



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-113300 Returning Citizen Program	Issued: 05/22/15 Effective: 05/22/15	Reviewed: 02/07/22 Revised: 05/22/15
Alisha Tafoya Lucero, Cabinet Secret:		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- A. NMSA 1978, Sections 33-1-6 as amended.
- B. NMSA 1978, Section 33-2-43 and 33-2-44, as amended.
- C. NMSA 1978, Section 33-8-3, as amended.
- D. New Mexico Constitution, Article XX, Section 15.
- E. Policy *CD-010100*.

## REFERENCE:

- A. ACA Standards 2-CO-4G-01, *Standards for the Administration of Correctional Agencies*, 2<sup>nd</sup> Edition.
- B. ACA Standard 5-ACI-7A-15, 5-ACI-5F-02, 5-ACI-7D-20, and 5-ACI-5F-02 *Performance Based Standards and Expected Practices for Adult Correctional Institutions*, 5<sup>th</sup> Edition.
- C. Policy *CD-100300/100301, Work/School Release*.
- D. Policy *CD-110000 et seq., Corrections Industries*.
- E. Policy *CD-050100 et seq., Probation and Parole*.

## PURPOSE:

- A. To establish guidelines for inmate eligibility, referral, enrollment and participation in the Returning Citizen Program at New Mexico Corrections Department.

## APPLICABILITY:

All New Mexico Corrections Department (NMCD) employees of adult institutions, especially those involved in the classification process, and to inmates within the jurisdiction of the NMCD.

## FORMS:

- A. **Returning Citizen Eligibility Application** form (*CD-113301.1*)
- B. **Probation and Parole Release of Information**

## ATTACHMENTS:

None

## DEFINITIONS:

- A. Eligible Participants: Any inmate who has proven his or her viability as a candidate through successful completion of the application process.
- B. Pilot Program: The initial phase of the Returning Citizen Program which, in addition to providing employment through a contract with Corrections Industries Division, may provide eligible candidates with separate housing on the grounds of the Penitentiary of New Mexico.
- C. Program Trustee: Person in charge of implementing and overseeing operation of the program and acting as liaison between Corrections Industries and/or the employer, and Probation and Parole, who will be responsible for insuring candidate's compliance with the terms of probation.
- D. Family Support System: Family members and friends who are accessible to the participant and who may be relied upon in partnership with program personnel for positive reinforcement of candidate's reintegration into the community.

**POLICY:**

- A. The NMCD will foster and support the rehabilitation, education, reintegration and structured release of criminal offenders. A vital component for implementation of this is the Returning Citizen Program.
- B. For prisoners transitioning back into the community, the Returning Citizens Program provides an opportunity to participate in outside work experience with Corrections Industries and/or host employers. The NMCD shall encourage and assist eligible candidates in gaining practical life experience through collaboration with outside partners through employment and development of social and basic business skills so that they may adjust more easily to the realities of life outside the prison environment.
- C. The work experience under the Returning Citizen Program is designed to reduce recidivism through practical work experience and establishment of a positive support system. It is an opportunity for the probationary prisoner to demonstrate to Corrections Industries and/or partner employers that they would be a reliable and trustworthy addition to their workplace as well as other workplaces within the community.
- D. The NMCD may provide a program wherein eligible inmates may participate in a Corrections Industries Work Release Program prior to their release from the correctional system.
- E. Any inmate who has proven his or her viability as a Returning Citizen candidate through successful completion of the application process and who meet established criteria for the Returning Citizen Program may be eligible for consideration

- F. Inmates that are employed in the community by public or private organizations or by Corrections Industries in positions normally occupied by private citizens shall be compensated at the prevailing wage rate for the position occupied. Inmates receiving such compensation shall reimburse the jurisdiction for a reasonable share of its cost in maintaining them. **[5-ACI-7A-15]**
- G. The number of participants in Returning Citizens Program may be limited to a number established by the NMCD.
- H. All victim notifications shall be handled in accordance with Policy *CD-045000* and Procedure *CD-045001* (Victim's Services).
- I. Temporary release programs should include but not be limited to the following: **[ 5-ACI-5F-02]**
- Written operational procedures;
  - Careful screening and selection procedures;
  - Written rules of conduct and sanctions;
  - A system of supervision to minimize inmate abuse of program privileges;
  - A complete record- keeping system;
  - A system for evaluating program effectiveness;
  - Efforts to obtain community cooperation and support.



