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Community Release Programs



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MONOGRAPH IN THE SERIES

GUIDELINES

GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF LOCAL DETENTION FACILITIES
STATE OF CALIFORNIA • BOARD OF CORRECTIONS • 1980

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**STATE OF CALIFORNIA
BOARD OF CORRECTIONS**

COMMUNITY RELEASE PROGRAMS

A monograph in the series

**GUIDELINES FOR THE ESTABLISHMENT AND
OPERATION OF LOCAL DETENTION FACILITIES**

**U.S. Department of Justice
National Institute of Justice**

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ACQUISITIONS

Acknowledgment

The Board of Corrections is indebted to the many administrators, managers, and employees of work furlough programs in the state who shared with us their problems, solutions, ideas, and insights for this publication. It is the hope of this Board that the task of the community release program manager will be made easier by this document and that the ideas which it contains will encourage the establishment and expansion of such programs.

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PREFACE

These guidelines discuss the 1980 Minimum Standards for Local Detention Facilities which apply to Type IV—Community Release Program—facilities, also known as work furlough or work release. Suggestions and insights from administrators who have had considerable experience running such facilities are included.

Standards which are explained in guidelines for general detention are not discussed here, unless they are applied differently in Type IV than in other types of jails. The general subjects of planning and design, medical services, programs, and short term detention are treated in separate guidelines (footnotes will direct you to that material).

The standards for Type IV facilities attempt to reduce the fiscal impact of complying with standards for traditional jails, thus there are several sections of the standards from which Type IV facilities are excluded. These exclusions apply only if the services to which the standards speak are not offered. For example, if institutional clothing is not issued in your facility, related standards do not apply; however, if clothing is routinely issued, all relevant standards should be met.

Please see the following *Standards Which Apply to Community Release Program Facilities* for an overview of relevant standards and a breakdown of those standards covered in this monograph.

STANDARDS WHICH APPLY TO COMMUNITY RELEASE PROGRAM FACILITIES

(* Asterisk indicates new standard, relating solely to Type IV Facilities.)

Article 1:	1000-1007	*1006 (b)	Definition
Article 2:	1010-1016	*1016	Contracts for Furlough Programs
Article 3:	1020		
	*1022		Operations Training
	1023		
	*1024		Management Training
	1025		
	1026		
	*1027		Number of Personnel
	1028		
	1030		
	*1031		Policy and Procedure Manual
	1033		
	1034		
	1035		
Article 4:	1040-1045	*1042	Fiscal Records
Article 5:	*1054		Administrative Removal
Article 6:	1060		
	1062		
	1063		
	*1064		Library Services
	1065		
	1067		
	1068		
	1069		
	1070		
	1071		
	1072		
Article 7:	1080-1084	*1081 (i)	Plan for Inmate Discipline
Article 8:	1100-1105	*1103	Use of Existing Buildings
Article 9:	1115		
	1118		
	1120 (where applicable)		
	1121 (where applicable)		
Article 10:	*1201		Health Care Services

Article 11:	(For facilities in which food is served)
	1240
	1241
	1242
	*1243 Food Manager/Plan
	1244
	1245
	1246
	1249
Article 12:	(For facilities in which clothing is issued)
	1263
	1266
	1267
Article 13:	1270-1272
Article 14:	1280-1282

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HISTORICAL PERSPECTIVE

Background

Current trends toward smaller penal institutions, community-based corrections and increased emphasis on re-entry programming combine to encourage the creation and expansion of community release programs. Such programs are not altogether new. There has been consistent concern over the destructive effects of long periods of enforced idleness and awareness that inmates who leave confinement with some resources have a better chance of remaining crime free than those who come out of institutions penniless and unskilled.

As early as 1790, the Pennsylvania Legislature enacted a bill permitting the employment of prisoners in prison workshops. This Act required "that separate accounts be opened for prisoners; that they be charged with the cost of their clothes, maintenance, and raw materials used in their labor; and that they be credited with the proceeds of the sale of their manufactured products." If there was any profit after deducting costs, prisoners were to receive one-half. The earnings were used for reimbursement of the county and support of prisoners' families.¹ The State of Vermont, in 1906, authorized sheriffs to put their prisoners to work either inside or outside the jail, enacting the first local program of record. In 1913, Wisconsin provided for employment of county jail inmates, with permission of the court and under supervision of the sheriff. In 1918, Massachusetts allowed women prisoners to leave prison for outside employment, a privilege male prisoners had been granted earlier. In 1957, California enacted the Cobey Work Furlough Law, Penal Code Section 1208, and, in 1964, San Diego began operating Crofton House, which was, as far as records show, the first work release program in the United States completely separate from a jail.²

Community Release Programs have flourished in California. According to the 1980 Work Furlough Survey conducted by the San Mateo County Sheriff's Office, only 16 of the 58 counties do not have some sort of work furlough program, and at least one of those has an alternate work sentence in lieu of work furlough.³ Twenty-four California counties had the sheriff as administrator of work furlough. The remaining 18 programs were administered by the chief probation officer and at least one county was looking into contracting, as the state does, with a private, non-profit agency to run a furlough program. San Mateo, Contra Costa, and Alameda counties are the only counties which have facilities designed and built specifically for work furlough programs.

The Santa Clara County Sheriff's Department runs the Women's Residential Center, a community release facility separate from the women's jail, in which women with pre-school age children are permitted to have

¹ Busher, Walter H. *Ordering Time to Serve Prisoners: a Manual for the Planning and Administering of Work Release*. U.S. Department of Justice—LEAA, June, 1973. Page 2.

² Busher, pages 3-5.

³ Nugent, Ms. Patricia, "Work Furlough Facilities in California: 1980." San Mateo County Sheriff's Office, Redwood City, Calif.

their children live with them. The women and children participate in parenting skills training and there is child care provided by the facility when the mothers are at school or work.

Since 1977, Volunteers of America has run a work furlough facility in Alameda County for state prisoners. This center is operated under a contract with the California Department of Corrections and in close cooperation with Department personnel. VOA hires and trains its own staff and has had considerable success using male and female personnel in their co-correctional facility.

Several counties which operate work furlough programs have contracts with the Department of Corrections and the Federal Bureau of Prisons to house state and federal prisoners along with county furloughees.⁴ These programs, too, have been successful in providing a range of services to state, federal, and local inmates in one setting.

Legal Authority

The existence and operation of release program facilities is enabled by the California Penal Code Section 1208, which allows counties, by ordinance, to create furlough facilities and to designate the sheriff, probation officer, director of the county department of corrections, superintendent of a county industrial farm or road camp, or any combination of the above as Work Furlough Administrator.

"The work furlough administrator may, with the approval of the board of supervisors, enter into contracts with appropriate public or non-profit agencies to provide a facility and services for the housing, sustenance, counseling, supervision and related services for such inmates as are eligible for work furlough."⁵

Also under Section 1208, the State Department of Corrections is enabled to operate work, education, and training furlough programs. "The legal background for establishment of the community correctional center has been set forth under Section 6250 of the Penal Code." Subsequent Sections 6251-6256 authorize "the Director of Corrections to permit other operations conducive to the effective management of the community correctional center." In 1965, the Legislature enacted Penal Code Section 2910, permitting the Director of Corrections to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in custody of the Director of Corrections, whose terms have been fixed, to a jail or other adult correctional facility provided the sheriff or corresponding official having jurisdiction over the facility has consented thereto. Prisoners so transferred remain in the constructive custody of the Director but are subject to the rules and regulations of the facility in which they are confined. In addition, the law now allows for contracting with appropriate public or private agencies for housing work furloughees (6256 PC.⁶)

⁴ The 1980 survey reveals that 6 counties had state contracts for furloughees. For a discussion of inter-county and state contracts, please see Pages 50-52.

⁵ California Penal Code, Section 1208.

⁶ California Department of Corrections, *Work Furlough Manual*, Chapter 1, Article 2, "Legal Basis for Work Furlough."

Sheriffs, county administrative officers and contractors who operate or intend to establish release program facilities should be familiar with PC 1208 and Title 15, Section IV, of the California Administrative Code, the Minimum Standards for Local Detention Facilities. In 1979, in a major revision of the standards, the State Board of Corrections included for the first time standards for community release program, Type IV, facilities.

The Type IV is defined as a "local detention facility or portion thereof designated for the housing of inmates eligible under PC Section 1208 for work/education furlough and/or other programs involving inmate access into the community."⁷ All relevant sections of Title 15 shall apply to program facilities throughout the state, including those for which a county contracts with a public or non-profit agency and, pursuant to Section 1016, such agencies shall agree to comply with minimum standards as part of their contract with the county.

Philosophy

Community release programs such as work and education furlough are an effective tool in the criminal justice system and are an integral part of a complete local detention system. The community benefits by providing an alternate mode of incarceration for those inmates, screened into the program by classification, who are able to maintain job stability, educational programs, family support, and other positive elements of their lives, though required to serve time in custody for their misdeeds. Some of the economic benefits of community release programs include the facts that:

- inmates are paying taxes;
- their families are not on welfare rolls;
- the inmates often make restitution;
- they continue to pay union dues, outstanding bills, and costs; and
- their productivity in the community is maintained.

By virtue of paying maintenance fees, inmates offset some of the costs of incarceration; however, this does not make release programs self-supporting nor should they be. The purpose of such programs is to keep inmates employed, not to pay the full cost of incarceration.

Experienced work furlough administrators agree that at least one-third of typical sentenced jail inmates in California can qualify for community release programs. They cite the following as advantages of such programs in addition to the economic benefits noted above:

- inmates in release programs have more positive self images;
- their in-house behavior tends to improve;
- their families are more likely to remain stable;
- staff interaction with inmates is highlighted;
- there is reduced tension for both staff and inmates;
- staff is able to work with inmates rather than just monitor them;
- inmates interact with each other in positive ways;
- new and continuing relationships are created among elements of the

⁷ Minimum Standards for Local Detention Facilities, Section 1006 (b) (6).

criminal justice system;
 inmates classified for community release are eligible to receive services provided in the community;
 continuity is established or maintained from programming in custody to a smooth re-entry into the community;
 and, community release gives corrections the opportunity to present a favorable, proactive face to the community.

Community release programs are a viable alternative to, and a positive transition from, incarceration in a jail for those who meet meaningful, workable criteria. Such programs should not be viewed merely as a way of reducing the sentenced population of the jail nor as a privilege available to all sentenced inmates. Community release programs are an extension of confinement. Appropriate classification is a key element in their success. Access is vital; therefore, ideally such programs will be housed in facilities separate from the jail and near public transportation.

