Work Release

Program Manual

2025

DEPARTMENT
OF CORRECTIONS

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APPLICABLE STATUTES AND POLICY

Minn. Stat. § 241.26
Private Employment of Inmates of State Correctional Institutions in Community

DOC Policy 100.010 Mission, Values, Vision, and Goals of the Department of Corrections

DOC Policy 205.120 Work Release

MINNESOTA DEPARTMENT OF CORRECTIONS
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219

WORK RELEASE APPLICATION

Please complete the application below to be considered for Work Release. Prior to submitting this application, please closely review the criteria and exclusions on the back page. We will review your application and other electronic file information to make an acceptance or denial for Work Release. You may apply for Work Release when you have served at least half of your sentence and are within eighteen months of your Confinement Release Date (CRD). The decision will be communicated to you.

_____
Date

NAME _____ _____ _____
Last **First** **Middle**

_____ _____ _____
OID Number **Date of Birth** **Date Committed**

_____ _____ _____
Confinement Release Date (CRD) **Expiration Date** **County of Commitment**

_____ _____
Correctional Facility **Caseworker**

Currently involved in post-secondary education: Yes ☐ No ☐

Tentative Release Plan at SRD (Be as specific as possible, if known):

With Whom: _____

Address: _____

_____

Phone: _____

Employment Plan:

_____

_____

_____

Signature _____

Mail this application to:

Work Release Director
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219

WORK RELEASE SELECTION GUIDELINES

Under the authority of Minn. Stat. § 241.26, the Department of Corrections is authorized to conditionally release participants to a work release program prior to a participant's confinement release date. The purpose of the program is to enhance public safety by providing supervision and structure to participants as they transition from prison to the participant's community. Exclusionary criteria have been established to eliminate from consideration applicants who represent a significant risk to the public. In addition, applicants who have shown an inability to adjust to correctional supervision in the community or within the prison or those deemed to be at a very high risk to reoffend will not be afforded this opportunity.

Applicants may apply for work release when they are within eighteen months of their confinement release date, have a MNSTARR score of low, medium or high risk (or equivalent) and have a current classification of medium or minimum custody. Participants may be placed on work release up to one year prior to their release date, but in no case for more than one-half of the incarceration portion of their sentence. Work Release staff will determine the actual length of time.

All work release participants are initially placed in a work release facility (residential community corrections center or law enforcement facility). Work Release staff will determine the most appropriate placement based on the level of supervision needed and the type of programming needed and available for a positive work release experience. Completion of recommended programming and/or placement in a minimum-security facility will enhance the probability of a placement in a work release facility. Additionally, Department of Corrections assessments, such as the MNSTARR and the Self-Reported Assessment, are considered in the approval process.

Exclusionary Criteria.

You will be excluded from work release consideration for the following reasons:

1. Have received discipline resulting in restrictive housing or segregation or received extended incarceration time within the last six months; have pending, suspended or active discipline penalty or a pending discipline report.
2. Have a current MnSTARR of Very High.
3. Have a current custody classification of Close or Maximum (Level 4 or Level 5).
4. Have pending criminal charges, a detainer or are wanted by another jurisdiction.
5. Have a current sentence from a state other than Minnesota or from a federal jurisdiction.
6. Are serving a sentence authorized by statute that precludes early release.
7. Are planning to apply, or have applied, for interstate supervision.
8. Committed a new criminal offense while on an early release program during this incarceration.
9. Have engaged in any escape-related conduct within the last five years, including such examples as: escape from custody, absconding from non-custody placement, or absconding from bail.
10. Have committed multiple person offenses against the same victim, including but not limited to violation of protection orders and are medium or high-risk MnSTARR.
11. The applicant has victim impact/community notification requirements or significant victim or community safety-related concerns.
12. Has a community notification level assigned or requires an End of Confinement Review.
13. Are physically and/or mentally incapable of full-time work or educational/vocational programming that cannot be met with reasonable accommodations.
14. Time remaining on sentence is insufficient to allow a minimum of 60 days on work release.
15. Work release denied by facility case review, the work release facility, or the Hearings and Release Unit.
16. Failure to comply with facility programming.

PARTICIPANT ORIENTATION TO WORK RELEASE

Completed by Work Release Agents prior to release from MN Correctional Facility

You have recently applied or been approved for the Work Release Program for participation on Work Release. The following orientation will highlight the expectations and rules of the program.

Upon arrival into the halfway or jail, you will be placed on house arrest for a minimum of 24 hours in order to complete orientation to the rules and regulations of the program.

EMPLOYMENT

When you begin your employment, you will be expected to follow the regulations listed below.

1. Your employer must be informed that you are in the Department of Corrections Work Release program. The employer will be given a letter explaining Work Release expectations.

2 Your employment must be verifiable. Your caseworker from the Residential Community Corrections Facility in which you are housed will conduct job checks.

