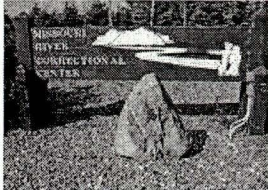


<p style="text-align: center;"><b>PROCEDURES</b>  <b>MISSOURI RIVER CORRECTIONAL CENTER</b></p>  <p style="text-align: center;"><b>NORTH DAKOTA</b>  <b>DEPARTMENT OF CORRECTIONS</b>  <b>AND REHABILITATION</b></p>		<b>PROCEDURE NUMBER:</b>  6D-1	
		<b>APPENDICES:</b>  A. Work and Education Release Agreement B. Waiver of Extradition C. Property Agreement D. Community Participation Agreement	
		<b>ACA/PbS RELATED STANDARDS:</b>  ACI 4-4448 through 4-4462	
<b>CHAPTER TITLE:</b> 6. Facility Programming		<b>SECTION:</b> D. Work Programs	<b>SUBJECT:</b> Work Programs
<b>DATE ISSUED:</b> November 14, 2011		<b>DATE(s) REVISED:</b>	

1. **APPLICABILITY:** To all employees and inmates involved in planning, developing, managing, or participating in inmate work programs.
2. **DEFINITIONS AND ACRONYMS:**
  - A. **Disability:** A physical or mental impairment that substantially limits one or more major life activities.
  - B. **Community Eligibility:** Any work, educational, spiritual, treatment or leisure-time program involving temporary release from the facility, during prescribed times, with or without direct staff supervision.
  - C. **Industrial Program:** The separate operation of industrial production which employs inmates to provide goods, services, and products for sale to governmental agencies and other selected and authorized organizations. This program is a separate entity which employs inmates and compensates inmates for work.
  - D. **Inmate:** An offender committed to the legal and physical custody to the Department of Corrections and Rehabilitation by the court or authority of jurisdiction and who is confined in the maximum, medium or minimum facilities or Dakota Women's Correctional and Rehabilitation Center .
  - E. **Job Placement Committee:** Coordinates the assignment of inmates to various jobs with individual work supervisors.
  - F. **Manpower:** This community program allows inmates an offsite work assignment at either a government or non-profit organizations.
  - G. **Minimum Mandatory Sentenced Inmate:** An offender whose sentence is subject to sections NDCC 12.1-32-09.1 and 12.1-32-02.1.
  - H. **Performance Based Sentence Reduction:** A reduction of five days good time per month (except any sentence where the incarceration time is six months or

less) based on participation in court ordered or staff recommended treatment, educational programs, and good work performance.

- I. Projected Release Date: The date the inmate will be released if all variables remain unchanged.
- J. Work Release: Off-site work assignments for approved inmates at a rate commensurate with state labor laws. It's a privilege granted to some inmates housed at the Missouri River Correctional Center or through the Jail Confinement program.
- K. 85 Percent: An offender whose sentence is subject to sections North Dakota Century Code 12.1-32-09.1 and 12.1-32-02.1.
- L. DOCR: Department of Corrections and Rehabilitation
- M. GED: General Educational Development
- N. MRCC: Missouri River Correctional Center (minimum security facility)
- O. ND: North Dakota
- P. PBSR: Performance Based Sentence Reduction
- Q. RRI: Rough Rider Industries

3. **PROCEDURES:**

- A. The MRCC maintains a written plan for full-time work and program assignments for all inmates in general population. The plan requires all inmates incarcerated to perform work which will provide inmates with a variety of job opportunities. An educational program or treatment program, or a combination of any of these, may be considered a full-time job assignment. (4-4448)
- B. The work plan will include:
  - 1. Jobs available
  - 2. Minimum qualifications required
  - 3. Process for developing and maintaining an accurate hiring list of inmates
  - 4. Jobs with special conditions or restrictions
  - 5. Payroll plan
  - 6. Review process to be conducted, at least annually
- C. Inmates have the option of refusing to participate in any rehabilitation or treatment program, except adult basic education and programs required by statute or ordered by the sentencing court or paroling authority. Refusal to participate in court ordered or staff recommended work, education, or treatment programs, as required by statute, will result in a Level III disciplinary

report being written, with the possibility of the inmate losing future PBSR. (4-4449)