An emphasis of community release programs is to develop responsibility and self-sufficiency on the part of inmates and it is important to be aware that transition into such programs may be difficult for some inmates—and for staff accustomed to working in traditional custodial settings. The development of personal responsibility is neither easy nor automatic; for inmates accustomed to institutional regimentation, the program may look like new found freedom. However, with freedom comes responsibility and inmates must be constantly aware of the obligation to develop self-discipline and to be responsible to the program, themselves and the community at large.

As part of a local detention and corrections system, community release programs must be carefully structured and controlled to minimize criminal activity by furlonghees, eliminate undue risk to the community, and ensure the efficient operation of the program. The future of all community release programs depends on the effectiveness of each such program; there is more publicity given to one failure than to a dozen successes and public outcry over a particular program could endanger all release programs throughout the state.

An administrator must work to balance the needs of the community with the needs of inmates and in so doing must take great care to insure that elements of potential danger are eliminated from the program. Nonetheless, the administrator must expect some failures and should consider what is an acceptable failure rate and what are reasons for failure. Furlough administrators say it is expected that approximately 80% of those accepted for community release will successfully complete the program. Those who fail are generally removed for in-house disciplinary infractions, not for new criminal activity. Both the reasons for failure and the acceptable rate of failures are determined by the standards or flavor of the community in which a given program operates. Release programs are sensitive in nature because they do take chances, do have failures. However, as there develops a statewide philosophy of operation, the programs will come to be more generally accepted by the public. All inmates return to the community and furlough programs provide some preparation to aid that return.

For state prisoners, the breaking of certain rules requires automatic return to prison. The possibility of return to jail or prison for those who cannot abide by the facility's rules is a necessary sanction in release programs, without which they cannot operate. The threat of such returns is a key behavior modification factor; inmates always know the possibility of removal exists.

Although the court may, at time of sentencing, prohibit an inmate from participating in a furlough program, the acceptance of individual inmates for the program remains in the hands of the administrator. On occasion, it is necessary to tactfully remind the court of this fact. Relations with the judiciary will be enhanced if administrators put forth routine efforts to make a presentation to sentencing judges outlining the program, selection criteria, recent and potential problems, and related issues. Also, sentencing judges should be encouraged to visit the facility in groups or individually.

Judges, public defenders and district attorneys should be requested to avoid making acceptance into the furlough program part of plea bargains unless the program administrator has made a pre-plea review of the case and is willing to accept the defendant. Whether applications to community release programs are accepted prior to or after sentencing depends on the individual program; however, there should be enough time allowed to do an appropriate background check or field investigation to determine eligibility.⁸

Administrators will want to maintain program credibility by resisting efforts of law enforcement agencies to reward informants by influencing placement in the program or to continue to work informants while they are in the program. In the same vein, steps should be taken to assure that officers are not using the threat of removal from the program to elicit information. Administrators should not allow the wholesale use of their programs for informants or "hide outs"; the furlough facility is not a protective custody unit and administrators forfeit control of their programs and inmates if other agencies can intervene at will.

"One of the intrinsic values" of community release programs, Walter Busher has written in his study of work release models, is that "they exploit the positive features of confinement while . . . mitigating the destructive ones." These programs are, at the same time, rehabilitative treatment and traditional punishment, custodial and non-custodial in setting, institutional yet community-based, individual and still carried out through group process. Community release programs are our most effective pre-release tool and may well continue to be so as long as careful attention is paid to the details of their operation.

⁸ See page 15 for one means of doing this.

PROGRAM DEVELOPMENT

As with all elements of a detention system, the creation or expansion of community release programs requires careful consideration, planning and input from the justice system and the public. Once a decision to develop a program facility is tentatively made, the first step is to notify the Board of Corrections via a letter of intent.⁹ By so doing, the administrator makes the expertise of Board staff available for future planning efforts and reduces the possibility of developing a facility which does not comply with minimum standards for Type IV facilities.

Needs Assessment—Section 1101—and Program Statement—Section 1102

The principles guiding a sound needs assessment and the development of planning for any detention unit are discussed in general guidelines under the relevant standards sections. In determining the needs of a new community release program, emphasis should be placed on utilization by both male and female inmates; on-site selection for access to employment, education and/or other resources; and on the goals and expectations which can be reasonably anticipated for the service group. Particularly where resources are limited, co-correctional facilities are an option which assures equality of treatment to male and female prisoners eligible for community release.

The needs assessment and program statement should anticipate the benefits to both the persons in release programs and the community itself. No program can expect success if a full range of concerns are not met. Security needs must be considered in terms of site selection and staffing with the understanding that community release facilities are minimum security installations.¹⁰

Establishing Community Support

Because release programs are somewhat sensitive, it is particularly important that a broad base of community support be developed as early in the planning process as possible. In order to locate a program in areas from which inmates are able to get to work, school and services, it will prove helpful to have acceptance from neighboring businesses or residents. Although you can probably expect resistance at first, efforts to explain the purpose and procedures of your program will, in the long run, be worthwhile in eliciting community acceptance.

A point you will want to stress is that furlough programs are custodial in nature. There are controls and inmates are supervised. Entrance to the program is carefully screened by classification procedures. The public must be reminded that even the worst offender will be returning to the community and it is to the community's advantage that as many inmates as possible re-enter with the pre-release preparation afforded by furlough

⁹ See Minimum Standards Section 1100 and following.

¹⁰ See pages 27-30 for a discussion of security related issues.

programs. An honest evaluation of the program's strengths and possible drawbacks will be of value in obtaining ongoing support and enhancing the community's "buy in" to the program.

Because of the increased competition for available tax dollars, it is important to seek support from many elements of the justice system—police chiefs, the courts, probation, parole, the district attorney and the public defender, to name a few. The potential of getting restitution from some furloughees might be stressed when seeking support from the district attorney; and the desirability of inmates keeping their jobs and families intact might be highlighted when speaking with the public defender. In each case, formal, written support should be requested. A portfolio of support letters can be used to generate a "bandwagon" effect.

The campaign is gradually expanded to include those organized groups and individuals interested in local government, community service and criminal justice procedures, for instance, social workers, student groups, labor unions, taxpayer associations, grand juries, the bar association, service clubs and local legislators. Positive support from these spheres will influence general public opinion.

A second approach to gaining community acceptance is direct program promotion carried on by staff and inmates associated with the release program. A continuous effort should be directed towards this goal. Ongoing media coverage should be solicited and efforts should be made to disseminate a clear understanding of the program's nature and advantages. Potential problems and program liabilities should be frankly discussed. Tours, group meetings, coverage by local TV stations—all will remind the public of the facility's existence and its benefits to the community. An open facility which is frank about its successes and problems will be integrated into the community and accepted by it in the long run.¹¹

Who Should Administer the Release Program? Section 1016

A county work furlough administrator is chosen by the board of supervisors and can be either the sheriff, the chief probation officer, the director of the local department of corrections, or the superintendent of a county industrial farm or camp. Any of these may elect to contract with a community-based organization to run the program.

More important than who the administrator represents is the personnel assigned by the administrator to work in the program. Personnel must provide the necessary support to operate a facility in the safest way possible. Staff must be willing to accept new rules when their agency takes on the responsibility of such a program. They must be open to new ideas and ideologies in dealing with sentenced inmates. They must, in general, be committed to the concept of release programming if they are to remain viable components of such programs. They must see them as an effective means of dealing with persons serving jail sentences.

The question of who will operate the program often becomes a struggle within county government when work/education furlough is being con-

¹¹ See *Community Relations*, pages 32-36, for other modes of keeping the program in touch with the community.

sidered as a new program. Even some programs which are well established are under pressure to change administrative control. Philosophy, security and cost will be the key factors in determining who will operate the program.

Sheriff

The sheriff's argument of better program security and quality than probation or civilian personnel can provide is based primarily on the law enforcement philosophy of operation. Trained personnel who have worked with the criminal element, it is argued, can best judge how to deal with deviant behavior to produce positive results. The check and double check ethic is built into law enforcement training and thus, it is felt, very few inmate games are successfully played in a sheriff's operated facility. Sheriff's sworn personnel have the authority to deal quickly and decisively with criminal behavior while civilians must wait for sworn personnel assistance. This ability tends to control inmate behavior even outside the confines of the program center.

Program quality is maintained, it is felt, because the sheriff is an elected official directly responsible to the public for his actions. No judge appoints, and no board of supervisors can fire, a sheriff. He reports only to the electorate and, although the sheriff's budget is determined by the board of supervisors, it is the public who has the final say as to whether he is running a safe, efficient operation.

As regards cost considerations, there are some savings in the use of civilian rather than sworn personnel, but it is inadvisable to create a correctional officer classification simply to lower salaries or get around paying security retirement. It does not take long for dissatisfaction to occur, and pressure to raise corrections officers' salaries to levels comparable to those of deputies is inevitable. Facility costs for construction and operation are generally the same whether a sheriff, local department of corrections or contract agency runs the program.

Contracting with a community-based organization has an advantage in lowering costs, but control by the sheriff, some believe, is diminished by so contracting. The sheriff is the chief law enforcement officer of the county and has responsibility for the detention system of which the community release program is part. Certainly the sheriff will want to consider what will be the most effective mode of operation for release programs. The responsibility for county prisoners is ultimately the sheriff's and he may not want to relinquish any part of it.

Probation

One of the primary arguments for probation-run release programs is that the minimum security setting is more easily adapted to by probation officers than by sworn personnel and that probation staff is more aligned to resocialization than are traditional custodians. Probation officers are trained in weighing and evaluating inmate personality and case factors and thus may have an advantage in determining which inmates are likely to succeed in furlough programming. Staff of probation departments will normally have knowledge of available community resources and will have

experience in obtaining services or referring to services the clients with whom they deal.

Programs run by county probation departments and/or local departments of corrections appear to come under close scrutiny by other parts of the criminal justice system, which is healthy but which may at times impede facility operation. It is critical that, if probation is to run the furlough program, staff works closely, and has a cooperative relationship, with jail staff and sheriff's personnel, and that the two departments communicate and assist each other in matters relating to the release facility.

Community-Based Organization

Contracting with a community-based organization to operate the furlough facility has several advantages. Staff salaries and benefits, as noted above, are generally lower than they would be for sworn personnel. The high cost of using jail facilities is avoided when such agencies house programs in large homes or apartments located in the community, and the use of such existing structures lends a normalcy to the living environment not found in institutional settings.

Because the community-based agency hires and trains its staff, the costs of training are not paid directly by the county, and ineffective staff can be removed without civil service problems or pressure from unions. Local people are employed in the program and sheriff's personnel are not pulled away from patrol or jail duty.

