



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-100300 Work/School Release	Issued: 3/7/86 Effective: 3/21/86	Reviewed: 5/1/26 Revised: 3/16/15
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- A. NMSA 1978, Sections 33-1-6 and 33-2-43 through 33-2-47, as amended.
- B. NMSA 1978, Section 33-8-8(c) (2), as amended.
- C. New Mexico Constitution, Article XX, Section 15.
- D. 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 Expected Practices 5-ACI-5F-02, 5-ACI-7A-15 and 5-ACI-7D-20, *Performance Based Expected Practices for Adult Correctional facilities*, 5<sup>th</sup> Edition.
- C. Policies *CD-100700 Inmate Employment and Labor Compensation System* and *CD-024500 Inmate Trust Accounts*.

## PURPOSE:

Establish guidelines for inmate participation in a comprehensive program of work or school release.

## 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. **Work/School Release Application** form (*CD-100301.1*) (3 pages)
- B. **Work/School Release Program Agreement** form (*CD-100301.2*) (6 pages)
- C. **Employer Agreement** form (*CD-100301.3*)
- D. **Waiver of Extradition** form (*CD-100301.4*)
- E. **Work/School Release Evaluation** form (*CD-100301.5*)

## ATTACHMENTS:

None

## DEFINITIONS:

- A. Level I: The least restrictive custody assignment.
- B. Warden: Corrections administrator designated to oversee the operations and program implementation at a Facility or an Institution.
- C. Work/School Release: Authorization for inmates to be employed away from the facility by an employer other than the NMCD, or to attend school away from the facility. This employment or school attendance will cause the inmates to leave the facility without being in the custody of a correctional officer or a law-enforcement officer for the daily period of employment or school attendance and to be returned to his/her designated facility at the end of the work/school day.
- D. Work/School Release Supervisor: Staff member assigned by the Warden to coordinate work/school release program.

**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 Inmate Employment System. [2-CO-4G-01]
- B. The NMCD shall provide for academic and vocational education programs that are appropriate to the needs of the inmate population.
- C. The NMCD may provide a program wherein eligible inmates may participate in a community-based work/school release program prior to their release from the correctional system.
- D. Inmates who are classified as Level I and who meet established criteria for work/school release may be eligible for consideration for work/school release.
- E. Inmates that are employed in the community by public or private organizations 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]
- F. The number of participants in work/school release programs may be limited to a number established by the NMCD.
- G. All victim notifications shall be handled in accordance with Policy CD-045000 and Procedure CD-045001 (Victim's Services).
- H. Inmates with appropriate security classifications may be allowed furloughs to the community to maintain community and family ties, seek employment opportunities, and for other purposes consistent with the public interest. [5-ACI-7D-20]
- 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-100300*

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

### A. Work/School Release:

To qualify for a work/school release program, an inmate must satisfy the following conditions:

1. Be classified to Level I.
2. Shall be within twelve (12) months of release, including good time.
3. Has been in residence at a Level I facility for a minimum of sixty (60) days and completed the cognitive requirements of the re-entry plan as provided by the Education Bureau.
4. Any inmate having a documented history of drug/alcohol abuse must have participated in and completed the recommended substance abuse counseling program.
5. The inmate must not have been returned to prison as a result of a parole violation within the immediately preceding twelve (12) months.
6. The inmate must not have been convicted or found guilty in either a criminal court of law or administrative proceeding of escape from any institution, including Level I security or failure to return from work release or school release.
7. Has no record of escape from a community corrections reintegration program.
8. The inmate must not have absconded from probation or parole supervision within the past ten (10) years.
9. Has the physical and mental ability to perform the proposed assignment and is free from any outpatient care that would interfere with full performance.
10. Not be affected with any serious emotional or personality defect.

