

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject WORK RELEASE PROGRAM	Policy Number DN-3 Effective Date 12-18-24
Related Information Arizona Revised Statutes DJ-2, <i>Inmate Disciplinary Procedures</i> DJ-6, <i>Inmate Urinalysis Testing</i> GJ-13, <i>Escape and Related Incidents</i>	Supersedes DN-3 (01-05-07)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for detention personnel who accept, and house inmates sentenced to the Work Release Program.

POLICY

It is the policy of the Office to ensure inmates sentenced to the Work Release Program are only incarcerated during the hours and days indicated on their confinement order from the sentencing court. The Work Release Program allows inmates an opportunity to continue with their employment or education while serving their court ordered confinement.

DEFINITIONS

Adjudication: The process of judicially deciding a case.

Confinement Order: An official document issued by a court that states a convicted person's sentencing information.

Double Time Credit (Two-For-One): A method of release computation which results in an inmate receiving two days credit for each one day they have participated in an approved work program, as specified in Arizona Revised Statutes (ARS) 31-144.

Full-Custody: Continuous custody until the inmate is judicially released on all charges, holds, or sentences. Inmates who have been temporarily released into the community and return, such as serving a work release sentence, are not considered full custody.

Work Release: A court ordered sentence which specifies particular dates or times an inmate is to be confined in an Office jail facility and released into the community for the purpose of attending employment or education.

PROCEDURES

1. **Work Release Program:** The Work Release Program allows fully sentenced inmates to have an unescorted release into the community during non-confinement hours or days.
 - A. Work release hours are established by a judicial officer during sentencing and documented on a confinement order with specified periods of confinement, to include days of the week and times to be released into the community.

- B. A change in the individual’s work release schedule shall only be allowed with an amended confinement order from the sentencing court, which must indicate the new days and hours the individual is to be released.
 - C. Individuals cannot have any active warrants, holds, or unadjudicated charges. Individuals found to have active warrants, holds, or unadjudicated charges for which they should be in custody shall remain in full custody until they are eligible for release on these additional charges.
 - D. Individuals classified as maximum security, or who require special housing accommodations including, but not limited to, closed custody, nature of charges, or administrative restrictive housing, are not eligible for the Work Release Program and shall be placed into full custody to serve out their sentence.
2. **Medical Clearance for the Work Release Program:** Individuals sentenced to serve 24 hours or more shall bring a completed Health Care Provider’s Certification form signed by their health care provider when reporting to the Intake, Transfer and Release (ITR) facility for acceptance.
- A. A Health Care Provider’s Certification form must be completed within 45 calendar days prior to incarceration to assess whether an individual is medically fit to serve time in an Office jail facility. This form will be provided to the individual by the sentencing court.
 - B. If the individual fails to arrive with their completed Health Care Provider’s Certification form, they shall not be accepted. Detention personnel shall inform the individual to return to the court for an amended confinement order, and to return with the Health Care Provider’s Certification form completed.
 - C. The sentencing court will provide instructions to the individuals to bring their medication with them when reporting to the ITR facility. These medications must be in the original prescription bottles. The instructions can also be found on the www.mcsso.org website under Self-Surrender.
 - D. If the individual has a break in custody of seven days or less, and Correctional Health Services (CHS) has provided a physical examination prior to the break, there is no need for a new Health Care Provider’s Certification form if, and when the individual returns.
 - E. If an individual accepted into the Work Release Program is already in custody and does not have a Health Care Provider’s Certification form from their health care provider on file, the individual must be cleared by CHS prior to being housed at the designated work release jail facility.
3. **Reporting to the Intake, Transfer and Release (ITR) Facility:** Individuals are required to report to the ITR facility promptly at the times and dates specified on the confinement order. An individual with a valid confinement order who reports to an MCSO building or jail facility other than the designated jail facility stated on the confinement order shall be instructed to report to the ITR facility for acceptance.
- A. An individual arriving at the ITR facility with no confinement order on file, shall be accepted after verifying the incarceration is legally authorized.
 - 1. Verification methods include, but are not limited to, the following:
 - a. Check with the individual to see if they have a copy of the confinement order in their possession.
 - b. Check with the sentencing court during business hours.