Community-based agencies argue that the county or state does not relinquish control by contracting with them; in fact, there may be more control because such agencies generally have extensive review and evaluation requirements from their funding sources and must scrupulously document their activities and expenditures. County contracts with such agencies require compliance with the minimum jail standards and state contracts include compliance with the Department of Corrections' rules and regulations for inmates. The county may monitor contract compliance and should evaluate program effectiveness on a regular basis. Through annual program review, contract deficiencies can be relatively easily resolved and facilities are subject to review by health department and other licensing bodies.

Furlough programs operated by community-based agencies may generate more community support than would sheriff's or probation department facilities. Because they are perceived as "grassroots" programs, they may blend into the community and be more readily accepted by it. On the other hand, there may be the feeling that such agencies cannot provide the security needed for this kind of facility thus causing fear of the contract concept unless the sheriff's department provides security backup.

Kinds of Facilities—Section 1103

Once pre-planning is underway, the administrator selected, and a letter of intent, needs assessment and program statement completed,¹² the identification of the kind of facility and its development begin. A community

¹² Minimum Standards Sections 1100, 1101, and 1102.

release program facility will be minimum security and should be planned to control those entering its confines rather than to control escapes as do secure detention units.

Inmates incarcerated in release facilities have regular access to and from the community, and thus the level of controlled security is more flexible than in traditional jails. The options on the level of perimeter security are best left to the judgment of those administering or managing a given program. Considerations might include a perimeter fence, a control station at the entrance, or simply close supervision of persons entering and exiting the facility. The decision is dependent upon the actual facility utilized and the philosophy of both the administration and the community.¹³

Experienced administrators of such programs point out that a separate facility is easier to operate than is a furlough section in a jail. Having the release program separate from the jail gives the detention system the advantages of being able to reduce the contraband flow through the main jail, relieving peer pressure from jail inmates to communicate with the outside, reducing security and staffing requirements in the furlough facility, and minimizing ill will between those on furlough and those in locked confinement. Inmates' self-esteem as well as staff morale are generally improved. While it is possible to operate work furlough out of a main jail, doing so is not recommended as the best option.

The best facility would be one designed and constructed to meet the program's needs. Due to budget pressures, such ideal situations seldom occur. Existing houses, older hotels or motels, apartment houses, vacant military barracks, convalescent hospitals, and converted warehouses have all been remodeled for release programs. When existing buildings are being considered, notice should be given to the Board of Corrections staff who will:

1. survey the building,
2. determine capacities,
3. make recommendations for necessary modifications, and
4. point out fire safety and health department regulations.

Whatever kind of structure is selected or built, it should be near the area's central job market and easily accessible to public transportation.

Developing Resources

An important component of a community release program is its network of resources, including school programs, employment opportunities, social services, apprenticeship programs, volunteer groups and the like. Having access to a full network of resources enables the administrator to offer a wide variety of services without additional cost to the program and without unnecessary in-house duplication.

In the early planning stages, facility administrators should begin to identify some of the community resources which will be useful to inmates. This should continue through the planning process and beyond, and lead

¹³ For a further discussion of security issues, see pages 27-30.

to the creation of a resource directory which is updated regularly. Staff training must include finding and utilizing resources, and the directory will be a primary tool in staff's brokering services for inmates. Some counties provide a monthly services resource bulletin, and this may yield the information a release program needs.

Contacts with community services will enhance cooperation between the furlough facility and those services. Having an identified contact person at the employment office, welfare division and mental health, for instance, will speed the delivery of services to inmates and insure that those agencies are aware of the existence and needs of the release facility. The more inter-agency cooperation, the better the provision of services will be.

A resource specialist/job developer is a valuable adjunct to the network of resources. Utilization of public and private resources can be confusing, especially for those not familiar with the range of possibilities. A resource specialist/job developer can provide assistance to furlonghees and other staff which enhances the success of the program and the re-entry of inmates.

Staff Selection and Training—Sections 1022-1024.

Perhaps the one element most responsible for the success or failure of a program is the selection of staff. No program, no matter how well conceived, can tolerate a staff member who is dedicated to seeing that the program fails or is ineffective; conversely, staff who are supportive of and committed to a program are its greatest resource.

In the best of all worlds, a facility administrator or manager will have a background and interest in, and a commitment to, the specialized field of community release and some experience with community programs. Facility managers should be selected on the basis of such knowledge or commitment and might well be exempt from mandatory rotation through the department in order that the talents and expertise they bring to release program management are not lost. Constant transferring of personnel reduces the efficiency of an operation and diminishes professional specialization.

The facility administrator should have a reasonably free hand in the selection of staff; seniority should not be the only consideration. Staff should be selected on clear criteria developed by the manager in conjunction with supervisors and other staff members. Those selected will, optimally, have a varied work history and an interest or experience in social psychology, alternatives to incarceration, and the laws relating to correctional institutions. Their personal philosophies should include a sincere desire to professionally interact with inmates on an individual basis. They should believe that their assignment will involve them in modifying behavior rather than only punishing. Working in a release facility is not an easy assignment and applicants must be well aware of the additional responsibilities and potential difficulties of such duty.

Staff should consist of both men and women. Inmates and staff respond more maturely to an environment when a balance is maintained. In those facilities run by a sheriff's department, a local department of corrections

or a community agency both the normal friction between agencies and the workload can be reduced by having a probation officer assigned to the facility as liaison. In a community agency-run program, close coordination with the sheriff and/or department of corrections, the probation office and/or parole division is essential.

Training

As part of the training mandated by Sections 1020-1024 of the minimum standards, basic training for release program personnel should include a thorough knowledge of the standards and laws relating to release facilities; the local department's or agency's operation manual; the facility's rules, regulations and accounting procedures; the appropriate conducting of field and facility supervision; and the utilization of community resources. Stress reduction training would be a valuable bonus.

Whenever feasible, line staff should be encouraged to attend those meetings, seminars and conferences normally the sole prerogative of managers and supervisors. A knowledgeable and concerned staff is an assurance of a smooth-running operation, and encouraging staff members to participate in training away from the facility from time to time will help reduce staff tension.

There are training possibilities available through local community colleges and special interest seminars in and outside the field of corrections. The National Institute of Corrections (NIC), offers various training programs as do the Board of Corrections, and the Peace Officers Standards and Training Commission (POST). In-service training can be accomplished by bringing speakers and experts into the facility at regular intervals. Staff should be encouraged to visit and study other release programs and to suggest changes in their own operation based on those visits. Along the same lines, facility forms, programs, rules, regulations and procedures work better if there is staff input to their development and work best when designed by those who are involved in their day-to-day use.

Staff should be informed about and acutely aware of the dual responsibility they have to inmates and the community; they cannot ignore either. They should be trained to understand that change may be good and that flexibility within the law is the desired goal. Staff of release programs often function as counselors and ought to perceive their one-on-one dealings with inmates as the first level of discipline, the first recourse they use to correct inmate behavior.

Stress is a known feature in all correctional assignments and community release programs are no exception. Administrators will want to be sensitive to signs of stress in their employees and ought to have some contingency plan for rotation, time off, or other stress reduction procedures when necessary. One possibility some jurisdictions have explored is using 12-hour rather than the usual 8-hour shifts. This 4 days on, 4 days off structure permits better communication between shifts, allows staff to function more effectively as counselors, and may be cost effective.

Staff must be cautioned about commercial dealings with work furlough inmates which might reflect adversely on their ethics or on the program. Staff should not be allowed to accept free or discounted products or serv-

ices from inmates. Perhaps you will want to make it your policy, as several other release programs do, that no staff member shall deal commercially with inmates without permission from the facility manager. This would impact such situations as staff's shopping at a local store at which a furlough inmate is employed. Under no circumstances shall staff accept a gift or discount not available to the general public.

Selection and Classification of Inmates

As part of the planning for a release program, the agency or department must develop criteria for selection of participants. These must be objective, written criteria with a rational basis underlying them.¹⁴ Consistency in classification for release programs supports the program's credibility, and documented selection criteria consistently followed are the best—perhaps the only—defense in the infrequent instances when an administrator is subpoenaed into court to explain why denial of an individual's application for work furlough is not an abuse of administrative discretion.

The law allows a great deal of flexibility in the acceptance or rejection of inmates for community release. Such programs are a privilege, not a right available to all sentenced prisoners. While judges may, at the time of sentencing, exclude individuals from the possibility of release programming, decisions of eligibility are the responsibility of the work furlough administrator. The determining factors will be the selection criteria developed by individual administrators or departments. There are some steps and safeguards which furlough administrators suggest are important in the selection process.

The first of these is clear criteria consistently followed, as noted above. If exceptions to criteria are made, there should be a hearing which justifies the exception and clarifies the rationale for it. This is advisable if for no other reason than to provide documentation in case of future litigation regarding criteria, that particular exception or others related to it. While specific charged offenses should not automatically preclude a person from being on furlough, areas which are very carefully screened are sex offenses, heavy narcotics and drug use, psychiatric problems, a history of violent behavior, and a history of escape.

All applications¹⁵ should be considered, and acceptance decisions should be made at the lowest possible staff level. It is line staff who are most likely to know individual inmates and who will have the most direct dealings with them. Staff's understanding and support of selection criteria will be increased if they have a say in those criteria and an impact on the selection process.

Denials of entrance into the program should be reviewed by the facility administrator or manager and reasons for denial documented. Some administrators simply file written reasons for denial in case of challenges; others submit the denials to the court, probation officer or other agency if requested. Reasons for denial need not be lengthy or complicated, but,

¹⁴ For a full discussion of classification criteria, see the study done by Bonstedt, et al., through the American Justice Institute, entitled *Classification Criteria for Criminal Justice Decisions*.

¹⁵ Generally, only sentenced inmates with no holds or pending litigation are permitted to apply.

they must be clear and in keeping with the selection criteria.

Each facility ought to have a system of review whereby all "sensitive"; i.e., high publicity, cases are considered by the manager or administrator. Where the sheriff is also the facility and work furlough administrator, it might be advisable to carry sensitive case review outside the program, perhaps to the county counsel, for corroboration and reduction of liability to the program.

Acceptance into release programs should never be based on external pressures or on expectations of personal, political, or economic gain. The existence of employment should not be an automatic guarantee of acceptance, nor should the absence of employment be an automatic bar. All aspects of individual cases should be considered.

