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PPW/PWP	ACA Standards: 2-CO-5A-01, 4-4011, 4-4452, 4-ACRS-6D-01, 4-ACRS-6D-02		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Prisoners Public Work Contract and Assignment of Inmates to Public Works Programs

As authorized by state law, inmates under the authority, custody or care of a prison or community-based facility, operated by the Oklahoma Department of Corrections (ODOC) may be assigned to municipalities, counties, other state or federal 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)

Inmates 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 regional director 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 inmates to provide labor to a public agency for the betterment of the public.

B. Warden's Crew Work Projects (Institutions)

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

C. Public Agency

A board of county commissioners, a municipality, or any agency of the State of Oklahoma or the United States or any subdivision thereof.

II. Purpose

The purpose of this procedure is to establish the process for the request, approval and operation of Oklahoma Department of Corrections' prisoners public works programs. It is the policy of the department to provide inmate labor for the purposes of: developing lands pursuant to a public works program; providing improvement and beautification; aiding inmates' 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. Inmate labor will be utilized to fulfill community projects as well as saving taxpayer dollars without displacement of current jobs.

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

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

1. Demonstrating the inmate's willingness to become a useful, productive citizen;

2. Serving as a deterrent to crime for the inmate 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 inmate; and
5. Serving as a restorative sanction to the community.

III. Contract Agreements

A. Institutional Public Works Programs

Public agencies desiring to participate in Prisoners Public Works Programs (PPWP) will be required to submit an application ([Attachment I](#), attached) before entering into a written service agreement with ODOC. Contracts being renewed with any changes will require a new application to be submitted before the contract is renewed. Service agreements will specify the standards of performance required for both parties. Facilities will receive contract renewal instructions and updated fees no later than April 15th each year so that contracts can be prepared and submitted to contracting agencies no later than May 1.

1. The appropriate regional director will designate host facility assignments for all public works programs. The affected facility head will review the applications and sign the standardized public agency contracts for their facility before forwarding to the appropriate regional director.
2. The appropriate regional director will approve all contracts in their region before forwarding to the Office of the General Counsel.
3. The "Prisoners 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.
4. To determine the amount to include in paragraph number six (6) of the "Prisoners Public Works Project Contract" ([Attachment A](#), attached), multiply the number of inmates requested in paragraph number four (4) by \$135.00. The amount will be evaluated and updated annually or as needed to reflect current costs to the agency.
 - a. Any modification to the basic contract or any questions concerning the contracting entity must be reviewed and addressed by the general counsel.

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- b. Any amendment/addendum to an existing contract will be approved by the general counsel.
5. The appropriate regional director or facility head will ensure that the contract specifies the location and nature of the work to be performed and that the contract is with a public agency.
6. When a "Public Works Project Contract" has been executed by all parties, the appropriate regional director 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 "Prisoners 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 inmates will not displace any employee of the public agency nor will they 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 regional director 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 Inmates

A. Inmate Criteria

1. All inmates must be assigned minimum or community security.
2. The facility classification committee will determine participation.
3. Prior to an inmate being assigned to a crew, staff will review the "Activity/Housing Summary" ([DOC 140113C](#)) 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

Inmates who meet any of the following criteria will be excluded from participation in any prisoners 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 regional director, Region III; inmates 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 ODOC employee;

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, inmates 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. Inmates 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; or
5. Override to medium or maximum security.

6. Inmates with active protective orders or felony convictions for stalking in the county they are being housed or in the county were the PPWP crew works.

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 (inmates with violent offenses must be directly supervised by departmental staff).
2. The following will also be considered in the determination whether an inmate 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" ([DOC 140113C](#)).
 - g. Additional factors to be considered are:
 - (1) Problems at home and with family;
 - (2) Problems with other inmates at the facility;
 - (3) Problems interacting with staff; and
 - (4) Personal hygiene and appearance.

D. Community Programs

The following will be considered when determining inmate assignments to a community program:

1. Inmates 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 inmates 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 inmates, and visitors.
2. The agency will contact the facility when requesting inmate services. The facility will ensure the inmate 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; and
 - c. Inmates 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 inmates prior to assignment. Such interviews will be conducted through the designated staff member.

