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Robert Patton, Director Oklahoma Department of Corrections		Signature on File	

Prisoner Public Work Contract and Assignment of Offenders to Public Works Programs

As authorized by state law, offenders under the authority, custody or care of a prison or community-based facility, operated by the Department of Corrections (DOC) may be assigned to municipalities, counties, other state agencies, or political subdivisions for the purpose of working on projects in the public interest. (2-CO-5A-01, 4-4452, 4-ACRS-6D-01)

Offenders will not normally be assigned to projects on other than public property; the only exception being when the project is for the benefit of the public or the exercise of a governmental function. The affected division manager will evaluate each situation on statutory and legal authority. Consideration will be given to the nature of the project, whether an emergency exists, and significance to the people of the State of Oklahoma.

I. Definitions

A. Public Works Programs

An ongoing project, or projects of lesser durations, that use confined or community security offenders to provide labor for the betterment of the public and/or government agency.

B. Warden's Crew Work Projects (Institutions)

A special project of three-week duration or less that uses confined offenders from a single facility to provide labor to eligible local or governmental agencies that serve the community interest.

C. Governmental Agency

A political subdivision unit of federal, state, or tribal government created to carry out a governmental function or to implement a statute or statutes. An agency may include a department, board, bureau, commission, court, office, authority, council, institution, federally recognized tribe, or public trust.

D. Local Government

A county, municipality, special district, or other political subdivision of this state, or a combination of two or more of these entities.

II. Purpose

The purpose of this procedure is to establish the process for the request, approval and operation of Oklahoma Department of Corrections' offender public service programs. It is the policy of the department to provide offender labor for the purposes of: developing lands pursuant to a public works program; providing improvement and beautification; aiding offenders' transition between confinement and society, thus reducing recidivism; and similar purposes which serve the public interest. (4-4011)

A. Benefit to the Community

Public works programs will be performed for the convenience, safety, or welfare of the entire community. Offender labor will be utilized to fulfill

community projects as well as saving taxpayer dollars without displacement of current jobs.

B. Benefit to the Offender (4-ACRS-6D-01, 4-ACRS-6D-02)

It is the goal of the department that the participation in the program will benefit the offender by:

1. Demonstrating the offender's willingness to become a useful, productive citizen;
2. Serving as a deterrent to crime for the offender and serve as an example to others that there is a consequence to unlawful behavior;
3. Providing rehabilitation and skill training;
4. Providing meaningful work opportunities for the offender; and
5. Serving as a restorative sanction to the community.

III. Contract Agreements

A. Institutional Public Works Programs

Governmental agencies desiring to participate in Public Works Programs (PWP) will be required to enter into a written service agreement with DOC. Such agreement will specify the standards of performance required for both parties.

1. The appropriate division manager will approve contracts which involve statewide governmental agencies.
2. The appropriate division manager will designate host facility assignments for all public works programs. The affected facility head will sign the standardized governmental agency contracts for their facilities.
3. The "Public Works Project Contract" ([Attachment A](#), attached) is the approved contract for all public works contracts, as approved by the Office of the General Counsel.
 - a. Any modification to the basic contract or any questions concerning the contracting entity must be reviewed and addressed by the general counsel.
 - b. Any amendment/addendum to an existing contract will be approved by the general counsel.

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4. The appropriate division manager or facility head will ensure that the contract specifies the location and nature of the work to be performed.
5. When a "Public Works Project Contract" has been executed by all parties, the appropriate division manager or facility head will forward a copy of the contract to the general counsel. The general counsel will maintain a repository of all approved contracts.

B. Contracts and Agreements

All services provided by work crews will be in accordance with the "Public Works Project Contract" ([Attachment A](#)) or the "Oklahoma Department of Corrections Special Project Agreement Form" ([Attachment B](#), attached). Both parties agree and understand that offenders will not displace any employee of the public agency nor will reduce the employment opportunities of any citizen eligible and qualified.

1. Special Projects

The length of each special project request, as provided on the "Oklahoma Department of Corrections Special Project Agreement Form" ([Attachment B](#)), will normally be no longer than three weeks from start to finish. Any extension of time that would require the project beyond six weeks will require division manager approval. The facility will provide the items listed on the "Public Works Program Equipment Needs" form ([Attachment E](#), attached).

2. Statewide contracts (e.g., DOT, DPS, etc.) time frame(s) will be specified in terms of the contract and may be extended by approved contract addendum(s).