3 You must be under direct supervision at the work site at all times.

4 Your employment must be legitimate. If at any time your employment becomes questionable, we reserve the right to remove you from the job.

5 You must be paid at least minimum wage and by payroll check weekly or bi-weekly with appropriate taxes withheld and the checks must not be hand written.

6 You will be expected to be employed full-time at a forty (40) hour a week job. Employment under 40 hours a week will result in receiving no passes. Part-time employment may be approved by your case manager and/or work release agent for those who are unable to obtain 40 hours with their primary employment. Overtime may be approved at the discretion of the facility and or agent.

7 Work Release participants will only be allowed to participate in a verifiable employment if they are guaranteed weekly, full-time hours, and weekly or bi-weekly paychecks. If participants are working on outside jobs (e.g., construction), they must be guaranteed employment during rainy or snowy weather.

8 The following are examples of unacceptable types of employment: bars; self-employment; car washes; day labor; employment by relatives, a close family friend or under the supervision of another person on correctional supervision; employment that involves going into private/occupied residences; over the road trucking; gambling establishments; commission-only jobs; door-to-door sales; delivery.

9 The Residential Community Corrections Facility will determine maximum hours of work over 40 hours per week. If you are allowed to work two jobs, you must physically report to the facility before going to your second job.

10. You cannot leave your work site, during working hours, without prior approval from facility staff. You must call upon your arrival and your departure from work.

11. Your employment may be restricted based upon your criminal offense.

12. You will be expected to secure fulltime employment within 30 days to remain on the Work Release Program. If you are unemployed after 30 days, your adjustment will be reviewed to determine whether or not you are allowed to remain on work release.

FINANCES

1. **Earnings**
   A. While on Work Release, you will turn in 50% of your net pay. This money will be deposited into your Work Release account and used to pay gate fee, if not yet saved, room and board, and court-ordered financial obligations, if required.

   B. To deposit money into your Work Release account, a pay stub or a copy of the paycheck must accompany a money order or cashier's check made out to the Department of Corrections. Additionally, a copy of the money order or cashier's check is to be submitted.

2. **Room and Board**
   On Work Release, you will be required to pay a portion of the cost to house you. The payment is listed on your work release acceptance and may be changed with 30-days' notice. This payment will be deducted from your Work Release savings account. You are liable for these payments from and including the first day of your employment through and including the last day prior to your completion of the program. Payments are not accepted by a third party on your behalf. Any obligations outstanding can be taken from your gate balance, if that balance is above $100.

3. **Restitution**
   If you have been court ordered to pay restitution, fees, fines, etc., a minimum of 20 percent will be deducted from your net pay towards the restitution commitment. If excess money is in your account when you complete the program, or if you are terminated, that money will be applied to restitution and/or fines, if applicable.

MEDICAL

All Work Release participants are responsible for their own medical and dental care. You are to inform staff of all medication(s) usage. Participants residing in halfway houses may be eligible for Minnesota Care.

In addition you must not ingest medication containing alcohol or narcotics.

VIOLATIONS OF WORK RELEASE

All participants on Work Release are subject to the DOC Hearings and Release Unit revocation procedures. If you are in violation of the Work Release Conditions of Release, you will be placed in custody and returned to a Minnesota Correctional Facility. You then will be served written notice of the violation and have an opportunity to a hearing before a representative of the Hearings and Release Unit. Any violation of the Work Release Conditions of Release may result in revocation of your Work Release status.

The following acts may result in termination from work release:

1. Positive urinalysis and breathalyzer tests.
2. Repeated Major Rule Violations.
3. Involvement in assaultive behavior.
4. Termination from the Work Release Program.
5. Involvement in criminal activity.

PARTICIPANT DISCIPLINE REGULATIONS

In addition, all participants of the Work Release program are subject to the Department of Corrections Participant Discipline Regulations. Any discipline violation may be charged and handled by Due Process. If you are charged with escape, you may also be prosecuted in District Court.

The following behaviors will place you on escape status:

1. Leaving the Residential Community Corrections Facility without prior authorization.

2. Failure to return from an authorized pass at a designated time.

3. Failure to abide by the schedule of hours set up by the Residential Community Corrections Facility staff for seeking or maintaining employment.

4. Failure to report for authorized employment.

5. Failure to abide by the pass regulations of the Residential Community Corrections Facility.

6. Failure to contact Residential Community Corrections Facility program staff for instruction in the event of any change in any schedule or location while on an authorized pass.

7. Failure to remain within geographical limits prescribed by the Residential Community Corrections Facility program staff.

8. Failure to follow instructions of supervising agent/designee to report immediately when ordered to proceed to a specific location or to return to the Residential Community Corrections Facility.

