Palm Beach County Sheriff’s Office: Work Release Program
*CJC Staff Draft* - Program Evaluation Report

The Palm Beach County
Board of County Commissioners

Palm Beach County Criminal Justice Commission
Corrections Task Force / Public Safety Coordinating Council
December 4, 2019; 12:00 – 1:00 PM

Palm Beach County Robert Weisman Government Center
McEaddy Conference Room, 12th Floor
301 North Olive Avenue
West Palm Beach, Florida 33401
ACKNOWLEDGMENTS

The Criminal Justice Commission (CJC) would like to thank Captain Jeffery Jackson of the Palm Beach County Sheriff’s Office Alternative Custody Unit for his timely and proficient responses to all requests for data, information, policies, records, and budgets. He and his staff were professional and most helpful in providing the information needed for this evaluation. In addition, the CJC would like to thank Dr. Thomas Blomberg, Ph.D., Dean and Sheldon L. Messinger Professor of Criminology of Florida State University, College of Criminology and Criminal Justice, for his review and feedback on this report along with the scholarly literature review done by one of his College’s Doctoral Candidates, Kaitlyn Hoover, that was used in this report.
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Executive Summary

The Palm Beach County Criminal Justice Commission (CJC) was asked by Palm Beach County Sheriff Ric Bradshaw to evaluate his agency’s Work Release Program to give him guidance for its future continuation and operations. The evaluation was overseen by the CJC’s Corrections Task Force which reviews the county’s jail population and makes recommendations for its efficient management. An evaluation framework was approved by the Task Force and CJC staff conducted the research and wrote the report. The Sheriff’s Office was given an opportunity to review the report and provide comments. The report was then provided to the Task Force for finalization and presentation to the full CJC. After the full CJC provided feedback, the report was finalized and sent to the Sheriff for consideration.

Overall the findings showed that the program has operated consistent with the policies and judicial orders set out for it. The number of participants during the evaluation review period was small (56) giving weight to consideration for its continuation. The violation rate of participants was low and the supervision protocols were found to be appropriate and consistent with similar programs.

A comparison review to other Florida work release programs showed that the Palm Beach County Sheriff’s Office (PBSO) program has unique characteristics which should be given consideration for the program’s continuation. Specifically, the other four (4) work release programs in the state all have dedicated medium to minimum secure facilities, while PBSO houses participants in the county’s maximum secure jail facilities. This presents opportunities for introduction of contraband and erroneous releases. Only one other sheriff in the state operates a work release program, Jacksonville Sheriff’s Office, while the others are operated by the county. This is primarily due to the advent of sophisticated electronic monitors and programs operated by the sheriff’s offices to defer inmates to house arrest allowing the defendant to work and be supervised without the need for costly incarceration.

The report found that work release participants ($170 per day per person) cost more than the general inmate ($135) and much more than those on PBSO’s In-House Arrest Program ($35).

Given the overall findings, this report suggests that PBSO consider discontinuing their Work Release Program in favor of placing appropriate individuals into the PBSO In-House Arrest Program. This program offers the defendant the ability to work while being supervised in the community by PBSO staff while on electronic monitor.

Background and History

On August 2, 2019, Sheriff Ric Bradshaw requested that the Palm Beach County Criminal Justice Commission (CJC) conduct a review of his agency’s Work Release Program. The program had recently come of interest due to a high-profile defendants’ participation in
the program back in 2008. The Sheriff’s purpose in asking the CJC for the review was to look toward the future of the program and not an examination of the high-profile case of the past.

The CJC has reviewed many programs existing in the local criminal justice system over its 31-year history. The CJC was created by County Ordinance in 1988 with the authority to research, evaluate and make recommendations related to criminal justice operations and programs within the County. Specifically, the Ordinance gives the CJC the following authority:

“Sec. 2-218. - Authority.
The Criminal Justice Commission shall have the following authority and powers:
(a) To review, research and evaluate existing systems and programs within the scope of the Criminal Justice Commission;
(b) To establish task forces or subcommittees to study in detail key aspects of programs and systems within the scope of the Criminal Justice Commission;
(f) To make recommendations on modifying, creating or abolishing public and private systems and programs within the scope of the Criminal Justice Commission;
(g) To make recommendations on modifying, creating or abolishing legislation, ordinances or regional or county-wide comprehensive plans dealing with systems and programs within the scope of the Criminal Justice Commission.”

Further, the CJC’s Corrections Task Force, which also sits as the county’s Public Safety Coordinating Council per Florida Statute 951.26, has authority under this statute, as well as, through the CJC Ordinance to review the PBSO Work Release Program. Florida Statute 951.26(2) states as follows:

“The council shall meet at the call of the chairperson for the purpose of assessing the population status of all detention or correctional facilities owned or contracted by the county, or the county consortium, and formulating recommendations to ensure that the capacities of such facilities are not exceeded. Such recommendations shall include an assessment of the availability of pretrial intervention or probation programs, work-release programs, substance abuse programs, gain-time schedules, applicable bail bond schedules, and the confinement status of the inmates housed within each facility owned or contracted by the county, or the county consortium.”

The CJC Chairman, Gerald Richman, agreed to this review and referred the work to the CJC’s Corrections Task Force chaired by Douglas Duncan, an Economic Council member on the CJC and local attorney. Chair Duncan called a special meeting of the Task Force for August 21, 2019 at which time members reviewed staffs proposed Evaluation Framework. That Framework is the outline for this report and includes a review of the current program operations from January 1, 2014 to present encompassing a caseload analysis, authority for the program, comparisons with other jurisdictions in Florida, best-practices and standards, research studies and evaluations of other similar programs across the nation, and a cost effectiveness analysis. CJC staff conducted the research as outlined in the Evaluation Framework during the months of September and October. Staff then prepared a draft report which was provided to PBSO in early November for review and comment. A draft of the report was then sent to Task Force members a week in advance of their December 4, 2019 meeting to review for discussion.
at the meeting. The final report is expected to be reviewed by the full CJC at its December 16th meeting and then sent to the Sheriff for consideration.

**Scope of the Evaluation (General)**

The evaluation examined the operations of the PBSO Work Release Program from January 1, 2014 to August 31, 2019 (five years and eight months). As part of the evaluation process, the CJC examined current operations, policies, and practices associated with the Work Release Program by reviewing documents, laws, county resolutions, data, and budgets. The CJC completed various quantitative analyses that examined caseload and programmatic analysis and a cost effectiveness analysis. The CJC also conducted a comparative analysis of work release programs across the state of Florida.

**The evaluation did not cover, nor investigate, specific cases or participants.**

The evaluation was conducted by CJC staff, under the direction of the Corrections Task Force (CTF)/Public Safety Coordinating Council (PSCC) pursuant to the CJC’s founding ordinance that gives the CJC specific authority “to review, research, and evaluate existing systems and programs” under the auspices of the CJC.

**Evaluation Method**

The evaluation strategy included both qualitative and quantitative analyses. The qualitative analyses included a review of historical and current documents concerning laws, polices, standing orders, administrative orders, any national/state/local standards, and practices related to the implementation and operation of work release programs for county jails. The quantitative analyses reviewed local jail data examining the entry process, caseload, participation, supervision, and violation rates while participating in the program. The evaluation completed a comparative analysis by examining best practices and policies of comparable counties across the state. The evaluation completed a cost effectiveness analysis examining staffing levels, caseloads, average daily cost, and other programmatic costs.

Prior to final publication, the CTF/PSCC shared the draft report with PSBO for review and comment, to ensure the accuracy of the report. Once finalized, the full evaluation report will be presented to the CJC and then delivered to Sheriff Ric Bradshaw.

**History and Authority for the Work Release Program**

The PBSO Work Release Program was created in 1977 by then Sheriff Richard P. Wille in his first year in office and maintained by four (4) successive sheriffs. Wille served as Sheriff until 1995 and was succeeded by Charles McCutcheon through 1996, Bob Neumann through 2000, Ed Bieluch through 2004, and Ric Bradshaw through today. The authority for the sheriff to create such a program is within the power of his office but also promulgated in state law.
On January 4, 1977, PBSO adopted Corrections Operating Procedure (COP) #926.01 governing the Work Release Program. Since 1977, this COP has been amended multiple times to meet changing laws, local policy and practices, and accreditation standards.

Statutory authority for the Work Release Program is provided in Florida Statute 951.24 which reads:

“951.24 Extend the limits of confinement for county prisoners.—
(1) Any county shall be deemed to have a work-release program upon the motion of that county’s board of county commissioners which shall require the concurrence of the sheriff of the county.” and;
“3(c) Every prisoner gainfully employed is liable for the cost of his or her board in the jail as fixed by the county.”

On July 29, 1980, the Palm Beach County Board of County Commissioners (BOCC) passed Resolution 80-992 meeting the two requirements as stated above in F.S. 951.24 and established a sliding fee for program participants which provided a daily subsistence fee based on the participants gross weekly earning as follows:

<table>
<thead>
<tr>
<th>Table 1. Original PBSO Sliding Scale for Work Release Program Participants(^1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants Gross Weekly Earnings</td>
</tr>
<tr>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Over $140</td>
</tr>
<tr>
<td>$121 to $140</td>
</tr>
<tr>
<td>$101 to $120</td>
</tr>
<tr>
<td>$81 to $100</td>
</tr>
<tr>
<td>$61 to $80</td>
</tr>
<tr>
<td>$60 or less</td>
</tr>
</tbody>
</table>

There were no other amendments to this sliding fee nor BOCC resolutions until 1994. On February 1, 1994, the BOCC adopted Resolution 94-152 amending the sliding scale as recommended by the CJC and its Corrections Task Force as follows:

<table>
<thead>
<tr>
<th>Table 2. Current PBSO Sliding Scale for Work Release Program Participants(^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants Gross Weekly Earnings</td>
</tr>
<tr>
<td>---------------------------------------</td>
</tr>
<tr>
<td>$199 and above</td>
</tr>
<tr>
<td>$187 to $198</td>
</tr>
<tr>
<td>$173 to $186</td>
</tr>
<tr>
<td>$161 to $172</td>
</tr>
<tr>
<td>$148 to $160</td>
</tr>
<tr>
<td>$147 or less</td>
</tr>
</tbody>
</table>

This is the existing sliding scale fee that has not been revised since that time. The 1994 revision was made primarily due to the request of the State Attorney at that time (Barry Krishcer) to expand the In-House Arrest, aka, the electronic monitoring, and Work Release Program to low-risk pretrial indigent defendants. The State Attorney’s request came about through efforts of the Corrections Task Force in its mission to manage the

\(^1\) Adopted by BOCC resolution 80-992 on July 29, 1980
\(^2\) Adopted by BOCC resolution 94-152 on February 1, 1994
jail population to ensure only those posing an unacceptable risk of flight or of harming the community remain in jail pretrial, in addition to keeping the cost to county taxpayers for the jail at a minimum.

**Recommendation:** The sliding scale for the daily subsistence fee was adopted in 1994 (25 years old) and should be updated to meet current program costs.

**Work Release Program Description**

This section describes the PBSO Work Release Program, as it is currently administered by PBSO’s Alternative Custody Unit (ACU). This section includes a work flow chart describing the “life cycle” of offenders who are placed in the program. This section reviewed historical and existing documentation (e.g., Florida Statutes, policies and procedures, standing orders, and administrative orders, etc.) with a view to examining the following aspects of the program:

1. Eligibility Criteria
2. Conditions of Work Release
3. Supervision protocols
4. Violations and Sanctions

The following describes the program from the time that offenders are considered for participation to final exit from the program. According to the most recent Corrections Operating Procedures (COP #926.91):

> "Work Release – [is] a formal program sanctioned by the sheriff and the Board of County Commissioners whereby an inmate is released into the community to maintain approved and regular employment. Work release inmates are monitored utilizing global positional satellite equipment and physical job checks. The Work Release Program is under the direction of the Corrections Support Services division commander."

In most cases, potential program participants become aware of the program from three different sources: 1) upon admission to the county jail inmates are provided the PBSO corrections inmate handbook which includes a description of the program; 2) the defendant’s attorney informs them of the program; and 3) the defendant is court ordered to participate in the program.