D. Employment for Inmates with Disabilities: (4-4450)

1. The Job Placement Committee will make every effort to provide a job assignment for inmates whose employment potential is restricted by a disability.
2. If an inmate has a disability, the Job Placement Committee may waive the work requirement with no termination of privileges.

E. The Director of MRCC will chair the Job Placement Committee and coordinate the assignment of inmates with the work supervisors, maintain a list of eligible qualified inmates, and submit the list to the supervisors who will assign the inmate to job assignments in their work area. The Director of MRCC will make an effort to assign inmates to jobs appropriate for their aptitude and skills. The following guidelines will be used in the distribution of jobs:

1. PBSR will go into effect upon arrival at the DOCR.
2. Inmates will be assigned one job assignment by the Job Placement Committee. An exception is made for inmates assigned to GED classes. Those inmates attending GED classes may be assigned an additional job. The inmate will be informed of their pay rate at the committee hearing.
3. At any time during an inmate's incarceration, if they either quit a job or refuse a job, a Level III disciplinary report must be written and the inmate will appear before the Disciplinary Committee. Any inmate that refuses to work, quits a job, or refuses an assignment will have the PBSR stopped until they start a new job. The case managers are responsible to identify inmates in their unit that are unassigned and send that information to the chair of the Job Placement Committee.
4. Supervisors may encounter a situation where it may be necessary to allow an inmate to leave his job assignment without penalty. Supervisors will notify the Job Placement Committee of the request. A transfer to another assignment should be the first option.

F. Inmate work days will vary based on the area where the inmate is working but whenever possible shall approximate the workday in the community. The work supervisor shall inform inmates of specific work times. (4-4454)

G. The MRCC shall develop work related environmental health programs that shall require the following: (4-4455M)

1. Providing working conditions that conform to federal, state, and local health laws and regulations.
2. Passing health and safety inspection conducted, at least annually.
3. Holding inspections by assigned institutional officials at least weekly. The Safety Officer will conduct a monthly inspection. These official

inspections must include a visual inspection and evaluation of safety practices, fire codes, and sanitation.

- H. The RRI is an industries program with a facility located on the grounds of the MRCC. (4-4456)
  - 1. The DOCR Inmate Handbook lists eligibility requirements for inmates to be able to work at RRI. (4-4457)
  - 2. RRI has procedures in place for the number of inmates assigned to meet their workload and the needs of their industry program quality control and a cost accounting system (4-4458, 4-4459, 4-4460). See Policy, Inmate Staffing Levels and Job Descriptions, 14A-7. See Policy, Quality Control for Raw Material-in-Process and Final Product Inspection, 14A-13. See Policy, Industry Cost Accounting System, 14A-6.
- I. The MRCC has programs and activities which require community and inter-facility involvements.
  - 1. The number of inmates approved for participation in outside activities shall be considered on an individual basis. Limits must be established to ensure that inmate numbers do not exceed those that can be reasonably supervised within the limited surroundings and type of activity undertaken.
  - 2. Care shall be taken in the selection process. Inmate custody, background, institutional adjustment, nature of offense shall be considered. A case manager and the Director of MRCC shall screen any changes made for reduction in inmate classification scores.
  - 3. Supervising personnel should be briefed as to what is required in carrying out his or her duties while inmates are under their care in the community.
  - 4. The victims should be notified of the inmates' presence in the community prior to a violent inmates release from the institution to participate in community programs. Notification shall be conducted through the Victim Services Program at Transitional Planning.
  - 5. All community programs are a privilege. Eligibility does not guarantee placement. The Director of MRCC or the Warden of Transitional Facilities has authority to override any community placement.
  - 6. Detainers:
    - a. Inmates having a misdemeanor detainer filed against them shall not be approved for community based programs unless:
      - 1.) A reasonable determination can be made that the detainer would be withdrawn upon payment or restitution, fines or court costs.