DRIVING

Driving is considered a privilege. You may lose the privilege if staff determine that you are not being responsible with your driving. In order for you to have a vehicle and drive while on Work Release, you must provide the following:

1. Valid driver's license
2. Proof of insurance
3. Proof of ownership of vehicle (i.e., copy of title) If you do not own the vehicle, you must provide verification that you have permission from the owner.
4. Agent's permission.

*****Work releasees may not purchase a motor vehicle or have a title transferred into their name without prior permission from their work release agent.**

For participants with DWI, and criminal negligent homicide, or other vehicle-related offenses and who have their licenses reinstated; if approved, driving approval will be restricted to work activities only. Other transportation will have to be secured for passes unless approved by the Work Release agent. If you are requesting to purchase a vehicle or have a title transferred into your name, you must have prior permission from your work release agent – no exceptions.

AUTO INSURANCE

If you do not own the car, the owner of the car must place you on their insurance policy

OTHER RULES

1. You are not to take out loans, participate in installment buying or use credit cards; debit cards are allowed in place of checkbooks. Participants with a history of check fraud/forgery will not be allowed to use debit cards.
2. You are not to leave the State of Minnesota.
3. Urine and breath tests are mandatory. A refusal to cooperate and provide a sample will be considered a violation.
4. Work Release participants are not allowed to carry pagers or cell phones, without prior permission from agent/designee; use/possession of any form of electronic communication is prohibited without prior approval of agent/designee.
5. "Smart phones" such as iPhones are not allowed. Accessing any form of pornography and/or social media (e.g., Facebook and dating sites) is prohibited.
6. Work Release participants will not be allowed passes to gambling establishments or hotels.
7. Work Release is a community-based pre-release program, you will be expected to exhibit a high standard of positive behavior, and verbal, physical and other aggressive behavior will not be tolerated.

1. If you are referred to a halfway house, you are expected to file for medical insurance by filing the Minnesota Care Application to the State to determine eligibility.
2. You are not allowed to purchase a vehicle unless specifically approved by your work release agent. You may not enter into any loans or contracts.
3. You are expected to have in your possession, your State of Minnesota I.D. or Minnesota Driver's License, and your Social Security card. These will be necessary to obtain employment and cash payroll checks.
4. Work Release will not request interstate supervised releases. The purpose of Work Release is to assist in establishing yourself into the local community.
5. Space may be limited when you are transferred to Work Release. Therefore, you must limit your belongings to two small boxes.
6. Your transfer date will be determined by Work Release. This date may be different from the date on your acceptance letter, depending upon bed space, transportation schedules and/or weather conditions.
7. This acceptance will become void if you do not continue to meet criteria or if you cannot be released at least sixty (60) days before your supervised release date.
8. Work release acceptance is contingent upon the approval from the Program Review Team, the Hearings and Release Unit and the Residential Community Corrections Facility.

REFERRAL PROCESS GUIDELINES

Work Release applications will be accepted based upon established Work Release criteria. Participation will not be considered for more than 12 months or half of the term of imprisonment on work release prior to a person's release date. Length of time assigned for work release placement is based upon current offense(s), prior record, institution behavior, supervision history, LS/CMI and/or MnSTARR score, treatment completion and/or participation in minimum custody. Applicants who do not meet Work Release criteria will be informed in writing. Applicants who meet the eligibility criteria for Work Release will be placed in an appropriate facility based upon their established level. This process will be done within 4 to 6 weeks so that the applicant, the institution, and the Work Release Unit can plan appropriately.

The following guidelines will apply when determining the area and facility an applicant is to be referred.

1. **Referrals to Work Release Facilities**

   a. Referrals will be made to the appropriate facility located in the area designated in or near the applicant's county of commitment/home area.

   b. If there is no contracted Work Release facility in or near the applicant's county of commitment or home area, he/she will be denied placement on work release.

   c. The applicant must abide by the rules of the facility, in addition to all DOC Work Release directives and Conditions of Release.

   d. The Work Release agent will confirm all referrals within two (2) weeks of the applicant's projected date of placement.

GUIDELINES FOR WORK RELEASE FACILITIES

It is expected that Residential Community Corrections Facilities orientate, formulate service/program plans and document counseling sessions on all Work Release participants.

If a service/program plan (case plan) was developed at the State Correctional Facility, this case plan will be incorporated into the participant's service/program plan developed at the Residential Community Corrections Facility. Employment, sobriety and working toward a stable release plan should be the primary areas of focus.

It shall be the guideline that Residential Community Corrections Facilities providing Work Release will orientate the Work Release participants to their programs within 24 hours of their placement. A staff member will conduct this orientation and collect a participant signature attesting to orientation. The statement will be witnessed and dated by the staff member. Within two working days of the participant's placement, a service/program plan will be developed with the participant. The plan will be in writing and signed and dated by the staff member and participant. The service/program plan will be reviewed monthly and will document as to changes and updates to the plan. All facilities will also have a system to document contact with participants and other interested parties. All work release participants will be placed on a minimum of 24-hour house arrest to allow for the participant to become familiar with the rules and regulations of the facility.