Until recently, participants were placed in the program in two distinct methods. First, a direct court order by a judge giving the defendant the privilege of participating in work release while serving a specified sentence in the county jail. Second, individual judges’ standing orders allowed PBSO to identify defendants who met PBSO’s program criteria and place any defendant into the program who is sentenced from that judge’s division to a term of imprisonment with the Palm Beach County jail. Inmates not court ordered to the program wishing to participate must complete a Work Release Program Application. Completed applications are submitted to the ACU for review and
consideration. If the applicant qualified for the program within an allotted period of time, they were placed in the program for the duration of their sentence.

In the last few months, the placement process changed. Now, only the first process described above is used, i.e., direct court order by a judge. The individual standing orders of the judges were vacated due to the need to distinguish different processes between the two programs i.e., the Work Release Program as opposed to the In-House Arrest Program.

Eligibility Criteria

Program applicants convicted of any crimes (including accessory, attempt, solicitation, or conspiracy) within the following Florida Statute Chapters, are considered a risk to the community and deemed ineligible by PBSO for participation in the program:

1. Bombs/Deadly Missiles/Throwing deadly missiles causing bodily harm (FSS 790);
2. Burglary with Assault or Battery (FSS 810.02(2)(a);
3. Child Abuse/Child Neglect (FSS 827);
4. Homicide/Vehicular Homicide/Murder (FSS 782);
5. Kidnapping/False Imprisonment (FSS 787);
6. Sexual Battery (FSS 794);
7. Battery on LEO/CO (FSS 784);
8. Any history of violation of federal, state, or local Work Release or In-House arrest;
9. Arson (FSS806) one (1) guilty during the past 15 years;
10. DUI Manslaughter (FSS 316.193);
11. Escape (FSS 944.40);
12. Robbery (FSS 812) one guilty during the past 10 years;
13. Aggravated Battery (FSS 784) one guilty within the past 10 years;
14. Domestic Violence (FSS 741.28) one guilty within the past 10 years;
15. Stalking (FSS 784) one guilty within the past 10 years;
16. Armed Robbery (FSS 812.13);
17. Aggravated Assault (FSS 784.021) one guilty in past 5 years;
18. A violent criminal history or facility behavior as determined by the ACU supervisor;
19. Any crime committed while armed with a firearm;
20. Convicted sexual offender;
21. Inmates with active detainers for other agencies; and
22. Inmates who are known to belong to, or associate with individuals involved with organized crime, subversive groups that advocate violence, or street gangs, as determined by PALMS, criminal history or law enforcement intelligence.\(^3\)

\(^3\) A review of COP #926.01 versions updated in 2013, 2014, 2016 and 2019 shows no change in the exclusionary criterion.
Placement Process

The operating procedures detail specific tasks that occur prior to placement (referred as the placement process⁴). The following highlight specific steps that are completed:

1. Review of the specific court ordered requirements (when applicable) to ensure compliance;
2. PBSO to make reasonable notification with victims of any status change of inmate;
3. Obtain written approval from Division Commander or designee when county sentenced inmates are deemed ineligible by definition in Section V, B;
4. Determine any violent criminal history and facility behavior as part of the eligibility screening;
5. Medical clearance by PBSO contracted health care provider;
6. Employer and salary verification (employment outside of Palm Beach County is prohibited, unless ordered by the Court). Information is required from the employer and the program participant;
7. Proof of valid driver’s license and insurance from program participant or from person providing transportation for program participant;
8. Identification of sponsor who will work with ACU staff to help participant succeed while participating in the program. Employers must agree to contact PBSO if program participant fails to report to work or if they terminate the participant;
9. If accepted into the program (by PBSO or pursuant to court order), a personal interview and briefing will be completed with the participant concerning the rules and regulations of the program and use of the GPS equipment;
10. Applicants that are awaiting placement into the program and that receive a disciplinary report may be required to complete the disciplinary process prior to placement; and
11. Participant is informed that they are required to pay a program fee (specific fee schedule is outlined in the application).

Program Fees

All program participants are required to pay a fee based on the sliding fee scale established by the BOCC. According to the Work Release Program Agreement required to be signed by each participant, a failure to remain current in fees⁵ shall be considered a violation of the program rules and the participant will immediately be taken into custody and removed from the program. All participant’s fees are required to be paid one (1) week in advance. The scale below outlines the amount to be paid weekly by participants based on their gross weekly income. The fees are subject to change without notice. In the event the program fees change, participants are notified in a timely manner by ACU staff.

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⁴ COP #926.01 (April 1, 2019) C. Placement Process, Items 1 through 17 (page 3 & 4 of 9).
Table 3. Subsistence Fees by Participants Gross Weekly Earnings

<table>
<thead>
<tr>
<th>Participants Gross Weekly Earning</th>
<th>Daily Subsistence Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 199.00 and above</td>
<td>$ 12.00</td>
</tr>
<tr>
<td>$ 187.00 to $ 198.00</td>
<td>$ 11.00</td>
</tr>
<tr>
<td>$ 173.00 to $ 186.00</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>$ 161.00 to $ 172.00</td>
<td>$ 8.00</td>
</tr>
<tr>
<td>$ 148.00 to $ 160.00</td>
<td>$ 7.00</td>
</tr>
<tr>
<td>$ 147.00 or less</td>
<td>$ 6.00</td>
</tr>
</tbody>
</table>

The following diagram illustrates the typical life cycle of a program participant:
Work Release Program Conditions

Once in the Work Release Program, participants are required to follow specific conditions to remain in the program. These conditions are either provided for in the court order and/or outlined in the COP #926.01 policy for the program. The following provides an overview of some of those rules and regulations:

1. Program participants agree to monitoring and “warrant-less searches to ensure the participant is not involved in any illegal activity, or in possession of any illegal substances”;
2. Program participants are prohibited from possessing or consuming alcohol, controlled substances (FSS 893) or other drugs not prescribed by a physician;
3. Program participants are prohibited from possessing firearms on their person, vehicle or place of employment;
4. Program participants are prohibited from having contact with persons engaged in any illegal activity. Participants cannot be in the “presence of convicted felons”, without prior approval by PBSO (e.g., parent or legal guardian);
5. Program participants are prohibited from tampering (or attempting to tamper) with the GPS device or signal in anyway;
6. Program participants must wear the GPS device and equipment while out of custody and while participating in the work release program;
7. Program participants may not work longer than 12 hours a day (which includes transportation) or more than 6 days a week without prior authorization of the unit supervisor;
8. Program participants must adhere to a specific schedule and any variation must be communicated to PBSO staff by the participant. Participants cannot leave their place of employment without prior written authorization. Work must be in Palm Beach County only. Participants must return to the detention facility after their work day is completed;
9. Program participants must obtain prior approval before working on holidays (i.e., New Year’s Eve, New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, or Christmas) or other days when the business is closed;
10. Employers are responsible for providing health care for injuries sustained by the program participant while at work. Care for any other illness or injury to any work release participant shall be provided by or coordinated through the Sheriff’s inmate health care provider;
11. Program participants must maintain employment in Palm Beach County while in the program. Those who are terminated from their place of employment or resign their position while out of custody must immediately return to the detention facility. Program participants cannot change employers while in the program without specific and prior approval of PBSO; and
12. Program participants will pay daily (subsistence) fees associated with program participation.

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6 COP #926.01 (April 1, 2019) D. Rules and Regulations, Items 1 through 36 (page 3,4,5,6 & 7 of 9). Please refer to the COP for more detailed description.
Program Monitoring

Program participants are primarily monitored by sworn deputies from PBSO’s Alternative Custody Unit (ACU). COP #926.01 includes various tasks and responsibilities of ACU staff that operate the program on a daily basis. The following points highlight the major tasks performed by sworn deputies:

1. Review applications and complete background checks during the application and placement process (e.g., applicant interviews, criminal history checks, interview and screen employers, sponsors, and liaison with courts, probation, and Florida Department of Corrections);
2. Maintain accurate and complete case file records that reflect the court order and specific conditions required by ACU;
3. Maintain and install all GPS tracking devices and equipment;
4. Monitor all GPS signals and investigate potential violations or interruptions of the signal. This also includes tampering and attempted tampering of the GPS device or equipment;
5. COP #926.01 states that ACU members are not to exceed a caseload of 30 inmates. This section notes that staff are to “make unscheduled job site and residence/school checks of participants under their charge. The checks will be conducted and documented bi-weekly”; 
6. At least one ACU deputy will be available on call twenty-four (24) hours a day; and
7. Investigate all violations of the program and coordinate with other agencies (e.g., probation) when there is a violation that results in a return to custody. This also includes notifying the courts.

Violations and Sanctions of Work Release

If the participant is deemed to have committed one or more violation, while participating in the program, whether “technical in nature” or a new criminal offense, program participants are removed from the program and they are returned to custody. The ACU sends a report to the defendant’s judge to decide if the defendant may be re-enrolled to the program or remain in custody for the duration of their sentence.

PBSO COP #926.01, Rules and Regulations, Section D, Item 6 states that “any person taken into custody shall be held without bond.” This is contrary to Work Release Program participants who are in jail on a sentence where a bond would not apply. This should be clarified for only those on the In-House Arrest Program.

**Recommendation:** PBSO should have separate policies governing the Work Release and In-House Arrest Programs as there are differences sufficient to provide justification for this and the combination of both programs in one policy provides confusion.

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7 COP #926.01 (April 1, 2019) G. Monitoring Procedures: (page 8 of 9).
8 COP #926.01 (April 1, 2019) D. Rules and Regulations, Items 6 states that "any person taken into custody shall be held without bond."
Caseload Analysis

This section describes the results of a quantitative analysis based on data that tracked the various stages of the program. The CJC requested and received information on applications, participants, places of employment, and violations from PBSO.

During the review period, the PBSO Alternative Custody Unit (ACU) reviewed 112 applications. From these, almost half of the applications (52) were approved and accepted into the program. Another 38, were court ordered into the program, and 20 were denied, with 2 pending.

<table>
<thead>
<tr>
<th>Application Outcome</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved by PBSO</td>
<td>52</td>
<td>46.4%</td>
</tr>
<tr>
<td>Court Order</td>
<td>38</td>
<td>33.9%</td>
</tr>
<tr>
<td>Denied by PBSO</td>
<td>20</td>
<td>17.9%</td>
</tr>
<tr>
<td>Pending</td>
<td>2</td>
<td>1.8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>112</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

In determining the acceptance rate for program participants who were not court ordered and instead were reviewed for the program based upon judicial standing order and PBSO policy, there were a total of 72 applications. Of the 72, 52 were approved and 20 were denied for an acceptance rate of 72% (52 / 72 * 100 = 72.2%). The following table provides a breakdown of the reasons for the 20 denied\(^9\) applications:

<table>
<thead>
<tr>
<th>PBSO Application Denial Reason</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gang Affiliated</td>
<td>1</td>
<td>5.0%</td>
</tr>
<tr>
<td>History or Present Charges</td>
<td>4</td>
<td>20.0%</td>
</tr>
<tr>
<td>Firearms Offenses</td>
<td>9</td>
<td>45.0%</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>4</td>
<td>20.0%</td>
</tr>
<tr>
<td>Child Neglect</td>
<td>1</td>
<td>5.0%</td>
</tr>
<tr>
<td>Expired / Time Served</td>
<td>1</td>
<td>5.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>20</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

During the evaluation time period, there were 56 primary placements into the program involving 54 unique clients, with 3 clients still participating in the program. While Table 4 above shows that there could be 90 participants in the program between the 52 approved by PBSO and the 38 court orders, not all people in these two categories were actually placed in the program. Of the 52 approved by PBSO, 25 were not placed and of the 38 court orders, 9 were not placed in the program (25 + 9 = 34; 34 + 56 = 90). The following table provides a list of reasons why these 34 people were not placed in the program.