11. 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.
12. Has been twelve (12) months from the date of last major misconduct report. Minor reports may be taken into consideration in determining eligibility.
13. Must not have any history of institutional work/school release violations within the past five (5) years.
14. Must not have demonstrated a history of poor institutional adjustment while classified to Level I.
15. Not, in the opinion of the Warden, be likely to evoke an adverse public reaction or present an undue risk of harm to the public by his/her presence in the community.
16. Must have seen the Parole Board at least once, if on an indeterminate sentence.
17. Must have family ties in New Mexico.
18. Must have an FBI rap sheet or conclusive NCIC in file.
19. Inmate must complete and submit a **Work/School Release Application** form (*CD-100301.1*) (3 pages) for approval.
20. The Warden shall have final approval. Privately-run facilities may also consider recommendations from the Contract Monitor.
21. Inmates approved for work/school release must sign a **Work/School Release Program Agreement** form (*CD-100301.2*) and a **Waiver of Extradition** form (*CD-100301.4*) prior to employment or school attendance. This agreement will list the conditions for work/school release; specify behavior that is unacceptable, and sanctions that may be applied to inmates who exhibit unacceptable behavior.
22. The inmate's employer must sign and submit an **Employer Agreement** form (*CD-100301.3*)

## **B. Employment Approvals**

1. Inmates who acquire employment and/or are offered employment without the assistance of a staff member must submit the employment prospect to the work/school release supervisor for investigation and approval.

2. Inmates who are approved for work release but do not have employment prospects should contact the staff member assigned to coordinate employment at the institution and will inform that staff member of employable skills.
  - a. Attempts will be made to find employment in the area of the skills possessed and/or other suitable employment.
  - b. If employment is offered and refused, the work release status of the individual may be referred to the Classification Committee for reconsideration and possible denial.
3. Inmates may not be self-employed or work for or with family members.
4. Inmates must be employed on a full-time basis, no less than thirty-five (35) hours per week.
5. Inmates must be employed within a thirty (30) mile radius of the facility.
6. Inmates may not hold more than one full-time job at a time.
7. Inmates may not work where the primary business is the sale of alcoholic beverages or weapons.
8. Inmates may not work in day-care facilities, schools, or churches.

#### **C. Contacts**

Approved employers must provide all contact numbers, including but not limited to office, cellular, pager and fax numbers, to the approving facility.

#### **D. Driving Motor Vehicles**

1. Inmates will not be allowed to drive employer-owned vehicles unless it is required as a part of the employment.
2. Approval must be obtained from the Warden or his/her authorized representative and the employer must certify in writing that driving of an employer-owned vehicle is required, and that the employer has minimum state-required insurance.
3. Inmates must have a valid New Mexico driver's license appropriate for the vehicle being operated. Approved inmate drivers may not drive beyond the county in which they are employed.

#### **E. Law-Enforcement Agency Advisement and Victim Notification**

1. Law-enforcement agencies and the local Probation and Parole offices will be made aware of the inmate's presence in the community.
  2. The work/school release supervisor will be responsible for notifying the NMCD Victim Services Coordinator of the inmate's approved work release.
  3. The NMCD Victim Services Coordinator will notify the Administrative Office of District Attorney victim notification coordinator and/or the individual District Attorney's Office victim's advocate of the inmate's approved work release.
- F. Employment of an inmate should not result in the displacement of employed workers or impair existing contracts for services and is not in a skill, craft or trade in which a surplus of available gainful labor exists in the locality.
- G. Inmate rates 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.
- H. Inmates authorized to work at paid employment under the work/school release program are required to pay appropriate and reasonable costs incident to the program and to their confinement as prescribed by the Warden;
- I. Inmates participating in the work/school release program are volunteers who meet standards prescribed by law.
- J. Deductions from wages earned on work release shall not exceed 50% of net wages for victim restitution, subsistence costs incident to confinement and discharge money upon release from confinement.
1. Net wages, after taxes, in the amount of fifty (50%) percent will be deposited in the inmate's trust account.
  2. The remaining fifty (50%) percent will be disbursed as follows:
    - a. Fifteen (15%) percent will be deducted for court-ordered restitution. If the court has not ordered restitution, the deduction shall be transmitted to the state treasurer for credit to the Crime Victim's Reparation Fund.
    - b. Five (5%) percent will be deducted for discharge money upon release from confinement.
    - c. Thirty (30%) percent will be deducted and applied to subsistence costs incident to confinement (i.e., active GPS monitoring and other program costs).
  3. Provisions shall be made to pay the dependent family of an inmate his/her net earnings if necessary for their support.