IV. Selection and Assignment of Offenders

A. Offender Criteria

1. All offenders must be assigned minimum or community security.
2. The facility classification committee will determine participation.
3. Prior to an offender being assigned to a crew, staff will review the "Activity/Housing Summary" (located in the electronic health record (EHR)) for any work related restrictions. A copy of the "Activity/Housing Summary" will be provided by the medical unit within five working days of the request by facility staff.
4. Facility staff will complete the "PWP Screening Form" ([Attachment D](#), attached) for inclusion in the PWP packet.

B. Exclusions

Offenders who meet any of the following criteria will be excluded from participation in any public works program as listed below per 57 O.S. § 216 and the "Sex Offenders Registration Act":

1. Deemed to be a threat to public safety;
2. Escape history to include: escape or attempt to escape from a correctional facility within the last ten years, escape from a city/county jail or from the custody of a police officer/sheriff. This does not include absconders from supervision, bail jumping/AWOL from House Arrest, PPCS, EMP or SSP;
3. Ever convicted of any sex crime, as defined by the "Sex Offenders Registration Act," Murder I, Murder II, Manslaughter First Degree or any crime against a child (excluding failure to pay child support or contributing to the delinquency of a minor) or any attempt/solicitation conspiracy of these crimes.

For community corrections only, and only with the approval of the district supervisor; offenders convicted of Murder I, Murder II, or Manslaughter in the First Degree, who are placed at community corrections as a result of a parole stipulation, may be placed on a work crew that is directly supervised by a DOC employee; or

4. Current or past history of domestic violence; history will be defined as two or more misdemeanor or felony domestic violence convictions.
 - a. With the approval of the facility head, offenders with a current or past history of domestic violence may be approved for assignment to a public works program only if the work crew is directly supervised by a department of corrections employee.
 - b. Offenders assigned to community corrections with a current or past history of domestic violence may be approved for assignment to a public works program crew at the discretion of the facility head/designee.

5. Override to medium or maximum security.

C. Institutional Programs (Minimum Security)

1. The following criteria apply:
 - a. No more than 7,300 days total left to serve (combination of all cases);

- b. Has no outstanding felony detainers, felony warrants, revocations, or felony charges pending; and
 - c. Has no violent offenses (offenders with violent offenses must be directly supervised by departmental staff).
2. The following will also be considered in the determination whether an offender will be assigned to a work crew:
- a. Past disciplinary history;
 - b. Work history;
 - c. Possession of contraband in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence";
 - d. Recent assignment to minimum security from a lower security level;
 - e. Current institutional adjustment; and
 - f. Mental or psychological conditions as indicated on the "Activity/Housing Summary" (located in the EHR).
 - g. Additional factors to be considered are:
 - (1) Problems at home and with family;
 - (2) Problems with other offenders at the facility;
 - (3) Problems interacting with staff; and
 - (4) Personal hygiene and appearance.

D. Community/Work Center Programs

The following will be considered when determining offender assignments to a community/work center program:

1. Offenders Assignment to Non-Departmental Supervised Work Crews – Community
 - a. Earned credit level – preferably earned credit class level three or four. Earned credit class level one and two offenders will be considered on a case-by-case basis for assignment to this type of work supervision;
 - b. Excellent to outstanding work evaluation;

- c. Excellent to outstanding personal hygiene and appearance;
 - d. No recent misconduct history of a serious nature;
 - e. Good to excellent attitude, behavior, and emotional stability; and
 - f. Excellent to outstanding interaction with staff, other offenders, and visitors.
2. The agency will contact the facility when requesting offender services. The facility will ensure the offender population is reviewed by the facility classification team for suitable candidates that meet the following criteria:
 - a. No class "A" or "X" misconducts in the proceeding 60 days;
 - b. Not in one of the exclusionary categories listed in Section IV. item B.; and
 - c. Offenders will be screened for any medical conditions that would preclude assignment to the program and will be approved by medical staff prior to assignment.
 3. Contracting agencies may interview eligible offenders prior to assignment. Such interviews will be conducted through the designated staff member.

E. Approval or Denial

1. Institutions

All offenders assigned to the public works program must be reviewed and approved, in writing, by the warden (no designee).

2. Community Corrections

- a. The facility head or designee will approve all offenders assigned.
- b. Special circumstances may require the approval of the district supervisor as outlined in Section IV. B. item 3. of this procedure.

