

10A:31-25.2 Role of New Jersey Department of Corrections

The New Jersey Department of Corrections may make staff available for maintaining general supervision over County Work Release Programs.

10A:31-25.3 Benefit to inmates

(a) Participation in the Work Release Program provides the following benefits to inmates:

1. Provides inmates the opportunity to participate in full time normal employment or vocational training in the community;
2. Permits inmates the opportunity to develop or strengthen good work habits and skills;
3. Affords inmates opportunities to continue or strengthen constructive ties with family, friends and the community;
4. Permits the pre-release preparation of inmates and the opportunity to evaluate the readiness of these inmates for release to the community;
5. Permits disbursements to be made from inmate earnings to help defray the cost of incarceration, support dependents, reduce debts and pay court fines;
6. Enables inmates to accumulate savings to help meet financial needs or burdens after release from confinement;
7. Provides inmates the opportunity to meet family needs; and
8. Provides inmates the opportunity to earn credits which will reduce the time to be served on the inmate's sentence.

10A:31-25.4 Responsibility for designating County Work Release Administrator

(a) Upon adoption of a resolution to implement a Work Release Program, the County Board of Freeholders shall designate a County Work Release Administrator who may be the Sheriff, Jail Administrator or other person who shall be responsible for administering the Work Release Program.

(b) The Board of Freeholders shall promptly notify the Commissioner of the Department of Corrections of the Board's action and the name of the designated County Work Release Administrator.

10A:31-25.5 Placement in Work Release

A person convicted and sentenced to an adult county correctional facility 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 at the time such person is sen-

tenced or at any time thereafter during the term of the sentence.

10A:31-25.6 Inmates ineligible for Work Release Program participation

(a) The following circumstances shall make an inmate ineligible for participation in the Work Release Program:

1. Untried detainees for criminal offenses or immigration detainees;
2. Current convictions involving arson offenses; or
3. Previous convictions for arson offenses, even if the current conviction is for an offense(s) other than arson.

(b) No person confined to a county correctional facility shall be eligible to participate in any work release or vocational training release program if he or she has been convicted of any of the following:

1. Any crime involving a sexual offense or child molestation as set forth in N.J.S.2 C:14-1 et seq.;
2. Any crime endangering the welfare of children or incompetents which concerns sexual conduct which would impair or debauch the morals of the child or an incompetent, as set forth in N.J.S. 2C:24-4 and N.J.S. 2C:24-7;
3. Any crime involving the manufacture, transportation, sale or possession, with the intent to sell or distribute, of a "controlled dangerous substance" or a "controlled dangerous substance analog," as defined in the "Comprehensive Drug Reform Act of 1986," P.L. 1987, c.106 (C.2C:35-1 et al.); or
4. Any crime involving the use of force or the threat of force upon a person or property including: armed robbery, aggravated assault, kidnapping, arson, manslaughter and murder.

Amended by R.1995 d.421, effective August 7, 1995.
See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

10A:31-25.7 Application for admission to the Work Release Program

(a) The County Work Release Administrator shall be responsible for advising county sentenced inmates that an application may be submitted to him or her for submission to the court for approval to participate in the Work Release Program.

(b) An inmate sentenced by the court to an adult county correctional facility, who desires an opportunity to participate in the Work Release Program by being released to the community for employment, vocational training or meeting family needs shall be required to complete and submit form CWR-1 APPLICATION AND AGREEMENT FOR ASSIGNMENT UNDER THE WORK RELEASE PROGRAM to the County Work Release Administrator for submission to the court.

(c) The County Work Release Administrator shall review and evaluate the information collected on each application and make a recommendation to the court concerning admission to the Work Release Program. The basic information shall include, but is not limited to:

1. Prior criminal history;
2. Detailed information concerning present offense;
3. Detailed information regarding untried criminal charges pending and the current status of these charges;
4. Psychological and psychiatric evaluations, when available;
5. Record of violent or assaultive conduct;
6. Record of violation of financial or public trust;
7. Data on family relationships including responsibility to assist in family maintenance;
8. Work history;
9. Personal health;
10. Record of substance abuse; and
11. Information on job opportunities or vocational programs to meet the inmate's needs.

(d) The following facts and circumstances shall be viewed as negative factors when considering an inmate's application for the Work Release Program:

1. A record of association with organized crime;
2. A record of serious emotional or personality disorders;
3. A record of violent or assaultive behavior;
4. Previous violations of financial or public trust;
5. A high degree of public notoriety which would cause adverse reaction if the inmate were released to the community;
6. Indications that release to the community would be contrary to punitive intention of sentence; and
7. A history which indicates a record of convictions for offenses related to controlled dangerous substances (CDS).

10A:31-25.8 Job site evaluation

(a) The County Work Release Administrator shall be responsible for evaluating all prospective places of employment of inmates.

(b) Whenever possible, work release employment shall be related to prior vocational training, work experience and/or the institutional training of the inmate.

(c) The following shall initially be taken into account when evaluating the job site:

1. Working conditions of employees;
2. Potential hazards to health of employees;
3. Credibility of the employer;
4. Verification of a fair rate of pay, not less than minimum wage;
5. Coverage of an appropriate workers' compensation plan;
6. Availability of transportation;
7. Duration of the offered employment and benefits; and
8. Proximity to the adult county correctional facility.

(d) Inmates shall not be placed in Work Release Program assignments which will result in the displacement of workers employed in the community.

(e) Representatives of local union central bodies or similar labor union organizations shall be consulted about the placement of inmates with an employer, when appropriate.

(f) If suitable private outside employment cannot be found for an inmate, the inmate may be employed by the county at a fair wage and reasonable hours of work.

10A:31-25.9 Notice to inmate

Form CWR-2 NOTIFICATION OF ADMISSION TO WORK RELEASE WITH SPECIFIED CONDITIONS shall be used by the County Work Release Administrator to notify the inmate of the court's decision on the inmate's application.

10A:31-25.10 Work Release Plan

(a) The County Work Release Administrator and the inmate shall prepare a detailed Work Release Plan (Form CWR-3 APPROVED WORK RELEASE PLAN). The plan shall include information concerning the job, transportation and a statement authorizing the County Work Release Administrator to make disbursements from earnings.

(b) The information concerning the job placement shall include, but is not limited to:

1. The name of employer;
2. The address of employer;
3. The telephone number of employer;
4. The location of work site;
5. The hourly or other rate of pay;
6. Work days and hours;
7. A plan for overtime or shift work, if necessary; and
8. An evaluation of the job offer by the County Work Release Administrator.