EMPLOYMENT GUIDELINES

Work Release participants are expected to seek, obtain and maintain approved employment as soon as they are placed on Work Release. It is expected that the Work Release participant be involved in full time employment during placement on Work Release. Full time is defined as 40 hours per week. The community case-manager and the Work Release case agent must approve employment. Employment must be verifiable, and the participants must be accountable. Telephone job verification must be conducted within two working days of the first day of employment. An on-site job check will be conducted quarterly after the initial job site visit. All job checks will be documented. At the time of the on-site visit, the case manager will give the employer a copy of the DOC Employment letter and will document that the employer received the letter. The following guidelines shall regulate such employment:

1. Self-Employment: Work Release participants are not allowed to be self-employed. Work Release staff do not have the resources to monitor private businesses.

2. Working for Commission: Work Release participants are not allowed to take a job working for commission unless there is a minimum wage salary. The lack of guaranteed regular income makes this a non-acceptable form of employment. Participants must be paid minimum wage or higher; if they receive tips or bonuses, this must be reflected on their pay stub.

3. Working for Relatives: Past experience has shown that working for relatives is often a negative experience for Work Release clients, and will be prohibited. Lack of accountability as to time and movement in the community has proven to be the main drawback of this type of employment.

4. Work Hours: The basic idea of Work Release is to obtain and maintain employment; seasonal employment will be discouraged. Full time employment is required and defined as a minimum of 40 hours a week. Overtime and additional part time jobs will be approved at the discretion of facility staff and/or agent.

5. Rate of Pay: Work Release participants will not be allowed to work for less than the federal minimum wage.

6. Method of Payment: Each Work Release participant must be paid by check. The check must be a company check, rather than a personal or hand written check. Social Security and State and Federal taxes must be deducted. The number of hours worked must be listed on the company pay check.

7. Outdoor employment: If the participant obtains outside employment, (e.g., construction or landscaping), the participant must be guaranteed employment during rainy or snowy weather. He/she must also be paid, at least weekly or bi-weekly, rather than upon job completion.

8. Accountability: The Work Release unit and facility staff must be able to contact the participant at any time. The participant is expected to maintain their whereabouts as approved by Facility staff and Work Release staff.

9. Working for Participants: No participant will be allowed to work for any individual under correctional supervision.

10. Restrictive Employment: Employment may be denied if related to criminal offense and/or prior criminal behaviors (e.g., a participant convicted of forgery will not be allowed to work as a cashier).

PROGRAM PASS GUIDELINES

Work Releasees' primary focus should be on employment-related activities and release planning. At the facility's discretion, some passes may be approved. Approved passes should be based on working toward goals in their service/case plan.

The following outlines the maximum pass privileges for Work Release participants in Residential Community Corrections Facilities. Passes as authorized by the Residential Community Corrections Facility may be more restrictive based upon their programming. If a participant is within 100 days of his/her release date/SRD and has not provided an acceptable release plan, he/she will not be allowed any of the following passes (other than employment, release planning and support group attendance). A shelter is not considered an acceptable release plan.

Unemployed participants and those who have not yet worked two consecutive 40-hour work weeks:

1. Participants must be on house restriction a minimum of 24 hours upon arrival and, in addition, have developed a service/case plan with the case manager prior to being granted job-seeking passes.

2. Participants will be granted job-seeking passes focusing on a.m. activities, with limited p.m. activities if approved and verified by the facility case manager. If a participant needs to pick up clothing, hygiene items, etc., it should be incorporated into the job-seeking passes. Participants should also be

permitted to seek housing during these hours, primarily during their final 4 months on work release; provided they can maintain accountability and provide verification of their activities.

3. Participants will be granted limited goal-related passes, such as, obtaining a driver's license, support group attendance, church services, etc., at the discretion of the facility.

Participants who have worked a minimum of two consecutive 40-hour weeks, turned in money orders/pay stubs from all paychecks received and are in compliance with program rules/work release conditions:

1. May be allowed one weekend day furlough for up to 8 hours. This should be to a residence with a landline phone. They are not be allowed to sign out to a residence and leave a cell phone number as the contact number. They may use this pass to go to a restaurant/coffee shop etc., if they can be paged/reached at that location.

Participants who have worked a minimum of four consecutive 40-hour weeks turned in money orders/pay stubs from all paychecks received and are in compliance with program rules/work release conditions:

1. May be allowed one weekend day pass for up to 12 hours. This pass must end prior to 10 p.m. (they must be back at the facility by 10 p.m.)

