTY:

If suitable private outside employment cannot be found for any prisoner, who has been approved for work release placement, such prisoner may be employed by the county if work is available and shall receive therefor a fair and reasonable wage and shall work at fair and reasonable hours per day per week.

CONSULTA-
TIONS WITH
LABOR
ORGANIZA-
TIONS:

The county work release administrator shall consult with representatives of local union central bodies or similar labor union organizations as to the general program for work release placements.

CONSULTATIONS WITH THE LOCAL OFFICES OF THE DIVISION OF EMPLOYMENT SECURITY, STATE DEPARTMENT OF LABOR AND INDUSTRY:

The county work release administrator shall consult with personnel in field offices of the Division of Employment Security, State Department of Labor and Industry, in areas where prospective employment under this program is available, to ensure that placement of inmates in work release situations does not result in the displacement of an employed person, or be made in skills, crafts and trades in which there is a surplus of available labor in the locality.

TRANSPORTATION TO AND FROM WORK RELEASE PLACEMENTS:

Each work release plan shall include in writing a detailed transportation plan.

The transportation plan shall include the following information:

1. Time of departure from institution.
2. Method of transportation
 - a. by institution, or
 - b. by public transportation, or
 - c. by private conveyance
 1. licensing
 2. insurance
 3. route
3. Daily cost of transportation.
4. Time of arrival at job.
5. Time of departure from job.
6. Time of return to institution.

7. Extension of time of travel

- a. because of conditions of work
- b. because of breakdown in transportation

Each transportation plan shall be reviewed and approved by the county work release administrator before its implementation.

A transportation plan should be elastic enough as to anticipate normal problems arising in transportation. Generally travel time to and from the correctional facility to the job should not exceed one hour daily each way.

CLOTHING:

Clothing for work release placements may include clothing for travel purposes and that essential to the performance of the work assignment. Travel or work clothing may be that generally issued at the time of discharge from confinement (where such practices exist) or purchased from work release earnings, from regular institutional sources or directly from outside commercial sources.

The county work release administrator may authorize advance in funds from anticipated earnings for this purpose.

During periods when the work release placement is in the confines of the correctional institution he shall wear clothing required by the institutional regulations in this respect.

When laundry services for work release placements is provided within the correctional institution, special control procedures should be established to control the introduction of contraband into the correctional facility.

ROTATING
FUND MAY
BE SET UP
FROM WHICH
MONEY MAY
BE ADVANCED
IN FURTHER-
ANCE OF RE-
LEASE PLACE-
MENTS:

The County Board of Chosen Freeholders of any county acting to implement this Act may decide to establish a rotating fund from which monies may be advanced to selected offenders under this program.

Advances to selected offenders from the rotating fund may be authorized by the county work release administrator for the following reasons:

1. Purchase of or redemption of personal and work clothing necessary in travel to and from the job and necessary to the performance of the job.
2. Purchase of or redemption of work tools necessary to performance of the job.
3. Travel to and from the job in accordance with the travel plan.
4. Daily incidentals such as lunch, coffee, smokes, etc. purchased while on the work placement.

Advance of funds to a prisoner from the rotating fund should be limited to the minimum necessary to meet the presented need and, except in unusual circumstances, shall be paid back into the rotating fund from earnings of the prisoner within a period covered by the receipt of second full pay. Care should be exercised that the amount advanced is such that it can be paid within the period indicated immediately above. The amount advanced should not be greater than that equal to a full week's pay.

Monies from the rotating fund may be advanced only to facilitate the initial phase of the work release program. Any advance of funds thereafter is to be made from the unexpended accumulated balance in the inmate's institutional account.

VOCATIONAL
TRAINING:

The county work release administrator shall develop and maintain a current roster of vocational training programs operated or sponsored by a public or private agency in the county.

He shall seek to enroll those inmates who meet specific enrollment criteria of the training agency and who, in his judgement, can benefit from vocational training.

Vocational training funded by governmental agencies will generally require a minimum additional outlay of funds while those conducted by non-governmental agencies may require a somewhat more substantial outlay of funds. The County Board of Chosen Freeholders may wish to establish, in the budget of the county correctional institution, funds to cover, in whole or part, the cost of vocational training for selected offenders. It is expected that the inmate, selected for training under this program, will assume whatever costs of his training he can and that county funds will only be used when no other alternatives are available.

Should such a fund be established, the County Board of Chosen Freeholders may wish to consider a plan whereby the inmate obligates himself to repay the county for funds expended in his behalf under this program.

WORK TOOLS:

When the work release placement is such that work tools are required, the county work release administrator is authorized to make payment from anticipated earnings for this purpose. The work tools shall not be brought into the correctional facility at the close of each day's work but are to be left, under arrangements with the employer, at the job site.

INSTITU-
TIONAL
ACTIVITIES:

Except for periods when the inmate is outside the institution for reasons contained in this Act, he shall be confined in the correctional facility as ordered by the Court.

When so confined he shall be encouraged to participate in institutional activities, especially those which will promote his capacity to adjust in the community.

