



State of Indiana
Indiana Department of Correction

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**POLICY AND ADMINISTRATIVE
PROCEDURE**
Manual of Policies and Procedures

Title
OUTSIDE WORK CREWS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 11-8-2-5(a)(2) IC 11-8-2-5(a)(8) IC 11-8-2-5(a)(13)	00-02-201 02-03-103 01-04-101 02-03-107 02-01-106 02-03-108 02-01-110 02-03-114 02-03-101	02-01-117 (Eff. Date 4-1-2014 / ED # 14-12)

I. PURPOSE:

The purpose of this policy and administrative procedure is to provide guidelines for the use and operation of work crews which operate outside the secured perimeter of a correctional facility.

II. POLICY STATEMENT:

The Department of Correction recognizes the benefit of providing meaningful work assignments for incarcerated individuals in its facilities. The Department also recognizes that it may not be possible to provide enough work assignments within the facility for minimum security individuals and so allowing these individuals to work in the community can provide additional work opportunities.

In addition to the added work opportunities for incarcerated individuals, these outside work crews can assist other State agencies and local units of government by providing a source of labor to supplement their workers in completing needed projects. In addition to providing a cost savings to these agencies, the use of work crews provides a sense of satisfaction and ownership for the incarcerated individuals involved which will enhance their Re-Entry into the communities upon release.

The Department shall work cooperatively with other State agencies, such as the Department of Natural Resources (DNR) and Department of Transportation (INDOT), to provide a work force of incarcerated individuals who can assist the agencies in completing their missions. Also, the Department shall work cooperatively with other units of government, such as cities and counties, and not-for-profit organizations to provide needed assistance in areas where they cannot provide an adequate workforce to meet their needs.

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Outside work crews shall not be used to supplant existing staffing positions and shall not be provided to private employers without the approval of the Commissioner.

Staff assigned to work crews must be aware of the security issues involved in this type of assignment. Staff shall ensure that the incarcerated individuals are trained in the proper use of equipment, this training is documented, and they are supervised constantly. In cases where non-Department staff are used to supervise work crews, the personnel supervising the crews shall be trained in the proper security and emergency measures.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **DIRECT SUPERVISION:** A method of management that ensures continuing direct contact between staff and incarcerated individuals where staff can provide frequent, non-scheduled observation of and personal interaction with incarcerated individuals without separation by a physical barrier.
- B. **OUTSIDE WORK CREW:** A group of incarcerated individuals assigned to working outside the secure perimeter of a facility and away from the grounds of the facility, not including grounds or maintenance crews working outside the secured area of the facility and which may be supervised by Department or non-Department staff.
- C. **SUPERVISOR:** The employee assigned the duties to oversee an outside work crew which may be a Department employee or the approved employee of another agency or unit of government who has received Department training in the supervision of incarcerated individuals.

IV. ESTABLISHMENT OF OUTSIDE WORK CREWS:

Facilities are to seek opportunities for providing incarcerated individuals with work assignments that will benefit the operation of the facility and assist the incarcerated individual in preparing for Re-Entry into the community. Facilities shall develop work assignments in compliance with Policy and Administrative 02-01-106, “Work Assignments and Pay Schedules.”

Prior to developing a new outside work assignment, the Warden shall ensure that the Application for Program/Work Project Development (Attachment) is

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completed. This application is to include a description of the outside work assignment. In addition to the information on the application, the Warden shall complete a narrative to attach to the application which will include the following information:

- A. Purpose of the work assignment;
- B. Whether another agency will be involved in this work assignment;
- C. The anticipated number of incarcerated individuals involved;
- D. Whether the work assignment will be a permanent or temporary assignment;
- E. Who supervises the incarcerated individuals on the work assignment, facility staff or non-Department personnel;
- F. If another agency is involved, the responsibilities of the facility and the other agency; and,
- G. Any other pertinent information regarding the work assignment.

The Warden shall submit the application and the attached narrative to the assigned Executive Director of Adult Facilities. The Executive Director of Adult Facilities shall review the information provided by the Warden and shall consult with any other appropriate Department staff to determine whether the proposed work assignment meets the goals and mission of the facility and the Department.

The Executive Director of Adult Facilities shall either approve or reject the proposed work assignment and shall forward the application to the Deputy Commissioner of Operations for final review and approval. Following a review of the application, the Deputy Commissioner of Operations shall make a decision regarding the work assignment and shall forward their decision to the appropriate Warden with a copy to the Executive Director of Adult Facilities.

Upon notification as to the approval of the work assignment, the Warden or designee shall contact the other agency. A Memorandum of Understanding (MOU) or other agreement shall be prepared in accordance with the appropriate fiscal procedures. Upon receipt of the final approved MOU or agreement, the work assignment may be initiated.

In cases where an existing work crew is given a short-term reassignment, such as to assist in the clean-up of storm damage, it shall not be necessary to submit the Application for Program/Work Project Development, nor develop an MOU, or contract for the work crew. In these cases, the Warden shall approve the use of the work crew for the designated purpose and shall advise, either by telephone or by e-mail, the Executive Director of Adult Facilities of the assignment of the work crew no later than the next business day.

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A facility employee designated by the Warden shall maintain a file of all outside work crews which shall include the approval of the work assignments, the MOU or contract, and any inspection reports.

V. DUTIES OF STAFF SUPERVISING WORK CREWS:

Staff assigned to supervise outside work crews shall be responsible for the overall security and safety of the incarcerated and the general public. Non-Department of Correction personnel who have been authorized to supervise incarcerated individuals from the Department on an outside work crew shall be responsible for the operation of the work crews and behavior of the incarcerated individuals in the same manner as Department staff.