V. Offender Management Requirements

A. Removal From Program

Any offender may be removed from participation for inappropriate behavior (e.g., horseplay, disrespect to staff or public, and/or other similar acts) or disciplinary violations.

B. Supervision

1. DOC security will be provided for all offenders assigned to institutional (Warden's Crew) public works crews for the custody and control of offenders. Crews will not exceed one departmental staff member for each 10 offenders.
2. Any local government/governmental agency employee may supervise an offender crew following completion of a favorable criminal background check and with required training as outlined in VII. D. below. The offenders will be checked out to the agency employee by the supervising DOC staff person.
3. Supervision and security counts of all public works crew offenders will be in accordance with OP-040101 entitled "Facility Security Standards."
4. Transportation of the offender to the work site will be coordinated between the agency and the designated staff member as specified in the contract agreement.
5. The host facility coordinator will ensure that offenders assigned to the program have read and signed "Offender Guidelines and Rules for Public Works Program" ([Attachment F](#), attached). The original will be placed in the offender's field file.

VI. Health and Safety

Projects which involve any activity that may expose the offender to occupational health hazards (e.g., lead paint and asbestos fibers) must be reviewed by the facility safety consultant to ensure safety equipment and training is provided. This review shall be conducted by the safety consultant in writing with a recommendation to the facility head advising if proper health and safety precautions/protection are available. The facility head and the safety consultant will ensure that the affected unit manager and crew supervisor are made aware of the safety requirements and receive a copy of the recommendation.

Proper safety equipment, in accordance with OSHA standards, will be provided and worn by offenders assigned to public works crews (See [Attachment E](#) entitled "Public Works Program Equipment Needs").

A. Training

1. The requesting agency is required to provide safety training and related instruction and other equipment necessary to assist the

offender in safely accomplishing the work tasks. The requesting agency shall provide documentation of such training to the facility head.

2. The requesting agency will provide safety training regarding the use of all special tools, materials and equipment utilized during the project.

B. Communication

The facility head will ensure proper communication equipment (radio, telephone and other similar forms) is assigned to the officer in charge of the work crew in the event of an emergency.

VII. Monitoring and Accountability

A. Reporting of Noncompliance

The host facility will report all instances of non-compliance with the service agreement to the appropriate division manager, whether on the part of the contracting agency or DOC.

B. Communication Responsibilities

The host facility will ensure the contracting agency is aware of all responsibilities described in the service agreement. The host facility will also ensure the contracting agency is made aware of all relevant departmental policies and procedures and any changes in such procedures.

C. Violation of Service Agreements

Any violation of the terms of the service agreement may be grounds for termination of the agreement and the immediate removal of assigned offenders.

D. Training

1. Facility heads will ensure all PWP supervisors (DOC and civilian) attend training prior to supervising a work crew and on at least an annual basis thereafter.
 - a. The training will consist of all information outlined in "Guidelines and Rules for Supervisors of Public Works Programs" ([Attachment G](#), attached), and any facility specific information/criteria.
 - b. Each supervisor of a crew will sign a verification receipt, acknowledging that he or she has read and understands the guidelines.

2. Facilities will develop post orders for DOC crew supervisors to include guidelines in [Attachment G](#) and in accordance with [OP-040102](#) entitled "Master Roster and Post Order Guidelines."

VIII. References

Policy Statement No. P-090100 entitled "Provision of Programs"

OP-040101 entitled "Facility Security Standards"

OP-040102 entitled "Master Roster and Post Order Guidelines"

OP-040109 entitled "Control of Contraband and Physical Evidence"

57 O.S. § 222

57 O.S. § 215

57 O.S. § 216.3

57 O.S. § 510

74 O.S. § 1008

APA, Title 170, Chapter 10

IX. Action

The division managers are responsible for compliance with this procedure.

The associate director of Field Operations is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-090106 entitled "Prisoner Public Work Contracts and Assignment of Offenders to Public Works Programs" dated January 8, 2014

Distribution: Policy and Operations Manual
Department Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Public Works Project Contract-Oklahoma Department of Corrections”	Attached
Attachment B	“Oklahoma Department of Corrections Special Project Agreement Form”	Attached
Attachment D	“PWP Screening Form”	Attached
Attachment E	“Public Works Program Equipment Needs”	Attached
Attachment F	“Offender Guidelines and Rules for Public Works Program”	Attached
Attachment G	“Guidelines and Rules for Supervisors of Public Works Programs”	Attached
<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
MSRM Form	“Activity/Housing Summary”	EHR

