
JAIL BULLETIN

NUMBER 13

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The Jail Bulletin is a monthly feature of the Crime Commission Update. The Bulletin may be used as a supplement to your jail inservice training quiz. The Bulletin and quiz may be reproduced for use by your staff. We welcome any jail training material you would like to contribute to the Bulletin.

WORK RELEASE INMATES

In 1913, the State of Wisconsin became the first state to allow inmates to be released from jail for work release. The Huber Law, as it was known in Wisconsin, was a success because it allowed inmates to serve their time while retaining their jobs and income. This furlough program benefitted the inmate, his/her family, the community, the criminal justice system and the employer because the inmate remained a productive wage earner able to meet financial obligations.

NEBRASKA STATUTES

Nebraska's work release laws are covered in Sections 47-401 through 47-411 of the Nebraska Revised Statutes. The following are excerpts from the statutes.

Nebraska Revised Statutes, Section 47-401:

- (1) Any person sentenced to a city or county jail upon conviction for a misdemeanor, felony, contempt, or nonpayment of any fine or forfeiture may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:
 - (a) Seeking employment;
 - (b) Working at his employment;
 - (c) Conducting such person's own business or other self-employed occupation including housekeeping and attending to the needs of such person's family; Attending any high school, college, university or other educational or vocational training program or institution; Serious illness or death of a member of the prisoner's immediate family; or Medical treatment.

- (2) Any person sentenced to a city or county jail upon conviction for a misdemeanor or nonpayment of any fine or forfeiture may be granted the privilege of serving the sentence or a part of the sentence at a house of correction, community residential center, work release center, halfway house, or other place of confinement properly designated as a jail facility in accordance with this act.

Nebraska Revised Statutes, Section 47-402:

The privilege of leaving the jail as set forth in Section 47-401 shall be granted only by written order of the sentencing court, after conferring with the chief of police, county sheriff, or such other person as may be charged with the administrative direction of the jail, specifically setting forth the terms and conditions of the privilege granted. The prisoner may petition the court for such privilege at the time of sentencing, or thereafter, and, in the discretion of the court, may renew his or her petition. The court may withdraw the privilege at any time by written order entered with or without prior notice.

Nebraska Revised Statutes, Section 47-409:

The chief of police, county sheriff, or such other person as may be charged with the administrative direction of a jail or jail facility may refuse to permit the prisoner to exercise his privilege to leave the jail or jail facility as provided in section 47-401 for any breach of discipline or other violation of jail regulations. Any such breach of discipline or other violation of jail regulations shall be reported to the sentencing court.

Nebraska Revised Statutes, Section 47-411:

The willful failure of a prisoner to comply with the order of the court granting him the privilege of leaving the jail as provided by sections 47-401 to 47-411 or to return within the time set forth in such order shall be deemed an escape from custody punishable as provided by applicable municipal ordinances or state statutes.

The statutes also have provisions for collection and disbursement of the inmate's paycheck by the court, transfer of work release inmates to other jails, inmate meals, and inmate liability for costs. The statutes cover several other areas regarding furlough from jail and should be referred to when questions arise.

Section 47-401 allows the sentencing court to grant furloughs for reasons other than work release. Release for attending school is granted frequently for vocational, college, or GED students. Court ordered release for the other reasons is used less often. It is important to note that the statutes refer to all forms of furlough as a "privilege" granted by written order of the court. Failure to return to jail when required is considered the same as an escape.

SECURITY

Although they are considered low security inmates, work releasees can present some unique security problems. Ideally, they should be housed separate from other inmates in the jail. If work release inmates are held in the general population, other inmates may pressure them to bring drugs or other contraband into the jail. This coercion may take the form of threats or physical assault. In jails that do not have the capability to separate work releasees, officers should be aware of this possibility. Thorough inmate searches upon each readmission are of critical importance. Inmates who know they will be searched are less likely to try to smuggle contraband into jail.

DOCUMENTATION AND MONITORING

Some form of documentation should be maintained recording the exact times work release inmates leave and return to the jail. Written policy should cover the work release program. The policy should include action to be taken when inmates return late from work release, perhaps the most common problem encountered.

A staff member should have the responsibility for monitoring inmates on work release. This includes initial contact with the inmate's supervisor to explain the requirements of the court order and the need for the inmate to be on time when returning to jail. This staff member should maintain at least occasional contact to insure the inmate is going to work and meeting the requirements of the court order.

Section 47-409 of the statutes allow the jail administrator to refuse to release an inmate for work release if he/she violates jail rules. The statute also requires the administrator to notify the sentencing court if this is done. This statute should be explained to all work release inmates because it provides extra incentive to follow the rules.

Although work release inmates may present some problems in supervision and security, the benefits of the program far outweigh these problems.

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of inservice training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

SUBJECT: WORK RELEASE INMATES

Name _____

Date _____

1. Nebraska statutes allow a sentenced inmate to leave jail for what purposes?

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____

2. What person is the sentencing court required to confer with before granting permission to leave the jail? _____

3. Work release is a

- (a) Right granted sentenced inmates with jobs
- (b) Privilege
- (c) Necessary evil

4. Why should work release inmates be separated from the general jail population?

CREDIT: 1/2 HOUR CREDIT FOR JAIL INSERVICE TRAINING REQUIREMENT

ANSWER SHEET

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of inservice training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

SUBJECT: WORK RELEASE INMATES

Name _____

Date _____

1. Nebraska statutes allow a sentenced inmate to leave jail for what purposes?

SEEKING EMPLOYMENT

WORKING AT HIS EMPLOYMENT

CONDUCTING THEIR OWN BUSINESS, INCLUDING HOUSEKEEPING OR FAMILY NEEDS

ATTENDING SCHOOL

SERIOUS ILLNESS OR DEATH IN FAMILY

MEDICAL TREATMENT

2. What person is the sentencing court required to confer with before granting permission to leave the jail? CHIEF OF POLICE, COUNTY

SHERIFF, OR JAIL ADMINISTRATOR

3. Work release is a

(a) Right granted sentenced inmates with jobs

(b) Privilege

(c) Necessary evil

4. Why should work release inmates be separated from the general jail population?

OTHER INMATES MAY TRY TO COERCE WORK RELEASEES TO BRING CONTRABAND

INTO THE JAIL.

CREDIT: 1/2 HOUR CREDIT FOR JAIL INSERVICE TRAINING REQUIREMENT

ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR OR TRAINING OFFICER