Acceptance from court referral should be based on the inmate's ability to maintain programming, not on the length of sentence or on having to serve part of the sentence in jail first. It makes little sense to have an inmate lose a job paying \$10 per hour and then, 30 days later, spend time and money developing a new one that pays only \$5. Every effort should be made to classify applicants prior to incarceration so that they can maintain existing employment, thereby maintaining whatever community stability they may have had prior to sentencing. To this end, individuals can petition the court for a stay of execution in order to complete pre-admission paperwork and then report directly to the furlough facility when their incarceration begins.

Acceptance of in-custody referrals from jail or honor farms is not automatic for all prisoners classified as minimum security. Again, each case should be considered on its own merit with, in these instances, input from the transferring facility. State prisoners request admission to local programs; the State Department of Corrections reviews those requests and forwards appropriate ones to the local program administrator; the administrator reviews the application and has the final word as to which prisoners are accepted or rejected.

Sexual preference should not be a criteria for exclusion from a program. If otherwise qualified, homosexuals should not be precluded from participating in community release. The probability is that homosexuals will pose fewer problems in a release facility than they might in more restricted, locked custody. It has been the experience of community release program administrators that sexual assaults are almost non-existent in their facilities.

Physically disabled or handicapped inmates should not be excluded if otherwise qualified for release programming. If employability is one of your selection criteria, you should consider whether handicapped inmates might be eligible to work in a sheltered workshop in your community, and, in any event, individual cases will merit individual consideration. There is the potential for legal liability if your admission criteria exclude the handicapped either directly or indirectly.

ISSUES REGARDING OPERATION

Number of Personnel—Section 1027

Section 1027 of the standards indicates that there shall be at least one person on duty at all times an inmate is in custody in any kind of detention facility and at least one female staff person on duty at all times there is a female in custody. For Type IV facilities, there must be sufficient staff in addition to the one person minimum on duty in the facility to provide field supervision or field contact.

Field Contact

How many staff people are necessary for field contact is a matter relating to how large the release program is, how great the distances are between inmates' places of employment, what kinds of contacts are being utilized, and how often contact is to be made. Policies and procedures for field contacts should be clearly spelled out by the facility administrator and contacts should be logged on a form developed by the facility. Simplified documentation will save time and personnel and will provide necessary backup if the field contact procedure or the number of staff required come into question.

While some furloughees may require daily checks and others only a phone call once a week, it is recommended that there be a minimum of one field contact per inmate per week. Contact at least once a week not only supports the inmate in his or her efforts to remain on the job or at school, it also helps to assure an employer that the program is responsible and the worker dependable. Further, careful field supervision enhances the community's confidence in the program by demonstrating that facility staff know where inmates are at any given time. Field supervision is a crucial aspect of community release programs, and, while it should be carried out in as tactful and unobtrusive a manner as possible, it should be thorough and ongoing for the safety of the community and the protection of the program. Failure rates escalate when inmates know there are or will be no field contacts.

Field contact does not require meeting face to face with the inmate at work or school. The effort is not to interrupt or single out the furlougee, but rather to make certain the inmate is at work and performing appropriately. The employer should not be inconvenienced and field staff must be sensitive to the need to be discrete and as unobtrusive as possible. Contact can include on-view checks (driving by or walking through the job site or school), telephone checks with an employer or supervisor, checks of time cards or attendance records, verification of number of hours at work by checking pay stubs, and perhaps mail verification from the employer, teacher or school attendance officer, although supervision by mail alone is not sufficient.

It is important to verify employment and to determine that the employer carries the appropriate insurance as soon as possible, either before or when the inmate comes into the release program or when he or she gets a new job or changes jobs. Likewise, it is necessary to substantiate school

enrollment and to secure a waiver for release and review of records. A good relationship with an employer might allow for informal reporting to the program if the employer notices anything amiss with the inmate employee.

Field supervision can be performed by sheriff's officers, deputies, probation officers, community workers, or field staff of some other kind. One person whose only duty is field supervision can make between five and ten contacts in a day, between twenty-five and fifty per week. In some facilities, there is specific field staff and in others facility staff do field supervision in addition to or on rotation with their other duties. Field supervision should be viewed as a major component of the community release program and staffed accordingly.

Special Issues in Field Supervision

Some kinds of employment pose unique problems in field supervision and should be considered by the administrator in developing the supervision policy and procedures. Long distance truckers or derrick workers, for instance, who might be out of the facility for two or three days at a time, may require special field contacts. They may be required to report to the program by telephone at specified times, or perhaps they will be excluded from the furlough program on the grounds that they cannot be properly supervised. People who are self-employed might pose a comparable problem in that there may be no definite check point to verify that they are at work. Allowing door-to-door sales jobs may leave the program open to blame for any burglaries in the area and again may make supervision difficult. People whose employment requires them to go to various locations each day may be required to submit their routes and to call in from certain points every few hours. As a further consideration, types of employment which the community at large might deem sensitive should be carefully scrutinized. Flexibility is desired but the safety of the community and the program must be considered in all decisions.

Policy and Procedures Manual—Section 1030

The nature of a Type IV facility requires additional and somewhat different policies and procedures from those of a traditional detention facility; thus the manual for a Type IV facility will contain, in addition to the material in general detention facility manuals, policy and procedures for (1) accounting of inmate funds, (2) field supervision, (3) obtaining medical attention, (4) community contacts, and (5) temporary release.¹⁶

Sample Type IV facility policy and procedure manuals are available through the Board of Corrections office or by directly contacting jurisdictions which operate Type IV programs. If you are developing a new program or updating your existing manual, reviewing a cross section of other manuals will provide insight into the variety of possibilities to consider.

¹⁶ For a discussion of general manuals, please see the guidelines to Section 1029. Accounting of inmate funds is discussed under Section 1042, pages 26-29, field supervision under Section 1027, obtaining medical care under Section 1201, and the remaining two issues, community contacts and temporary release are discussed here.

Community Contact

Community contact is defined as the ability of the inmate to contact and utilize outside service providers such as schools, employers, libraries, mental health agencies, barbers/beauticians, recreational facilities and the like. Such contacts are a key element of community release programs for they provide most of the services required by inmates without those services having to be duplicated in the facility. Moreover, they acquaint the inmate with what is available in the community for use after release.

The community contact policy will encourage staff to function as service brokers, assisting inmates in locating and making use of services available. Inmates should be allowed to make their own contacts, but staff's knowledge of resources and willingness to work with inmates in obtaining needed services are factors in the operation of a release facility. It is here that a resource directory and the community resources bulletin published by many counties will be effectively used.¹⁷ Community contacts may be unsupervised; however, staff should have prior knowledge that the inmate is in the community at the specific location of the service provider. Community contact is in addition to, not in lieu of, the inmate's regular employment or educational program.

Temporary Release

Temporary release is that option provided by Penal Code Sections 1208(d), 4018.6, and 1203 to release inmates for up to 72 hours in preparation for release and/or for other purposes a facility manager deems appropriate. Temporary release may be used for family emergencies, for job searches or securing post-release housing, for reasons of medical or mental health, or for a range of other pre-release and re-entry purposes. Some administrators allow holiday furloughs under these sections.

An effective use of the temporary release or pass has been as an in-house behavior modification mechanism whereby good behavior in the program earns the inmate a pass of up to 72 hours depending on the system developed by the facility administrator. For example, in some facilities, if an inmate has no disciplinarys for 90 days, in the last 30 days of sentence he or she is allowed to go home for some weekends. Such a positive incentive not only provides a potential reward to the inmate, it also serves as a control tool for the facility manager. Managers of release facilities are encouraged to make the fullest possible use of temporary release. Be aware that the temporary release provisions of 4018.6 apply to any inmate, such as a facility trusty, not only to those classified for work furlough.

Accounting of Inmate Money—Section 1042

The fiscal records required to be kept by all facilities are compounded for a Type IV facility because community release programs often hold and handle inmates' earnings and must scrupulously account for same. Some facilities which do not hold inmate monies—which expect inmates to have their own bank accounts, as a way to teach fiscal responsibility—review

¹⁷ The resource directory is discussed under developing community resources at page 10.

the inmates' accounts on a weekly basis, checking deposits against pay stubs, time cards, and withdrawals. A clear policy and careful accounting procedures are essential in the management or review of inmate monies.

An important first step is for the program administrator to determine whether the program will be responsible for inmates' money or if the inmate will be given that responsibility. A key factor in making that determination will be the administrator's philosophy about emphasizing individual inmate accountability, which must be balanced with protecting the interests of the community. It is more economical to allow inmates to control their own money in that the facility or the county will not have bookkeeping and accounting costs related to receiving and disbursing inmates' assets; it is costly to be inmates' financial overseer. Nonetheless, some programs may decide that it is important enough to guarantee fiscal reliability and regular payment of maintenance fees that the cost is irrelevant.

If the decision is made to handle inmate funds, there are certain procedures which should be followed. A ledger card should be created for each inmate, showing income, expenditures, charges and a running balance. The balance may be shown as money held in trust if a trust account is your mode of banking inmate money. Mingling inmate money with general fund or sheriff's department monies is inadvisable.

For each inmate, the probation department or the courts should be contacted to determine if there are outstanding fines, restitution, attorney (public defender) fees, and/or family support; and, if the program has determined that its policy will be to do so, a payment schedule shall be worked out pursuant to an agreement with the inmate. Any dispersal of inmate funds should be signed or initialed by the inmate as part of the regular fiscal procedures, and the amount or percentage of inmate income to be paid to outstanding obligations should be determined in advance.¹⁸ In all cases, receipts should be issued for monies received.

The equivalent of one pay period's maintenance charges, in an amount determined by the facility administrator, are deducted from the inmate's account in advance so as to minimize the chances of having unpaid fees at the time of release. It is illegal to charge an inmate fees in excess of the actual cost of holding that inmate, and there is no absolute rule that fees must be charged. Some of the options open to the administrator or county are to charge no fees, to charge a fixed dollar amount for all inmates, to charge fees on the basis of a sliding scale, to charge a flat percentage, or to develop a formula which is a combination of the above. Administrators should contact county counsel for an opinion on how best to handle fees. To maximize flexibility, the administrator should have authority to waive fees in hardship cases.

If inmate money is being kept, there should be a bookkeeper responsible for the collection and dispersal of funds and daily posting of accounts. In a small facility, a part-time bookkeeper is all that might be necessary. The accounting of funds ought to be performed by one person, the book-

¹⁸ This procedure is pursuant to Penal Code Section 1208(e).

keeper, so as to diminish confusion and the chance of error. Inmates should not be permitted to handle other inmates' monies or be responsible for the bookkeeping functions.