- 2.) A letter from the detaining authority states that they do not wish the detainee to interfere with inmate participation in rehabilitative programs.

7. Criminal record:

- a. An inmate's extensive or serious criminal record shall not automatically exclude his participation in the programs. However, caution shall be used when considering any of the following categories of inmates for community based programs:
  - 1.) Sex offenders
  - 2.) Inmates with histories of violent or assaultive behavior.
  - 3.) Inmates serving sentences of 10 years or more.
  - 4.) Inmates convicted of very serious offenses or inmates whose presence in the community would attract undue public attention or create unusual concern.
  - 5.) Inmates involved in large-scale organized crime.
  - 6.) Inmates being a security risk.

8. Community eligibility may only be granted to inmates housed at the MRCC. Community placement is at the sole discretion and authority of the Director of MRCC and is non-appealable. Community eligibility applies to those being placed on a Manpower job or Work and Education Release. Community eligibility must be attained prior to applying for the aforementioned work programs. The criteria to meet community eligibility standards are:

- a. Must be within one year of PBSR, Parole or maximum release date.
- b. Must score legitimately at six points or less to be considered. Points will not be waived for placement.
- c. Must have a minimum of 30 days onsite living at MRCC.
- d. Must be in full compliance of all staff recommendations and be treatment and education complete prior to placement.
- e. Must have demonstrated positive work skills and have actively maintained employment prior to consideration.
- f. Must be emotionally and physically capable to handle an offsite assignment, as determined by medical, treatment, security or psychiatric staff.
- g. Must be Level III disciplinary report free for a minimum of six months prior to application or from time incarceration began.

- h. Must not have accumulated more than one Level II disciplinary report in six months prior to application or from time incarceration began.
    - i. Must not have accumulated three Level I disciplinary reports in six months prior to application or from time incarceration began.
    - j. The MRCC Multi-Disciplinary Committee will review inmates with 85 percent, minimum mandatory sentences and sex offenders. The committee will make their recommendations to the Warden of Transitional Facilities.
    - k. The MRCC Job Placement Committee will make all other placements, to include those with victim issues. Off-site work placement is a privilege and all decisions are final and may not be appealed. Should the committee find it reasonable to review an inmate's case at a later date, then they may do so.
  - 9. Inmates must be in compliance with all recommended programming. Failure to complete any court ordered or staff recommended programs requires updating any current recommendations from the appropriate department.
  - 10. The inmate must have a favorable institutional work record.
  - 11. If the inmate has serious problems with family or others, he may be rejected for a community based program until the problems have been resolved. Inmates may be rejected if they have a victim within the local area depending on the seriousness of the crime as well as any active probation orders on file.
  - 12. The inmate's behavior on any prior community based program will be considered.
  - 13. Inmates must sign a Community Participation Agreement which outlines the rules for inmates that have been placed in the community for work upon approval of community participation.
- J. Community Programs offered at MRCC:
- 1. Manpower:
    - a. This community based program allows inmates an offsite work assignment at either a government or non-profit organization. The program is closely maintained, monitored by the Director of MRCC. Manpower applications are screened by the Work and Education Release Coordinator. Inmates, who have been granted the privilege to work at Manpower from the Director of MRCC shall be housed at the MRCC, must be minimum custody, and community eligible.
  - 2. Community service projects:
    - a. To assist inmates in maintaining compliance with a judicial order, the Director of MRCC may assign an inmate to complete

community service projects. Requests will be considered on a case by case basis with adherence to eligibility criteria listed throughout section 1.8.a-k, community eligibility status criteria, and Manpower eligibility criteria.

