

# COMMUNITY WORK RELEASE IN FLORIDA PRISONS

## Good for Florida's Inmates and Taxpayers



by  
Reggie  
Garcia, ESQ

There are nearly 101,000 inmates in Florida's 142 state prisons, annexes, work camps, work release centers and other correctional facilities. These include five intake "reception and medical centers" in Miami, Orlando, Ocala, Lake Butler and Chipley—and seven privately operated facilities. The Florida Department of Corrections (FDOC) is Florida's largest state agency and the third largest state prison system in America with a \$2.1 billion budget and 22,400 employees. The FDOC Secretary Michael D. Crews was appointed by Governor Rick Scott and confirmed by the Florida Senate.<sup>1</sup>

During the next 12 months around one-third of these 101,000 inmates will be released on their "end of sentence" date. Some inmates are eligible for work release during the last 14 to 36 months before their sentences end. Because there must be space available and there are numerous safety, transportation and security considerations, in reality work release is usually only available the last 6-9 months of an inmate's sentence. Waiting lists are common. Currently

there are around 4,000 inmates participating in 35 work release programs at 21 private and 14 public locations throughout Florida.<sup>2</sup>

### WHAT IS WORK RELEASE?

Formally known as "community work release," it refers to the portion of the community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.<sup>3</sup> It is commonly referred to as "work release," and it is the key transition and re-entry component of the broader "community release program" (CRP).

The CRP refers to "any program that allows inmates to work at paid employment, a center work assignment, or to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a work release center, contract community work release facility, or other contract community facility."<sup>4</sup>

### THE 5 POLICY GOALS OF WORK RELEASE<sup>5</sup>

- ▶ Gradual reintegration back into the community.
- ▶ Gainful employment.
- ▶ Accumulation of savings from paid employment.

- ▶ Preservation of family and community ties.
- ▶ Participation in self-help programs.

### WHO IS ELIGIBLE AND WHY?

An inmate must meet established criteria in order to be considered for placement in a work release center. The inmate must be in FDOC custody for at least 60 days; have no disqualifying convictions or events; have no disciplinary history for 60 days prior to placement; and otherwise be classified as "community custody."<sup>6</sup> Plus an inmate must be within these specific time frames:<sup>7</sup>

### **Inmates with non-advanceable dates must be within:**

- ▶ 28 months of their earliest tentative release date for the community-based residential transition program (pre-work release);
- ▶ 19 months of their tentative release date or "presumptive parole release date" for center work assignment and community-based residential substance abuse program; or
- ▶ 14 months of their earliest tentative release date for work release.

### **Inmates without non-advanceable dates must be within:**

- ▶ 36 months of their earliest tentative release date for the community-based residential transition program

(pre-work release);

- ▶ 28 months of their tentative release date for center work assignment and community-based residential substance abuse program; or
- ▶ 19 months of their tentative release date for work release.

“Non-advanceable dates” refers to an inmate’s release date that is restricted from continuous, monthly gain time awards over the entire length of sentence. This complicated calculation involves certain crimes after October 1, 1995; any “presumptive parole release date;” and certain mandatory minimum sentences by re-offenders.<sup>8</sup>

#### PUBLIC SAFETY’S SEVEN FACTORS<sup>9</sup>

Besides the formal eligibility criteria, with inherent discretion by FDOC’s senior staff, these seven factors are considered to ensure the public safety of citizens, employers, correctional officers and other inmates:

- ▶ Arrest history focused on violent offenses including actual or attempted sex crimes;
- ▶ Pending “outside” charges such as active arrest warrants or “detainers” by state or federal law enforcement agencies;
- ▶ Prison “disciplinary history and reports” especially violence, escape risk, substance abuse or sexual deviancy;
- ▶ Alcohol, drug and other substance abuse history;
- ▶ Program needs including “re-entry” considerations;
- ▶ Location and other concerns of the crime’s victim(s); and
- ▶ The inmate’s skills, physical ability, and overall compatibility with the specifically-requested CRP.

#### MANY INMATES ARE NOT ELIGIBLE, AND SHOULDN’T BE

Florida laws, administrative rules and FDOC’s policies prevent violent inmates, sex convicts, and certain other high-risk inmates from ever being eligible. There are nine disqualifying

crimes and criteria by formal administrative rule.<sup>10</sup> Obvious issues like an attempted escape or a termination from prior work release programs should be disqualifiers—while other factors like a minor disciplinary report or overdue child support payments should be considered on a case-by-case basis and not be automatic disqualifiers.<sup>11</sup>

#### COST SAVINGS AND RESTITUTION<sup>12</sup>

Ninety-five percent of FDOC’s \$2.1 billion budget is comprised of three major service delivery functions:

- ▶ 66 percent for “security and institutional operations” which includes 15,000 correctional officers and supervisors, and 2,400 support staff;
- ▶ 19 percent for “health services” which includes 1,500 medical and support personnel; and
- ▶ 10 percent for “community corrections” which includes 2,000 correctional probation officers who “police” 145,000 offenders on “community supervision” commonly known as just “probation.” Offenders may be on probation instead of or after state prison.

Besides the obvious fact that Florida’s taxpayers and visitors fund corrections and all other state government functions through sales, property and other taxes—we all have a vested interest in work release programs being successful and expanded.