Standards Section 1042 requires that inmates have access to their money within one business day of a request. The intent of that is to encourage keeping inmate funds separate from other county treasury funds in order to provide money to the inmate at the time of release or in an emergency. The standard does not mean that any time an inmate requests money, for whatever reason, the administrator has to turn it over in one day. The administrator has discretion over what constitutes an emergency. At the time of release, the inmate's money shall be made available as soon as possible; i.e., within one business day. When inmates are returned to the jail their funds should be transferred and a final accounting made.

It is advisable to have some money available for use by inmates on an "as needed" basis by request. Such a petty cash fund would be available for whatever circumstances arise before an inmate receives a first paycheck or at night and on weekends. Examples of emergencies which might be covered by this fund are transportation to work, emergency food for the family, special tools or the like. Friends Outside or similar service agencies might be a source of loans or seed money for the petty cash fund, and inmates should be expected to repay the fund as soon as possible. There may need to be a policy which limits the amount an inmate can borrow from the fund.

When money is kept in a facility, there should be a secure safe for night storage. Daily deposits or, better yet, deposits every evening will reduce the amount of money in the facility at any time. Key control for the safe should be carefully structured with access limited to the bookkeeper and the watch commander or facility administrator.

Those programs which do not control inmate money, in which each individual is responsible for his or her own finances, must have a procedure of review and oversight of inmates' handling of money. Checks of time cards, bank deposits and expenditures from inmate accounts will give the program some leverage in guaranteeing inmate responsibility and will protect in large part against overdrafts and bad checks. A policy should also be developed relative to how much money an inmate can have in the facility in cash.

Administrative Removal—Section 1054

Due to the sensitive nature of community release programs, it is essential that the manager have the tools to effect immediate temporary removal of anyone who jeopardizes the future of the program. Sections 1054 and 1081(i) were written into the 1980 jail standards with the specific intent of allowing managers the option of immediately removing, temporarily and pending review, any inmate who shows by actions or attitudes that he or she is a danger to the staff, other inmates, the program or the community.

Section 1054 allows for administrative removal. This is not a disciplinary procedure¹⁹ and is noted in the plan for inmate discipline only so that it

¹⁹ See 1081(i) for this exclusion from disciplinary review.

may be specifically excluded. Administrative removal is not subject to the disciplinary review process although it may be subject to classification review²⁰ and, as with any other aspect or condition of confinement, it is subject to the inmate's filing a grievance.²¹ Administrative review is a mechanism which permits staff to move immediately to safeguard the program and/or the community and to review the decision thereafter, while providing the inmate with the recourse of appeal. While such removal is not to be used arbitrarily, there are times when it may be necessary. Its use should be judicious and as carefully documented as circumstances allow.²²

Work Assignments—Section 1060

From time to time, inmates in community release facilities are heard to say, "I worked at my outside job all day. Why should I have to work more when I come back to the program?" The facility manager may well want to clarify, in the Policy and Procedures Manual and in inmate orientation, that all inmates are expected to do whatever tasks they are asked to do in the facility regardless of whether or not they have an outside job. They may have a regular, assigned job in addition to taking care of their own areas or rooms; they might be assigned chores on an irregular basis when something unusual occurs in the facility; or work assignments may be used as part of a disciplinary program. Work time is credited inmates unless they refuse to perform work assignments.²³

It is important for facility staff to balance the needs of the facility with the needs of inmates' jobs or school programs and to be as flexible as possible, putting the job first whenever that can be done. Facility staff should schedule in-house work around the outside work or school schedules of the inmates, not expecting, for example, someone who has a job from 9:00 a.m. until 4:00 p.m. to do the lunch dishes in the facility. Along these same lines, it is preferable whenever possible to house night workers separately from day workers so the former can sleep during the day without interruption.

Library Services and Recreation—Sections 1064 and 1065

Library services and recreation for inmates of Type IV facilities can be provided either in-house or through access into the community. These are among the kinds of community contacts which should be encouraged by community release programs.²⁴ There ought, nonetheless, to be some reading material in the facility, including a copy of the minimum jail standards, and some novels as well as whatever resource directories and catalogues are available. Libraries, schools and citizens are likely sources of donated books and the county library may want to provide lender service to the facility. A law library is not required where inmates have

²⁰ See the guideline to Section 1050 for a discussion of classification review.

²¹ See guidelines to Section 1034 for a discussion of the grievance procedure.

²² Section 1081 and discipline are discussed further on page 23.

²³ Work time is credited for in-house, not outside employment. See Penal Code Section 4019 for these parameters.

²⁴ See page 17 (Section 1031) for a discussion of community contacts.

access to legal reference materials in the community; however, having a copy of the Penal Code on hand in the facility may prove useful. The program may purchase or have donated to it subscriptions to popular magazines for use by inmates, and it is advisable to have some leisure activities available in-house, such as ping pong, pool tables, board games or cards in addition to television.

Telephone Access—Section 1067

Inmates of a furlough program need telephones at least as much as prisoners in a lock up. Administrators might look into the possibility of installing pay phones which are of the "limited access" variety; that is they don't allow long distance calls billed to the facility or a third number. Inmates need to make job and service interview appointments, to arrange schedules and transportation, and to facilitate community contacts. It is helpful to staff not to have to oversee telephone calls or to have to provide and monitor a phone sign up list, and there is a security benefit in that ease of access eliminates the inmates' need to subvert rules or schedules for telephone use.

Inmate Orientation—Section 1069

Inmates are generally aware of the broad purpose and mechanics of the work furlough program when they apply. However, they can also be expected to have wide gaps in their knowledge and even some misinformation regarding the program. Unfortunately most inmates are reluctant to reveal their ignorance of the finer points of the program to staff members. The fact that they are going to be released into the community occupies their thoughts and makes it extremely difficult for them to assimilate complicated instructions regarding rules and regulations. Staff members, on the other hand, may quickly burn out or get bored with the repetitive task of orienting new inmates. Presenting the same information over and over in an interesting manner is difficult under the best of conditions.

The end result of all this is often turned-off staff members going through the motions of orienting a pre-occupied inmate with a lack-luster, one-way speech that doesn't sink in. Requiring the inmate to sign a statement indicating that he or she understood everything that was said may cover the staff if the inmate later violates a rule or regulation but does little to solve the basic problem of getting the inmate's attention during the orientation process. Inmates must be made aware that they have the freedom to make decisions and a great deal of responsibility for making the right ones.

Tape-recorded or video-taped orientations would assure uniformity of presentation and are recommended if a jurisdiction has the capacity to develop them. Media centers in large school districts, colleges, or universities are usually willing to provide professional assistance in preparing slide and sound presentations and/or video tapes that can be used to supplement inmate orientations. Some advantages of using this type of material are that:

1. each inmate gets exactly the same information,
2. information can be played over and over without wearing out staff,
3. copies of presentations can be used in court if necessary to document the orientation process, and
4. slight modifications of the same material can be used as a public relations/information presentation for visitors.

The orientation process is the basic foundation which tells the inmate what is expected of him or her. It is essential that this process be continually reviewed with an eye towards ensuring effectiveness and/or improvements. Administrators might consider using inmates to provide parts of the orientation. They may prove to be especially effective in that other inmates will relate to their experiences.

In addition to the material covered in a general orientation, there are other sorts of information which may be useful to inmates of a release program facility. Staff should be aware of the questions most frequently asked by newcomers and cover them in the orientation or in group meetings supplementing orientation; i.e.,

- How do I get a pass?
- How do I change jobs?
- Can I work overtime? How do I get permission?
- How do I get my money?
- How do I get permission to go to the doctor?
- Can I change shifts? Hours?
- What if I get hurt on the job?
- Can I have visitors? Who can visit?
- What happens if I break a rule?

Ideally, orientation of new inmates should be:

- a. the responsibility of one person (whose name appears somewhere in the inmate's booking);
- b. undertaken on a one-to-one basis rather than in groups to increase the likelihood that communication is taking place;
- c. staged in a manner which allows open and free questions from the inmate;
- d. assisted by use of a check-off list of areas to be covered;
- e. organized so that information may be presented in a variety of ways: orally, in writing, by slide and sound presentations, by video tape, with posters, etc.;
- f. terminated only after the inmate is able to pass a simple test which covers six to ten key issues;
- g. continuously re-enforced at periodic staff/inmate meetings in which questions about rules are solicited and explanations given. (In addition, basic facts surrounding any rejection of an inmate should be explained at house meetings as an object lesson;) and
- h. documented. In the event of a serious violation of the rules, the administration should be able to reconstruct from information contained in the inmate's booking the following:
 1. staff person who gave the original orientation,
 2. inmate signed and dated copy of rules which were covered,

3. signed and dated inmate test covering key issues, and
4. any previous documented warnings or incident reports.

Inmates should be given copies of all rules and regulations that they are going to be held accountable for. In addition, copies of rules and regulations should be posted in living and/or recreation areas.

Administrators should be aware that there might be inadvertent rule violations. One of the shortcomings of orientation is that retention is not always good when an inmate is under the pressure of starting a new program. Many inmates find it hard to adjust suddenly to being responsible for themselves and have difficulty remembering exactly what is expected of them. Orientation is an initial process; it must be supplemented by weekly group meetings and discussions with staff. Care should be taken not to overreact to rule violations which might be the result of poor or inefficiently delivered orientation.

In addition to the acknowledgement of rules and agreement to abide by them, inmates should also, as a part of orientation or prior to acceptance into the program, sign copies of any and all necessary waivers. These include release of school records, release of the program from liability for lost or stolen property, consent to the handling of inmate funds if such is the policy of the facility, and consent to random searches, urine analysis, and/or breathalyzer tests.²⁵ The facility must keep copies of all signed waivers in its files.

Programs and Services—Section 1070 and Volunteers—Section 1072

The programs and services called for in the 1980 jail standards are among the kinds of community contacts discussed previously.²⁶ Some of the counseling and supportive service to inmates come through interaction with staff in day-to-day communication and in weekly group meetings. Staff is both a resource and a resource broker, helping inmates make contact with service providers in the community as well as sharing insights and assistance whenever possible. There are potential tensions inherent in being in the community and returning to a custodial setting daily. Staff must be aware of inmates' stress tolerance levels and, either formally or informally, attempt to provide mechanisms for stress reduction wherever possible. Likewise, staff will be aware of the effects of stress on their own lives and should take steps to seek stress reducing activities and pursuits, for which purpose leisure activities in the facility may prove productive.

Volunteers can be very useful for providing services in a Type IV facility, especially when there is a structured, coordinated program for their use.²⁷ The adaptation of volunteer programs to the release facility is limited only by the amount of time inmates are in the facility and can be as broad as the administrator's imagination and facility needs suggest.

²⁵ For a further discussion of these processes, please see the security section of these guidelines.