- K. The cost of any tools, special clothing, materials, etc., required by a particular work-release job will be borne by the inmate involved, using regular institutional debit memorandum procedures with the Warden's approval.
- L. Active electronic monitoring shall be used on all work release inmates. Any costs incurred for the use of electronic monitoring shall be paid by the inmate.
- M. The Program Director shall complete a **Work/School Release Evaluation** form (*CD- 100301.5*) each month to determine good time eligibility and program effectiveness.



**NEW MEXICO CORRECTIONS DEPARTMENT**  
**WORK/SCHOOL RELEASE APPLICATION**

(Continued)

Convicted of any Crimes of Violence:  Yes  No  
If Yes: (*History of violence requires FBI wrap-sheet or Conclusive NCIC attached*)  Felony  Misdemeanor  
Any History of Work/School Release Violations:  Yes  No  
Validated/Suspected Gang Member:  Yes  No  
At Least 12 Months of Clear Conduct:  Yes  No  
Any Family Ties to New Mexico:  Yes  No

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

Approved  Denied

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

.....  
**CLASSIFICATION COMMITTEE**

Approved  Denied

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

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

.....  
**DEPUTY WARDEN'S REVIEW**

Approved  Denied

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

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

.....  
**WARDEN'S REVIEW**

Approved  Denied

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

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

**NEW MEXICO CORRECTIONS DEPARTMENT  
WORK/SCHOOL RELEASE PROGRAM AGREEMENT**

This Agreement is entered into and made effective this \_\_\_ day of \_\_\_\_\_, 201\_\_ by and between  
Inmate: \_\_\_\_\_ NMCD #: \_\_\_\_\_ and \_\_\_\_\_  
(Facility)

*Whereas*, work/school release is a continuation of confinement, anyone on such release status is still serving his/her period of incarceration and must abide by all rules and regulations of this institution;

*Whereas*, work/school release will be denied if certain standards are not met and maintained;

*It is AGREED*, that in consideration for being on work/school release that above state Inmate agrees as follows:

**INFRACTIONS OF INSTITUTIONAL RULES**

Any infraction of institutional rules or regulations may result in disciplinary action and/or removal from work/school release program by action of the Classification Committee.

**INFRACTION OF LAWS AND ORDINANCES**

1. Escape from facility or work crew, or failure to return from work release, or failure to report to work or school release assignment after leaving the facility shall result in appropriate disciplinary measures. All escapes will be forwarded to the District Attorney for prosecution under the applicable statute.
2. Any infraction of the laws and ordinances of the community or specific court orders will be grounds for removal from work/school release program as well as disciplinary action. Any arrest or contact by law-enforcement authorities will be reported to the appropriate institutional staff person immediately.
3. Inmates will not possess, use or sell intoxicating beverages, narcotic drugs or controlled substance or paraphernalia related thereto. Inmates will be required to submit to urine specimen tests or alcohol breath tests. Testing will be conducted according to Policy *CD-090500 Urinalysis Testing of Inmates/Testing Unknown Substances*.

**CONTRABAND**

It is a violation of the law to introduce or attempt to introduce into any correctional institution or its grounds contraband, including but not limited to deadly weapons, currency, alcoholic beverages, illegal drugs or tobacco. Additionally, it is contrary to institutional rules and regulations to bring anything back into the facility without the written permission of the Warden or an authorized representative.

**REMOVAL OF ARTICLES**

It is also a violation of rules and regulations for inmates to attempt to remove from the institution any article without the knowledge and consent of the Warden.