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\(^9\) These are considered “final denials”, as some applications are given more than one consideration.
Table 6. Breakdown by Reason for Those Not Placed in the Program

<table>
<thead>
<tr>
<th>Reason for Not being Placed</th>
<th>Those Initially Approved by PBSO</th>
<th>Those Court Ordered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation of Probation</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Failed Drug Test</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Uncooperative/Refused</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Cannot Pay Fees</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Expired / Time Served</td>
<td>11</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>DOC Sentenced</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>No Job or Non-Residence</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>25</strong></td>
<td><strong>9</strong></td>
<td><strong>34</strong></td>
</tr>
</tbody>
</table>

Using data from January 1, 2014 to August 31, 2019, the CJC compared the average daily population (ADP) of Work Release Program participants and In-House Arrest Program participants (also operated by the PBSO ACU) to the overall jail population. This comparison reveals that Work Release Program participants represent a very small percentage of the overall jail, less than .2 percent.

Table 7. Approximate Caseload on September 2019

<table>
<thead>
<tr>
<th>Population Group</th>
<th>Count (Average Daily Population)</th>
<th>Percentage of Total Jail Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jail</td>
<td>1,897</td>
<td>100.00%</td>
</tr>
<tr>
<td>In-House Arrest Program</td>
<td>181</td>
<td>9.54%</td>
</tr>
<tr>
<td>Work Release Program</td>
<td>3</td>
<td>0.16%</td>
</tr>
</tbody>
</table>

When computing the Work Release Program participants ADP during the review period, it reveals a consistently very small percentage of the overall jail population. The following table illustrates the vast difference between the Work Release Program population and the total jail ADP:

Table 8. Work Release Program Participants and Jail Population Average Daily Population (ADP) Comparison

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Average Daily Population</th>
<th>Average as Percent of Total Jail Population</th>
<th>Total Jail Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>4.8</td>
<td>0.20%</td>
<td>2,434</td>
</tr>
<tr>
<td>2015</td>
<td>6.2</td>
<td>0.26%</td>
<td>2,420</td>
</tr>
<tr>
<td>2016</td>
<td>2.7</td>
<td>0.12%</td>
<td>2,251</td>
</tr>
<tr>
<td>2017</td>
<td>2.0</td>
<td>0.09%</td>
<td>2,170</td>
</tr>
<tr>
<td>2018</td>
<td>4.9</td>
<td>0.24%</td>
<td>2,018</td>
</tr>
<tr>
<td>2019</td>
<td>4.2</td>
<td>0.22%</td>
<td>1,885</td>
</tr>
</tbody>
</table>

10 This is the computed ADP based on movement file of confined offenders sent to ISLG/CUNY for monthly aggregate table. *.SAV in as of September 30, 2019.
11 See Footnote 9, above. The year is based on January to August 2019.
The following table provides the average length of time participants spend in the program which is just under four (4) months. The longest time a participant spent in the program was 288 days and the shortest was 1 day.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>108</td>
</tr>
<tr>
<td>Minimum</td>
<td>1</td>
</tr>
<tr>
<td>Maximum</td>
<td>288</td>
</tr>
</tbody>
</table>

From the total of 56 primary placements into the program, 10, or 17.9%, violated their terms for the Work Release Program \( \frac{10}{56} \times 100 = 17.9\% \). All of the violations can be considered technical in nature as they did not result from the commission of a new crime. Six (6) of the violations resulted in a return to custody (not re-enrolled) and four (4) were re-enrolled into the program. The four (4) re-enrolled successfully completed the program. The following table provides a breakdown of the violation reasons:

<table>
<thead>
<tr>
<th>Violation Reason</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive Drug Test</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>Late to Work / Report</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>Failure to Pay Fees</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Bracelet Gone</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Lost Job</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Unauthorized Area</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Damaged Equipment</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Abusive Language to Deputy</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Examining the success rate for the program during the evaluation period shows that 47, or 88.7%, of the 53 primary placements successfully completed the program \( \frac{47}{53} = 88.7\% \). The three (3) primary placements that were still in the program during the writing of this report were not included. The following table shows the reason for final program exits:

<table>
<thead>
<tr>
<th>Exit Reasons</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Successful Program Completion</td>
<td>47</td>
<td>88.7%</td>
</tr>
<tr>
<td>Unsuccessful Program Completion</td>
<td>6</td>
<td>11.3%</td>
</tr>
<tr>
<td>Positive Drug Test</td>
<td>2</td>
<td>3.8%</td>
</tr>
<tr>
<td>Abusive Language to Deputy</td>
<td>1</td>
<td>1.9%</td>
</tr>
<tr>
<td>Failure to Pay Fees</td>
<td>1</td>
<td>1.9%</td>
</tr>
<tr>
<td>Late from Work</td>
<td>1</td>
<td>1.9%</td>
</tr>
<tr>
<td>Lost Job</td>
<td>1</td>
<td>1.9%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>53</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Comparative Analysis

According to the Florida Sheriff’s Association\textsuperscript{12} the Jacksonville Sheriff’s Office is the only other sheriff’s office in Florida that operates a work release program. Three counties including Alachua, Escambia, and Orange, have work release programs, but these are all operated by their county government. It should be noted that the counties of Escambia and Orange run the jails instead of their sheriff and that Alachua County has a robust menu of programs for defendants all operated under their county government instead of their sheriff. Florida law recognizes that work release programs may be operated by entities other than the sheriff when it states:

\section*{951.24 Extend the limits of confinement for county prisoners.—}
\(\text{(d) The board of county commissioners of any county may, upon the recommendation of the sheriff, authorize the person in charge of a county stockade or workcamp to implement paragraphs (a), (b), and (c), when such facility is not directly under the sheriff.}\)

<table>
<thead>
<tr>
<th>Table 12. All Work Release Programs in Florida\textsuperscript{13}</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency</strong></td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td>Alachua County</td>
</tr>
<tr>
<td>Escambia County</td>
</tr>
<tr>
<td>Jacksonville Sheriff’s Office</td>
</tr>
<tr>
<td>Orange County</td>
</tr>
<tr>
<td>Palm Beach County Sheriff’s Office</td>
</tr>
</tbody>
</table>

These four agencies were contacted to determine program specifics for this comparison study. Included in this comparison study are reviews of policies pertaining to eligibility criteria, use of court and/or administrative orders for program entry, supervision of participants, subsistence fees, types of facilities housing participants, and transportation methods for the participants to and from their place of employment.

Eligibility Criteria and Use of Court/Administrative Order

Eligibility criteria is included in each of the agencies’ policies. Common exclusions for each of the programs include those with a history of violent offenses, sex offenses or escape. Jacksonville and Alachua require an application which is forwarded for background screening, while admission to the Escambia Program is court-ordered. The Classification Department in Orange County screens requests to determine if they adhere to eligibility criteria and requirements of the Judicial Administrative Order. Alachua and Orange County allow individuals that are seeking employment to participate in the program. Individuals in the Escambia program have two weeks to secure employment.

\textsuperscript{12} Criminal Justice Commission (CJC) staff spoke to FSA staff member Isaiah Dennard, Jail Services Coordinator.
\textsuperscript{13} Information obtained by interviews and email exchanges with county representatives and/or agency policies.
Table 13. Eligibility Criteria Summary of All Work Release Programs in Florida\(^\text{14}\)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Application Required</th>
<th>Standing or Court Order Required</th>
<th>Administrative Order</th>
<th>Exclusionary Offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachua County</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Violent/Sex/Escape plus history of behavioral problems while at jail facility or previous work release/Failure to secure reliable transportation/Active detainers</td>
</tr>
<tr>
<td>Escambia County</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Violent/Sex/Escape plus Treason/ Anarchy/Trafficking in narcotics</td>
</tr>
<tr>
<td>Jacksonville Sheriff’s Office</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Violent/Sex/Escape plus those that don’t reside in Duval County/Belonging to a Security Threat Group including Sovereign Citizens</td>
</tr>
<tr>
<td>Orange County</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Violent/Sex/Escape plus history of Child Neglect/Trafficking in Controlled Substance/Criminal or Civil Contempt of Court/Extortion with an Element of Threat or Coercion</td>
</tr>
<tr>
<td>Palm Beach County Sheriff’s Office</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Violent/Sex/Escape plus history of violation of any work release/Child Neglect/Active detainers/Belonging to organized crime, subversive groups, street gangs</td>
</tr>
</tbody>
</table>

**Supervision of Participants**

Each of the programs require verification of hours worked and perform random checks at job locations. Residents of the Jacksonville and the Palm Beach County Program wear GPS ankle monitors. Escambia may issue a GPS monitor if it is court ordered, but they are not a requirement to participate in the program. Staffing varies by agency with some of the programs using a combination of sworn and civilian staff. For instance, job checks are performed by sworn correction officers and counseling is provided by civilians at the program in Jacksonville.

Table 14. Supervision Methods of All Work Release Programs in Florida\(^\text{15}\)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Electronic Monitors</th>
<th>Random Checks</th>
<th>Work Hours Verified</th>
<th>Civilian/Sworn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachua County</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Sworn</td>
</tr>
<tr>
<td>Escambia County</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Civilian</td>
</tr>
<tr>
<td>Jacksonville Sheriff’s Office</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Both</td>
</tr>
<tr>
<td>Orange County</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Both</td>
</tr>
<tr>
<td>Palm Beach County Sheriff’s Office</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Sworn</td>
</tr>
</tbody>
</table>

**Subsistence Fees**

Florida Statute 951.24 provides for the collection of subsistence fees from program participants. It also provides for the disbursement of these fees as follows:

951.24(3)(a) The wages or salary of prisoners employed under this program may be disbursed by the sheriff pursuant to court order for the following purposes in the order listed:
1. Board of the prisoner.
2. Necessary travel expense to and from work and other necessary incidental expenses of the prisoner.
3. Support of the prisoner’s legal dependents.
4. Payment, either in full or ratable, of the prisoner’s obligations acknowledged by him or her in writing or which have been reduced to judgment.

\(^{14}\) Information obtained by interviews and email exchanges with county representatives and/or agency policies.

\(^{15}\) Information obtained by interviews and email exchanges with county representatives and/or agency policies.
5. The balance to the prisoner upon discharge from his or her sentence, or until an order of the court is entered declaring that the prisoner has left lawful confinement, declaring that the balance remaining is forfeited, and directing the sheriff to deposit the funds in the general fund of the county to be spent for general purposes.

3(c) Every prisoner gainfully employed is liable for the cost of his or her board in the jail as fixed by the county. The sheriff shall charge the prisoner’s account, if he or she has one, for such board. If the prisoner is gainfully self-employed, he or she shall deposit with the sheriff an amount determined by the court sufficient to accomplish the provisions of subparagraphs (a)1.-5., in default of which his or her privileges under this section are automatically forfeited.

All of the work release programs require that inmates pay subsistence fees to cover room and board. Fees vary by agency from 50% of net pay in Alachua to daily ($15 in Jacksonville and $20 in Escambia) or weekly fees ($50 in Orange County). Residents turn in their earnings to the counselor-on-duty in Alachua County and to the Fiscal Unit in Orange County for disbursement. In Alachua County, residents are required to have a minimum balance in their account to cover room and board prior to paying other fees. They collect 50% of net pay for room and board and 25% is allocated for court costs. Residents in the Jacksonville and Escambia programs are responsible for taking care of their own fees. Jacksonville residents either receive a check or their pay is direct deposited. Fees can be paid in cash, over the phone or internet. They also have several kiosk machines that accept cash or credit/debit card payments. Depending on their type of employment, Escambia County requires that inmates pay their fees on either a weekly or daily basis.

### Table 15. Subsistence Fees Collected by All Work Release Programs in Florida

<table>
<thead>
<tr>
<th>Agency</th>
<th>Subsistence Fee</th>
<th>Disburse Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachua County</td>
<td>50% of net pay</td>
<td>Yes</td>
</tr>
<tr>
<td>Escambia County</td>
<td>$20 per day</td>
<td>No</td>
</tr>
<tr>
<td>Jacksonville Sheriff's Office</td>
<td>$15 per day</td>
<td>No</td>
</tr>
<tr>
<td>Orange County</td>
<td>$50 per week</td>
<td>Yes</td>
</tr>
<tr>
<td>Palm Beach County Sheriff's</td>
<td>$6-12 per day based on gross</td>
<td>No</td>
</tr>
<tr>
<td>Office</td>
<td>weekly earnings</td>
<td></td>
</tr>
</tbody>
</table>

### Facility Types

In terms of housing, all of the programs but for Palm Beach County, have dedicated facilities. Escambia and Alachua are minimum custody facilities while the other programs in Jacksonville and Orange are minimum to medium custody.

