

## Work Release Eligibility and Percentage of Sentence Required to Serve

Included in a June 9, 2020 Department of Corrections' (SCDC) email to the House Legislative Oversight Committee (LOC) staff. This information was provided in response to the following question in LOC's January 30, 2020, letter to the Department of Corrections: "72. In regards to Law Recommendation #8, which recommends allowing work release after serving 70% of a sentence instead of 80%, what percentage of the sentence must be served in other states before an inmate is eligible for work release?"

In addition to providing the information in this document, SCDC provided the following response in its February 19, 2020 letter to the House Legislative Oversight Committee:

- SCDC is requesting a nationwide survey and will provide a response once data is collected

## Labor Crew and Work Release Eligibility for Truth in Sentencing Inmates

Agency:	What percentage of an TIS inmate sentence must be completed to be allowed to participate in Labor Crews?	What percentage of an TIS inmate sentence must be completed to be allowed to participate in Work Programs?	Additional comment (optional)
Alabama Dept. of Corrections	N/A	N/A	Alabama is not a TIS state.
Arkansas Division of Correction	N/A	N/A	Arkansas does not have Truth-in-Sentencing Inmates
Colorado Department of Corrections	WE do not identify offenders w/TIS designation. We have policy that prescribes time to parole eligibility and mandatory release dates to establish criteria.	N/A	N/A
Connecticut Department of Correction	Labor crews would be considered an Outside work Assignment (also referred to as Outside Clearance) in CT DOC. There is no requirement for percentage of time served, however, inmates must be within 36 months of their end of sentence date or firm voted to parole date. In addition to being within 36 months of end of sentence date or firm voted to parole date, there are other criteria that must be met in order to determine eligibility and suitability for Outside Work Assignments that is outlined in Administrative Directive 9.2; Offender Classification, subsection 18 Outside Work Assignments. Specifically: Risk level 1a or 2; No sex offenders; No level 1, 4 convictions, past or current offense; Mental Health and Medical need scores less than 3 unless cleared by Health services; No return from escape within 1 year; No Class A disciplinary reports within 120 days and no Class B disciplinary reports within 60 days; No detainer score greater than a 1; No special management information that would impact public safety; No discretionary release denials or return in the past 30 days; No history of classification as an overall risk level 5; If DNA collection is required, DNA must be collected and documented prior to outside clearance approval; and Not currently serving a special parole commitment time.	Work Programs are considered Reintegration Furloughs in CT DOC (Administrative Directive 9.8; Furloughs.) The inmate shall have served a minimum of 30 days or forty percent (40%) of the estimated length of confinement, whichever is greater AND be within two years from the maximum release date or firm voted to parole date. In addition to having to serve 40% and be within 2 years of end of sentence date or firm voted to parole date, there are other criteria that is reviewed in order to determine eligibility and suitability for reintegration/work furloughs. Specifically, Overall risk level (1, 2, or 3); Discipline history; Public safety; Criminal history, to include: severity and patterns of violence; sexual offenses; escape; institutional behavior; significant history of domestic violence; and Security Risk Group affiliation (Inmates convicted of a level 4 offense can be reviewed for certain furloughs within 12 months of release); Program need or benefit to include: substance abuse; mental health status; and prior program participation/failure; Any record of victim concerns to include any active restraining orders or victim notifications; Any prior performance on community supervision.	Links to Administrative Directives 9.2 and 9.8 as referenced above: <a href="https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0902pdf.pdf?la=en">https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0902pdf.pdf?la=en</a> <a href="https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0908pdf.pdf?la=en">https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0908pdf.pdf?la=en</a>
DE Department of Correction	0% DEDOC allows residents to participate immediately upon entering the facility.	0% DEDOC allows residents to participate immediately upon entering the facility.	
Georgia Department of Corrections	We do not use a percentage, we require no more than 13 years left on his/her sentence before the tentative parole month (TPM) or maximum release date (MRD)	Offenders entering work release must be within 18 months of TPM or MRD	
Hawaii Department of Public Safety	In Hawaii, while we don't have TIS laws, an inmate must have minimum / community custody to qualify for outside worklines (2-4 years left on their sentence).	Inmates must be community custody (2 years or less) on their sentence in order to participate in furlough programs.	
Indiana Department of Correction	Criteria for eligibility and participation in labor Crews is not determined by duration of time to be served. It is determined by security level, severity of the crime, and convictions (current and prior). Typically offenders that are minimum security and low medium security without custody are eligible.	Work release eligibility is determined by release dates. Inmates must be 24 or 14 months from their release date, depending on the facility. Inmates must be minimum security level and be free of any disciplinary transfers for 4 years from any IDOC facility.	IDOC does not determine eligibility of work release and labor crews by duration of the sentence.
