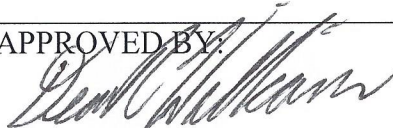


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

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| SECTION: Probation And Parole | | PAGE: Page 1 of 4 |
| CHAPTER: 903 | NUMBER: 903.05 | P&P TYPE: Public |
| TITLE: Community Work Service | | |
| APPROVED BY:  Dean R. Williams, Commissioner | | DATE: 12/29/16 |
| ATTACHMENTS / FORMS: (A.) Community Work Service (CWS) Partner Letter. (B.) CWS Performance Agreement. (C.) CWS Time Sheet. (D.) CWS Offender Placement Letter. | | AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.011 AS 12.55.055 (b) AS 33.30.021 AS 33.05.010 AS 44.28.030 AS 33.16.180 DOC P&P 902.16 |

EFFECTIVE DATE:

This policy will have a future effective date of 01/01/2017.

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to facilitate offenders who are ordered to complete Community Work Service (CWS) and to monitor them to ensure that they comply with their CWS obligations in a proper manner.
- II. Each district probation office will create and maintain a list of approved CWS partners who offer CWS opportunities to offenders within their district. This list will be approved by the supervisor.

APPLICATION:

This policy and procedure will apply to all Division of Probation & Parole employees.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Community Work Service (CWS), per AS 12.55.055 (b):

Community work includes: Work on projects designed to reduce or eliminate environmental damage, protect public health, or improve public lands, forests, parks, roads, highways, facilities, or education. Community work may not confer a private benefit on a person except as may be incidental to the public benefit. Additionally, offenders may not benefit financially from the CWS.

DOC Community Work Service (CWS) Partner:

A DOC approved organization, entity, non-profit, church, individual, etc. that is willing to consider providing offenders with an opportunity to complete their CWS obligation through service to them. These partners, or their designees, must meet certain requirements to be approved; such as an ability to report the number of hours the offender works, the ability to record if the offender shows up for work, and so on.

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| SUPERCEDES POLICY DATED: | 09/16/98 |
| THIS POLICY NEXT DUE FOR REVIEW ON: | 12/29/21 |

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Court Ordered Community Work Service (CWS):

A sentencing option used by the Court for persons convicted of crimes in which the Court orders the defendant to perform a number of hours of unpaid work for the benefit of the public. Offenders may be required to complete a sentence of CWS as a condition of probation. Sometimes CWS is ordered with the intent to repair the harm caused by the offense.

PROCEDURES:

I. DOC Approved Community Work Service Partners:

- A. Each district office will create and maintain a list of approved DOC CWS Partners in their district that offenders may be sent to in order to complete their CWS obligations. Once a CWS partner has reviewed the information in the letter, they will sign and return it to the district probation office. At this point, they may be added to the DOC CWS Partner list the office maintains.
- B. Offenders may request to perform CWS with partners not on the approved list. In these cases the Probation Officer (PO) (or designee) should provide the partner with a copy of the *Community Work Service Partner Letter* first, (Attachment A) in order to ensure they will meet requirements. This letter sets out some of the expectations the partner will need to meet in order to be a successful DOC CWS Partner, such as being able to report in the offender’s arrival and departure from the CWS location, as well as the number of hours the CWS offender works. Once the letter is returned, the PO should review the partner for suitability and if the partner would be suitable for CWS placements, they can be added to the list.
- C. Lists of CWS partners provided by the Court may also be included in the list of DOC CWS Partners that each probation office maintains.
- D. DOC CWS Partners may be removed from the list at any time, either at the request of a DOC CWS Partner, or if the supervisor deems that DOC CWS Partner is no longer suitable for CWS placements.

II. Referral For Community Work Service:

For each offender that is required to complete CWS, the PO shall review their current DOC CWS Partners list to ensure:

- A. The PO shall not approve CWS in locations or with organizations where offenders may have contact with an identifiable victim, or locations where offenders have restrictions on contact with a particular group of persons. (For example: minors.)
- B. That upon initial review with the offender, the PO shall not approve any CWS the offender is unable to perform due to any physical, mental and / or educational limitations they may possess. The PO shall not approve CWS in locations or with organizations that are likely to cause the offender to violate any of their probation conditions.

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III. Offender Initial Interview:

A. During the offender's initial interview, the PO or designee will:

1. Provide the offender with the district office's list of DOC CWS Partners;
2. Advise the offender if they wish to perform CWS with a partner not on the district office list, the CWS partner must be approved by the supervisor or designee first (see section II of policy, above);
3. Advise the offender the PO will establish a reasonable time frame in which to:
 - a) Locate a suitable CWS partner with which to perform their CWS.
 - b) Start the CWS with their identified partner.
4. Advise the offender they have to follow the rules of conduct as set out in the *Community Work Service Performance Agreement* (Attachment B);
5. Advise the offender their criminal history is considered public information and may be disclosed to their CWS partner;
6. Advise the offender any CWS that is not performed by the established deadline may result in the Court converting any remaining CWS to a fine. The fine shall be equal to the number of uncompleted work hours multiplied by the State's current minimum hourly wage and the Court will issue a judgment against the defendant for that amount.

For CWS converted to a fine by the Court, the offender will be expected to make regular payments to maintain compliance with their supervision in order to receive Earned Compliance Credits.

B. After explaining the above information to the offender, and once the offender has identified a DOC CWS Partner they wish to complete their CWS with, the PO will go through the *Community Work Service Performance Agreement* (Attachment B) with the offender. Once the PO and offender have been through the agreement, both parties can sign and date it.

IV. Community Work Service Partner Notification:

A. Prior to any CWS being performed with a DOC CWS Partner the PO will contact the DOC CWS Partner and will:

1. Advise the DOC CWS Partner of any special concerns regarding the placement.
2. Remind the DOC CWS Partner they will need to verify CWS performance and document the attendance and hours on a *Community Work Service Time Sheet* (Attachment C). The time sheet should be submitted to the assigned PO by the offender every 2 weeks or monthly as agreed upon.

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3. Ask the DOC CWS Partner to contact the PO if any problems arise with the offender or if there are any concerns with an offender's behavior or performance.

B. The PO or designee will then follow up with the DOC CWS Partner by sending them the *Community Work Service Offender Placement Letter* (Attachment D), which the DOC CWS Partner is to review, sign and return to the district office.

V. Community Work Service Monitoring:

During the period of the offender's CWS the PO shall monitor the offender's performance and progress as follows:

- A. Verify the offender's hours of CWS performed by contacting the DOC CWS Partner as needed. Copies of the offender's *Community Work Service Time Sheets* (Attachment C) shall be maintained in the offender's file as proof of CWS hours performed.
- B. For an offender who has successfully completed their required hours of CWS, a notation shall be made in the offender's file as well as the DOC case management system.
- C. File a Petition to Revoke Probation with the Court if sanctions outlined in DOC P&P 902.16, Incentives And Graduated Responses To Supervision Violations have been exhausted and the offender:
 - 1. Has not completed CWS as ordered; or
 - 2. Is not making a good faith effort to complete CWS although sufficient time remains to do so; or
 - 3. Is making a good faith effort to complete CWS, however circumstances prevent a timely completion and the term of supervision should be extended.

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