### Table 16. Facility Types for All Work Release Programs in Florida

<table>
<thead>
<tr>
<th>Agency</th>
<th>Security Level(s)</th>
<th>Dedicated Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachua County</td>
<td>Minimum Custody</td>
<td>Yes</td>
</tr>
<tr>
<td>Escambia County</td>
<td>Minimum Custody</td>
<td>Yes</td>
</tr>
<tr>
<td>Jacksonville Sheriff's Office</td>
<td>Minimum and Medium Custody</td>
<td>Yes</td>
</tr>
<tr>
<td>Orange County</td>
<td>Minimum and Medium Custody</td>
<td>Yes</td>
</tr>
<tr>
<td>Palm Beach County Sheriff's</td>
<td>Maximum Custody</td>
<td>No</td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

16 Information obtained by interviews and email exchanges with county representatives and/or agency policies.

17 Information obtained by interviews and email exchanges with county representatives and/or agency policies.
Transportation Methods

Transportation varies by each work release program. All programs, with the exception of Alachua, allow participants to use public transportation. Participants at the Alachua Program can use a bicycle or ride with friends/family. In Jacksonville, participants can use public transportation or their own vehicle. They require that participants park their vehicles offsite. The bus system is the main source of transportation in Orange County where participants are not allowed to drive and as needed, will be provided transportation. They also review cases to determine if a sponsor is the best mode of transportation. Documentation (proof of insurance, registration, and license) is required for agencies that allow individuals to drive their own cars or to receive rides from friends/family members.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Public Transportation</th>
<th>Participants Own Vehicle</th>
<th>Bicycle or Friends or Family</th>
<th>Provided by Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachua County</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Escambia County</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Jacksonville Sheriff’s Office</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Orange County</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Palm Beach County Sheriff’s Office</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Cost Effectiveness Analysis

The Work Release Program is housed within the PBSO Corrections Support Services Division which includes the In-House Arrest Program, Corrections Emergency Response Team, Visitation, and Corrections Reserve Program. The specific costs pertaining to the Work Release Program are unable to be extracted as personnel and expenses are generalized across these areas instead of being program specific. Therefore, drawing conclusions based on this information is not possible. However, given that there are an average of 180 participants in the In-House Arrest Program as opposed to the average of 4 in the Work Release Program on any given day, a conclusion can be drawn that the costs shown below are predominantly used for purposes other than the Work Release Program. In addition, this budget does not factor in the costs for electronic monitors (currently $3.90 per day per person), the facility, nor medical, which should be considered in the overall impact of the program to the PBSO budget.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Personnel Costs</th>
<th>Operating/Capital Costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$ 6,727,746</td>
<td>$ 118,117</td>
<td>$ 6,845,863</td>
</tr>
<tr>
<td>2015</td>
<td>$ 6,140,739</td>
<td>$ 112,828</td>
<td>$ 6,253,567</td>
</tr>
<tr>
<td>2016</td>
<td>$ 5,525,842</td>
<td>$ 70,390</td>
<td>$ 5,596,232</td>
</tr>
<tr>
<td>2017</td>
<td>$ 5,606,253</td>
<td>$ 103,043</td>
<td>$ 5,709,296</td>
</tr>
<tr>
<td>2018</td>
<td>$ 5,749,969</td>
<td>$ 96,840</td>
<td>$ 5,846,809</td>
</tr>
<tr>
<td>2019</td>
<td>$ 5,932,286</td>
<td>$ 168,951</td>
<td>$ 6,101,237</td>
</tr>
</tbody>
</table>

18 Telephone interviews and email exchanges with comparative county representatives and/or agency policies.
19 Source: Palm Beach County Sheriff’s Office. Costs for FY14 through 18 are actual while FY19 is budgeted cost. Prior to April 2015, the Programs Section was included in the above.
There are a variety of factors related to the cost effectiveness of the Work Release Program that should be considered. These include:

1. Facility cost to house program participants:
   a. Security level: minimum, medium, maximum
   b. Design purpose: Housing or program (dorms)
2. Medical cost of program participants
3. Relationship to success of program participants
4. Comparison to placement in the In-House Arrest Program in lieu of Work Release
5. Cost comparison between jail inmates, In-House Arrest Program participants, and Work Release Program Participants

**Facility Cost to House Program Participants**

According to Dr. Allen Beck the cost to construct one jail bed can range from $38,000 to $100,000 depending on a variety of factors including the security level and design purpose, i.e., housing versus program units. The higher the security of the facility, the higher the cost. Thus, a maximum secure facility will be at the high end of this range. In addition, dormitory style housing typically for program units, is less expensive than individual cell construction. Given these findings, a 1,000-bed jail would range between $38-million to $100-million.

Palm Beach County has two open jail facilities. The Main Detention Center in West Palm Beach has a capacity of 2,166 and the West Detention Center in Belle Glade has a capacity of 998. Both Centers are considered to be maximum custody overall but house all security levels with varying construction designs from individual cells to dormitory type. Housing minimum security inmates, i.e., Work Release Program participants, should be minimized if done at all as it over-inflates the level of custody needed for the individual and the cost to taxpayers. In addition, the daily entry and exit of Work Release Program inmates in a maximum secure facility presents increased operational risks for erroneous releases and introduction of contraband. This factor is recognized by all of the other counties in Florida who operate a work release program by having a separate and dedicated facility for the program. As was shown in the comparison section of this report, the only other work release programs in Florida are in Alachua, Duval, Escambia and Orange Counties. In all but Duval, the work release program is operated by the county and not the sheriff. Therefore, Palm Beach County is the only one in Florida that mixes minimum security level work release program inmates within a maximum secure facility.

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20 Misleading Jail Bed Costs by Dr. Allen R. Beck, Ph.D., 1999 and updated 2006
21 The County has a third jail facility, the Stockade, in western West Palm Beach, which is closed as it is not needed to house the current jail population.
**Conclusion:** From the perspective of facility cost to house program participants, the program should be considered to not be cost effective.

**Recommendation:** Discontinuance of the Work Release Program should be considered given the cost ramifications of housing minimum to medium custody inmates in a maximum custody facility.

**Medical Cost of Program Participants**

Florida Statute 951.23 and 901.35 provide that the sheriff or the chief correctional officer of the county must provide medical care to inmates held within their jail facilities. This applies to work release program participants.

PBSO Correctional Operating Procedure 926.01 section V paragraph (C)(10) provides that, “A copy of a valid driver’s license, vehicle registration, and proof of insurance must be provided from the inmate or person(s) providing the transportation of the inmate on Work Release.” In addition, paragraph (D)(17) provides that, “Employers are responsible for providing health care for any on the job injury the participants receive. The facility’s contracted health care provider will be provided with copies of all medical reports without delay. Any other illness or injury to any Work Release participants shall be provided by or coordinated through the sheriff’s inmate health care provider.”

Imagine a scenario where a participant is injured while walking to their place of employment. Costs would thus be borne by PBSO and the county taxpayers. A cost-benefit would question the need for work release given the risk for large medical expenses of participants that would be borne by county taxpayers. Given, other conclusions in this report related the cost of the facility and the reduced cost of electronic monitoring, strong consideration should be given to requiring medical insurance from inmates who participate in the program to cover all potential injuries incurred while outside of the detention center.

**Conclusion:** From the perspective of the medical cost to house program participants, the program should be considered to not be cost effective.

**Recommendation:** Eligibility requirements for Work Release Participants should require personal medical insurance to prevent county taxpayers from incurring medical costs for accidents or injuries that occur outside of the detention center.

**Relationship to Success of Program Participants**

Another factor in assessing the cost effectiveness of the program is to review the cost in terms of the outcomes, or in this case the success of the program participants. As was stated in the caseload analysis section of this report, there were 56 entries into the program during the evaluation period of this report. There were 10 instances where a participant was removed from the program representing a high 88.7% success rate.
Conclusion: From the perspective of the cost to outcome factor, the program should be considered to be cost effective.

Comparison to Placement in the In-House Arrest Program

Work release programs became popular nationally in the 1970s as a rehabilitative modality. However, overtime, work release became closely tied more to prison populations rather than short-term jail incarcerated populations. Then in the late 1990s electronic monitoring became widely perfected and used across all federal, state and local correctional settings. Thus, given the finding in the comparison section of this report that only one other sheriff’s office provides work release other than PBO, consideration should be given to utilizing the PBO In-House Arrest Program, aka electronic monitoring (EM), instead of work release. With advancements in EM technology over the past 10 years, the ability to ensure the safety of the community from any harm the participant may present is minimal. Global Positioning Satellite (GPS) active monitoring tracks participants in real-time. This technology allows the supervision agent to create exclusion and inclusion zones where the participants must either be present at certain times or are not allowed to travel within, such as victims’ residences and places of work. An immediate alert is sent to the supervision agent if a participant violates any of these zone restrictions allowing the agent to immediately take action to protect the victim and/or take the participant into custody.

In addition, staffing a quality supervision unit to respond to electronic monitoring alerts 24 hours 7 days per week is much more cost effective then using a bed in a maximum secure facility. The cost for housing a minimum secure program participant as compared to placing them in the In-House Arrest Program is apparent. It costs $135 per day per inmate in the Palm Beach County Jail while costing only around $35 per day per participant for supervision staff and EM contract fees for the In-House Arrest Program. A Work Release Program participant incurs both the jail and the program fee thus costing $170 per day. Since EM technology has advanced, a shift in programming is apparent given that only one other sheriff’s office in Florida, Jacksonville Sheriff’s Office, offers a work release program. Other sheriffs have ended work release in lieu of electronic monitoring programs.

Table 19. Fiscal Year 2019 Cost Comparison

<table>
<thead>
<tr>
<th>Comparison Group</th>
<th>Cost Per Day Per Person</th>
<th>Cost Per Year Per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jail Inmate</td>
<td>$135.00</td>
<td>$49,275.00</td>
</tr>
<tr>
<td>In-House Arrest Program Participant</td>
<td>$34.86</td>
<td>$12,722.09</td>
</tr>
<tr>
<td>Work Release Program Participant</td>
<td>$169.86</td>
<td>$61,997.09</td>
</tr>
</tbody>
</table>

The revenue generated by subsistence fees collected by work release participants as shown in the below table, covers only a very small proportion of the total cost of the program and shouldn’t be relied upon to pay for the program.
Table 20. Subsistence Fees Collected by Work Release Participants

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fees Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$ 23,764.27</td>
</tr>
<tr>
<td>2015</td>
<td>$ 24,354.00</td>
</tr>
<tr>
<td>2016</td>
<td>$ 7,535.98</td>
</tr>
<tr>
<td>2017</td>
<td>$ 3,996.00</td>
</tr>
<tr>
<td>2018</td>
<td>$10,918.29</td>
</tr>
<tr>
<td>2019</td>
<td>$ 9,294.04</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 79,862.58</strong></td>
</tr>
</tbody>
</table>

**Recommendation:** Consideration should be given to discontinue the Work Release Program and place those eligible participants instead in the PBSO In-House Arrest Program given the cost savings and the low utilization of the program by the courts.

**Conclusion:** From the perspective of the cost of placing participants in the PBSO In-House Arrest Program in lieu of the Work Release Program, the program should be considered to not be cost effective.