2. In addition to the 12-hour pass, they may be approved one 6-hour evening pass (they may not combine the 12- and 6-hour passes). This can be used any day of the week, at the discretion of the facility. The participant must physically report to the facility prior to beginning any of these passes (may not go directly to a pass from work). This pass must also be completed by 10 p.m.

Participants who have worked a minimum of four consecutive 40-hour weeks turned in money orders/pay stubs from all paychecks received, are in compliance with program rules/work release conditions <u>AND have 30 days or less until their SRD/completion date</u>:

1. May be allowed weekend overnight passes. The approved pass must be to their approved release plan. They must maintain accountability at all times. They can be ordered back to the facility at any time. If they do not have access to reliable transportation, they should not be approved for this type of pass.

****Periodic phone checks should be conducted by facility staff on each shift to verify whereabouts. These telephone checks must be documented by facility staff. Work Release participants must contact facility staff if they are requesting to changes locations during an approved pass. These changes must include a verifiable address and phone number. Curfew checks must be conducted by facility staff each night the Work Release participant is away from the facility. These telephone verifications must be documented by facility staff. Non-compliance by Work Release participants will result in termination of their passes and their immediate return to the facility. Participants who fail to maintain accountability while on passes may be placed on work-only status or terminated from the program. Work Release staff must be notified of violations.*

MEDICAL AND HEALTHCARE GUIDELINES

The Department of Corrections recognizes that sound physical and mental health is essential to positive adjustment in the community. The intent of Minnesota Statute 241.26 establishing Work Release is clear that the work release participant is responsible for his/her own medical care.

It shall be the goal of the Work Release Unit that essential medical care (including mental health) be available to all participants in the Work Release program. This, however, does not mean that the Department of Corrections will be required to bear the cost of such medical care. Participants are responsible for their own medical, dental and mental health needs. Participants residing in halfway houses may be eligible for Minnesota Care benefits.

1. If a participant requires emergency services Dial 911. (In an emergency situation, 911 dispatch the ambulance, which covers that area and will also transport to the closest emergency room.) Work Release staff needs to be contacted as soon as possible by facility staff. Work Release staff will notify the Department of Correction's medical staff.

2. If the participant is unable to pay for his emergency medical treatment, he/she will be placed back on institution status and have his/her work release rescinded until they receive medical clearance to return to work release.

3. Participants who are in need of routine medical and dental care will be responsible for the cost. Participants will notify the Residential Community Corrections Facility staff. Staff will verify the appointment, monitor the pass and document the results. If participants are unable to provide for their routine medical needs the participant's work release will be rescinded, and they will be placed back on institutional status to receive medical care.

PARTICIPANT DRUG/ALCOHOL TESTING GUIDELINES

All Work Release participants will be subject to random urinalysis and breathalyzer tests.

All Residential Community Corrections Facilities contracting with the state to provide Work Release services will have a policy and procedure for urinalysis and breathalyzer testing. All test results will be documented on each participant.

The department maintains a zero tolerance for drug and alcohol use and is committed to drug and alcohol testing and sanctions for all participants on Work Release status. All positive alcohol and drug tests will result in an appropriate response that will include a range of sanctions and/or termination.

Work Release participants will receive a minimum of one urinalysis test a month and receive a minimum of two breathalyzers per month. Participants will be selected for drug testing for target and random testing. Target testing is the testing of participants when there is a suspicion of drug use, high-risk participants who have a history of drug abuse, regular testing in specific programs and/or testing as a condition of release. Random testing is the testing of participants on an unscheduled and unannounced random basis.

All Residential Community Corrections Facilities will document all drug testing on Work Release participants and will have a procedure that documents the results of the tests. The number of urinalysis and breathalyzer tests given to an participant will be documented in the participant's Progress Report-Termination/Completion. A positive test result will be reported by phone to the Work Release agent and documented on the major report form.

OFFICER OF THE DAY/WARRANTS

The Department of Corrections Officer of the Day will issue warrants from 4:30 p.m. through 8:00 a.m., during the week and all day and night on weekends and holidays. This system allows for warrants to be issued on work releasees during these times.

To issue a warrant on a Work Release participant during normal business hours, the Community Correctional Residential Facility must contact the Work Release agent or another person in the Work Release Unit. If during normal work hours you are unable to contact a person in the Work Release Unit, contact Work Release Director Terry Byrne at 612/801-2177.