Kentucky Department of Corrections	All assignments to labor crews are based on our inmate classification system. Inmates must be classified as community or minimum custody to be eligible for assignment to a labor crew as described above. An inmate must be within 48 months of parole eligibility or release to qualify for minimum custody.	All assignments to labor crews are based on our inmate classification system. Inmates must be classified as community or minimum custody to be eligible for assignment to a work program as described above. An inmate must be within 48 months of parole eligibility or release to qualify for minimum custody.	
Massachusetts Department of Correction	TIS in Massachusetts has no impact on mandatory restrictions. Mandatory restrictions in Massachusetts are based on statute.	All Department of Correction inmates are eligible to participate in work programs.	Inmates participating in work release must have completed the mandatory portion of their sentence to participate.
Michigan Department of Corrections			We do not have work crews. In Michigan, a prisoner has to serve 100% of the minimum sentence to be considered for release.
Nebraska Department of Correctional Services	N/A	N/A	Our classification system does not utilize percentage of time served.
Ohio Department of Rehabilitation and Correction	In order for any of our offenders to work outside the fence, there is a criteria that they have to meet. All of them have to have less than six years to serve on their sentence.	Same as above. We do not base it on the TIS inmate sentence.	
Oklahoma Department of Corrections	n/a	n/a	Oklahoma currently does not have TIS inmates.
Oregon Department of Corrections	An inmate must meet the following criteria to be considered for a community work assignment: (a) Served more than 60 days in DOC custody. (b) No active designator for conviction for Arson I or Attempted Arson I. (c) No active designator for conviction for a sex offense or a crime with a sexual element. (d) No active protection/restraining order(s). (e) No conviction for a Stalking offense. (f) No active court Stalking Order. (g) Not found in violation of Sexual Assault or Sexual Coercion as described in OAR 291-105-0015, Rules of Misconduct. (h) Minimal escape risk as defined in the Custody Classification Guide and the rule on Classification (Inmate) (OAR 291-104). (i) No felony detainer(s) that are untried or expire after the inmate's projected release date. (j) No multiple misdemeanor detainers that expire after the inmate's projected release date. (k) No active designators on file disqualifying community assignment. (4) Unfenced Housing: An inmate must meet the following criteria to be considered for an unfenced housing assignment: (a) Custody Classification Level 1. (b) Meets all community work assignment criteria listed in subsection (3) above. (c) No active designator for conviction for Arson II, Attempted Arson II, Reckless Burning or other related arson crimes, including attempts. (d) No current active escape designator, or any active ESMO or ESSV designators, as defined in the Custody Classification Guide (OAR 291-104-0116). (e) No misdemeanor detainer that is untried. (f) No consecutive misdemeanor detainer that expires one year or less from the inmate's projected release date.	Article 1, Section 41 of the Oregon Constitution requires that: "Each inmate shall begin full-time work or on-the-job training immediately upon admission to a corrections institution, allowing for a short time for administrative intake and processing. The specific quantity of hours per day to be spent in work or on-the-job training shall be determined by the corrections director, but the overall time spent in work or training shall be full-time.	Adults in Custody with the Oregon Department of Corrections do not receive a salary or pay for their work. Rather they are given a discretionary award to support the development of good performance and behavior and provide them with incentives to fully participate in programs that address criminal thinking, workforce development needs, substance abuse problems, and other contributors to their criminal behavior. In regard to Question 2, AICs that are eligible to participate on Community Work Assignments may participate in DOC or Host Agency supervised crews that deploy to state, county or city parks, conduct road side cleanup and other various work opportunities. They must return at the end of the scheduled work hours for the day. AICs that are cleared for unfenced may participate on a work crew that remains on the work location. This is for our Wildland Fire Suppression and support crews that will remain in a camp setting under ODOC supervision.
PA Department of Corrections	N/A	N/A	We do not have TIS in PA.
Rhode Island Department of Corrections	No policy requirement	1/6 of sentence served then a portion of their sentence at Minimum must be served a minimum of 3 months of serving 1-5 years.	Lifers without parole are not eligible. Can't have a no contact order. No inmate serving a sentence after conviction of a sex offense involving a minor. Inmates may be placed in WR pursuant to orders from a covet.
South Dakota Department of Corrections	South Dakota is not a truth in sentencing state. Department policy provides the eligibility requirements for community service, the comparable to SC labor crews. Percentage of sentence does not apply.	Similar to the response in question 2, department policy provides the eligibility requirements for work release, the comparable to SC work programs. Percentage of sentence does not apply.	Both the community service and work release policies can be found on our website doc.sd.gov