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## AUTHORITY:

Policy *CD-113301*

## PROCEDURES: [ 5-ACI-7D-20] [2-CO-4G-01] [ 5-ACI-5F-02]

### A. Eligibility for Returning Citizen Program:

To qualify for the Returning Citizen program, an inmate must satisfy the following conditions:

1. Successful completion of the Returning Citizens Eligibility Application. (*CD Policy form 113301.1*). Eligibility will be handled on a case by case basis by the staff of Corrections Industries in partnership with Probation and Parole.
2. Inmates approved for the returning citizen program must sign a **Release of Information** prior to employment.
3. The inmate must not have absconded from probation or parole supervision within the past ten (10) years.
4. Must not have been convicted of a crime involving assaultive sexual conduct nor violence to a child, must not have been linked to organized criminal activity, and must not be a validated/suspected gang member as determined by Department policy. Crimes involving violence to any other person and aggravating circumstances will be considered on a case-by-case basis.
5. Twenty-four (24) months passed from the date of his/her last major misconduct report. Minorreports may be taken into consideration in determining eligibility.
6. Inmates must be employed on a full-time basis, no less than thirty-five (35) hours per week.
7. Returning Citizens may not hold more than one full-time job at a time without prior approval from the Director of Corrections Industries or their designee.
8. Rate of pay and other conditions of employment should be equal to those paid or provided for work of a similar nature in the locality in which the work is performed.

### B. Program Operations:

Participants shall comply with the requirements of their probation and/or parole during the course of their employment. In addition to disciplinary action, any violations of the condition of probation and parole shall be communicated directly to the Corrections Industries and/or the employer.

### **C. Inmate Transition Program:**

For a two (2) month period prior to actual discharge from their respective facility, participants may have the opportunity to live in a transitional unit outside of their normal living conditions. This transitional housing is to facilitate the experience of working and living on one's own. Initially, under the Pilot Program, housing may be provided on the grounds of the New Mexico Penitentiary. Once released from custody, participants will work with Probation and Parole and Corrections Industries for housing on off-site locations.

### **D. Participant Support Systems:**

To facilitate progression into living and working on their own, participants will be counseled and if necessary, assisted in how to establish bank accounts, procure insurance, account income for tax purposes and other basics of living and working on one's own.

### **E. Partnership Between Corrections Industries and Probation and Parole:**

The Probation and Parole Division has oversight for all Returning Citizens initiatives at PNM and shall regularly meet with the Corrections Industries and/or qualified partners/employers to evaluate program effectiveness and provide liaison services for NMCD.

The success of this program will depend on a good working relationship between the Corrections Industries staff and the Probation and Parole staff. Good communications and reciprocal support will be essential to this relationship. Both departments will need to understand the parameters of their obligations and duties to both the participants and community.

### **F. Compliance With Applicable Laws:**

Any participant shall comply with all applicable state and federal laws including:

- a. reporting all income to state and federal authorities;
- b. reporting gross receipts to the State of New Mexico Department of Taxation and Revenue. This will require registering for a CRS number with the State;
- c. purchase and maintenance of any applicable insurance and/or licensing fees.

### **G. Waiver of Rights:**

All participants shall be subject to the requirements of their probation and parole including random drug tests and will release the probation and parole division from any liability for sharing that information with any partnerships formed by this agreement.

## **H. Liability in the Workplace:**

All employers who hire eligible participants shall be responsible for providing participants with notice of any state or federal safety regulations. Employers shall also be responsible for their own acts or omissions causing damages which occur during the course of employment and shall indemnify and hold harmless, the Defendants for any liability for any such acts or omissions.

## **I. Reasonable Notice of Violations:**

Program employers shall advise the persons charged with oversight of any reasonably apparent violations which occur in the workplace. Violation of any of the terms of a participant's probation or parole will result in termination of participation in the Returning Citizens Program.

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**RETURNING CITIZEN APPLICATION**

Inmate: \_\_\_\_\_ NMCD#: \_\_\_\_\_

Expected Parole/Probation date: \_\_\_\_\_

\_\_\_\_\_  
Inmate Signature Date

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**MENTAL HEALTH DEPARTMENT**

Cleared: \_\_\_\_\_ Hold: \_\_\_\_\_ Mental Health Restrictions: \_\_\_\_\_  
(Specify Restrictions)

Justification: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Print/Sign Date

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**ADDICTIONS SERVICES**

Substance Abuse Completed (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Print/Sign Date

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**CLASSIFICATION OFFICER**

Projected Release Date: \_\_\_\_\_ Date of Last Misconduct Report: \_\_\_\_\_  
Offense and Sanction: \_\_\_\_\_

History of Escape/Absconder: ( ) Yes ( ) No

Validated/Suspected Gang Member: ( ) Yes ( ) No

At Least 12 Months of Clear Conduct: ( ) Yes ( ) No

Justification: \_\_\_\_\_  
\_\_\_\_\_

( ) Approved ( ) Denied

\_\_\_\_\_  
Print/Sign Date

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