COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK

GENERAL ORDER JAIL BUREAU	DATE OF ISSUE April 12, 2021	EFFECTIVE DATE April 12, 2021	NO. 055-21
SUBJECT: GENERAL ORDER Programs for Self Improvement		DISTRIBUTION Jail Bureau Personnel	AMENDS
Reference: NYSSA 113, NY CORRECTION LAW ARTICLE 27			RESCINDS 055-20

Purpose: To ensure that each inmate who applies for a program is evaluated on the basis of his/her ability to meet that program's established criteria. Inmates with disabilities are provided with the opportunity for employment based on their capabilities and with the approval of the facility contract medical provider.

Policy: Sentenced inmates committed to the Monroe County Jail (MCJ) and/or Andrew P. Meloni STAR Academy (MSA) may participate in programs designed to prepare them to re-enter the community.

I. Work Release Program

* A. Work release is a program which allows qualifying sentenced inmates a means of continuing with their long-term employment which has been in place prior to their incarceration or qualifying inmates who have successfully participated in the STAR program, Job Development Courses of the Community Work Program and are within the last eight (8) weeks of their sentence term. This program provides an opportunity for the inmate to leave the MCJ and/or MSA daily for gainful employment, vocational training, education training and/or caring for inmate's family. Inmates must apply to the Sheriff to participate in this program.

* B. The Sheriff shall establish and promulgate the rules and regulations of the inmate work release program. Such rules and regulations shall be approved by the State Commission of Correction.

C. Inmates are expected to work in an in-house trustee position during the first half of their sentence. They will work in a trustee position outside of the facility after demonstrating good work ethic during the in-house trustee period. They may apply for work release during the last eight (8) weeks of their sentence. The following factors are considered when making a determination on a work release application:

1. Facility behavior history, as well as work record within the MCJ and/or MSA.

2. Participation in the appropriate rehabilitative programs and display of the proper attitude; demonstrating a positive adjustment to the MCJ and/or MSA environment.

3. Each case is decided based on criminal history using a variety of criteria including, but not limited to, the nature of the offense, length and nature of past criminal record, personal and employment history, attitude, and drug and alcohol involvement.

* 4. Any deviation from this selection process must be approved by the Sheriff and/or designee.

D. Inmates with the following types of crimes listed on their record shall be considered as poor risks for work release: sex offenses, history of assaults and assaultive behavior (particularly where weapons are involved), escapees or runaways (absconders), AWOL's from the military, and inmates with warrants or detainers that are pending. This list is not all-inclusive and review of 1-4 in category B above is imperative to determine if an inmate meets all of the criteria for the work release program. Dated history will be considered when conducting this assessment.

* E. If approved, the Sheriff and/or designee will prepare a specific, written release plan with all terms and conditions.

* F. Each inmate accepted for work release:

1. Will be required to sign a formal work release agreement. The inmate's signature on the agreement will indicate knowledge of the specific conditions and willingness to comply with them.
2. This agreement will contain the specific conditions of the individual's work release plan.
3. A copy of the agreed upon plan shall be delivered to the inmate prior to his/her actual participation in the work release program.
4. The work release plan may be revoked, suspended or modified by the Sheriff at any time for good cause, with or without notice to the inmate.

G. An inmate denied acceptance for work release or an inmate having been accepted and had his plan/agreement revoked, suspended or modified:

1. May file a written request for a review by the state commission of correction, and
2. The Sheriff shall immediately forward such request to the commission;
3. The decision by the commission shall be final and not subject to judicial review.

* H. Any disapproval, revocation, suspension and/or modification of the work release application or plan is reviewable by the NYS Commission of Correction upon written request of the inmate, which shall be forwarded to the NYS Commission of Correction by the Sheriff.

I. When an inmate is approved for work release, costs other than those normally incurred in the incarceration of an inmate in the facility must be borne by the participant.