The average inmate costs of \$48 per day, described by FDOC as “per diem,” ranges between \$28 and \$89 depending on where the inmate is located. There are eight types of correctional facilities and programs with significant daily cost differentials, as follows:

- ▶ Work Release Centers.....\$28
- ▶ Contracted Facility.....\$29
- ▶ Adult Male Custody.....\$37
- ▶ Private Institutions.....\$44
- ▶ Specialty Institutions.....\$53
- ▶ Adult and Youthful Female Custody.....\$53
- ▶ Male Youthful Offender.....\$64
- ▶ Reception and Medical Centers.....\$89

Inmates pay 55 percent of their earnings for their subsistence. Another benefit is that inmates must use 10 percent of their net pay for court-ordered restitution, fees and costs. Clearly work release centers are the least expensive to operate daily yet only 4 percent of inmates are in these programs.

#### P.R.I.D.E. = REHABILITATION

Although different than formal work release, PRIDE has similar goals, and the two programs are not mutually exclusive. The acronym PRIDE stands for: “Prison Rehabilitative Industries and Diversified Enterprises, Inc.”

Created in 1981 by the Florida Legislature as a private, not-for-profit inmate training program, in 2012 PRIDE trained almost 4,000 inmates in 42 diverse industries in 26 correctional institutions. PRIDE inmates worked almost 3.5 million hours and trained in modern high technology trades such as: print and digital information, garments and apparel, furniture manufacturing, vehicle renovation, metal fabrication, and dental and optical services.

With 30+ year’s experience, PRIDE’s track record is impressive: post-release 63 percent of PRIDE-trained former inmates were placed in “relevant jobs” and only 11 percent re-offended and returned to prison.<sup>13</sup>

#### FAITH-BASED AND RE-ENTRY PRISONS

The Florida Legislature and FDOC are increasingly laser-focused on increasing and improving “re-entry” programs. In addition to—and often working in coordination with—the 35 work release centers, FDOC has numerous education, work, training and self improvement courses at most facilities. There are around 6,500 inmates at 16 “Faith and Character Based” (FCB) prisons. The largest with 3,500 inmates is Wakulla C.I. and Annex south of Tallahassee. Started by former Gov. Jeb Bush in 1999, it is a successful model for Florida and other

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states. The other major FCB prisons are Tomoka C.I. in Daytona; Hernando C.I. for women in Brooksville; and Lawtey C.I. in north Florida.<sup>14</sup>

With the goal of successful transitions back into communities and to reduce recidivism, FDOC and private contractors operate four designated "re-entry facilities" at Baker C.I. (north Florida, west of Jacksonville); Polk C.I. (central Florida); Sago Palm Re-Entry Facility (in western Palm Beach County); and Gadsden Re-Entry Facility (in north Florida, west of Tallahassee). These prisons partner with local law enforcement agencies and non-profits, utilize state and federal grants, and work with "re-entry portals" to help soon-to-be-released inmates be ready to work and succeed.<sup>15</sup>

#### RECENT LEGISLATION

In 2014 the Florida Legislature passed a new law to help inmates obtain a certified copy of their birth certificate and a state identification card, often a first step to obtain housing, jobs and to continue in community substance abuse programs.<sup>16</sup>

After one inmate escaped from the Largo Residential Re-Entry Center and murdered two Pinellas residents

and another inmate committed a sexual assault and attempted murder, in 2013 the Florida Legislature: 1) limited private work release centers to a maximum of 200 inmates and required at least one correctional officer in facilities with more than 100 inmates, and 2) funded \$3.8 million for FDOC to "provide electronic monitoring for inmates in privately operated work release facilities while in the community under work release assignment."<sup>17</sup> 

<sup>1</sup> FDOC Annual Report, FY 2012-2013, December 2013, [www.dc.state.fl.us/pub/annual/213/AnnualReport-1213.pdf](http://www.dc.state.fl.us/pub/annual/213/AnnualReport-1213.pdf).

<sup>2</sup> Email from FDOC, Office of General Counsel, dated 7/24/2014.

<sup>3</sup> Florida Administrative Code (F.A.C.) Rule 33-601.602(1)(c).

<sup>4</sup> F.A.C. 33-601.602(1)(b).

<sup>5</sup> FDOC Website: [www.dc.state.fl.us/](http://www.dc.state.fl.us/), "Frequently Asked Questions."

<sup>6</sup> F.A.C. Rule 33-601.210.

<sup>7</sup> F.A.C. Rule 33-601.602(2)(b).

<sup>8</sup> F.A.C. Rule 33-601.602(1)(h).

<sup>9</sup> F.A.C. Rule 33-601.602 (2)(c).

<sup>10</sup> F.A.C. Rule 33-601.602 (2)(a).

<sup>11</sup> Fla. Stat. §945.092.

<sup>12</sup> FDOC Annual Report, FY 2012-2013, December 2013, pages 6-8.

<sup>13</sup> *Id.*, page 22.

<sup>14</sup> *Id.*, pages 25-26.

<sup>15</sup> *Id.*, page 27.

<sup>16</sup> Ch. 2014-193, L.O.F., effective 7/1/2014 (CS/CS/HB 53).

<sup>17</sup> Ch. 2013-040, L.O.F., effective 7/1/2013 (SB 1500, The General Appropriations Act, Item 662 "budget proviso."

REGGIE GARCIA Esq. is an AV-rated lawyer and state government lobbyist in Tallahassee. A member of FACDL, he represents clients in parole, executive clemency and other criminal justice matters before Florida's executive and legislative branches. He is a 1985 graduate of the UF Fredric C. Levin College of Law. He acknowledges use of public information from the FDC and thanks FSU law student James T. Baumann for assisting with editing, drafting and footnotes. The author also thanks Bryan S. Cowdy, Esq., the Jacksonville lawyer who represented Mr. Graham, for his review of the Post-Graham section.