E. Approval or Denial

1. Institutions

All inmates 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 inmates assigned.
- b. Special circumstances may require the approval of the regional director, Region III, as outlined in Section IV. B. item 3. of this procedure.

V. Inmate Management Requirements

A. Removal From Program

Any inmate 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. ODOC security will be provided for all inmates assigned to institutional (Warden's Crew) public works crews for the custody and control of inmates. Crews will not exceed one departmental staff member for each 10 inmates.
2. Public agency employees supervising an inmate crew, for any period of time, must be approved by the facility head following completion of a favorable criminal background check and with documentation of required training as outlined in VII. D. below. Approval of the criminal background check will be indicated with a note and facility head's signature on the criminal background records check. The inmates will be checked out to the agency employee by the supervising ODOC staff person.
3. Supervision and security counts of all public works crew inmates will be in accordance with OP-040101 entitled "Facility Security Standards."
4. Transportation of the inmate to the work site will be the responsibility of the public agency and coordinated by the host facility's designated staff member as specified in the contract agreement.
5. The host facility coordinator will ensure that inmates assigned to the program have read and signed "Inmate Guidelines and Rules for Public Works Program" ([Attachment E](#), attached). The original will be placed in the inmate's field file.

VI. Health and Safety

Projects which involve any activity that may expose the inmate to occupational health hazards (e.g., lead paint and asbestos fibers) must be reviewed by the

facility safety consultant/or Environmental Health and Safety Unit to ensure safety equipment and training is provided. This review shall be conducted by the safety consultant/Environmental Health and Safety Unit 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/Environmental Health and Safety Unit 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 inmates 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 inmate in safely accomplishing the work tasks. The requesting agency shall provide documentation of such training to the facility head.
2. Training associated with the use of lawn equipment; power tools and hand tools must meet OSHA and Department of Labor standards, and this training can be conducted without the agency's review of the curriculum. Training associated with the use of any heavy equipment e.g., backhoes, dozers, tractors and implements, frontend loaders, excavators, skid loaders etc. will require the Public Agency to provide the training curriculum to the Department for approval prior to the Public Agency training and allowing inmates to use this equipment.

B. Communication

The facility head/public agency will ensure proper communication equipment (radio, telephone and other similar forms) is assigned to the officer/person 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 regional director, whether on the part of the contracting agency or ODOC.

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 ODOC

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 inmates. The service agreement may also be cancelled or temporarily suspended if the facility/agency becomes aware of safety or supervision issues that may jeopardize safety or security of the public, host facility public agency or inmates.

D. Training

1. Facility heads will ensure all PPWP supervisors (ODOC 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), “Use/Operation of Equipment and Machinery” ([Attachment G-1](#), 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 ODOC crew supervisors to include guidelines in [Attachment G](#) and in accordance with [OP-040102](#) entitled “Master Roster and Post Order Guidelines.”

VIII. Invoicing the Public Agency

- A. The facility will submit an invoice to the public agency once a month using the “PPWP Invoice” ([Attachment H](#), attached).
- B. An electronic version of the PPWP Invoice can be obtained from the Business Services Comptroller.

IX. 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”

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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

X. Action

The regional directors are responsible for compliance with this procedure.

The regional director, Region III, is responsible for the annual review and revisions.

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

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-090106 entitled "Prisoners Public Work Contracts and Assignment of Inmates to Public Works Programs" dated June 25, 2018

Distribution: Policy and Operations Manual
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	"Prisoners Public Works Project Contract"	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	"Inmate Guidelines and Rules for Public Works Program"	Attached
Attachment G	"Guidelines and Rules for Supervisors of Public Works Programs"	Attached
Attachment G-1	"Use/Operation of Equipment and Machinery"	Attached
Attachment H	"PPWP Invoice"	Attached
Attachment I	"PPWP Application"	Attached
<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 140113C	"Activity/Housing Summary"	OP-140113