**Review of National Research on Work Release Programs**

Work release programs have been common in the United States since the 1970s, however, there has been little empirical research on their effectiveness in promoting post-release employment and reducing recidivism\(^\text{22}\). Most of the available criminological literature on work release programs has focused on in-prison programming (e.g., prison work assignments, vocational programming), with much less research assessing the effectiveness of work release programs, in particular. While there are a few exceptions, the existing literature to determine the effectiveness of work release programs can be summarized as largely outdated, lacking methodological rigor, and has failed to examine differences in outcomes across publicly versus privately operated work release facilities\(^\text{23}\). Another significant limitation is that there is very little empirical research on the effectiveness of the programs among jail inmates as most of the research has been focused on prison inmates.

Criminological research has found that employment is important for successful reentry. Although the research on jail- and prison-based work release programs is limited, studies have concluded that the programs can reduce recidivism rates and improve participants’ employment potential. However, there is not a consensus about the specific types of work release programs that are most effective or which inmates would benefit most from participation in the programs. Future research should address the existing limitations and begin to focus on work-release programs employed in local jails.

Without sufficient empirical research in jail-based work release programs, the CJC cannot compare the PBSO Program for the purpose of drawing conclusions for effectiveness. It therefore is incumbent upon local stakeholders to draw their own conclusions.


\(^{23}\) Bales, et al 2015
Accreditation and Other Standards for Work Release Programs

As part of the evaluation of the PBSO Work Release Program, CJC staff attempted to find standards related to these programs in accreditation agencies or other national professional associations. Unfortunately, no standards exist specifically for work release programs. Staff sought information from the Florida Sheriff’s Association, the U.S. Department of Justice, National Institute of Corrections, the American Jail Association, and American Correctional Association. In addition, CJC staff sought information from accreditation agencies, as well as, Florida Model Jail Standards. PBSO is accredited by the following agencies:

- Commission for Florida Law Enforcement Accreditation, Inc.
- ANSI National Accreditation Board (ANAB) – Forensic Testing
- American Correctional Association
- National Commission on Correctional Health Care
- Florida Corrections Accreditation Commission

The only potential reference to work release in any of these agency standards applies to how PBSO operates programs in general. The standard simply states that programs shall be made available to inmates on an equal basis. This evaluation found that PBSO does meet this standard as all inmates are informed of the program through the inmate handbook and screening of applications for eligibility is consistent across all those reviewed during the evaluation period of this report.

Conclusion and Recommendations

The PBSO Work Release Program has existed for 42 years under 5 different sheriffs. It has operated essentially the same over these four decades except for the addition of electronic monitoring to enhance supervision in the late 1990’s. The PBSO Alternative Custody Unit (ACU) staff who operate the program are seasoned professionals who applied program rules consistently across all the participants reviewed during this report’s evaluation period (January 1, 2014 through August 31, 2019).

Overall, there were no areas of concern or problems with the program. However, the program is only minimally utilized with only 56 participants during the 5 years and 8 months reviewed. Program participants represent a very small percentage of the overall jail population, i.e., .2% and are in the program for an average of just under 4 months (108 days).

Comparison analysis shows that PBSO is one of only two sheriff’s offices in the state that operate work release programs. The other three work release programs in the state are operated by the county. Other sheriffs have opted to not operate a work release program and instead place these types of defendants into electronic monitoring programs that cost much less and offer the same, or even less, risk to the community. In addition, one striking difference in all the programs, is that PBSO is the only one in the state that houses work
release participants within a maximum secure facility, while all the others have dedicated minimum to medium secure facilities just for these participants.

This evaluation found that the cost to the county for work release participants is high at about $170 per inmate versus a non-work release inmate at $135 and as compared to those in the In-House Arrest Program at $35 per day. The revenue generated by all program participants in fiscal year 2019 was only $9,294 which is very low compared to the annual cost of just one program participant at $61,997. Thus, the revenue generated by the subsistence fee as currently approved by the BOCC is insufficient to pay any good portion of the program costs. An increase to the sliding scale will likely generate increased revenue but it is not likely to every break even and fully pay for the costs of the program.

Final Evaluation Observations and Conclusions

This evaluation makes it clear that the costs, both in terms of financial and operational, as listed below, of the work release program seem to far outweigh the benefits:

1. Presents potential to introduce contraband into the detention centers;
2. The frequent release and admission of work release participants increases the potential for an erroneous release;
3. The use of a maximum secure facility for medium to minimum custody work release participants is highly disproportional;
4. The cost of the program is high compared to the In-House Arrest program which could replace work release; and
5. The potential of high medical expenses borne by county taxpayers exists.

This evaluation provides the following recommendations:

1. The sliding scale for the daily subsistence fee was adopted in 1994 (25 years old) and should be updated to meet current program costs.
2. PBSO should have separate policies governing the Work Release and In-House Arrest Programs as there are differences sufficient to provide justification for this and the combination of both programs in one policy provides confusion.
3. Discontinuance of the Work Release Program should be considered given the cost ramifications of housing minimum to medium custody inmates in a maximum custody facility.
4. Eligibility requirements for Work Release Participants should require personal medical insurance to prevent county taxpayers from incurring medical costs for accidents or injuries that occur outside of the detention center.
5. Consideration should be given to discontinue the Work Release Program and place those eligible participants instead in the PBSO In-House Arrest Program given the cost savings and the low utilization of the program by the courts.
In final conclusion, serious consideration should be given to discontinuing the work release program and instead using the PBSO In-House Arrest Program for these participants. Given the low utilization of the program, its cost both in terms of fiscal and operational, the fact that 93% of Florida counties do not operate a work release program, that the program's history finds it more suitable to prison population, and that only one other sheriff’s office operates a work release program, it seems clear that the program provides little benefit and should be discontinued.
I. PURPOSE: The purpose of this Corrections Operating Procedure is to establish guidelines for the Work Release and In-House Arrest Programs.

II. SCOPE: This Corrections Operating Procedure applies to all Sheriff’s Office personnel assigned to the Department of Corrections.

III. DISCUSSION: The Sheriff’s Office Department of Corrections operates a Work Release and an In-House Arrest Monitoring Program for inmates, regardless of gender, in accordance with Florida State Statute 951.24 and the most current resolution of the Palm Beach County Board of County Commissioners. The Work Release program allows county sentenced inmates the privilege to work at paid employment, or to conduct their own lawful business or profession, and return to the detention facility at a specified time.

The In-House Arrest Program allows pre-trial, county sentenced, and Department of Juvenile Justice (DJJ) juvenile inmates the privilege of leaving the confines of the detention facility and being placed in their residence, subject to the rules and regulations of the program and stipulations from the court. Inmates who are court ordered into this program may be given the privilege to work in the community and return to their place of residence at a specified time. Pre-trial inmates require court orders for all movement away from their residence with the exception of court appearances, attorney visits, and medical treatment. All inmates have equal access for consideration for the Work Release and In-House arrest programs, unless deemed to be a potential threat to the safety of the community, themselves, victims, staff, or other inmates, or to the security of the facility.

There are written operational procedures with written rules of conduct, which outline the screening, and selection procedures, and a system in place for evaluation of the program’s effectiveness, and the efforts to obtain community cooperation and support. The Alternative Custody Unit (ACU) supervisor has the authority to approve or disapprove participation in any of these programs.

IV. DEFINITIONS:
A. In-House Arrest – An alternative incarceration system where a participant is restricted to the immediate confines of their home and to other stipulations as determined by the courts and the PBSO ACU. Verification of compliance is monitored electronically, using electronic monitors in correlation with telephone lines, global positioning satellite, computers, and physical checks conducted by PBSO staff assigned to the ACU, as assigned under the Corrections Support Services Division.

B. Work Release – A formal program sanctioned by the sheriff and the Board of County Commissioners whereby an inmate is released into the community to maintain approved and regular employment. Work release inmates are monitored utilizing global positional satellite equipment and physical job checks. The Work Release Program is under the direction of the Corrections Support Services division commander.
C. Ankle Monitor - A battery powered, moisture proof device that emits a signal at regular intervals and is fastened by riveted plastic straps just above the inmate’s ankle.
D. Tracking Device - Global positioning satellite device that is carried by the In-House arrest and Work Release participant any time they are away from their residence or from the designated facility. This device sends signals to a satellite, which in turn sends signals to monitored computers.
E. Base Station – A device in which the tracking device is inserted into when the participant returns to their residence or to the designated facility. It is mandatory that participants insert the tracking device into the base station as soon as they arrive at the designated facility or home. It is then removed from the base just prior to their next departure.
F. DJJ Juvenile – Through a mutual agreement between the chief judge and the sheriff, the PBSO places and monitors juvenile offenders who would normally be under the supervision of the Department of Juvenile Justice.

V. PROCEDURES:
A. Persons admitted to either the In-House Arrest or Work Release Program shall either be ordered by the 15th Judicial Circuit or approved by the Palm Beach County Sheriff’s Office. Persons approved by the Palm Beach County Sheriff’s Office are placed under authority of standing orders written by Judges in the 15th Judicial Circuit.
   1. All sentenced inmates assigned to the Sheriff’s Office, Department of Corrections may participate in either the Work Release or In-House Arrest Program, if approved by the sheriff or designee, unless otherwise specified by the sentencing judge. The sheriff considers individuals with charges identified under paragraph V section B of this procedure to be ineligible.
   2. Any Judge from the 15th Judicial Circuit may order a person into either the Work Release or In-House Arrest program. Court orders are required for all pre-trial inmates and DJJ juveniles. Court Orders are also required for sentenced person deemed ineligible by the sheriff.
   3. A judge from the 15th Judicial Circuit may order a person into the In-House Arrest Program as a condition of probation. In such situations, the sheriff’s In-House Arrest Program only serves as a monitoring deputy for the probation office, who will be advised of any program violations initially by telephone and followed by a written report.
   4. It will be the responsibility of the unit supervisor to enforce all rules and regulations, as well as comply with all court orders, the resolution from the Board of County Commissioners #94-152, and Florida State Statute 951.24. The supervisor must recommend revisions as necessary, maintain accurate inventories of equipment by asset and serial number, promptly report missing or stolen equipment in writing, maintain program data, report any anomalies, and provide appropriate monthly statistical reports to their respective chain of command.
B. Ineligible participants for Work Release and In-House Arrest: Inmates convicted of any crimes (including accessory, attempt, solicitation, or conspiracy) within the following Florida Statute Chapters, are considered a risk to the community and deemed ineligible for participation in these programs.
   1. Bombs/Deadly Missiles/Throwing deadly missiles causing bodily harm (FSS 790).
   2. Burglary with Assault or Battery (FSS 810.02 (2) (a).
   4. Homicide/Vehicular Homicide/Murder (FSS 782).
   5. Kidnapping/False Imprisonment (FSS 787).
   7. Battery on LEO/CO (FSS 784).
   8. Any history of violation of federal, state, or local Work Release or In-House arrest.
   9. Arson (FSS 806) one (1) guilty during the past fifteen (15) years.
   10. DUI Manslaughter (FSS 316.193).
12. Robbery (FSS 812) (1) guilty during the past ten (10) years.
13. Aggravated Battery (FSS 784) one guilty within the past ten (10) years.
14. Domestic Violence (FSS 741.28) one guilty within the past ten (10) years.
15. Stalking (FSS 784) one guilty within the past ten (10) years.
17. Aggravated Assault (FSS 784.021) one guilty in past five (5) years.
18. A violent criminal history or facility behavior as determined by the supervisor of the
   ACU.
19. Any crime committed while armed with a firearm automatically disqualifies any
   applicant.
20. Convicted sexual offenders are ineligible.
21. Inmates with active detainers for other agencies are ineligible.
22. Inmates who are known to belong to, or associate with individuals involved with
   organized crime, subversive groups that advocate violence, or street gangs are
   ineligible, as determined by PALMS, criminal history or law enforcement
   intelligence.