²⁶ See Section 1030. For a general discussion of Section 1070, see the guidelines to that standard.

²⁷ Volunteer programs are discussed in general guidelines under Section 1072.

Discipline—Sections 1081 and 1082

The wider range of privileges available to inmates in a community release facility provides the possibility of forms of discipline not available in other types of facilities. In addition to the forms of discipline available in traditional custodial settings,²⁸ loss of passes is an option available to the administrator of a Type IV program, as is the ultimate threat, removal from the program. Disciplinary isolation is usually not possible but forfeiture of TV or other recreational time is a potential variation of the same. The atmosphere of release programs permits—should encourage—interaction between staff and inmates, and staff counseling, informally or in group meetings, should be seen as the first way of providing discipline, before more punitive sanctions are imposed. Staff can intercede before minor infractions accumulate or escalate into major violations. Staff's counseling inmates about matters which are talked out rather than written up increases inmates' confidence in the program and will generally cause a "self-fulfilling prophecy" effect. The inmate will act maturely because he or she has been treated like a responsible adult. Staff, working from the viewpoint that their role is to correct behavior rather than punish it, will assist inmates in avoiding trouble and will support positive behavior, counseling and working with inmates when that behavior begins to erode.

Care should be taken not to impose unduly any form of discipline which might result in an inmate's loss of employment; and, as with all disciplinary matters, the degree of punitive action taken should be directly related to the severity of the rule infraction. A hearing process must be in place and every aspect of the procedure should be documented. Objectivity, speed and consistency of discipline must be accorded women inmates as well as men.

The larger the facility, the more important speedy and just enforcement of rules becomes. A consistent, automatic follow up to rule violations will help to keep such violations to a minimum. Administrators should be aware that the courts consistently find that rules must be written to be valid; if it's not a written rule, it's not a rule. In order to protect against adverse court results, you will want to document the facility's rules, any and all violations, disciplinary measures taken in specific cases, and action at each step of disciplinary review.

Medical Care—Section 1201

Medical care for inmates of Type IV facilities is provided by access into the community, to private doctors if the inmate has the ability or insurance to pay for such care, or to a clinic or county hospital. In the case of some state prisoners, return to prison is required for treatment of illnesses. In any event, the intention of the release program should be that the inmate receives medical care consistent with standards of care in the community.

²⁸ See Section 1082.

The only medical standard in Title 15 for Type IV facilities is that there be a written plan describing the treatment of inmates, their transfer to appropriate facilities for ongoing care, and the place to which and the manner in which they are transported in cases of emergency.²⁹ If the policy of the facility is to transfer inmates out of the program when they are recovering from or have a serious illness, the most viable option is generally to move them to the jail medical service until they are well enough to return to the program; however, the county medical center or a private hospital might also be used.³⁰ An ill inmate might apply to the court for medical modification of sentence, or the facility administrator may determine that there are sufficient space and resources for care and that there is no danger to the other inmates of the program, and thus have a policy allowing inmates to remain in the release facility for the duration of their illnesses. Which of the options and how they will be used shall be set forth in the policy and procedures manual as part of the medical plan.

There will also be policies regarding insurance coverage, and/or workman's compensation. At the initial field contact with an employer, staff should determine that the employer carries the appropriate insurance for employees and apprise the employer of the facility's policies regarding on the job injuries. Facility policy must prohibit inmates from working for uninsured employers.

Facility staff must be aware of the program's plan for emergency medical care and transportation and ought to be trained in first aid and CPR.³¹ Time may be essential in dealing with medical emergencies and staff should be well enough informed to respond immediately.

Medications

The plan should also speak to the storage and dispensing of prescription medications. It may be the facility's policy that all medications will be under lock and key in the facility and dispensed by staff to the inmate at the appointed times.³² If this is the case, there should be a medications log kept showing what medications were dispensed to which inmates, by whom and when.

On the other hand, the policy might be that inmates will be responsible for their own medications pursuant to doctors' orders. If this is the case, facility staff should be notified if and when inmates are taking prescription medications and what those are as well as any side effects or special attention required while under the medication.

The facility should have a policy regarding over-the-counter drugs, whether or not they will be allowed in the facility and, if so, how they will be handled. Staff should be made aware of non-prescription drug use by inmates so they will not overreact to or be surprised by the presence of the drugs in a urine specimen. Care should be taken to document the

²⁹ See Section 1201 of the standards and guidelines to health and sanitation.

³⁰ See Penal Code Section 4011 regarding payment, court order, etc.

³¹ See guidelines under Sections 1020 or 1021 for training requirements.

³² Non-medical staff may be able to dispense medications if they are prepackaged in dosage amounts by a doctor or pharmacist pursuant to a doctor's orders. Check with State Pharmacy Board. See medical guidelines re: Section 1216.

storage, use and disposal of drugs and necessary implements related to their use.³³ As remote as it may seem, neighbors of one community release program facility brought pressure to bear on the program because there were syringes (insulin syringes) in the facility's garbage.

The goal of Section 1201 and its exclusion from the remainder of the medical standards is to encourage inmates' being allowed to seek medical services in the community and facilities' not having to duplicate those services in-house. This is true of dental and psychiatric services as well. If the full range of medical services are routinely provided in-house, all of the standards relating to medical care must apply.

Food—Section 1243

The only standard on food serving and preparation which speaks specifically of Type IV facilities is Section 1243, which calls for a written food services plan. The rationale for not including Type IV facilities in the other standards relating to food is that there are many ways the feeding of inmates of a release facility can be accomplished. To require compliance with standards for feeding in traditional detention facilities might impose undue expense or limitation on release facilities. However, if three meals per day are routinely served in the release facility, the standards relating to food service and preparation must be met.³⁴

Regardless of how meal delivery is accomplished, every effort should be made to see that a well balanced diet of quality food is made available to inmates. There is no way that administrators or program staff can monitor the eating habits of inmates who are out of the facility, and it is not expected that a program will guarantee inmates are getting a perfectly balanced diet daily. The most that can be expected is that whatever food is provided by the facility is healthful, nutritious and in accord with the basic food groups set forth in the minimum diet.³⁵

The food plan required in Section 1243 will contain whatever options are used by the release facility; menus do not have to be set forth if in-house feeding is not done on a regular basis. Some of the options available for the feeding of residents of a Type IV facility, in which inmates' various school and job schedules may make traditional meal service impractical, are: (1) having meals delivered from the jail or honor farm on an "as needed" basis; (2) contracting with a catering service or restaurant either to have meals brought in or to allow inmates to eat at the service's location; (3) letting inmates eat at home; and/or (4) allowing inmates to purchase their meals in the community at the restaurants of their choosing. Options for in-house feeding include: (1) hiring a paid cook; (2) using inmate workers to prepare meals; (3) having posted meal times and letting inmates make up missed meals by reheating pre-prepared food; (4) having an open kitchen for individual meal preparation; i.e., letting inmates prepare their own meals; (5) using frozen meals which can be heated in a microwave or conventional oven; and (6) for lunches, providing ingredients and letting inmates prepare their own sack lunches. Com-

³³ See Section 1216 of the Minimum Standards.

³⁴ See Standards Sections 1240-46 and 1249.

³⁵ See Standards Section 1241.

binations of these options or other approaches are also possible; however, administrators are discouraged from attempting meal service by providing only vending machines in the facility.

Clothing—Article 12

Community release facilities are excluded from standards relating to clothing issue on the grounds that inmates of such programs will be permitted to wear their own clothes and encouraged to be responsible for the care and cleaning of same. Coin-operated washers and dryers should be provided in the facility or easy access to laundromats in the community assured so inmates can take proper care of their garments, washing them as often as is necessary. County clothing should be issued for any extra work details which might require special garments.³⁶ If clothing is regularly issued to inmates of a Type IV facility, all of the standards pertaining to clothing must be met.

Security

The security classification of release facilities is somewhat less than minimum; inmates are in custody but have easy access to the community and are generally out of the facility for at least part of every day. What security issues arise for the Type IV facility relate to insuring the safety of the program without being overly restrictive and encouraging the positive rather than deleterious effect of the release program on the community. There must be controls to guarantee the safety of all programs, but the Type IV facility allows inmates more latitude than they would have in traditional detention settings. The discussion at this point, while it does not relate to specific sections of the minimum standards, is relative to security measures which may be considered by Type IV facility administrators.³⁷

PERIMETER

Fences and/or locked doors are more useful for keeping outsiders out of Type IV facilities than for keeping inmates in. It is unnecessary to go to great lengths to try to keep inmates in the facility since they can quite easily walk away from work or school if they are so inclined. Moreover, an emphasis on perimeter security may undermine efforts at building inmate responsibility. The perimeter of a release facility should be designed to minimize unwanted traffic from the outside, and the decision as to which doors shall be locked and which open will depend on the flow of traffic the administrator determines is most useful. A single, central entrance/exit point will provide ease of management of inmates and a control for visitors and service providers coming into the facility. For some facilities, it will be advantageous to have an alarm system on selected doors.

³⁶ Pursuant to Section 1261.

³⁷ Some out-of-the-facility security issues have been treated under field supervision, pages 15-16; and community contacts, page 17.

INTERNAL SECURITY ISSUES

Some facility administrators have found it advantageous to have their public address system capable of two-way audio to allow night staff to hear anyone in trouble. The audio system should not be used instead of staff's circulating through the facility, but it might pick up emergencies between times. In small facilities, where staff can readily hear any calls for help, an audio system may not be necessary.

Tools and equipment which can be stolen or used as weapons should be locked up at night when staffing is low, and perhaps should be available for use only on a sign-out basis. Cleaning supplies and other potentially dangerous chemicals should also be placed in locked storage when not in use.

Contraband It is important that release program facilities be as "clean"—free of drugs, alcohol, weapons and other contraband—as possible. Inmates have access to all manner of goods on the street and only self-control and careful field supervision stand between the furloughees and those temptations. Inmates must be well aware that they are expected to stay crime free and may not bring or cause others to bring contraband into the program facility.

Searches In some Type IV facilities, pat searches are conducted on every inmate returning to the program; in others, pat searches occur only on a random basis. The latter may well be all that is necessary unless staff has information which indicates that more frequent or regular searches are called for. Strip searches are usually inappropriate to the community release facility unless there is specific cause or information indicating their necessity. Facility searches may occur regularly or at random, and searches of personal property, such as inmates' automobiles, rooms or lockers, whenever possible should take place with the inmate standing by so there will be no question of misconduct during the search. Most recent court decisions have held that the presence of the inmate is appropriate for searches of personal property, although it is not required in every instance. In cases of emergency, the amenities are dispensed with and critical searches can and should take place whether the inmate is present or not. Facility and property searches will be part of the facility's routine, on an unscheduled basis, as often as the administrator feels they are necessary. Where work furlough programs are run out of maximum security facilities (main jails), all normal security procedures must apply.