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Utah Department of Corrections	We do not have specific TIS laws in Utah. In order to be eligible for a gate pass, which allows inmates off prison grounds, they must have less than three years to their parole date.	We do not have specific TIS laws in Utah.	
Washington State Department of Corrections	Washington State does not use the terminology "Truth in Sentencing" however we do have policies in place that allow incarcerated individuals to participate in work crews.	Washington State does not use the terminology "Truth in Sentencing" however we do have policies in place that allow incarcerated individuals to participate in work programs.	Individuals must be assigned MI2 in order to be placed in camps. Then, personnel at camps will screen the individual for safety/security and RNR factors to determine actual eligibility for offsite employment such as DNR, community work crews and other off site (Such as CI). I will send a copy of the policies to Joseph Stines.
Wisconsin DOC	Our reviews/approvals of individuals for off-site work assignments are not done by a percentage of time served.	Our reviews/approvals of individuals for off-site work assignments are not done by a percentage of time served.	We follow a few different policies when reviewing/approving individuals for off-site work assignments. Our reviews/approvals are not done a percentage of time served. Instead the Warden/Superintendent/designee screens individuals to determine whether they are appropriate for consideration. Prior to even being considered, the individual must be classified as Minimum or Minimum-Community Custody. When being reviewed the criteria that is considered includes, but is not limited to: A. The nature and seriousness of the inmate's offense. B. The inmate's prior criminal record. C. The inmate's risk of escape. D. Any history of absconding while on community supervision or walking away from a halfway house or Huber facility placement. E. Potential victim issues. F. The inmate's DOC conduct record. G. The amount of time the inmate has served. H. The amount of time remaining before the inmate's anticipated release date. I. Verification that the inmate has had a DNA sample completed. J. Completion of, and/or motivation to complete, programs prescribed to reduce risk to the public. K. Detainers or criminal cases pending against the inmate. L. Medical or psychological concerns that may adversely affect the inmate's ability to safely operate a vehicle or interact with the public. M. Ensure inmates have complied with relevant policy prior to considering an inmate for work release. N. The results of the screening process shall be documented in the case notes section of COMPAS.
Wyoming Department of Corrections	The WDOC does not have TIS sentencing	The WDOC does not have TIS sentencing	an inmate must be within 8 years of earliest possible parole eligibility in order to be housed at a minimum security facility. Inmates must be within 2 years for placement within half way house settings.