**NEW MEXICO CORRECTIONS DEPARTMENT  
WORK/SCHOOL RELEASE PROGRAM AGREEMENT**

**AUTHORIZED ARTICLES TO BE TAKEN OUT BY INMATE**

- 1.  Purse or wallet, containing I.D. and S.S. cards and photos of family members
- School material
- Other (Specify) \_\_\_\_\_

**TRANSPORTATION**

- 1. Inmates will report to the processing area at least 15 minutes prior to scheduled departure.
- 2. Inmates will be transported to and from their designated work/school site via:

Facility Transportation                       Employer Transportation

**[ ] to work as follows:**

EFFECTIVE:	_____	SCHEDULE:	_____
EMPLOYER:	_____	HOURS:	_____
ADDRESS:	_____	PAY SCHEDULE:	_____
PHONE:	_____	HOURLY WAGE:	_____
SUPERVISOR:	_____		

PICK UP AND DROP OFF POINT: \_\_\_\_\_

**[ ] to attend school as follows:**

EFFECTIVE:	_____	SCHEDULE:	_____
SCHOOL:	_____	HOURS:	_____
ADDRESS:	_____	SUPERVISOR:	_____
PHONE:	_____		

PICK UP AND DROP OFF POINT: \_\_\_\_\_

**ABSENCES FROM WORK OR SCHOOL AND EMERGENCIES**

- 1. There will be no unauthorized absences from the place of employment or the school during the period of time the inmate is required to be working or in school. Any variation in schedule must be approved by the work/school release supervisor or designee.  
All inmates must be returned to the institution no later than 8:00 pm unless otherwise approved by the Warden or designee.
- 2. If for any reason work/school is cancelled for all or any part of the day, or an emergency makes it impossible for the inmate to attend work/school or return to the institution on time, the inmate will immediately notify the work/school release supervisor or institutional control center to make arrangements for return transportation and will follow all directives given by institutional personnel.

**CONTACTS WITH OUTSIDERS**

- 1. Contacts with family or friends, in person or by phone, will not be allowed during work/school release.
- 2. Riding in private vehicles is limited to the vehicle of the employer for work purposes only, and/or approved by the work/school release supervisor or designee.

## **NEW MEXICO CORRECTIONS DEPARTMENT WORK/SCHOOL RELEASE PROGRAM AGREEMENT**

### **BUSINESS ACTIVITIES**

Work or school release is approved only for the express purpose of employment or schooling. No business activities of any kind are permitted including:

- a. Establishment of a bank account;
- b. Establishment of a charge account or installment buying;
- c. Buying anything not approved through regular institutional channels or which have not been approved in advance;
- d. Signing any legal documents.

### **CONDUCT ON THE JOB OR AT SCHOOL**

1. The employer or school will establish the standards for conduct while on the job or at school. The institution will uphold employer or school sanctions; however, such sanctions will not necessarily result in disciplinary action. If the act that resulted in a sanction appears to be a violation of institutional rules of conduct, disciplinary action may be taken by the institution after sufficient investigation.
2. Any decision by an employer or school to terminate the employment of an inmate or to drop an inmate from school shall be final.
3. A misconduct report is sufficient grounds for removal from the program.
4. The work/school-release supervisor will be informed if there are job or school-related problems that may cause the loss of the job or termination from school classes. The resignation from a job or termination from school shall be grounds for removal from the program. Inmates may not add or drop classes without permission from the institution.

### **DRIVING MOTOR VEHICLES**

Inmates will not be allowed to drive company owned vehicles unless it is required as a part of the employment. Approval must be obtained from the Warden or his/her authorized representative and the employer must certify in writing that driving of a company owned vehicle is required, and that the employer has minimum state-required insurance. The inmate must have a valid New Mexico driver's license appropriate for the type of vehicle being operated. Approved inmate drivers may not drive beyond the county in which they are employed.

### **MEDICAL ATTENTION**

1. Medical attention in the community may be secured only in case of an emergency. Emergency medical attention for injuries suffered on the job shall be covered by the Employer's Workman's Compensation Insurance. Any other medical problems must be handled through the institution's medical department. Employers Insurance Carrier: \_\_\_\_\_
2. If the inmate is injured on the job or at school or becomes ill, the employer or school and the Warden/designee will be notified immediately, regardless of the severity of the injury.
3. If, for any reason, the inmate remains at the institution, the employer or school will be notified. It is the responsibility of the inmate to notify the employer or school in advance, if possible. If the inmate is ill, he/she will notify the staff person responsible for coordinating the work/school release program who will then notify the employer or school.