J. Work release participants may be employed only in the County of Monroe. The Sheriff and/or designee may approve employment outside the County of Monroe at their discretion.

* K. The Sheriff and/or designated staff may assist qualifying sentenced inmates in finding work through the STAR Program and Job Development Courses.

* L. The Sheriff may designate separate housing for those inmates granted work release.

* M. No employment under work release will be approved if:

1. It is ascertained by the sheriff that such employment will result in the displacement of employed workers, or be applied in skills, crafts or trades in which there is a surplus of available labor in the locality, except in the case of a prisoner who is to be employed by an employer for whom he was employed as a free person prior to the commencement of his sentence, and;

2. The rates of pay and other conditions of employment are not at least equal to those paid or provided for work of a similar nature in the locality in which the work is to be performed.

3. In no event shall any work release program be permitted when there is any labor strike or lock-out in the establishment in which the prisoner is, or is to be, employed.

* N. The Sheriff shall prepare and provide an annual report of the Work Release Program to the State Legislature by March 1st of each year.

II. Work Release Operating Committee

* A. The Sheriff (Superintendent) shall appoint a Work Release Committee consisting of the following members: The Director of Rehabilitation, Director of Alcohol and Substance Abuse Programing, Jail Administrative Major/Captain, Sponsoring Rehabilitation Counselor and a representative of the Monroe County Probation Department.

1. A designated staff member, along with the rehabilitation counselor assigned to the inmate, shall conduct an investigation as to the qualifications of the inmate applicant. Said investigation shall also include a review of the probation material – to include a review of the Probation Department's pre-sentence report. The results of this investigation shall be filed with the Work Release Operating Committee;

2. The Work Release Operating Committee shall review all applications submitted by inmate applicants, together with the counselor's investigation and the probation report, and any other information available.

3. The Work Release Operating Committee shall submit the investigation and a written recommendation from the Committee as to the inmate applicant's suitability for work release to the Superintendent.

4. The Superintendent shall make the final determination as to the inmate applicant's acceptance in the work release program. An inmate applicant's denial into the program is subject to review by the state commission of correction.

III. Work Release Earnings and Expenses

A. All inmate earnings will be forwarded to the rehabilitation supervisor's office at the MSA.

B. Each inmate who participates in the work release program will be required to pay for food, lodging and clothing at a fixed percentage rate of net earnings. A sum determined by the sheriff to be the cost to the county of providing food, lodging and clothing for such prisoner subject, however, to approval by the State Commission of Correction.

C. Each inmate who participates in a work release program will be required to pay for their expenses for traveling to and from work and the meals, they consume outside of the facility. A sum determined by the sheriff to be the cost to the county of the actual and necessary food, travel and other expenses of such prisoner when released from confinement for the purpose of participating in the work release program.

D. When ordered by competent authority or authorized by the work releasee in writing a designated portion of earnings may be turned over to the inmate's dependents to provide for their support. Such sum as the prisoner may be legally obligated to pay for the support of his dependents as recommended by the department of social services of the county in which such dependents reside, provided, however, that the prisoner may authorize that a sum greater than that so recommended be disbursed for this purpose.

E. Inmates are required to pay restitution, fines and legal fees as directed by the Courts. Such sums as may be necessary to satisfy any fines and/or outstanding legal obligations of the prisoner, acknowledged by him in writing and filed with the Sheriff in such form as the Sheriff shall specify.

* F. Any balance remaining in the trust fund account after such disbursements shall be paid to the inmate upon his/her discharge from confinement.

* G. On or before the thirty-first day of January of each year, the Sheriff shall prepare a summary of receipts and disbursements of all accounts kept during the previous year and shall forward the summary to the Chief Executive Officer of the County. The summary shall be a public record.

IV. Work Release Staff Procedures

A. Work Release Money

1. All money transactions will be handled by the duty sergeant at the MSA.

2. Work release inmates are strictly prohibited from working unscheduled overtime that is not approved in advance through the MSA Captain's Office.