SUPPORTIVE
SERVICES:

The county work release administrator shall work closely with the courts, related governmental agencies, community organizations and services to develop a program aimed at developing a climate in the community more positively oriented to the problems and needs of the released offender. One of the more positive tools at the command of the county work release administrator is that of involving community leadership in various phases of the program such as job counseling, job finding, personal counseling, vocational training, etc.

STAFF
ASSIGNMENTS
AND RESPON-
SIBILITIES:

Inclusion of this alternative to county correctional institution programs requires each staff person to have an awareness of this program and may, in some instances, require sharing of additional responsibilities by a number of staff members.

The county work release administrator shall develop an orientation program describing the work release program in detail and highlighting the responsibility of each staff member for its proper implementation.

The county work release administrator shall periodically check the work release plan, its conditions and its suitability and take such action in relation to the plan, with the approval of the Court, as may be indicated by his findings.

This check should not be less than once every two weeks in addition to such other times as may be indicated.

The county work release administrator shall periodically check on the vocational training release plan with the agency providing the training and shall arrange to receive formal reports, at least monthly, from the training agency relative to the inmate's response, performance and adjustment.

The county work release administrator shall periodically check the home and family situation of a female inmate who has been released from confinement during specified periods to care for her family. This check should be made at least once weekly and at such other times as may be indicated.

RECORDS
AND
REPORTS:

The county work release administrator shall be responsible to prepare regular periodic reports, at least once monthly, on each inmate in a placement released under provision of this Act.

These reports can be used as effective tools not only in the management of the work release program but in the overall management of the correctional facility itself.

Data in the reports should include: place and condition of employment, earnings, disposition of earnings, unusual situations or development, violation data and termination data for work release placements and related data for vocational training and family need placements.

Records are to be maintained and submitted quarterly to the County Board of Chosen Freeholders by the county work release administrator showing number in release placements in each category (work, training or family need) at the beginning of each month, number added during the month, number removed during the month (expiration of sentence, or termination of job, or completion of training, or removal for violation of conditions, or removal by illness or death) and the number in release placement in each category at the end of each month. This report shall include data on earnings during this period of persons on work release placements and disbursements from such earnings in accounts such as are outlined hereinafter.

The county work release administrator shall establish and keep current a roster of employers and training agencies where work releasees have been placed with an evaluation of the experience for each placement made therewith.

In addition the county work release administrator shall establish and maintain such additional records as will aid him in evaluating the program's effectiveness and provide him with a management tool for program audit.

Included in the report to be submitted quarterly to the County Board of Chosen Freeholders by the county work release administrator is a report of his experience in the management of the program including his observations on the calibre of response from employers, inmates, staff, related governmental agencies and other elements in the community with which he has had to deal.

Copies of reports prescribed in these regulations made to the County Board of Chosen Freeholders by the county work release administrator are to be forwarded to the Division of Correction and Parole, State Department of Institutions and Agencies.

ARRANGE-
MENTS
WITH
OTHER
COUNTIES:

The Court issuing the release placement order may by order authorize the county work release administrator to arrange with another county work release administrator for the employment of a prisoner in the other's county, and while so employed such prisoner will be in the other's custody but in all other respects subject to the commitment and the arrangements set out in the release plan and regulations developed herein.

The county work release administrator shall seek to develop mutually satisfactory arrangements with other county work release administrators to house female offenders in the other's county when such offenders are approved for placement release to meet family needs and where such release placement is in a county other than that in which the prisoner was committed.

Arrangements between cooperating counties shall include a statement of the financial arrangements related thereto.

WORK RE-
LEASE PLAN
INCLUDING
ARRANGE-
MENTS ON
EARNINGS:

A detailed work release plan in writing and signed by the inmate placed on work release shall be prepared in each case.

The plan will include information about the job together with a statement of how the county work release administrator is empowered to make disbursements from earnings.

Job information will include at least this data:

1. Name of employer.
2. Address of employer.
3. Place where work will be permitted.
4. Hourly or other rate of pay.
5. Method and cost of travel to and from place of work.
6. Hours of work.
7. Arrangements re overtime and/or shift work should such become necessary.
8. Statement re union situation.
9. Statement re prevailing wage for same or related work.
10. Evaluation of the job offer by the county work release administrator.

The inmate shall attest in writing his acceptance of the provisions of the plan together with his acceptance of the arrangements for the collection of and disbursement from his earnings.

The employer shall receive a copy of the approved work plan by registered mail with a copy of the court's order placing the inmate in outside labor. The inmate shall be given a copy of the approved work plan³.

The county work release administrator shall collect all earnings from the employer and shall make payment from earnings for the following purposes and in the order listed:

³IACP-CWR-3 appended hereto.

1. Money advances made to purchase or redeem work clothes, travel clothes and/or work tools. Every effort shall be made to secure full payment of advances as promptly as possible. Except in most unusual situations repayment in full shall have been made not later than on receipt of the second full pay.
2. Cost of work transportation and cash advanced for miscellaneous daily expenses while outside the institution.
3. Daily per capita cost for board computed by dividing the total annual operating cost by the number of days in the fiscal year and then by the average daily population for that fiscal year.

