DEPARTMENT OF CORRECTIONS

Policy Number: 205.120
Title: Work Release Program
Effective Date: 7/7/20

PURPOSE: To provide a structured transitional release program that allows incarcerated adults who have served at least half of their incarceration time to reside in work release facilities or other approved programs/residences in the community during their final year of incarceration. Approved adults may work at paid employment, seek employment, or be involved in vocational programming or educational programs under the supervision of the work release unit while continuing to serve their terms of imprisonment.

APPLICABILITY: Incarcerated adults; adult facilities; work release unit; work release facilities.

DEFINITIONS:
Other approved programs/residences - applicable programs or residences approved by the work release director.

Work release facilities – local law enforcement facilities and residential community corrections facilities, that have been approved by either the department's licensing and inspection unit or are under a Minnesota Department of Human Services or Minnesota Department of Health licensing rule, that the department contracts with to provide housing and programming for offenders in the work release program.

PROCEDURES:

A. Work release program management
The work release program is managed by the Minnesota Department of Corrections (DOC) Work Release Unit, which:
1. Administers contracts with work release facilities to house and provide programming for program participants;

2. Establishes work release program guidelines for work release facilities;

3. Screens potential participants; reviews and approves applications from those who want to participate in the program; and

4. Oversees supervision of participants accepted into the program.

B. Work release criteria
1. To be eligible to apply, applicants must:
a) Have at least one-half of their incarceration time served;

b) Have no more than 18 months remaining to release;

c) Have a Minnesota Screening Tool Assessment Recidivism Risk (MNSTARR) score,
(1) If male, of high, medium, or low risk; or
(2) If female,

(a) Violent recidivism less than 26 percent;
(b) Felony recidivism less than 72 percent; and
(c) Non-violent recidivism less than 95 percent; and

d) Be currently at a medium or minimum security classification.

2. Eligibility considerations
Work release unit staff consider the following when reviewing applications to determine potential candidates for this structured transitional release program:
a) Program review team (PRT) recommendations and program completions including chemical dependency treatment directives;

b) Progress toward literacy mandates and education goals;

c) Participation in cognitive-behavioral classes and self-improvement opportunities; and

d) Work history prior to confinement and institution work assignment participation.

3. Exclusionary criteria
Offenders are not eligible for the program if they have any of the following exclusionary criteria:
a) Exclusions for institution discipline history
(1) Have received discipline resulting in restrictive housing or segregation, or received extended incarceration time within the last six months;
(2) Have received suspended segregation within the previous 30 days; or
(3) Have a pending discipline report.

b) Exclusions for other court or criminal-justice obligations
(1) Have a detainer or are wanted by another jurisdiction;
(2) Have a current sentence from a state other than Minnesota or from a federal jurisdiction;
(3) Are serving a sentence authorized by a statute that precludes early release;
(4) Are planning to apply, or have applied, for interstate supervision;
(5) Committed a new criminal offense while on an early release program during this incarceration;
(6) 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; or
(7) Have committed multiple person offenses against the same victim, including such examples as violation of protection orders, and are medium or higher risk.

c) Other exclusionary criteria
(1) Are required to have victim impact/community notification;
(2) Are required to be reviewed by the End of Confinement Review Committee (ECRC);
(3) Are physically and/or mentally incapable of full-time work or educational/vocational programming that cannot be met even with reasonable accommodations;

(4) Have less than 60 days remaining to participate in work release; or
(5) Have been denied transitional release status by the work release unit, a work release facility, or the hearings and release unit (HRU).

C. Procedures for approving participation

1. Application
Interested, eligible applicants must complete a Work Release Application (available on the work release intranet site) and mail it to the work release unit in the U.S. Mail.

2. Screening
A work release agent screens each application and the applicant's electronic file to determine if the applicant is eligible for the program, and makes a recommendation to the work release director.

3. Notification
The work release unit notifies the applicant by letter of the decision on the application and retains the application and notification letter in the applicant's electronic file.

4. Orientation
A work release agent conducts an orientation session with applicants conditionally approved for work release status to explain the expectations and requirements of the program and to discuss placement options available. At the orientation session, the applicant signs the notification letter and the work release agent takes the signed copy and retains it in the applicant's electronic file.

