

DATE:	OCTOBER 12, 2018
NUMBER:	E.11
SUBJECT:	WORK RELEASE PROGRAM
RELATED SECTIONS:	PC 4024.2

PURPOSE

Provide eligible persons referred by the courts an opportunity to perform public service work in lieu of serving a term of confinement in custody as ordered by the court.

POLICY

The Sheriff's Work Release Program will review for eligibility any referral by the Superior Court of San Diego County if the person referred has been sentenced to a term in custody of the Sheriff not exceeding 30 days. Participation by the person referred is on a voluntary basis if the person meets background and medical standards.

The County Parole and Alternative Custody Sergeant (CPAC) designated as the supervisor for the Work Release program is further designated as the person in charge of the program for purposes of issuing Work Release Notifications of Failure, PC 4024.2 subsection 4 (c).

Pursuant to section 4024.2 subsection 4 (d) Work Release staff may find that an individual authorized by the court to participate in the Work Release Program in lieu of custody is not a suitable subject for participation if it appears from the record that the person has refused to satisfactorily perform as assigned or concludes that the person is not eligible.

PROCEDURE

- I. OUT OF CUSTODY OPERATIONAL PROCEDURES:
 - A. Self-commit referrals to Work Release will be initiated by the court sending a copy of the court order to the Work Release office. It is the responsibility of each court to make sure that court orders are forwarded in a timely fashion. On receipt, Work Release staff will document the referral by entering the referral into the Work Release database.
 - B. The court shall provide the defendants assigned to the program the Work Release telephone number [REDACTED]. The court should also inform the self-commit to contact Work Release within 72 hours. A voice mail message does not meet this requirement.
 - C. Work Release staff will gather the necessary information and perform a background check. The referrals that are cleared for participation will be scheduled for an intake appointment for enrollment.

For those rap sheets with questionable or borderline charges/convictions, the CPAC sergeant will conduct a review of the rap sheet and make a final determination about eligibility.

- D. Work Release staff will notify the referring court of all participants who are found to be ineligible for the program by completing a Notice of Ineligibility form and sending it to the Criminal Division of the Clerk of the Court with a copy of the notice to the defendant.

All Notices of Ineligibility will be reviewed and signed by the supervising correctional counselor or designated staff prior to mailing.

- E. Work Release staff (or designated staff in his/her absence) is responsible for Work Release Orientation and will review the booking slip to ensure that all recorded information is correct. The Work Release staff (or designated staff) will also review the participant's photo identification and court papers. All approved participants will be given an Order to Release and Referral to Work Project (pink copy) indicating the total number of days to complete on Work Release and a date by which they must report to the Work Project Office.

The participant will be provided with a copy of the Program Orientation Sheet that outlines the program and provides direction to the Work Project Office. The participant will also be given verbal and written instructions and directions to proceed to the San Diego County Probation Department's Work Project Office. At the Probation Work Project Office, the participant is to pay the administrative fee which is subject to change on an annual basis. At this location, the participant will be enrolled and be provided a work schedule.

II. PROGRAM FAILURE PROCEDURES

- A. Every week, Work Release staff will receive a list from the Probation Department's Work Project Office of participants that have completed their commitments, as well as program failures.
- B. On receipt of this information, Work Release staff is responsible for updating the records by inputting the data into the Work Release database. Two to three days after receipt of the list noted above, documentation will be received from the Work Project on each participant either completing the commitment or failing the program. Work Release staff will pull the participant's packet, insert the documentation and return the packet to the appropriate file drawer.
- C. If the participant has successfully completed the program the packet will be filed in the Work Release Completions file drawer.
- D. If the participant failed to complete and was terminated from the Work Release program, Work Release staff will document the participant's termination from the program and prepare a Notification of Failure. The notification will include the name and date of birth of the defendant and will provide the number of days remaining to be served.
- E. The CPAC Sergeant or designated staff will review and sign the Notification of Failure for content and accuracy prior to mailing.
- F. A copy of the Notice of Failure will be mailed to the participant's last known address and the court.

- G. Copies will be attached to the participant's packet, which will be filed in the Ineligible/Failures file cabinet.
- H. If the person authorized to perform work release in lieu of custody does not contact the Work Release office within 72 hours as directed by the court, Work Release staff will inform the court of the non-compliance by forwarding a Notification of Failure form to the court. The Supervising Correctional Counselor or designated staff will review and sign the Notification of Failure prior to mailing.
- I. As the need arises or when requested by the court, the Supervising Correctional Counselor shall provide in-house training or presentations to court personnel regarding Work Release procedures, P&P, documentation or any other Work Release related subject for which the court needs clarification.

III. WORK RELEASE PROGRAM FILE AUDITS AND REVIEWS

- A. On a quarterly basis, the Supervising Correctional Counselor overseeing the Work Release Program shall conduct an audit. Each audit will include, but not be limited to, a review of the following items:
 - 1. All current active cases – this will help determine whether any cases listed as “active” should actually be closed out.
 - 2. A review of a reasonable percentage of the Notifications of Failure that have been issued – this is to ensure that accurate reporting has taken place and no errors in days worked vs. days owed has been made.
 - 3. Court commits received directly from the court in the “pending” file have not been “pending” for more than 30 days post-sentencing.
- B. The audit will be conducted with the use of the Work Release Audit Form. At the end of each calendar year, the previous year's Work Release files will be stored and retained for three years.

IV. EXCLUSIONARY CHARGES

Persons convicted of the following offenses or the attempts thereof are not eligible for the Work Release Program.

- PC 187 Murder
- PC 192 Manslaughter
- PC 191.5 Vehicular manslaughter while intoxicated
- PC 192C (1) Vehicular Manslaughter
- PC 192C (3) Vehicular Manslaughter
- PC 203, 205 Mayhem
- PC 207, 208 Kidnapping
- PC 209 Kidnapping for ransom, robbery, rape
- PC 211 Robbery
- PC 220 Assaults w/intent to commit sex crime
- PC 245C, D ADW on Peace Officer
- PC 261 Rape

PC 264.1 Rape w/Foreign Object
PC 286C, D Forcible Sodomy
PC 288 Lewd Act on a child
PC 288.5 Continuous Sexual Abuse of a child
PC 288a (2) Forcible oral copulation
PC 288C, D Victim has mental disorder, dev. Disabled or unconscious
PC 289A Forcible acts of penetration
PC 451 Arson
PC 487(d) (2) Grand theft firearm
PC12022B Offense w/personal use of deadly weapon
PC12022.5 Personal use of firearm
PC 12022.7 Personal infliction of great bodily harm
PC 273A Child abuse
PC 273.5 Spousal abuse
PC 136.1 Witness intimidation
HS 11382 Possession for sale of controlled substance
HS 11378 Possession for sale

Additional exclusionary offenses, whether felony or misdemeanor, include any sex offense wherein the victim is a child under the age of 18, including all offenses requiring registration as a sex offender under section 290 of the Penal Code; and also offenses involving child pornography as described in sections 311 through 312.3 of the Penal Code.