The fiscal year upon which the daily per capita cost is to be computed is that fiscal year immediately preceding the fiscal year in which the per capita payment for board is incurred.

Payment of per capita cost for board shall be charged for each day, including those days on which the inmate does not work, during the period the prisoner is employed in remunerative work under this program.

Such daily per capita rate shall not include any part of the costs arising from the administration of this Act.

4. Court costs and fines.
5. Legally ascertained support of dependents after written notice to the appropriate welfare board.
6. Payment on debts and legal obligations acknowledged by the inmate in writing and filed with the county work release administrator in such form as he shall specify.
7. Any balance of such earnings that shall remain after payment of the above shall be retained as required by this Act, until the inmate's discharge and after proper accounting shall be paid to him.

The inmate shall receive a copy of the work release plan⁴ which plan includes details about the job and agreement about disbursements to be made from earnings. In addition the inmate shall receive a statement itemizing disbursements made from each pay check within two weeks of receipt of the pay check by the county work release administrator.

The statement shall report all income and expenses as outlined above and accurately reflect the statement of the inmate's account for the period covered.

VOCATIONAL
TRAINING
RELEASE
PLAN:

A detailed vocational training release plan⁵ shall be prepared in writing by the county work release administrator with a copy for the inmate and a copy to the training agency by registered mail.

⁴IACP-CWR-4 appended hereto.

⁵IACP-CWR-5 appended hereto.

The plan shall include:

1. Name of training agency.
2. Address.
3. Site where training will take place.
4. Hour of leaving and return to institution.
5. Hour of arrival and leaving of training agency.
6. Mode of transportation.
7. Other pertinent data including responsibility for payment of costs arising therefrom.

FAMILY NEED
RELEASE
PLAN:

A detailed family release plan⁶ shall be prepared in writing by the county work release administrator with a copy to the inmate outlining the following:

1. Nature of need.
2. Place where family need is to be served.
3. Hour of leaving and return to institution.
4. Hour of arrival and leaving need site.

⁶IACP-CWR-6 appended hereto.

5. Mode of transportation.
6. Other pertinent data including responsibility for paying costs arising therefrom.

DIMINUTION
OF TERM:

Inmates selected to participate in this program may be granted a diminution of not more than one-quarter ($\frac{1}{4}$) of his term if his conduct, diligence and general attitude merit such diminution.

Such credit may be granted only for that portion of the term in which the inmate was in work release or related status and at the rate of one day reduction of sentence for each four day period in work release status.

In case of the violation of the conditions set out for the inmate's conduct, custody and employment while he is in work release or related status, he may be required to serve the balance of the sentence in ordinary confinement and any earned diminution of his term may thereupon be cancelled.

The county work release administrator shall notify the appropriate person in the county jail in writing⁷ of the number of days to be credited in diminution of sentence for each inmate in this program who by reason of his conduct, diligence and general attitude merits such diminution.

Credits in diminution of term granted under this Act shall be in addition to any other time credits granted by the correctional institution in diminution of the sentence.

⁷IACP-CWR-7 appended hereto.

The maximum of the sentence is to be reduced in each such instance by a grant of one day for each four days served while in release placement status. The maximum sentence shall have been served when the sum of the days in this status, plus other authorized credits in diminution of term, plus the total number of days actually served on the sentence subtracted from the number of days remaining to be served on the sentence at the time of commitment equals zero.

**TERMINATION
OF RELEASE
PLACEMENT
STATUS FOR
CAUSE:**

The county work release administrator shall take action causing removal of a prisoner from this program for violation of the conditions of the release placement and for such other reasons as are consonant with the purpose of this Act and regulations pertaining thereto.

No inmate in this program may be finally removed without an order from the court authorizing such removal.

Following such action by the county work release administrator he shall submit a report in writing to the court, citing the reasons in support of his action and, upon decision by the court, implement the court's decision.

Since the status of a release placement inmate is in fact different than that of the other inmates, the judgments and standards which underlie removal decisions should be those more closely identified with those appropriate to the effective management of a probationer or parolee than with those traditional with prison discipline.

DIVISION OF
CORRECTION
AND PAROLE
TO HAVE
GENERAL
SUPERVISION
OVER THE
COUNTY WORK
RELEASE
PROGRAM:

The Division of Correction and Parole of the State Department of Institutions and Agencies, under delegation of authority by the Commissioner of said Department, shall have general supervision of the county work release program under procedures promulgated by the State Board of Control of said Department.

The Division of Correction and Parole shall consult with the several county Boards of Chosen Freeholders relative to provisions of this Act, advise and assist the county work release administrator in developing and administering this Act, periodically review regulations for administering this Act and, where indicated, recommend changes to the regulations, develop procedures and guidelines designed to bring about compliance with provisions of this Act, and periodically receive reports, inspect and audit the operation of this Act as it is implemented in the several counties.

RULE BOOK
FOR INMATES
ON RELEASE
PLACEMENT
PROGRAMS:

The county work release administrator shall prepare a rule book for distribution to the inmates placed in release placement programs which rule book shall clearly state the duties and obligations of inmates placed in this program.

SUBMITTED
1/15/69