3. The following applies when a work releasee returns with his/her paycheck:

   a. Only checks will be accepted (No cash).
   b. The work releasee must endorse the check and receive a receipt.
   c. The staff person receiving the work releasee's paycheck will place the check in the individual's personally identified envelope along with pertinent information (i.e., name, id number, housing location) and the staff person's signature recorded on the front of the envelope in the appropriate space.
   d. This envelope is kept in the locked file cabinet in the Sergeants Office at MSA.
   e. Each of these envelopes will be retrieved weekly by the Work Release Account Custodian.

4. Work releasee daily expense money and any other money that is returned by the releasee is handled in the following manner:

   a. The aforementioned envelope is provided weekly/daily for each work releasee and contains funds for weekly/daily expenses.

b. Weekly expense money is kept in the Sergeants Office. A receipt is signed by the Sergeant who is then responsible to secure the envelope(s) in a locked file cabinet in the Sergeant's Office at MSA.

c. The work releasee signs for the money received. The staff member giving the releasee the money, countersigns the in/out form envelope each time the releasee receives funds.

d. The Sergeant records on the in/out form any funds returned by the releasee upon re-entry to the facility. The funds are placed in the envelope and retrieved by the Work Release Account Custodian.

5. All work release money must be kept in a locked file cabinet in the Sergeants Office at MSA and shall be accessible only by Jail Supervisory Staff and the Work Release Account Custodian.

6. On or before the thirty-first day of January of each year, the Sheriff and/or designee shall prepare a summary of receipts and disbursements of all accounts kept during the previous year and shall forward the summary to the Chief Executive Officer of the County. The summary shall be a public record.

B. Work Release Discharge Procedures:

1. All information regarding the departure and arrival time for work release inmates, is found on the work release "in and out schedule" issued weekly by the MSA Captain.

2. All work release inmates are to be awakened in adequate time to prepare for their workday. If the work release inmate is to be provided a lunch, a staff member will ensure that it is provided before departure. The MSA Sergeant's Office will insure that the kitchen manager is notified of each work release inmate who will be taking a lunch.

3. Jail Supervisory Staff will issue the appropriate funds to the releasee.

4. Jail Supervisory Staff releasing work release inmates, will record the time of release and his/her IBM number under the appropriate day on the work release in/out schedule. The reverse will occur when the releasee returns to the Facility. Entries will also be recorded in the housing area logbook.

5. If a work release inmate is detained in the jail on a scheduled workday for any reason, the releasee will be allowed to call his/her employer, as soon as possible, to make proper notification of absence. In the event that the work release inmate is incapable of placing the call, the housing area supervisor will make proper notification of absence to the employer of the releasee.

C. Work Release Inmate Intake Procedures:

1. Work release inmates will return to the facility as directed. Receiving staff will process in each releasee in accordance with existing procedures and conduct an appropriate search as outlined in **JBGO-028 Searches of Persons**.

2. Unscheduled over time for the release is not permitted.

3. The kitchen will provide meals for each work release inmate as required. The meals will be delivered to the housing area with the regular meals for the area. The work release inmate meals will be stored, heated (as directed) and served to the releasee when the releasee has been processed back into the facility.

4. If a work release inmate fails to return to the facility as scheduled, the provisions of **EMGO-113 Jail Emergency Plan - Inmate Escapes**, will be followed.

V. Responsibility of Rehabilitation Staff to Security Staff

The rehabilitation staff will be held responsible for providing the security staff with up-to-date information on each work release inmate. They will complete and distribute appropriate forms and rosters to insure the work release program meets its goals and objectives. The security staff must be made aware of any program changes or changes to an individual inmate's work release plan.

VI. Furlough Policy

The MCJ and/or MSA at the Superintendent's discretion and approval may grant a furlough to a locally sentenced inmate in an extreme case.