Counts While it is not necessary to have a great number of counts, it is recommended that there be at least one count per change of shift. Random counts are worthwhile if for no other reason than to keep staff moving through the facility, being aware of what's going on and relating to prisoners. They should be conducted within each shift and will be facilitated by keeping a time card for each inmate. These cards, showing the location to which an inmate signs out on every departure from the facility, are used to balance the count.

Drugs and Alcohol Two of the most sensitive issues for Type IV facilities are those of drug use and consumption of alcoholic beverages. These activities are often hard to monitor and releasees can capitalize on their contacts in the streets if they are so inclined. Program failures, loss of credibility, loss of community support, and commission of new offenses all result from insufficient monitoring of drugs and alcohol use.

As part of the agreement to enter a community release program the inmate will have agreed to submit to drug and alcohol tests and searches.³⁸ It is suggested that release facilities have access to or the capability to perform breathalyzer or intoxalyzer tests and urine analysis. Although it is expensive to buy, the machinery for performing the tests is itself a useful deterrent; inmates know there will be tests whether they are regular or random. Random testing is advised, with more frequent testing when there is information or indication that such is necessary. A polygraph machine or access to one might be useful for verifying information important in protecting inmates or the program. It is not required that facilities own this equipment.

Administrators should be aware that persons tested on their first day in a release program may test positively due to residuals of drugs in the system from use days or weeks previously. It may be advisable to conduct a urine analysis on all entering inmates as a control measure by which to monitor that drug levels in the inmate's system are dropping. Inmates should not be refused entrance to the program based solely on the fact that the initial test reflects drug usage.

Random urine analysis, with some regularity for those who have a history of drug use, is recommended as are, of course, checks when information has been received which indicates a reason to test. Illegal use or possession of marijuana or narcotics shall be cause for removal from the program and for filing of charges where sufficient evidence exists.

With regard to the consumption of alcoholic beverages, staff and inmates alike must remember that Type IV's are correctional facilities and it is a felony to bring alcohol into a jail of any kind. Inmates can find ways to get a drink on the streets and may thus be unlikely to bring alcohol into the facility, especially when they are aware of the ramifications of doing so.

A positive breathalyzer or intoxalyzer reading should be cause for removal pending review. (Exceptions to this may occur in state contract facilities which do not have the option of returning an inmate to prison at once.) Some removals might be for a limited time, giving the inmate the potential to earn return to the release program. Several administrators' policy is that no one who comes into a program facility under the influence of alcohol spends the night in the facility, even if that means taking the inmate to the jail for the night and returning that person in the morning.

Whatever policy the facility establishes, it is critical that the rules relating to it are fairly, firmly and uniformly followed. Inmates must know and staff must see to it that breaches of the rules regarding drinking and use

³⁸ See orientation, Section 1069, pages 21-23.

if drugs will not be tolerated, both for the inmates' protection and for the reputation and longevity of the program. Drinking and drug use must be nearly beyond the scope of accepted behavior.

Escape Escapes will not be the problem one might think because inmates in release facilities have a great deal to lose if they fail to abide by the rules. Sanctions for these programs may well include community ties as a means thereby diminishing the likelihood of escape. Penal Code Section 26100 defines escape, but latitudes differ from one jurisdiction to another. Actual parameters of "escape" from a community release facility are at the discretion of the sheriff or facility administrator who may want to contact county counsel for an opinion regarding the jurisdiction's definition of escape.

The question of what constitutes escape is especially complex because there are a variety of ways and reasons a person can be missing from a release facility. When developing rules and procedures, the administrator must consider that there is a difference between intent to escape, being absent without leave (AWOL), and being late for reasons beyond one's control. Every effort should be made to verify reasons for lateness or non-appearance and the burden of verification should be primarily the inmate's. It is the responsibility of inmates to notify the program immediately if they are late for any reason; a dime for a phone call is an investment worth making. In some cases, inmates have shown great ingenuity in concealing their absences from programs. One brought a note from a police officer who had observed him stuck in a traffic jam for 45 minutes; another returned late from work with a note from a Southern Pacific conductor to verify the fact that the inmate had fallen asleep on the train, missed his stop and had to ride to the end of the line and back to his intended station.

Transportation

Because so much of their programs depend on access into the community, Type IV facilities should be located near public transportation. Proximity to bus service should be a consideration when locating a site or building, and the use of public transportation should be encouraged for all inmates, women as well as men. An attempt to protect female inmates by prohibiting them from riding buses, purportedly for their own safety, is unrealistic.

There are a variety of ways for inmates to get to and from work, school and community contacts. Again, the facility administrator shall determine which of the options or which combinations will work for his or her facility. Some of the possibilities to consider are use of public transportation; transport by staff or sheriff's transportation unit; being driven by family or friends; inmates driving their own cars or a car borrowed from a friend or relative; riding bicycles, motorcycles, skates; and walking. Hitchhiking should be prohibited. When inmates work the same hours at the same place, carpooling is a convenient mode.

Before inmates are permitted to use their own cars, the facility administrator must check for the existence of a valid California driver's license and verify that the inmate has at least minimum liability insurance coverage.

For the inmate to be permitted to drive a car borrowed from a friend or relative, the administrator should receive written permission from the vehicle's owner for the inmate to use the car. If family or friends will be driving the inmate, the administrator does not have to check insurance or driver's licenses, but it is still a good idea to do so and some programs treat it as a necessity.

Regardless of how an inmate gets to and from work or school, some staff or field supervision person should attempt to verify the inmate's travel schedule. This provides a time check and gives staff sensitivity to the problems an inmate might encounter getting to and from the facility. Staff would thus be aware that, if, for example, an inmate missed a bus at one location it could take 40 minutes before the next connection could be made. This will enable staff to judge the validity of explanations for lateness when inmates do not return to the facility on time.

Contracts

Many jurisdictions which operate community release programs have entered into contracts with other jurisdictions, the Department of Corrections, and the Federal Bureau of Prisons to accept inmates who are nearing their release from incarceration and who will be returning to the community in which the release facility is located. Such contracts permit inmates to gain lawful employment, establish residence, re-create ties and identify local service providers in the community to which the inmate will be returning. Such contracts provide inmates with a period of transition from institutional life where all decisions are made for them to a semi-civilian status in which the individual is expected to be responsible for his or her actions. Moreover, contracting allows continuity and coordination among various agencies of the justice system. Contracts permit transfer of inmates from one jurisdiction to another.

Probably the most common transfers are those between counties under the authority of 1208.5 PC. Simply stated, this section of the law allows one county, by ordinance of the board of supervisors delegating the authority to the work furlough administrator,³⁹ to transfer work furloughees from the county of arrest to a program within the county in which the inmate is employed or will re-enter. A court order may or may not be necessary depending on the wording of the county ordinance. Inter-county transfers allow programs the flexibility to exchange inmates at no cost to the receiving county. They allow work furloughees to maintain existing employment which might otherwise have been denied by the sentencing county due solely to the impossibility of properly supervising the inmate.

Inter-county contracts should speak to the procedures for and costs of medical services (i.e., which county pays if an inmate becomes ill; is the inmate returned to the sentencing county or retained in the program's jurisdiction?) and will want to define criteria for eligibility for transfer (i.e., must an inmate work in the receiving county, live in the receiving county, intend to return to the receiving county upon release?). Uniformity of inter-county agreements statewide will greatly enhance reciprocal movement of furlough inmates, thus a sample contract and ordinance have been included in these guidelines to assist administrators in developing similar documents for their counties.⁴⁰

Section 2910 of the Penal Code allows for the transfer of sentenced state prisoners to local facilities. This section is the authority for the state-county contract and is generally used to transfer state inmates during the last 120 days of their commitment to the community to which they are paroling. By using such contracts, not only does the inmate receive the benefit of re-entering society at a slower, more organized pace, but the community has the advantage of previewing the behavior of the inmate who will soon be released.

State contracts generally include the possibility of a 30- to 60-day termi-

³⁹ See Appendix #1.

⁴⁰ See Appendix #2.

nation by either party and an annual contract review. The local administrator is empowered to refuse to accept any inmate, to remove any state prisoner from the program at any time, and to handle state inmates in the same manner and under the same rules, regulations and procedures as county inmates. Contracting with the Department of Corrections does not diminish the local control of a program; what it does is help fill program beds with qualified people, thereby reducing the possibility that the program will be inappropriately used as a way to reduce overcrowding of the main jail. In 1978, the legislature mandated the Department of Corrections to expand its use of community corrections, and prison overcrowding has increased motivation to do so. Work furlough administrators interested in developing contracts for state prisoners should contact the district administrator of the state parole division in their area.

Title 18 of the United States Code ⁴¹ is normally used to transfer inmates either directly from federal court or from a federal institution to a release program or community treatment center. The advantages to the inmate and the community are the same for this category of contract as for state contracts. Interested administrators should contact the Federal Bureau of Prisons regional administrator in their areas.

⁴¹ Sections 4002, 4082, 5013 and 5040 of Title 18, U.S. Code.

COMMUNITY RELATIONS

Because one of the goals of release programs is to encourage inmate accountability, every effort will be made to structure the program so that there is room for inmates to make judgments and develop their capabilities. Careful planning and supervision will provide a framework, and safeguards built into the program at all levels will insure its safety. A presumption that inmates will benefit from release programming is central yet there must be constant vigilance based on the knowledge that not every inmate in the program will succeed.

A good deal of the effectiveness of the community release program depends on the written policies of that program which, in turn, depend on the philosophy and discretion of the administrator and staff. Flexibility within the law, an ability to change perspectives and procedures as new insights arise, being well informed about the "state of the art" of running release programs, having a commitment to safe, efficient day-to-day operation, and keeping the community informed are primary factors in developing and maintaining a successful program.

Speakers' Bureau

A useful tool for good community relations will be the creation of a speakers' bureau, either within the program or by the department or agency as a whole. Civic and community service groups and schools often invite speakers to address their meetings or classes and might be eager to learn about the community release program's goals, accomplishments, problems, and concerns. Volunteers, services, and donations of books or other supplies the program needs could be generated from appearances by program personnel at such meetings.