3. Work and education release:
  - a. A work program which is monitored and distributed through application only and is reviewed by the Work Release Committee for recommendation to the Director of the DOCR or the North Dakota Parole Board. All applications must be classified at minimum custody and community eligible.
4. In addition to the eligibility criteria listed through section 1.8.a-k, all participants must follow the following requirements if the inmate is serving a 10-year sentence or less:
  - a. The inmate may obtain the application for work or education release at MRCC. The application should be completed by the inmate and sent to the MRCC Work Release Coordinator.
  - b. Inmates must be minimum custody, community eligible status and housed at the MRCC for a minimum of 30 days.
  - c. Inmates with sentences less than three calendar months will not be considered for work or education release, unless approved, in writing, by the Warden of Transitional Facilities.
  - d. Inmates who have more than eight months remaining on their sentence will not be considered for work release. Inmates who have more than 12 months remaining on their sentence will not be considered for education release. The maximum time allowed for work release is limited to the last 180 days of the inmate's sentence and the maximum time allowed for education release is the last nine months of the inmate's sentence. An inmate's sentence expires on the inmate's parole date or the inmate will be released based on performance based and meritorious sentence reduction, or the maximum release date, whichever occurs first.
  - e. Inmates must have served three calendar months prior to applying and have at least 60 days remaining on their sentence at the time of applying.
  - f. Inmates must have completed the re-entry skill class offered at the MRCC and must be compliant with all mandatory education programs prior to application.
  - g. Inmates must not have had any Level III disciplinary reports, no more than one Level II disciplinary report, and no more than three Level I disciplinary reports in the last six months.
  - h. Inmate's behavior on any prior work release will be considered.
  - i. The Work and Education Release Committee will meet monthly to consider all eligible applications. The committee will review

the applications with the inmate, make a recommendation and forward to the Warden of Transitional Facilities.

- j. The Work and Education Release Committee will consist of:
    - 1.) Work and Education Release Coordinator (Chairman)
    - 2.) Director of MRCC
    - 3.) Captain
    - 4.) Director of Education or representative
  - k. The Warden of Transitional Facilities will make a recommendation to the Director of the DOCR for review and approval regarding action on each eligible applicant. The Work Release Chairman will notify the inmate of the decision and inmates who are not eligible will receive notification of why he was not approved.
5. Greater than 10-year sentence:
- a. For inmates with sentences of more than 10 years, the North Dakota Parole Board has final authorization in approving work and education release. The steps are:
    - 1.) Only inmates scheduled to appear before the next upcoming Parole Board may apply for work release by completing the work release application. The application should be completed six weeks prior to the scheduled hearing.
    - 2.) The Work and Education Release Committee will interview the inmate approximately two weeks before the scheduled parole board. The committee will make a formal written recommendation to the Warden of Transitional Facilities.
    - 3.) The Warden of Transitional Facilities will review the recommendation from the Work and Education Release Committee. Applicants approved by the Warden of Transitional Facilities will be forwarded to the Parole Board for their final decision. Applicants denied by the Warden of Transitional Facilities will not be forwarded to the Parole Board.
    - 4.) The Parole Board shall render a final decision and send notification to the Work and Education Release Coordinator, upon review of the application.
    - 5.) All procedures and eligibility requirements for 10-year sentences or less also apply.
6. Work and education release for 85 percent or minimum mandatory sentenced inmates.