5. Referral to MINNCOR Bridge Program or other community-based employment programs
Applicants may be referred to the MINNCOR Bridge Program or other community-based employment programs prior to independent employment for accountability and support during the transition to work release. Those referred typically lack previous employment or institution work history, have served longer incarceration periods, or have extensive criminal histories. Applicants may also elect to participate in these programs voluntarily.

6. Referral to work release facility
The work release unit refers the application to one of the contracted work release facilities for placement and retains the referral packet in the applicant's electronic file. The work release facility may accept or reject an applicant for placement.

7. Program review team approval
Once the work release facility approves the placement, the applicant's caseworker at the facility prepares, and the program review team (PRT) approves, a work-release release plan in the correctional operation management system (COMS).

8. Authorization of work release status
After the PRT approval, the caseworker then submits the proposed placement and conditions of release for work release supervision to the HRU for authorization. Once HRU staff approve, the work release approval is complete.

9. Transport to work release facility
Participants must be transported to the assigned work release facility and remain there until they are transferred to supervised release or to another approved residence/program.

a) The assigned work release must contact the correctional facility to arrange participant transportation to the work release facility.

b) On the day of transfer to work release status, the participant must sign the work release agreement and conditions of work release (see Policy 106.112, "Approval and Modification of Release Plans").

10. Electronic surveillance
Participants in this program are subject to electronic surveillance as determined by the work release unit. This includes such examples as participants who:

a) Have more than eight months to serve in the program;

b) Are at high risk to reoffend; or

c) Are participating while at approved programs/residences other than work release facilities.

11. Termination from the work release program
The work release director may rescind a participant's work release status at any time if new information is discovered that makes the participant ineligible. Such information includes such examples as criminal court or records information, or any medical condition that prevents continued employment or full participation in the programming at the work release facility.

12. Records of application
Work release unit staff, caseworkers, and sentence administration unit staff retain signed applications, approval and denial letters, conditions of work release, and program completion or termination reports in applicants' electronic files; and PRT reports, case notes, discipline records, and custody status and sentence administration information in ODocS.

D. Rules for offenders on work release status

1. All participants on work release status must:

a) Reside in a work release facility or other approved program/residence;

b) Fully participate in and successfully complete the program;

c) Obey all the rules and regulations of the work release facility in which they reside; and

d) Obey all the rules included in their individual work release agreement.

2. Consequences for rule violations
Participants who violate any of the rules of their supervision are subject to:

a) Having the rules of their supervision restructured and additional rules imposed;

b) Revocation of their work release status;

c) Imposition of extended incarceration time under the Offender Discipline Rules (303.010I); and

d) Prosecution for escape under Minn. Stat. § 609.485.

E. Earnings

1. Participants on work release are required to pay a portion of any net pay while on work release status toward room and board. Room and board charges must only be taken from money generated by employment or income while on work release status.

2. When participants complete or are terminated from work release, no future earnings are applied toward outstanding room and board obligations.

3. Funds for participants on work release are processed by the offender accounts staff at MCF-STW according to Policy 300.100, "Offender Accounts."

INTERNAL CONTROLS:

A. The signed work release approval or denial letter, release agreements, work release conditions, and completion and termination reports are retained in the participant's electronic file.

B. Case notes, PRT reports, discipline records, custody status, and sentence administration are recorded and retained in ODocS.

ACA STANDARDS: 4-4463

REFERENCES: Minn. Stat. §§ 241.26; 244.065; 609.485
Policy 106.112, "Approval and Modification of Release Plans"
Policy 300.100, "Offender/Resident Accounts"
Policy 303.010, "Offender Discipline"

REPLACES: Policy 205.120, "Work Release," 12/18/18
All facility policies, memos or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Work Release Application (Available on the DOC intranet Work Release site)
Work Release Program Manual for Offenders (Available on the DOC intranet Work Release site and on the Offender Network)
Offender Discipline Rules (303.010I)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Criminal Justice Policy, Research, and Performance