If a speakers' bureau is to be created, the administrator of the release program must determine whether inmates will or should be permitted to participate and whether their presence on the roster of potential speakers will enhance the bureau's ends or detract from them. Identifying staff and/or inmates who are adept at public speaking and are willing to take on speaking engagements, who are thoroughly familiar with all aspects of the release program and will be good "promoters" of it, and then publicizing the existence of the bureau are the other steps the administrator needs to take. Generally, once it is known that there are speakers available, interested groups will contact the program. You may have to remind the public from time to time that there is a speakers' bureau, but more often than not, once word gets around, a snowball effect occurs and there are as many requests for speakers as the bureau will care to meet.

Volunteer Civic Projects

A second suggestion regarding community relations is that programs consider taking on some volunteer civic projects. In some counties, weekend work programs use inmates to pick up trash at parks or beaches or to repair county property, paint fences, do landscaping, and the like. Community release programs might offer to do similar things or to assist in other areas such as repairing donated bicycles and toys for children at

county shelters or hospitals. Emergency work crews which clean up after crises like major fires, floods or landslides are often drawn from county correctional systems and administrators of release programs who are tuned in to the needs of the community will hear of other civic projects in which the inmates and staff of the program could be helpful. Where there is a Voluntary Action Center or Volunteer Bureau, the administrator should work with that agency in identifying needs the program may be able to fill. Undertaking such projects not only adds to the visibility of the program, it also improves its reputation, tends to reduce community fears about inmates, and gives those inmates a sense of being part of the community in which they live and work and into which they will soon be released.

POSSIBILITIES

Most if not all community release programs in existence at present are work/education furlough programs. As has been mentioned previously, there is a good deal of latitude within Section 1208 which allows for innovative and creative programming. Given the fiscal limitations facing nearly every jurisdiction and agency, that latitude is very welcome.

There are other legally permitted means of providing return to the community which administrators may want to utilize in addition to work/education furlough or along with it. Use of the 72-hour pass ⁴² has already been discussed as a possible re-entry mechanism and as a reward for good behavior. County parole ⁴³ is an option which will be useful in selected cases as is modification of sentence by application to the court. Another mode is the daily release to care for minor children at home of a parent who returns to the program facility at night ⁴⁴ and yet another is "house arrest" being tried by some counties as a quasi-custodial form of probation.

Apprenticeship and training programs may be facilitated by bringing the community into the release program as well as by furloughing inmates to the community. If training and apprenticeship opportunities do not exist in a given area, an administrator might want to utilize the network of resources and community support he or she has developed in order to create those opportunities for inmates.

It is possible that overcrowding in presentence jails and the general efficacy of own-recognizance and supervised own-recognizance release will give rise to a new category of custody, that of residential own recognizance. Offenders awaiting trial or sentencing, who would otherwise be eligible for O.R. or supervised O.R. except that they have no place to live, would be housed in a community release facility designed for presentence instead of sentenced persons. Such people would maintain pre-existing employment or schooling pending sentencing.

Some private non-profit agencies, like Peralta Service Corporation in Oakland, Delancey Street in San Francisco, and Friends Outside in Monterey County have had great success with the community development corporation concept; that is, using their resources to buy businesses for the training and employment of residents of their programs. Such operations can pyramid and need start only on a small scale, for instance with the purchase of a small laundry or car repair shop, which initially services the facility and then expands into the community. The goal is for the profits of one business to be put aside to accumulate into enough capital to purchase another business and so on. Residents gain experience in the establishment, development, and operation of the businesses and have, as a result, not only the skills and training necessary to operate such a business, but also the actual ownership of the enterprise. They are not only

⁴² Pursuant to Penal Code 4018.6, 1203.1, and 1208

⁴³ Pursuant to Penal Code 3075

⁴⁴ Pursuant to 1208(i)

trained to work, but they have employment they are likely to keep, inasmuch as they have a vested interest in their own performance and the success of the enterprise.

Whether or not such a concept is applicable to local units of government, such as sheriff's departments which run community release facilities, is a question for county counsel; however, agencies which contract for release facilities could well be encouraged to structure their by-laws or incorporation agreements to allow for the creation of such agency/inmate owned and operated businesses. The yield of the community development corporation is reduced unemployment among a hard to employ; i.e., ex-offender, population; a financial base for the agency sponsoring the corporation and thus less cost to the county for incarcerating furloughees; services necessary to the operation of the release facilities being provided by inmates for pay at no increased cost to the county; an ongoing and expanding training and job market for inmates eligible for community release programming; and a model of self-reliance and self-sufficiency for inmates in locked detention to aspire to.

Whatever new developments occur, whether these or other possibilities come into being in the near future, it has been and is repeatedly being shown, in large and small counties, in rural and urban areas, that community release programs are a viable means of incarcerating offenders. While providing access into the community and vital re-entry services, release programs also provide oversight and monitoring of inmates who, in the absence of such programs, would be released from jail with little or no preparation for their return to society. Such programs are not self-supporting, but they are less costly to operate than traditional custodial units, and their value lies in their benefits not only to the inmates eligible for them but also to the detention system and the community of which they are a part.

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APPENDIX 1—SAMPLE ORDINANCE

ORDINANCE NO. 2414

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA**

ORDINANCE AUTHORIZING THE WORK FURLOUGH ADMINISTRATOR TO ENTER INTO AGREEMENTS CONCERNING ACCEPTANCE OF FURLOUGHEES FROM OTHER COUNTIES

The Board of Supervisors of the County of San Mateo, State of California, DO ORDAIN as follows:

Section 1208.5 of the Penal Code provides that the Board of Supervisors of any County may by ordinance delegate the authority to the county's work furlough administrator to enter into agreements with another county having a work furlough program whereby a person sentenced to or imprisoned in the jail of one county but regularly employed in the other county may be transferred to the jail of the county in which he is employed in order that he may continue in his regular employment through such county's work furlough program; and

WHEREAS the sheriff of the County of San Mateo, as work furlough administrator, has recommended to your Board of Supervisors that he be authorized to enter into such agreements upon certain specified conditions hereinafter set forth; and

WHEREAS it is reasonable and necessary that the Sheriff of the County of San Mateo, as work furlough administrator, should be authorized to enter into such agreements;

NOW, THEREFORE, IT IS ORDAINED that the sheriff of the County of San Mateo, as work furlough administrator, is hereby authorized to enter into agreements with other counties having work furlough programs in accordance with the provisions of Section 1208.5 of the Penal Code upon the following conditions:

1. The transferee must be acceptable by the criteria normally applied in selecting work furloughees in this County.
2. The transferee must be a resident of San Mateo County or be employed in the work area normally allowed for San Mateo County work furloughees.
3. The transferee will pay the same maintenance charge as San Mateo County work furloughees, except that said maintenance charge will in no event be less than the actual cost of having the transferee in the Work Furlough Facility and on the Work Furlough Program.
4. No expense for transportation or any other purpose will be paid by San Mateo County.

IT IS FURTHER ORDAINED that the ordinance shall be in effect from thirty (30) days after its adoption by this Board of Supervisors.

APPENDIX II—SAMPLE INTERCOUNTY AGREEMENT

WORK AND EDUCATIONAL FURLOUGH TRANSFER AGREEMENT

THIS AGREEMENT made and entered into this 8th day of November, 1978, by and between the Office of the Sheriff of Sacramento County as the Sacramento County Work Furlough Administrator, and the Office of the Sheriff of San Mateo County as the San Mateo County Work Furlough Administrator:

WITNESSETH:

WHEREAS, the Counties of Sacramento and San Mateo have each enacted ordinances which make the provisions of Penal Code Section 1208 relating to work and educational furloughs applicable in their respective Counties, and delegate to the Work Furlough Administrators of said Counties the authority to enter into agreements pursuant to Penal Code Section 1208.5 relating to the transfer of prisoners from the Work and Educational Furlough Program of one County to another; and

WHEREAS, the Sacramento County and San Mateo County Sheriffs have each been designated by ordinance as the Work Furlough Administrator for their respective Counties, and the parties hereto intend by this Agreement to invoke the provisions of Penal Code Section 1208.5.

IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. Prisoners sentenced to or imprisoned in the jail of either Sacramento County or San Mateo County may be transferred to the jail of the other County, if each and all of the following conditions are fulfilled:
 - a. The prisoner to be transferred is qualified for admission to the Work and Educational Furlough Program of the County from which transfer is to be made;
 - b. The prisoner requests such transfer;
 - c. The prisoner is employed at a job location or enrolled in an educational program in the area normally allowed for San Mateo County Work Furloughees or Sacramento County Work Furloughees.
 - d. The Work Furlough Administrator of the County from which transfer is to be made, in his discretion, approves such transfer; and
 - e. The Work Furlough administrator of the County to which transfer is to be made concludes that the prisoner is a fit subject for the Work and Educational Furlough Program of the County to which transfer is to be made, and said Work Furlough Administrator, in his discretion, otherwise approves such transfer.
2. Any prisoner so transferred shall come under the control, authority, and jurisdiction of the Work Furlough Administrator of the County accepting said transfer, but no expense for transportation, medical or any other purpose shall be borne by the accepting agency. However, the inmate shall be responsible for defraying such costs pursuant to the provisions of Penal Code 1208(e).

3. The agency to which a transfer is requested retains all rights and responsibilities for acceptance or rejection of an application as well as the right to request the return of any prisoner at any time and for any reason.
4. This agreement may be terminated by either party hereto by issuance of notice by the terminating party to the non-terminating party of intent to terminate not less than thirty (30) days prior to the effective date of termination. Any such notice shall be effective upon its deposit in the United States mail, postage prepaid and addressed as follows:

TO: Sheriff of Sacramento County
711 G Street

Sacramento, California 95814

TO: Sheriff of San Mateo County
401 Marshall Street

Redwood City, California 94063

The termination of this Agreement shall not cause the return to the County from which transfer was made of any prisoner transferred prior to the effective date of termination, except pursuant to the terms of this Agreement. The purpose of the foregoing sentence is to insure that the termination of this Agreement will not interrupt the work or educational furlough of any prisoner transferred prior to the effective date of termination, except in accordance with the provisions of Paragraph 3, above. All of the terms of this Agreement shall be fully applicable to any prisoner transferred prior to the effective date of termination whose transfer continues after the effective date of termination.

5. This Agreement shall become effective on *November 8, 1978*, and shall continue in full force and effect until terminated in the manner prescribed in Paragraph 4, above.

IN WITNESS WHEREOF, we, the parties hereto have executed this Agreement on the day, month, and year first above written.

OFFICE OF THE SHERIFF
OF SACRAMENTO COUNTY

By _____
Sheriff of Sacramento County
Work Furlough Administrator

OFFICE OF THE SHERIFF
OF SAN MATEO COUNTY

By _____
Sheriff of San Mateo County
Work Furlough Administrator

END