C. Placement Process: PBSO employees assigned to these programs shall comply with
the following placement requirements:
1. Comply with all court commitments in which a judge from the 15th Judicial Circuit
   orders Work Release or In-House Arrest participation.
2. The Sheriff’s Office shall make a reasonable attempt to notify a victim of the release,
   escape or status change of an inmate assigned to our custody.
3. For placement of county sentenced inmates that are deemed ineligible by definition
   of section V, B, a written approval from the division commander or designee is
   required.
4. Conduct a criminal history review of the inmate’s booking card charges and check
   for any open cases and/or holds. Review PALMS, NCIC, FCIC and the classification
   file (for facility behavior problems) to determine eligibility.
5. Determine if telephone service is available. Portable or cellular telephones are not
   permitted.
6. The Sheriff’s Office contracted inmate health care provider must medically clear all
   inmates for work prior to being placed in the Work Release Program.
7. Employer and salary verification:
   a. The employer must provide written verification of employment and salary.
      Included with the verification the business name and address, a copy of the
      business occupational license, rate of pay for the individual, scheduled work
      days and hours, supervisor’s name, telephone, cellular, fax numbers and e-
      mail address.
   b. Employment outside of Palm Beach County is prohibited, unless by specific
      order of the court.
8. Salary verification: Inmates will provide information verifying their salary. Items
   used for this purpose could include W-2 forms from the previous year, a copy of their
   income tax that includes earned salary, or pay stubs prior to incarceration. This
   information must be provided to the ACU personnel for compliance with the Board
   of County Commissioner’s most recent resolution.
9. The subsistence fee will be paid based upon any specific court orders and resolution
   from the Board of County Commissioners. The fee will be paid weekly in advance,
   unless otherwise noted by the unit supervisor.
10. A copy of a valid driver’s license, vehicle registration, and proof of insurance must
    be provided from the inmate or person(s) providing the transportation of the inmate
    on Work Release or In-House Arrest.
11. Identify individual’s sponsor, such as a spouse, parent, or friend, who will agree to keep the unit staff advised of problems or potential problems involving the participant. Obtain contact information for the sponsor such as work phone, cell phone number, etc.

12. Create a case file for each participant making certain that all documents and the appropriate checklist are completed in their entirety. The following items should be contained in the file, but are not limited to:
   a. Program Placement Synopsis
   b. Medical Clearance Form for Work Release participants
   c. Programs Agreement
   d. Booking Card/Court Records (Court Orders/Commitment Forms)
      FCIC/NCIC criminal history
   e. Application/Interview Verification
   f. Program entry fee (copy of money order or bank/cashier’s check)
   g. Employer wage verification
   h. Driver’s License
   i. Vehicle Registration
   j. Auto Insurance Card
   k. Victim Notification Confirmation (if applicable)
   l. Gain Time Disclosure
   m. Administrative Order 2.051-5/06
   n. Placement Application
   o. GPS Offender Report
   p. Financial Status Report
   q. Issue/Return Equipment Form
   r. Participant/Auto/Residential Photo Report
   s. Computer generated readings/signed by assigned case deputy
   t. All correspondence between employers, attorney’s, physicians, probation officers, and participants
   u. Verification of Attendance Form
   v. Continual Compliance Agreement
   w. Fee Adjustment/Change Order (if applicable)
   x. Participant’s Corrective Consultation (if applicable)

13. If the person is approved by PBSO, or court ordered for participation, a personal interview with the inmate will be conducted and the programs rules and regulations are explained and inmate will be trained on the proper use and operation of the GPS equipment.

14. All documents contained within the participant’s file must have a signature acknowledgement from the participant including the inmate rules and agreement documents.

15. Submit the inmate’s participant case file to the unit supervisor, or designee for approval.

16. A copy of program rules and fees must be provided to the participant.

17. Inmate/participant who have been approved or court ordered into the program that are awaiting placement and receive a Disciplinary Report may be required to complete the disciplinary process prior to being placed on the program.

D. Program Rules and Regulations:
   1. An ACU deputy will install a global positioning charging stand and tracking device in the inmate’s residence. The participant and members of the household must allow the ACU staff members, who may be accompanied by other Law Enforcement personnel, to enter the residence for the purpose of installing, maintaining, and periodically inspecting the In-House Arrest equipment, to check on a participant’s welfare and presence, monitor compliance with the program rules, and conduct
warrant-less searches to ensure the participant is not involved with any illegal activity, or is in possession of any illegal substances.

2. In-House Arrest participants are required to remain within the confines of their residence. They shall be physically within the residence at all times unless specified by the courts or division commander or designee.

3. All computer-generated reports must be reviewed by the unit staff for program violations as well as signed and dated as confirmation of adherence. Each type of violation requires a noted explanation from staff. If the report indicates a tamper violation, staff must respond and determine the cause through close visual inspection. Any replaced equipment must be forwarded to the distributor with a copy of the Lost/Stolen/Damaged Equipment Form.

4. Any time the person being monitored either tampers with or attempts to tamper with the electronic equipment; they shall be taken into custody immediately.

5. If it is determined the person being monitored was not at his or her scheduled place of work or school while being allowed outside the residence, they shall be taken into custody immediately.

6. Any person taken into custody shall be held without bond.

7. The participant and any other members of the household must allow the unit staff members’ entry into the residence at any time, 24 hours a day, for the purpose of ensuring the participant is conforming to all rules and regulations. Deputies may and shall use any reasonable force to enter the residence when entry is denied. However, prior to entry PBSO Communications shall be notified and time permitting the notification to the supervisor of the In-House Arrest Program shall occur. The supervisor of the In-House Arrest Program will make notification through the chain of command.

8. The participant must wear the tamper proof transmitter twenty-four (24) hours a day, seven day per week, during the entire period he/she is in the program.

9. The participant must bear all costs of installing any special adapters necessary for the installation of the electronic equipment and/or expenses for phone calls incurred to monitor this equipment.

10. In the event of theft, loss, or damage to the monitoring devices, the ACU deputy will complete a detailed report of the loss including serial numbers of the equipment and replacement value. The participant must reimburse the Palm Beach County Sheriff’s Office for the total cost to repair or replace damaged equipment.

11. Loss of receiving signal or receipt of a tamper signal by the monitoring computer shall constitute “prima facie” evidence of a violation, and the computer printout records may be used in court as proof of these violations.

12. Any interruption of telephone or electric service must be documented and verified with copies placed into the files of those involved. Participants shall be remanded into custody for loss of electrical or telephone service.

13. Participants may not work longer than 12 hours a day, including travel as stipulated by the court order, or more than six days a week without prior authorization of the unit supervisor.

   a. Work schedules will include travel time on a very stringent basis.

   b. Any changes in the established work schedules must be requested in writing and approved by signature and date prior to inception.

14. Participants cannot leave for work, school, or an appointment earlier than the hours approved. A program representative must approve any change in the work/school schedule. Any approved changes must be provided in writing at least 24 hours before the occurrence. The changes must be updated in the computer system prior to permitting the participant to change their work/school hours. Failure to return to the detention facility or home within the specified time could result in removal from the program and/or escape charges being filed.
15. Without prior authorization of the unit supervisor, work is not authorized on holidays (New Year’s Eve, New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving or Christmas) or other days which the employer does not conduct normal business. Participants must go directly to their place of employment or school and return directly to the detention facility or their approved residence, as applicable.

16. Participants shall not go anywhere else without the specific prior authorization of a program representative (except for emergency medical care - notification of an emergency medical situation will be made to the program representative as soon as possible who will provide written reports with details of the incident). Students shall not leave the school campus at any time.

17. Employers are responsible for providing health care for any on the job injury the participants receives. The facility’s contracted health care provider will be provided with copies of all medical reports without delay. Any other illness or injury to any Work Release participants shall be provided by or coordinated through the sheriff’s inmate health care provider.

18. In-House Arrest participants are responsible for providing all costs for their health care.

19. If participants are terminated from their place of employment or resign their position during the hours they are scheduled to work, they shall return immediately to the detention facility or their place of residence and notify a program representative. The unit representative will remove the work schedule from the GPS computer.

20. Participants cannot change employment, school, or place of residence without the specific and prior approval of a program representative and completion of all documents.

21. Participants cannot leave Palm Beach County while they are in the Work Release or In-House Arrest Program without specific order from the court.

22. Consumption, possession or attempted possession of any alcoholic beverage is strictly prohibited.

23. Possession, attempted possession, or use of any controlled substance, or other drug not prescribed by a physician is prohibited (FSS 893).

24. All participants are subject to periodic unannounced testing for determining use of alcohol and/or drugs.

25. Firearms are prohibited, and shall not be in the residence, or vehicle at the residence or any vehicle utilized to transport the participant.

26. Participants shall not engage in or have contact with persons engaged in any illegal activity.

27. Work Release inmates shall not keep smoking products, jewelry, or money in excess of $20.00 in their assigned Work Release locker. The Sheriff’s Office will not be responsible for any property placed into these lockers.

28. The employer must sign an agreement stating they will notify a program representative if the participant fails to report for work for any reason, arrives late for work, leaves earlier than the end of normal working hours, or is terminated from employment.

29. Participants will pay a scheduled daily fee to participate in the program unless waived by the courts. The Palm Beach County Board of Commissioners resolution establishes this fee. The participants will be given a receipt for all financial transactions of their account.
   a. All program participants must ensure their fees remain current.
   b. A negative balance is not permissible and shall be cause for immediate removal from the program.

30. PBSO personnel will not accept cash payments. Payment will be made either by bank/cashier’s check, money order, pre-approved business checks or deducted from the inmate’s account maintained by the Sheriff’s Office. The payments should be
surrendered to the ACU personnel on either the date of collection or on the next business day. A receipt will be issued for those funds.

31. Any inaccuracies with inmate bank accounts will be documented and forwarded directly to the software provider with copies forwarded to the commander of the respective division.

32. In case of computer failure, the ACU personnel will ensure that manual records and billing systems are properly maintained.

33. The ACU personnel should make bank deposits of the collected revenues. The specialist should also conduct a monthly review of the entries posted by the PBSO accounting section to verify that collected revenues are accurately posted to the correct ledger codes.

34. All collected subsistence fees shall be placed in an officially designated secure location.

35. Participants attending school shall not leave the school campus at any time. A Court Order is required to participate in any extracurricular, or off campus activities. If a student is suspended, or drops out of school, they shall immediately return to their residence and notify their case deputy.

36. Participants shall not be in the presence of any convicted felons, unless approved by the division commander or designee whereby the person convicted may be a parent or legal guardian.

E. Written Agreement:

1. Participants in the Work Release and In-House Arrest Programs shall agree in writing that they:
   a. Are participating voluntarily and have not been coerced or threatened in any manner.
   b. Shall abide by all rules and regulations of the program and are aware that violation of these rules and regulations:
      1) Shall cause their immediate removal from the program without notice.
      2) May be subject to a Disciplinary Report.
      3) May be cause for them to appear before the court for disposition by a judge.
   c. Understand that all monies earned by them while participating on the program and held by the Sheriff’s Office are subject to forfeiture in accordance with FSS 951.24. Such monies will be turned over to the general fund of Palm Beach County.
   d. A copy of the signed agreement will be provided to the participant.

F. Facility Sign Out and Sign in Procedures: The shift sergeants will assign a deputy to process inmates departing to and returning from their Work Release employment.

1. Prior to departing the Work Release processing area, inmates must show their identification band to the assigned deputy for identity verification. The deputy should confirm the approved date and timeout on the Work Release roster, and ensure the Work Release Roster is completed accurately.

2. Deputies will also make certain that inmates with any designated “holds” or other restrictions as indicated on the Work Release sign out roster do not leave the secure perimeter of the facility until cleared.

3. Inmates returning from Work Release must show their identification band to the assigned deputy and sign in on the Work Release Roster.

4. The assigned deputy will verify the time and identity of the inmate returning and ensure the Work Release Roster is properly completed.

5. The deputy will immediately report discrepancies or rule violations to the Shift Supervisor and notify the ACU office and email the ACU supervisor, forwarding written reports by the morning of the next business day.
G. Monitoring Procedures: Specific caseloads are assigned and do not exceed 30 inmates. The staff member shall make unscheduled job site and or residence/school checks of participants under their charge. These checks will be conducted and documented bi-weekly.