**NEW MEXICO CORRECTIONS DEPARTMENT  
EMPLOYER AGREEMENT**

This Agreement is entered into and made effective this \_\_\_\_ day of \_\_\_\_\_, 201\_\_ by and between \_\_\_\_\_, Employer and \_\_\_\_\_ (Facility).

*Whereas*, work/school release is a continuation of confinement, anyone on such release status is still serving his/her period of incarceration and must abide by all rules and regulations of this institution;

*Whereas*, work/school release will be denied if certain standards are not met and maintained;

*It is AGREED*, that the above stated Employer shall abide by the following:

**DRIVING MOTOR VEHICLES**

- 1. Inmates will not be allowed to drive company owned vehicles unless it is required as a part of the employment. Approval must be obtained from the Warden or his/her authorized representative and the employer must certify in writing that driving of a company owned vehicle is required, and that the employer has minimum state-required insurance.
- 2. The inmate must have a valid New Mexico driver's license appropriate for the vehicle being operated.
- 3. Approved inmate drivers may not drive beyond the county in which they are employed.

**CONTACTS WITH PUBLIC**

Inmates are not allowed contact with family or friends, in person or by phone, while on work/school release. The employer may allow minimal contact with the public only in direct relation to business.

**SCHEDULING/OVERTIME**

The employer must contact the institution two hours prior to the normally scheduled end-of-work day if the inmate is being required to work overtime and the employer must provide transportation for the inmate's return.

All inmates must be returned to the institution no later than 8:00 pm unless otherwise approved by the Warden.

**MONEY**

- 1. Employers will mail the paycheck directly to the institution for deposit into the inmate trust account:  
Remittance address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 2. Employers will not provide cash advances.
- 3. Gratuities will be turned in to the employer who will add the amount to the inmate's check.

**NEW MEXICO CORRECTIONS DEPARTMENT  
EMPLOYER AGREEMENT**

**EVALUATION**

Employers will provide a quarterly evaluation of the inmate’s performance on-the-job. The evaluation will be sent directly to the institution’s Program Director.

**MEDICAL ATTENTION**

- 1. Medical attention in the community may be secured only in case of an emergency. Emergency medical attention for injuries suffered on the job shall be covered by the Employer’s Workman’s Compensation Insurance. Any other medical problems must be handled through the institution's medical department. Employers Insurance Carrier: \_\_\_\_\_
- 2. If the inmate is injured on the job or at school or becomes ill, the employer or school and the Warden will be notified immediately, regardless of the severity of the injury.
- 3. If, for any reason, the inmate remains at the institution, the employer or school will be notified. It is the responsibility of the inmate to notify the employer or school in advance, if possible. If the inmate is ill, he/she will notify the staff person responsible for coordinating the work/school release program who will then notify the employer or school.

**CONTACT INFORMATION**

Programs Manager Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Control Center Phone: \_\_\_\_\_

Employer Name: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYER (Print/Sign) TITLE DATE

\_\_\_\_\_  
WARDEN (Print/Sign) DATE

**NEW MEXICO CORRECTIONS DEPARTMENT**

**WAIVER OF EXTRADITION**

I acknowledge and affirm, by my witnessed signature below, that should I escape during any of the approved community activities, and/or work/school release, and/or I am charged in a Court of Law inside or outside the jurisdiction of the State of New Mexico with additional crimes, I voluntarily waive my right to extradition, consenting to my immediate return to the State of New Mexico and the New Mexico Corrections Department.

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Inmate Name (Print) NMCD

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Inmate Signature Date and Time

Witnessed by: \_\_\_\_\_  
Name Title

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Witness Signature Date and Time

Approved

Denied

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Warden, Deputy Warden, or Designee (Print/Sign) Date