To issue a warrant after normal working hours: If a participant has been unaccountable for two hours and he/she has a history of assaultive behaviors, weapons, or has exhibited threatening behavior, a fugitive warrant should be requested after consulting with the on-call facility staff and, when necessary, the Work Release agent. Additionally, if a participant leaves the facility without permission or fails to return and current whereabouts are unknown, the Officer of the Day shall be notified, if outside of normal business hours, and apprised of the situation to determine if a warrant should be issued. The process for calling the Officer of the Day is as follows:

1. **Dial 1-800-657-3868**

2. **If there is no answer, leave your name, the name of the Residential Community Corrections Facility, the phone number, state the time of the call and that you need to issue a warrant on a Work Release participant.**

3. **If the Officer of the Day has not responded within 20 minutes, try again.**

The following information needs to be given to issue a warrant. This form should be completed at the participant's initial orientation into the facility. This information must be available to all facility staff in the event a warrant needs to be requested: OID #, participant's full name, race, weight, height, hair color, eye color, DOB, date released, expiration date, and possible location. In addition, inform the Officer of the Day if the warrant needs to be flagged due to participant's use of weapons, assaultive history, mental health or if victim notification is requested (Refer to attachment, "Warrant Information Sheet").

Warrants need to be issued on participants if they have escaped or have been unaccountable for two (2) hours or participants who present an immediate danger to themselves or others –e.g., under the influence of drugs or alcohol, threatening/assaultive etc. Potential technical violators who are not deemed to be a flight risk or a management problem in the facility should be placed on house arrest and addressed with the work release agent on the next business day.

PARTICIPANT ACCOUNT GUIDELINES

Work Release participants will be required to submit a portion of their net wages to the Commissioner of Corrections for deposit into their Work Release account.

1. Work Release participants will be required to submit 50% of their net wages in the form of a money order or cashier's check to the Department of Corrections. This money will be applied towards gate money, room and board, restitution, fines and other deductions listed by the Minnesota Department of Corrections Participant Accounts guidelines.

2. Work Release participants residing in a Residential Community Corrections Facility, county jail or extended housing operated by a Residential Community Corrections Facility (Phase 4) will be required to pay room and board from the first day of employment up to and including their release date.

3. After gate and room and board are paid in full, Work Release participants will have a minimum of 20% of their net earnings submitted towards restitution, fines, surcharges or other fees assessed, or court ordered. Any funds remaining in a participant's account when he/she completes, or is terminated from, Work Release will be applied towards restitution, fines, surcharges and other fees accrued or court ordered.

4. The Work Release participant will provide the case manager at the Residential Community Corrections Facility with a copy of his/her paycheck stub verifying the number of work hours and pay. In addition, the participant will submit a money order or cashier's check made out to the Department of Corrections in the amount of half of the net wages. The case manager at the Residential Community Corrections Facility will document pay stubs and money orders submitted to the Department of Corrections on the "Receipt for Money Collected from Work Release Participants" form (see attachment A).

5. The money orders and the "Receipt for Money Collected from Work Release Participants" form will be mailed to: Minnesota Department of Corrections, MCF/Stillwater, Work Release Accounting, 970 Pickett Street North, Bayport, Minnesota, 55003-1490.

COURT-ORDERED RESTITUTION/FINES/FEES

If a work release participant has been court ordered to pay restitution and or fines and if the Work Release Unit has been notified by the transferring institution, the Work Release Unit will collect a portion of the Work release participant's income and distribute the funds to the appropriate clerk of court.

Work release participants with court ordered restitution and or fines must turn in a minimum of 20% of their net earnings to be applied to the appropriate court administration, after their gate and room and board are paid.

The work release participant's file will be flagged to indicate that restitution is owed. The Work Release Unit will inform the program in which the work release participant is housed as well as the Department of Corrections fiscal unit. At the time a work release participant is being transferred to Supervised Release,

the fiscal unit will close the Work Release account and forward the restitution and or fine funds to the indicated clerk of court.

WORK RELEASE VIOLATIONS

All violations of the Work Release Conditions of Release and major reports will be reported to the Work Release Unit by the Residential Community Corrections Facility.

This guideline requires Residential Community Corrections Facilities to notify the Work Release Unit of any major violation committed by a Work Release participant. The case manager should notify the Work Release agent by telephone as soon as possible. A written report containing a description of the violation and the sanctions imposed should follow. The report must be signed by the case manager, as well as reviewed and signed by the program director of the facility. Violations are monitored for participants on all phases of the Work Release program. If facility staff determines the major rule violation may result in termination, the participant must be placed on house arrest status.

The Residential Community Corrections Facility will notify the Work Release Unit of violations of the Conditions of Release. Types of possible sanctions are as follows: house restriction, loss of privileges, or termination from the program. If a participant is terminated from the Work Release program, he/she may also be charged under the Department of Corrections Participant Discipline Rules.

DISCIPLINE

While on the Work Release program, participants are still serving the incarceration period of their sentence. Therefore, Work Release participants remain subject to the Department of Corrections Inmate Discipline Regulations. Minor behavior problems are handled at the facility in which the participant is housed. Major violations, including such examples as escape and assault, may be charged in accordance with the Inmate Discipline Regulations.