H. Probationers on In-House Arrest
1. Individual’s court ordered on In-House Arrest as a condition of probation make contact with the ACU located at the Sheriff’s Office designated facility for the purpose of initiating the In-House Arrest electronic monitoring system. The probationers will not be booked because the In-House Arrest Program, in this situation, is providing a monitoring service to the court and the individual has not been sentenced to jail incarceration.
2. The Clerk of Court will provide a copy of the court disposition commitment advising of the probationary condition for In-House Arrest to the Alternative Custody staff.
3. In the event an individual does not make contact with Alternative Custody staff at the designated facility to implement the In-House monitoring system, designated Alternative Custody staff shall provide written notice to the probation office, and sentencing judge of the individual’s failure. It is the responsibility of the probation officer, not Sheriff’s Office personnel, to seek an arrest capias from the judge.
4. Alternative Custody personnel shall maintain an up-to-date database of all probationers participating in the In-House Arrest Program. This list will consist of at least the following information:
   a. Participants full name
   b. Date of birth
   c. Court case number
   d. Participants address
   e. Jacket number (if applicable)
   f. Judge or court division ordering the In-House Arrest Program or probation
   g. Probation Officer assigned
5. Probationers participating in the In-House Program are subject to all rules, regulations, and financial requirements as incarcerated inmates participating in this program.
6. An ACU staff member will personally check probationers in the In-House Arrest Program at least bi-weekly.
7. If an ACU staff member determines a probationer has violated In-House Arrest Program rules and regulations that staff member shall collect the transmitter and monitor. A written report outlining the details of the violations must be prepared on the day of occurrence and forwarded to the assigned probation officer and sentencing judge for their action.

I. Removal from the Program:
A participant’s failure to comply with any rule or regulation of either program, tampering with the transmitter/monitor, or violation of any condition defined in writing or imposed by the courts shall be cause for immediate removal from the program.
1. In the case of an individual sentenced to In-House Arrest as a condition of probation, the probation officer and sentencing judge will be notified of any violations by written report for their appropriate action.
2. Any individual who violates the In-House Arrest or Work Release Program shall be immediately returned to custody, and a report detailing the violation will be forwarded to the individual’s judge.

J. Escape:
1. If a participant escapes or fails to return to the detention facility or their residence by the designated time, the case deputy or on-call deputy shall:
a. Make attempts to locate the participant utilizing known names and phone numbers of the participant’s family, friends, and place of employment.
b. In-House Arrest staff will immediately notify Communications regarding a “BOLO” (Be-On-The-Look-Out) being placed on the absconder. The ACU personnel will also enter a Pick Up Order in the PALMS System.

c. Notify the ACU supervisor.

d. Collect copies of all reports and submit them to the presiding judge and State Attorney’s Office.

e. The state attorney requires the following documents to file on Work Release or In-House Arrest inmates:
   1) Arrest/Notice to Appear
   2) Probable Cause Affidavit
   3) Bench Warrant
   4) Offense Report Form
   5) State Attorney Intake Report
   6) Dictated Offense Report
   7) Incident Report
   8) Work Release Log
   9) Program Agreement
   10) Original Court Stats

f. If a pre-trial or sentenced individual was ordered by the court into the In-House Arrest Program, the judge who issued the order shall be notified as soon as violation is verified and during normal business hours. The Alternative Custody supervisor will maintain a record of such notification. The ACU Supervisor will prepare a Probable Cause Affidavit and Bench Warrant for the signature of the presiding judge.

g. If the individual was ordered by the court to participate in the In-House Arrest Program as a condition of probation, the probation officer and sentencing judge shall be notified as soon as violation is verified and during normal business hours. The Alternative Custody supervisor will maintain a record of such notification.

K. Alternative Custody On-Call Duties:

1. There will be a deputy on-call twenty-four (24) hours a day from the ACU. The on-call deputy will be responsible for the proper response to all activity that takes place after normal business hours for the unit. Deputies assigned to the ACU, are issued departmental cell phones, and are responsible for carrying their cell phones at all times.

   a. The on-call deputy will also be responsible for properly reacting to computer-generated emails from the GPS system.

   b. The on-call deputy will be responsible for documenting all after hours activity on the log.

   c. The on-call deputy will immediately notify the unit supervisor of all unusual activity that takes place after normal business hours.

   d. On-call deputies will, when necessary, and at the direction of the ACU supervisor, physically respond to the location of incidents involving In-House Arrest and Work Release inmates.

   e. The ACU supervisor will generate an on-call schedule. The on-call rotation method is at the supervisor's discretion.
951.26 Public safety coordinating councils.—

(1) Each board of county commissioners shall establish a county public safety coordinating council for the county or shall join with a consortium of one or more other counties to establish a public safety coordinating council for the geographic area represented by the member counties.

(a)1. The public safety coordinating council for a county shall consist of:
   a. The state attorney, or an assistant state attorney designated by the state attorney.
   b. The public defender, or an assistant public defender designated by the public defender.
   c. The chief circuit judge, or another circuit judge designated by the chief circuit judge.
   d. The chief county judge, or another county judge designated by the chief county judge.
   e. The chief correctional officer.
   f. The sheriff, or a member designated by the sheriff, if the sheriff is not the chief correctional officer.
   g. The state probation circuit administrator, or a member designated by the state probation circuit administrator, to be appointed to a 4-year term.
   h. The chairperson of the board of county commissioners, or another county commissioner as designee.
   i. If the county has such program available, the director of any county probation or pretrial intervention program, to be appointed to a 4-year term.
   j. The director of a local substance abuse treatment program, or a member designated by the director, to be appointed to a 4-year term.
   k. Representatives from county and state jobs programs and other community groups who work with offenders and victims, appointed by the chairperson of the board of county commissioners to 4-year terms.

2. The chairperson of the board of county commissioners, or another county commissioner as designee, shall serve as the chairperson of the council until the council elects a chairperson from the membership of the council.

(b)1. The public safety coordinating council for a consortium of two or more counties shall consist of the following members, appointed with the approval of each board of county commissioners within the consortium:
   a. A chief circuit judge, or a circuit judge designated by a chief circuit judge.
   b. A chief county judge, or a county judge designated by a chief county judge.
   c. A state attorney, or an assistant state attorney designated by a state attorney.
   d. A public defender, or an assistant public defender designated by a public defender.
   e. A state probation circuit administrator, or a member designated by a state probation circuit administrator, to be appointed to a 4-year term.
   f. A physician who practices in the area of alcohol and substance abuse, to be appointed to a 4-year term.
g. A mental health professional who practices in the area of alcohol and substance abuse, to be appointed to a 4-year term.

h. A sheriff or a jail administrator for a county within the consortium.

i. A chief of police for a municipality within the geographic area of the consortium.

j. A county commissioner from each member county of the consortium.

k. An elected member of the governing body of the most populous municipality within the geographic area of the consortium.

l. An elected member of a school board within the geographic area of the consortium.

2. The members of the public safety coordinating council shall elect a chairperson from among its members.

(2) The council shall meet at the call of the chairperson for the purpose of assessing the population status of all detention or correctional facilities owned or contracted by the county, or the county consortium, and formulating recommendations to ensure that the capacities of such facilities are not exceeded. Such recommendations shall include an assessment of the availability of pretrial intervention or probation programs, work-release programs, substance abuse programs, gain-time schedules, applicable bail bond schedules, and the confinement status of the inmates housed within each facility owned or contracted by the county, or the county consortium.

(3)(a) The council may also develop a local public safety plan for future construction needs. The plan must cover at least a 5-year period. The plan may be submitted for consideration to the local planning agency for the county, or the planning agency for each county within the consortium, at least 120 days before the adoption of or amendment to the comprehensive plan for the county by the local planning agency pursuant to part II of chapter 163.

(b) Each county, or county consortium, that contracts to receive community corrections funds for its community corrections programs under s. 948.51 shall require the public safety coordinating council to develop a comprehensive public safety plan as described therein which includes the future public safety construction needs as described in paragraph (a).

(4) The council may also develop a comprehensive local reentry plan that is designed to assist offenders released from incarceration to successfully reenter the community. The plan should cover at least a 5-year period. In developing the plan, the council shall coordinate with public safety officials and local community organizations who can provide offenders with reentry services, such as assistance with housing, health care, education, substance abuse treatment, and employment.

(5) All meetings of a public safety coordinating council, as well as its records, books, documents, and papers, are open and available to the public in accordance with ss. 119.07 and 286.011.

History.—s. 2, ch. 87-340; s. 90, ch. 88-122; s. 16, ch. 91-225; s. 35, ch. 92-310; s. 7, ch. 93-204; s. 44, ch. 95-283; s. 32, ch. 96-312; s. 1881, ch. 97-102; s. 22, ch. 2010-64.
951.24 Extend the limits of confinement for county prisoners.—

(1) Any county shall be deemed to have a work-release program upon the motion of that county’s board of county commissioners which shall require the concurrence of the sheriff of the county.

(2)(a) Whenever punishment by imprisonment in the county jail is prescribed, the sentencing court, in its discretion, may at any time during the sentence consider granting the privilege to the prisoner to leave the confines of the jail or county facility during necessary and reasonable hours, subject to the rules and regulations prescribed by the court, to work at paid employment, conduct his or her own business or profession, or participate in an educational or vocational training program, while continuing as an inmate of the county facility in which he or she shall be confined except during the period of his or her authorized release.

(b) Any prisoner, at the time of sentencing or thereafter, may request the court in writing for the privilege of being placed on the work-release program. The Department of Corrections, upon the request of the court, is authorized to conduct such investigations as are necessary and to make recommendations to the court pertaining to the suitability of the plan for the prisoner and to supervise such prisoner if released under this program. Such a release may be granted by the court with the advice and consent of the sheriff and upon agreement by the prisoner. The court may withdraw the privilege at any time, with or without notice.

(c) No person convicted of sexual battery pursuant to s. 794.011 is eligible for any work-release program or any other extension of the limits of confinement under this section.

(3)(a) The wages or salary of prisoners employed under this program may be disbursed by the sheriff pursuant to court order for the following purposes in the order listed:

1. Board of the prisoner.
2. Necessary travel expense to and from work and other necessary incidental expenses of the prisoner.
3. Support of the prisoner’s legal dependents.
4. Payment, either in full or ratably, of the prisoner’s obligations acknowledged by him or her in writing or which have been reduced to judgment.
5. The balance to the prisoner upon discharge from his or her sentence, or until an order of the court is entered declaring that the prisoner has left lawful confinement, declaring that the balance remaining is forfeited, and directing the sheriff to deposit the funds in the general fund of the county to be spent for general purposes.
(b) The sheriff may collect from a prisoner the wages or salary earned pursuant to this program. The sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages and salaries shall not be subject to garnishment in the hands of either the employer or the sheriff during the prisoner’s sentence and shall be disbursed only as provided in this section.

(c) Every prisoner gainfully employed is liable for the cost of his or her board in the jail as fixed by the county. The sheriff shall charge the prisoner’s account, if he or she has one, for such board. If the prisoner is gainfully self-employed he or she shall deposit with the sheriff an amount determined by the court sufficient to accomplish the provisions of subparagraphs (a)1.-5., in default of which his or her privileges under this section are automatically forfeited.

(d) The board of county commissioners of any county may, upon the recommendation of the sheriff, authorize the person in charge of a county stockade or workcamp to implement paragraphs (a), (b), and (c), when such facility is not directly under the sheriff.

(4) Any prisoner who willfully fails to remain within the extended limits of his or her confinement or to return within the time prescribed to the place of confinement shall be deemed an escapee from custody and shall be subject to punishment as prescribed by law.

(5) Exchange for the purpose of work-release of county prisoners among other counties of the state that have implemented work-release programs is hereby authorized, with the concurrence of the sheriffs of the involved counties. For the purpose of this subsection, upon exchange, the prisoner shall be deemed a prisoner of the county where confined unless or until he or she is removed from extended confinement status. Prisoners from other jurisdictions, serving lawful sentences, may also be received into a county work-release program as above provided.

(6) In carrying out the purpose of this section, any board of county commissioners may provide in its annual budget for payment to the Department of Corrections out of funds collected from those being supervised such amounts as are agreed upon by the board and department to be reasonable and necessary. County judges are hereby authorized to levy $10 per month upon those supervised for purposes of paying for supervision under this act.