- a. Eighty-five percent (85%) or minimum mandatory sentenced inmates may be eligible to participate in work or education release programs during the last six months of the inmate's sentence. Prior to approval, the process outlined in section J.4.a-k in this procedure will be followed. <http://www.legis.nd.gov/cencode/t12-1c32.pdf>
7. Work release from a county jail:
  - a. The MRCC Work Release Coordinator coordinates for all DOCR inmates transferred from the direct control of DOCR prison facilities to a contract county jail. These inmates must meet the DOCR's work release guidelines before being considered for work or education release. The inmate will then submit a written request to the MRCC Work Release Coordinator for review. If the inmate meets eligibility requirements, the inmate application will then be reviewed by the Work Release Committee who will make a recommendation to The Warden of Transitional Facilities. The Warden of Transitional Facilities will make a recommendation to the Director of the DOCR for review and approval regarding action on each eligible applicant. The Work Release Chairman will notify the inmate of the decision and inmates who are not eligible will receive notification of why they were not approved.
8. Inmates that have been approved for work release shall comply with the following rules:
  - a. Each inmate participating in any community program is accountable to rules and regulations of the MRCC. The inmate must sign a written agreement to comply with rules as listed in the Work and Education Agreement, a waiver of extradition and a property agreement.
  - b. A system of regular supervision and the inmate must adhere to frequent alcohol and drug screenings.
  - c. Prompt suspension or removal from the program may be issued for any serious rule infraction and will be referred to the Adjustment Committee.
9. The Work and Education Release Supervisor shall maintain close and regular contact with his employer to ensure the inmate is abiding by the Work and Education Release Agreement terms. Random audits of 25 percent of the total current work and education release case load are required weekly to include visual checks, work evaluations and one telephone contact with the work supervisor.
10. If an inmate turns down a job that is offered to him, their name will automatically be placed at the end of the hiring list. The list will be maintained according to the most recent eligible work start date.
11. Supervision of inmates in the community:
  - a. Community based programs shall be supervised by sufficient staff, approved volunteers, or project supervisors. All special activity functions shall be completed within prescribed times by

the Director of MRCC. Typical programs inviting inmate community participation:

- 1.) Manpower work programs, with supervision by approved site personnel.
- 2.) Work release programs, with supervision by approved site personnel.
- 3.) Educational release programs, with strict maintenance of class schedules.
- 4.) Community service projects, as approved by the court and under direct supervision.

12. Transportation for inmates in community work programs:

a. Manpower:

- 1.) All inmates assigned to Manpower will be delivered to the site by staff from the MRCC. The inmate shall be escorted inside the work site or to the drop site and turned directly over to the approved supervisor. At the completion of the workday each inmate will be picked up by staff from the MRCC. Exceptions may be made if the Director of MRCC has pre-approved pick up and drop of by the Manpower supervisor.

b. Work and education release:

- 1.) The Work and Education Release Coordinator shall approve all transportation arrangements to and from the job assignment. In cases where the Work and Education Release Coordinator is not available, the MRCC shift supervisor is authorized to make changes to transportation following the guidelines listed below:
  - a.) The work supervisor may come to the MRCC and sign out the inmate leaving specific information as to the location of the inmates for the day.
  - b.) The MRCC staff drivers will deliver inmates to their work supervisor at an established site. If the work supervisor is not present, the driver will wait up to 10 minutes before leaving the site with the inmate.
  - c.) Telephone communication between work release supervisors and the MRCC staff is required, at all times.

c. Community services projects:

- 1.) All inmates permitted to participate in a community service project will be delivered to the site by the MRCC staff. The inmate shall be escorted inside the site or to

the drop site and turned directly over to an approved supervisor. At the completion of the workday the inmate will be picked up by the MRCC staff.

13. Work release shift hours and schedules:
  - a. Monday through Friday and shift work:
    - 1.) Inmates on work release shall always have their schedules arranged by the Work Release Coordinator. The coordinator or shift supervisor shall make changes to the schedule.
  - b. Unscheduled weekends and holidays:
    - 1.) The work supervisor may pick up and deliver the inmate worker to the MRCC, if the supervisor provides the MRCC staff with specific information about the work site and telephone communication.
4. **SIGNATURE:** These procedures become effective when signed by the Director of the Department of Corrections and Rehabilitation.

*This copy has been approved by the Director with the original signature on file.*