VII. Outside Work Program Policy and Procedure

A. To ensure that statutory requirements are met, the labor or services of an inmate shall not be used in any manner that conflicts with Federal or State Constitution, or Federal, State, or Local Statues, laws or regulations. Further, the labor or services of an inmate shall not in any way benefit a private individual, firm, company, corporation, association or any similar organization. All sentenced inmates, regardless of sex, race, religion and national origin, will be provided equal opportunity to participate in work assignments outside the facility(s).

B. Inmates wishing to participate in the outside work program are thoroughly screened to remove prospective participants who manifest violent tendencies. No violent felony offenders will be accepted. Criteria required for participation in the outside work program is the same as the work release program.

C. The work release operating committee shall evaluate all available data pertaining to each inmate under consideration for outside work status. They must also submit a written report to the Superintendent or his designee recommending approval or disapproval of each candidate. The basis of the committee's decision must be stated.

D. Prospective inmate participants must demonstrate that they are dependable workers, and are not security risks. Other criteria must be met in a general profile that would indicate that an inmate would be a worthwhile selection for the program.

IIX. Community Work Program General Duties:

A. The community work program consists of sentenced inmates performing cleanup and other jobs throughout Monroe County designated by Jail Administration.

B. Outside trustee assignments consist of work and cleanup details in the area of the facility(s) and other locations as prescribed by staff members assigned to supervise.

C. Inmates participating in these programs are supervised by Deputy Sheriff Jailors whose responsibilities include direct inmate supervision, scheduling, record keeping, coordinating, evaluating inmate work performance and report writing, along with related duties.

D. Each inmate participating in the community work program is subject to a performance evaluation which is completed by a Deputy Sheriff Jailor.

E. Inmates that participate in special work assignments will be issued suitable protective clothing and equipment (i.e., coat, hat, boots, gloves, goggles, and mask) as necessary.

IX. Andrew P. Meloni STAR Academy

A. The MSA operates a Strategic Training Advancing Re-entry (STAR) Academy. These inmates are housed in a separate area and participate in life skill training, vocational training, chemical dependency education training, group counseling, Alcoholics Anonymous, and Narcotics Anonymous meetings. Other activities include relapse prevention, MICA (Mentally Ill Chemical Abusers), cultural issues, aftercare planning/agency transitional groups, and recovery step groups.

B. Locally sentenced inmates enter the program by referrals internally from security staff, rehabilitation staff, and chemical dependency counselors. They can also be referred to the STAR Academy by external agencies, such as probation, the courts, and other community agencies. Locally sentenced inmates may also enter the program by submitting a JB-235 Inmate Internal Communication Form to security staff, their rehabilitation counselor, the rehabilitation supervisor's office, or the director of the chemical dependency program. If they meet the criteria, they must exhibit a willingness to be involved in the academy and must participate, if they want to continue in the program.

C. Upon entering, the program inmates are assigned a specific deputy mentor who develops a service plan to guide their activities and plan for post release follow-up. The deputy mentor also track the inmates' progress in order to integrate other programs at the academy such as educational and GED programs, the community work program and the work/education release program.

D. Inmates are involved in their aftercare planning which promotes follow-up at community agencies, which also encompasses other support activities.

X. General Rehabilitation

A variety of programs and groups are offered depending upon the identified needs of the inmate. The following list of programs and groups are offered which is not all inclusive: High School Equivalency Classes, Parenting Classes, Anger Management, The Impact of Crime on Victims, Cultural Awareness, Responsibility and Consequences of Behavior, and A.A. and N.A. meetings.

XI. Annual Report

The Sheriff and/or designee shall annually prepare a report of the work release program which shall be transmitted to the legislature on or before the first day of March in each year. Such annual report shall include a summary of the operations and activities of the program for the preceding year and such recommendations for the improvement of the program as the Sheriff shall deem necessary and proper.

By Order of the Sheriff,

Todd K. Baxter