History.—s. 1, ch. 69-143; s. 6, ch. 75-301; s. 100, ch. 77-120; s. 118, ch. 79-3; s. 3, ch. 83-274; s. 23, ch. 93-156; s. 1702, ch. 97-102.

Note.—Former s. 948.07.
RESOLUTION NO. R-80-322

RESOLUTION REVISING THE SUBSISTENCE Fee SCHEDULE FOR INMATES IN THE WORK RELEASE PROGRAM IN THE PALM BEACH COUNTY JAIL.

WHEREAS, the Palm Beach County Jail currently provides a work release program for some of the inmates housed in the jail, and

WHEREAS, Florida Statutes, Chapter 951, provides that every prisoner gainfully employed in jail is liable for the cost of his board in jail as fixed by the County, and

WHEREAS, the current subsistence fee schedule was established in 1977 by the Sheriff's Department and provides for a sliding scale based upon the inmate's weekly earnings, and

WHEREAS, the Palm Beach County Sheriff's Department recommends realignment of the subsistence fee schedule to reflect current boarding costs.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, that the subsistence fee schedule for inmates involved in the work release program at the Palm Beach County Jail is revised as follows:

<table>
<thead>
<tr>
<th>Gross Weekly Earnings</th>
<th>Subsistence Fee per day, 7 days per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $140.00</td>
<td>$ 9.00</td>
</tr>
<tr>
<td>$121 to $140.00</td>
<td>8.00</td>
</tr>
<tr>
<td>101 to $120.00</td>
<td>7.00</td>
</tr>
<tr>
<td>81 to $100.00</td>
<td>6.00</td>
</tr>
<tr>
<td>61 to $80.00</td>
<td>5.00</td>
</tr>
<tr>
<td>$0 or less</td>
<td>4.00</td>
</tr>
</tbody>
</table>

The foregoing resolution was offered by Commissioner Bailey who moved its adoption. The motion was seconded by Commissioner Gregory and, upon being put to a vote, the vote was as follows:

DENNIS B. KOHLER: Absent
FRANK H. FOSTER: Aye
PETTY B. EVETT: Aye
NORMAN F. GREGORY: Aye
BILLY BAILEY: Aye

The Chairman thereupon declared the resolution duly passed and adopted this 29th day of July, 1980.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
COUNTY ATTORNEY

BY

JOHN B. DUNKLE, Clerk

185
240
Deputy Clerk
Palm Beach County
Board of County Commissioners

Agenda Item Summary

Meeting Date: February 1, 1994
[X] Consent  [ ] Regular
[ ] Ordinance  [ ] Public Hearing

Department: Criminal Justice Commission  [ ] Workshop

I. Executive Brief

A. Motion and Title: Staff Recommends Motion to Adopt a resolution establishing a sliding fee schedule for the Palm Beach County Sheriff's Office Electronic Monitoring and Work Release Programs ranging from $6.00 per day to $12.00 per day.

B. Summary: The work release program and the electronic monitoring program are designed to allow low-risk inmates/detainees to maintain financial responsibilities to their families and the community through work. The resolution establishes a sliding fee schedule to be paid by a defendant enrolled in the Sheriff's Office electronic monitoring or work release programs. This schedule represents realignment of the subsistence fee schedule to reflect current program costs. (Countywide)

C. Background & Policy Issues: The current fee schedule used by the Sheriff's Office was established on July 29, 1980 by Board of County Commissioners Resolution No. R-80-492. The costs of the program have increased over the 13 years since that time. It, therefore, is necessary to adjust the sliding fee schedule to reflect the increased cost of the program. This cost is to be paid by the defendant based upon his/her ability to pay. Also, it is the desire of the State Attorney to expand the program's use, specifically for indigent offenders as a condition of pre-trial release. This calls for a need to ensure that those offenders with the ability to pay, will pay the current full cost of the program.

D. Attachments:
1. Memorandum explaining calculation of sliding fee schedule.

Recommended by: [Signature]
Department Director
1/15/94

Approved by: [Signature]
Assistant County Administrator
1/25/94

R94 152
II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditures</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Operating Costs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Operating Revenues</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
</tr>
</tbody>
</table>

Is Item in Current Budget? Yes ☑️ No ☐

Budget Account No.: Fund ☐ ☐ ☐ ☐ Agency ☐ ☐ ☐ ☐ Org. ☐ ☐ ☐ ☐ Object ☐ ☐ ☐ ☐

B. Recommended Sources of Funds/Summary of Fiscal Impact:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

The Sheriff has enough equipment for 90 monitors and 75 persons are now participating at full revenue. The combination of a sliding scale and an increased participation from 75 to a potential of 90 should result in revenue at least equal to the present revenue. Therefore, this proposal appears to be revenue neutral.

OFMB 1/2/11
Contract Administration

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

Ref: agentform
RESOLUTION OF THE PALM BEACH COUNTY BOARD OF COUNTY
COMMISSIONERS ESTABLISHING A FEE SCHEDULE FOR INMATES IN
THE PALM BEACH COUNTY SHERIFF'S WORK RELEASE PROGRAM AND
THE ELECTRONIC MONITORING PROGRAM.

WHEREAS, the Palm Beach County Jail currently provides a work release program for
some inmates housed in the jail; and

WHEREAS, Chapter 951, Florida Statutes, provides that every prisoner gainfully employed
is liable for the cost of his board in jail as fixed by the County; and

WHEREAS, the Palm Beach County Jail currently provides an electronic monitoring
program for some inmates and pretrial detainees in the jail; and

WHEREAS, each inmate/detainee is screened and must meet certain criteria to be placed
in either the work release program or the electronic monitoring program; and

WHEREAS, the work release program and the electronic monitoring program are designed
to allow low-risk inmates/detainees to maintain financial responsibilities to their families and the
community through work, and

WHEREAS, the Palm Beach County State Attorney's Office has requested that the Sheriff's
Department expand the use of the electronic monitoring program primarily for low-risk indigent
pretrial detainees, and

WHEREAS, the expanded use of the electronic monitoring program will save costs to the
county for pretrial incarceration, and

WHEREAS, the Sheriff's Department is willing to expand the use of the electronic
monitoring program primarily for low-risk pretrial detainees; and

WHEREAS, the Sheriff's Department has indicated that the cost of the work release
program and the electronic monitoring program shall be waived, upon court order, for certain
indigent defendants, and

WHEREAS, the current subsistence fee schedule was established in 1980 by the Sheriff's
Department and provides for a sliding scale based upon the inmate's weekly earnings, and

WHEREAS, the Palm Beach County Sheriff's Department recommends realignment of the
subsistence fee schedule to reflect current program costs, and
NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY

COMMISSIONERS OF PALM BEACH COUNTY, that:

1. The subsistence fee schedule for inmates involved in the work release program and electronic monitoring program at the Palm Beach County Jail is as follows:

<table>
<thead>
<tr>
<th>Gross Weekly Earnings</th>
<th>Subsistence Fee per day, 7 days per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>$199.00 and above</td>
<td>$12.00</td>
</tr>
<tr>
<td>187 to 198.00</td>
<td>11.00</td>
</tr>
<tr>
<td>173 to 186.00</td>
<td>10.00</td>
</tr>
<tr>
<td>161 to 172.00</td>
<td>8.00</td>
</tr>
<tr>
<td>148 to 160.00</td>
<td>7.00</td>
</tr>
<tr>
<td>147 or less</td>
<td>6.00</td>
</tr>
</tbody>
</table>

*The fee schedule is based on the Federal Poverty Level of $6,932 annual salary for an individual. (The poverty level for a family of four is $12,674.)*

2. Resolution no. R-80-992 is hereby repealed.

The foregoing resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Newell and, being put to a vote, the vote was as follows:

- Aye
- Aye
- Aye
- Aye
- Aye
- Aye
- Aye
- Aye

The Chair thereupon declared the resolution duly passed and adopted this 1 day of February 1994.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS.

Dorothy H. Wilken, Clerk

BY

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

County Attorney

[Signature]
The Resolution to increase the cost of the Sheriff's Office electronic monitoring program from $9 to $12 includes a sliding fee schedule. This schedule is based on the Federal Poverty Guidelines (see Federal Register February 12, 1993) which designates an annual salary for an individual with no dependents at $6,092 or below to be at poverty level. For a family of 4, it is $12,674 or below.

The figures in the fee schedule were calculated after considering indigency criteria. Because the Sheriff's Office is willing to waive, upon court order, the fee for electronic monitoring the schedule must designate the lowest payments to those just above the indigency criteria (see attached statute). Therefore, the schedule details that those at or below 10% above the poverty level, pay 50% of the program cost, or a weekly (7 days) cost of $56 for an individual making $147 or less per week, which is 29% of their weekly salary. The schedule then progresses up from those earning 10% above the poverty level in intervals of ten (10) until it reaches those making 51% or above poverty level. These individuals will be required to pay the full cost of $12 per day of $84 per week, which is at the most 42% of their gross weekly earnings. The table below illustrates these calculations.

<table>
<thead>
<tr>
<th>% ABOVE POVERTY LEVEL</th>
<th>GROSS WEEKLY EARNINGS</th>
<th>%AGE PAY FOR PROGRAM</th>
<th>PROGRAM FEE PER DAY</th>
<th>TOTAL WEEKLY COST</th>
<th>% OF WEEKLY SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>51 and above</td>
<td>199 and above</td>
<td>100</td>
<td>$12</td>
<td>$84</td>
<td>42</td>
</tr>
<tr>
<td>41 - 50</td>
<td>187 - 198</td>
<td>90</td>
<td>11</td>
<td>77</td>
<td>38</td>
</tr>
<tr>
<td>31 - 40</td>
<td>173 - 186</td>
<td>80</td>
<td>10</td>
<td>70</td>
<td>38</td>
</tr>
<tr>
<td>21 - 30</td>
<td>161 - 172</td>
<td>70</td>
<td>8</td>
<td>56</td>
<td>33</td>
</tr>
<tr>
<td>11 - 20</td>
<td>148 - 160</td>
<td>60</td>
<td>7</td>
<td>49</td>
<td>31</td>
</tr>
<tr>
<td>10 - less</td>
<td>147 - less</td>
<td>50</td>
<td>6</td>
<td>42</td>
<td>29</td>
</tr>
</tbody>
</table>
As this table illustrates, as the individual's gross weekly earnings increase, the program fee increases as does the percentage paid to the program. It should be pointed out that the old fee schedule as amended by Resolution 80-992, on July 29, 1980, increased the percentage of gross weekly earnings paid as these earnings decrease. This creates a situation where those earning the least pay the greatest percentage of their salaries toward the program. It seems more logical to have those with the greatest earnings paying the greatest percentage of their salaries to the program. This is reflected in the current resolution.

It should also be pointed out that according to Florida Statute 27.52 (attached) one criteria in determining indigency is a weekly gross income that exceeds $140 per week for an individual. This would come out to be an annual salary of $5,200 which is $1,732 below poverty level. Also, an individual making minimum wage ($4.50/hour) would make an annual salary of $9,360. The federal poverty level ($6,932) falls in between the indigency criteria ($5,200) and the minimum wage ($9,360), which provides a fair base for this schedule.
IN RE: IN-HOUSE ARREST AND WORK RELEASE PROGRAMS DIVISION “U” CASES

ORDER RE: IN HOUSE ARREST AND WORK RELEASE

The Sheriff of Palm Beach County is authorized to establish criteria for the consideration and review of inmates requesting the Work Release and In-House Arrest Program while serving time in the Palm Beach County Detention Center having been sentenced in Division “U”. Person admitted to either program shall be at the sole discretion of the Sheriff and his staff in determining their suitability.

The undersigned takes no position with respect to the eligibility of any inmate sentenced in this Division unless specifically stated at sentencing.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida on this 1st day of August, 2019.

KIRK C. VOLKER
CIRCUIT JUDGE

Copies to:
Office of the State Attorney, Division “U”
Office of the Public Defender, Division “U”
Deputy Belinda Murvin, Alternative Custody Section
Palm Beach County Sheriff’s Office