Escape - participants that abscond or fail to abide by the furlough/pass regulations may be charged with discipline for escape. At the time of apprehension for escape, the incident is investigated, and a Notice of Violation (discipline report) is completed, as well as with Notice of Work Release Violation(s) and Right to Hearing form and New Felony Commitment/Work Release/CIP Revocation Summary form. Upon apprehension, the participant is returned to the designated Minnesota Correctional Facility and revocation procedures begin. A discipline waiver offer may be made offered based upon circumstances surrounding the escape and apprehension.

<u>Aggravating Factors (examples)</u>
Use of force, threat or weapons
Commission of new offense on escape
Threat to community (based on committing offenses) at time of escape.
Planning (premeditation)
Leaving the state
Arrested by local authorities
Threat to staff at the time of escape
Amount of time on escape status

Mitigating Factors (examples)
Voluntary return or surrender
Amount of time on escape status

The following are general guidelines to be followed when presenting a waiver offer for discipline. These general guidelines are subject to increase or decrease based on the overall factors involved in each case:

15 days EI for any participant who turns himself in within 7 days

30 days EI for any participant who is on escape status for 30 days

50 days EI for any participant who is on escape status for 31 days up to 180 days,

70 days EI for any participant who is on escape status for 181 days and up to 365 days,

120 days EI for any participant who is on escape status for more than 366 days

Assaultive and Threatening Behavior - Incidents involving assaultive or threatening behavior will be reviewed with the Work Release Agent and institution discipline officer and a decision will be made as to whether the participant will be charged in accordance with the Participant Discipline Regulations.

All Other Infractions - The Work Release Unit may charge a Work Release participant with other discipline infractions. Seriousness of the infraction and the situation will be taken into account.

Unavailability of Participant (including but not limited to escape and/or new charges) – Participants that abscond or fail to abide by the furlough/pass regulations, and/or are charged with a new offense and are not available to the Department of Corrections until after their supervised release date, may be charged with discipline for escape. After the participant is in local custody, an investigation of the discipline and factors involved will occur. The discipline report will be entered into the COMS System. The participant will be served the discipline notice of violation form. A discipline waiver offer may be made to the participant. If the participant declines the discipline waiver offer, the participant will be returned to the receiving Correctional facility when available and afforded the opportunity for a discipline hearing. When the participant is in the County Jail, the DOC hold shall remain until completion of the adjusted supervised release date (including extended incarceration discipline). If the participant refuses the discipline waiver offer, the DOC hold will remain until his/her availability and return to the designated facility and placement on pre-hearing detention status.

REPORT TIMELINES

- **Intake** - a complete orientation to the program must be completed within 24 hours of arrival into the program. The participant must sign off on documentation indicating he/she has completed orientation.
- **Employment/Job Report Form** – employment must be verified in advance via telephone prior to the participant being permitted to work. An on-site employment check must be completed within 7 working days. On-site checks must be completed on at least a quarterly basis as well as additional

telephone verification with the supervisor. This form should be sent to the assigned work release agent as soon as the employment is verified (faxed or emailed to the WR Agent is preferred).

- **Release Plan** – This should be sent to the agent 100 days prior to the completion date/SRD. In the event the participant is serving less than 100 days on work release, it should be sent to the assigned agent as soon as a plan is formulated. All relevant information must be provided (back-up plan, landlord information, alternate telephone numbers, copy of lease, etc.). Participants with less than 100 days remaining without release plans should be on work only status until an acceptable release plan is formulated.
- **Money Orders** – Should be sent in on a bi-weekly basis to: Minnesota Department of Corrections, MCF/Stillwater, Work Release Accounting, 970 Pickett Street North, Bayport, Minnesota, 55003-1490. Please write the participant's name and OID # on the bottom of the money order as the signature is sometimes illegible.
- **Major Rule Violations** – Must be faxed or e-mailed to the assigned agent after it has been addressed with the participant. The participant should be placed on house arrest until the situation is reviewed with the agent if there is potential the participant may face termination from the program.
- **Supervised Release Agreement** – This must be signed by the participant prior to completing the program on his/her completion date/SRD. Staff must read the release agreement to the participant, and have the participant sign the agreement, as well as staff. The agreement must be faxed immediately to the work release office and the original should be sent to the work release office in the mail. The participant must be given a copy. Our office then forwards the agreement to the participant's new agent.
- **Completion Reports** – Must be sent to the assigned agent 30 days prior to the completion date/SRD.
- **Termination Reports** – Must be sent to the assigned agent within 3 days of the termination. There are strict guidelines we must abide by to serve participants with our notice of violation.
- **Warrant Information Sheet** – Must be filled out at the initial intake and must be accessible to all staff working with our participants, in the event a warrant needs to be requested.

PHASE 2 GUIDELINES

Work Release participants in the Department of Corrections Work Release program, and who meet the criteria listed below, may be allowed to reside in their homes. The supervision of Work Release participants on Phase 2 will be accomplished through a combination of office, home, employment visits, and electronic surveillance/GPS.