2. If verification of confinement cannot be made, the individual shall be instructed to return to the sentencing court and shall not be accepted.
 - B. An individual arriving at the ITR facility within six hours of their scheduled arrival time shall be accepted.
 - C. An individual who has not arrived within six hours after their scheduled arrival time shall be considered a “no-show.” The sentencing court shall be notified when an individual is documented as a “no-show” and the appropriate Sheriff’s Information Electronic Data (SHIELD) entry shall be made.
 - D. An individual arriving after being documented as a “no-show” shall not be accepted. The individual shall be directed to go back to the sentencing court for an amended confinement order.
 - E. Once accepted, the individual will be considered an “inmate” and shall abide by all rules as specified in the *Informational Handbook for Inmates*. Any inmate found to be in violation of these rules may be removed from the Work Release Program by detention personnel.
4. **Departing / Reporting to Work Release Jail Facility:** Work release inmates unescorted release into and from the community shall be processed at the designated work release jail facility at the scheduled non-confinement departure time. Inmates are expected to report back to the designated work release jail facility no later than the scheduled return time. An inmate who arrives two or more hours but fewer than six hours after their scheduled arrival time is considered late. An inmate who has not arrived within six hours after their scheduled return time at the work release jail facility shall be considered a “no-show.”
- A. When an inmate is documented as a “no-show,” detention personnel shall complete and forward the *Work Release Status Report* form to the WorkBox Unit.
 1. The *Work Release Status Report* form shall indicate the individual was a “no-show” and include the following:
 - a. The name and booking number of the inmate; and
 - b. A summary documenting the circumstances of the incident.
 2. Upon receipt of the *Work Release Status Report* form, the Workbox Unit personnel shall update the inmate’s booking page in SHIELD and process the release from custody.
 3. An inmate arriving after being documented as a “no-show” shall not be accepted and shall be directed back to the sentencing court for an amended confinement order.
 4. An inmate returning with an amended confinement order after being documented as a “no-show” shall be instructed to report to the ITR facility to be processed under a new booking number as a newly sentenced inmate.
 - B. The second time an inmate arrives two or more hours late, the inmate shall be removed from the Work Release Program and placed into full-custody. Detention personnel shall complete and forward the *Work Release Status Report* to the Workbox Unit. The Workbox Unit shall notify the sentencing court of the inmate being removed from the Work Release Program.
 - C. If the inmate has a medical issue that requires the services of a medical provider, the inmate shall be allowed to leave the designated work release jail facility and go to a health care provider of their choosing. The inmate shall be provided a six-hour window to seek medical treatment on their

own. The inmate shall be processed as a “no-show” if they do not return within the six-hour window. Only emergency medical care is provided for inmates participating in the Work Release Program.

- D. An inmate in the Work Release Program, who leaves the custody of the Office outside of their scheduled in-custody time frame without authorization, shall be considered an escapee. Procedures for an escaped inmate shall be followed, as specified in Office Policy GJ-13, *Escape and Related Incidents*.

5. **Drug and Alcohol Testing:** As a provision of the Work Release Program, inmates cannot report to a jail facility while under the influence of drugs or alcohol.

- A. If detention personnel suspect that an inmate may be under the influence of drugs or alcohol, they have the right to administer a multi-drug urinalysis and alcohol test, as specified in Office Policy DJ-6, *Inmate Urinalysis Testing*.
- B. A handheld preliminary breath test (PBT) may be used if detention personnel suspect an inmate may be under the influence of alcohol. If the inmate registers above zero, refuses the test, or is presumed to be under the influence of drugs based on probable cause, the inmate shall be accepted and assessed by CHS. CHS shall determine how the inmate is housed until medically cleared.
- C. If the handheld PBT is not available, certified detention personnel can administer a Standard Field Sobriety and the Horizontal Gaze Nystagmus (HGN) test to determine if the individual is impaired.
- D. Inmates with alcohol or drugs in their system shall be removed from Work Release Program and issued a *Disciplinary Action Report (DAR)*, as specified, in Office Policy DJ-2, *Inmate Disciplinary Procedures*, for violating the *Informational Handbook for Inmates*.
- E. A *Work Release Status Report* form documenting the circumstances of the incident shall be forwarded to the Workbox Unit. The Workbox Unit will place a copy of the form in the inmate’s commitment file and forward another copy to the sentencing court to serve as notification of the inmate’s removal from the program. Workbox personnel will update the inmate’s booking record in SHIELD discontinuing the Work Release Program. Any modification of the inmate’s sentence is the responsibility of the sentencing court.

6. **Housing:** Unless an exigent circumstance exists, inmates serving work release sentences shall be placed in partial-custody inmate housing, as specified in Office Policy DI-1, *Inmate Housing Categories*.

7. **Crimes Committed under Work Release Program:** Inmates who commit a crime while in custody shall be charged with the crime and removed from Work Release Program pending eligibility for release on the charge or adjudication of the charge.

8. **Work Release Records:**

- A. Jail files shall be maintained at the housing facility on all work release inmates.
- B. Commitment files shall be maintained by the Workbox Unit.
- C. Records for inmates surrendering to the ITR facility for an incarceration term of five days or less shall be retained at the ITR facility.
- D. At the completion of the inmate’s incarceration, files are stored at the Records Warehouse for a period of three years, as specified in Office Policy DB-1, *Inmate Custody Records and files*.

9. **Double Time/Two-for-One Credit:** Inmates participating in the Work Release Program are not eligible for double time/two for one credit.

10. **Release from Custody:** Upon successful completion of the Work Release Program, inmates shall be processed for release from custody at the ITR facility, as specified in Office Policy DO-2, *Release Process*.