The Department of Corrections will exclude any Work Release participants from Phase 2, when, in the estimation of the Work Release staff, a placement would be inconsistent with public safety or would compromise the ability of Work Release to provide necessary surveillance. In order to ensure public safety and maintain consistency, the following criteria have been established:

CRITERIA

1. Phase 2 will only be available to participants housed in Community Corrections Facilities offering electronic surveillance as a component of their program.

2. The Work Release participant must have served a minimum of sixty days in the Community Corrections Facility.

3. The Work Release participant must be free of any major rule violations for a period of thirty days prior to being placed on Phase 2.

4. The Work Release participant must have demonstrated stability in his/her employment. At a minimum, this will include being on the same job for two weeks, 40 hours of work per week, regular attendance and at least one paycheck having been turned in from the current employer.

5. The Work Release participant must have demonstrated positive progress towards completion of his/her service plan. Prior to approval, the Work Release participant will meet with the caseworker to discuss the terms and conditions of Phase 2.

6. The Work Release participant must have a verifiable, positive living situation in a residence that has been visited and approved by facility staff. This visit will occur prior to the application being submitted to the Work Release Unit. The Work Release participant must provide names of all individuals residing at the residence. The residence must be in the metro area unless pre-approved by the facility and Work Release.

7. The Phase 2 plan must be the same as the Work Release participant's supervised release plan.

8. The Work Release participant must have the financial capability to maintain a landline phone in the approved residence and must be able to present a budget that will demonstrate an ability to maintain the approved living situation.

9. The release plan must be submitted to the Work Release unit prior to approval of Phase 2.

MINIMUM REPORTING REQUIREMENTS

1. The Work Release participant will report in person to a professional staff person of the housing facility at least once per week.

2. The Work Release participant will meet with facility staff at the Work Release participant's residence and/or place of employment a minimum of twice per month.

3. Random checks will be made through the use of electronics on a schedule to be determined by the facility staff. This schedule shall be confidential and made available only to facility staff and Work Release staff. The electronic monitoring equipment must be installed on or before the first day of Phase 2. The schedule will include curfews of 10:00 p.m. Sunday through Thursday and 12:00 midnight on Friday and Saturday. Curfew checks will be done nightly, either via staff and/or EHM/GPS monitoring

4. The case manager will verify employment attendance, conduct random phone checks and on-site job checks.

VIOLATIONS

Work Release participants on Phase 2 will continue to be subject to the rules and regulations of the Work Release Conditions of Release. Violations of the Phase 2 Agreement or the Work Release Conditions of Release may result in revocation of Work Release, return to the Residential Community Corrections Facility, or restructuring of Phase 2.

If at any time, halfway house or Work Release staff feel the residence/placement is inappropriate, the participant may be directed to return to the facility, while a determination is made on the suitability of the residence.

PRIVILEGES AND FREE TIME

An integral part of the Work Release program under Phase 2 is to allow the participant to reintegrate into the community. To accomplish this, it is expected that the Work Release participant will be allowed a certain amount of time to pursue positive activities that will assist in this reintegration. The Work Release participant must provide the program staff with a schedule of his/her activities. These activities must be approved by program staff and documented by program staff that activities are monitored.

In order to assure consistency, the following guidelines are to be used by the program staff to determine a schedule of free time and privileges. These guidelines are the <u>maximum</u> that any Work Release participant will be allowed. Facility policy and the Work Release participant's adjustment may limit free time and activities. <u>If the Work Release participant does not request and receive permission from the case manager to be gone from the residence, the Work Release participant must remain at the residence</u>.

1. Work Release participant is temporarily unemployed:
    a. Participant may be ordered to return to the facility and may have his/her phase 2 revoked.

b. If allowed to remain on Phase 2:
    i. Monday through Friday: Allowed to seek work only.
        1. May not leave residence prior to 8 a.m. and must return to residence no later than 4 p.m.
        2. Must have prior approval from case manager/agent and must provide case manager/agent with job seeking schedule.
    ii. On weekends must remain in residence unless prior approval has been given by Work Release staff.

2. Work Release participant is employed:
    i. Monday through Friday: must return to residence immediately after work. All movement in the community must be preapproved by the facility.
    ii. Weekends: All movement in the community must be preapproved by the case manager/designee.

FINANCIAL ISSUES

a. Paychecks: Work Release participants must continue to turn in half of each paycheck until their account has reached the required gate money and required room and board payment. **Gate and room and board payments must be paid in full prior to being approved to begin Phase 2.**

b. Restitution: Work Release participants who owe court ordered fines, fees, restitution, etc., must continue to turn in 20% of their net pay while on Phase 2 after the required gate money and room and board has been paid.

Work Release Contact Information

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