The duties of staff or non-Department personnel assigned to supervise an outside work crew include, but are not limited to:

- A. Obtain the appropriate instructions as to where the work crew will be located on that shift;
- B. Obtain any equipment (e.g., vehicle keys, cell phone, radio, etc.) and tools needed for the assignment, including any safety gear such as helmets and vests;
- C. Ensure that adequate sack meals, water and/or other drinks are obtained for all individuals assigned to the work crew;
- D. Verify the incarcerated individuals who are assigned to the work crew and ensure that a crew kit is provided for each of them;
- E. Ensure that all incarcerated individuals are searched in accordance with Department procedures prior to leaving the facility;
- F. Advise the facility's control post or designated staff when leaving the facility for the assignment and the number of incarcerated individuals in the crew and contacting the facility when arriving at the designated work site;
- G. While on the assignment, the supervising personnel shall ensure that incarcerated individuals are kept under visual supervision at all times (if the individuals are changing locations on foot or on equipment, such as picking up trash or mowing the road side, the employee shall remain in close proximity in the vehicle and shall ensure that the warning flashers on the vehicle are operating);

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- H. Ensure that all safety and personal protective equipment (e.g., reflective vests, helmets, goggles, gloves, etc.) and tools are used in accordance with established procedures and guidelines;
- I. If restroom or meal breaks are taken, ensure that all incarcerated individuals take the break at the same time so that supervision can be maintained;
- J. If breaks are not provided to the crew, ensure that incarcerated individuals are instructed on how they may request to use the restroom and ensure that the incarcerated individual returns to the work assignment within 15 minutes (note: in these cases, the supervisor should conduct a census count before and after the individual goes to the restroom. If the supervisor must go to the restroom since direct supervision will be interrupted, the supervisor shall take a census count before going to the restroom and immediately upon returning to directly supervising the incarcerated individuals);
- K. Ensure that behavior is maintained in accordance with Department procedures and expectations;
- L. Incarcerated individuals are to be counted informally at least once per hour to ensure that all are present;
- M. If the work crew is out of the facility during an established count at the facility, the supervising staff shall report to the facility advising that the individuals have been counted and the number present on the work crew in accordance with Policy and Administrative Procedure 02-01-110, "Offender Accountability";
- O. Ensure that the work crew returns to the facility in accordance with facility instructions;
- P. Contacting the facility when changing or leaving the work site to return to the facility and provide an estimated time of arrival at the new work site or facility;
- Q. Inventory all tools and equipment before returning to the facility and reporting any lost or damaged tools or equipment in accordance with Policy and Administrative Procedure 02-03-107, "Tool Control";
- R. Ensure that all incarcerated individuals are strip searched upon return to the facility; and,

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- S. Ensure that all equipment, tools, vehicles are secured and ready for use the next day.

Department or non-Department staff supervising work crews shall be made aware of, and have access to, the above duties.

VI. NON-DEPARTMENT PERSONNEL SUPERVISING WORK CREWS (See Facility Directive):

Staff of other agencies (e.g., DNR, INDOT, etc.) may be allowed to supervise work crews if the facility providing the work crews does not have sufficient staff to supervise them. The Warden or designee shall have the authority to approve or reject any personnel from another agency who is proposed as a supervisor of a work crew.

Prior to being permitted to supervise a work crew, personnel from another agency must undergo a criminal history background check, including a driving history check. If the other agency has conducted a criminal history background check within the previous year, another check is not necessary. However, the Department shall ensure that a current warrants check is run on all personnel newly assigned to supervise a work crew.

When conducting the criminal history background check, staff shall determine whether the person has any felony convictions within the last five (5) years. If so, the Warden or designee shall determine whether the person has been incarcerated in the Department and whether the person was housed at the facility where the work crew is based. If the criminal history background check shows that the person has been housed in the facility within the last three (3) years, the Warden shall contact the supervisor from the other agency and request that another person be assigned to supervise the work crew. Also, if the check determines that the person is under some type of supervision for a criminal offense, the other agency shall be asked to remove the person from consideration to supervise a work crew.

In determining whether a person with a previous felony conviction can supervise a work crew, the Warden or designee shall consider the impact that the conviction will have on the person's ability to supervise a work crew. If there is a nexus between the person's felony conviction and the ability to supervise a work crew, the Warden shall deny the request to have the person supervise the work crew. If the Warden is uncertain as to the person supervising a work crew, the Warden may contact the Executive Director of Adult Facilities for assistance.

If the criminal history check shows that the person is currently under some form of supervision (e.g., parole, probation, community corrections, etc.), the Warden

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shall notify the person’s supervisor and advise that the person cannot supervise a work crew.

If the criminal history check determines that there is an active warrant for the person, the Warden or designee shall contact the other agency and advise of the warrant. Additionally, the Warden or designee shall contact the local law enforcement agency and advise as to the warrant.

Once the criminal history check has been cleared and the person approved to supervise the work crew, the non-Department employee shall be required to complete 40 hours of training plus 10 hours of eLearning modules in accordance with training provided by the Division of Workforce Engagement. This training must be completed prior to the person assuming supervision of a work crew. Additionally, the person must complete 40 hours of annual training in the supervision of work crews.

When possible, both Department and non-Department personnel assigned to supervise a work crew shall be assigned to job shadow a person experienced in the supervision of a work crew. The person is to job shadow the experienced supervisor for one (1) shift when possible.

The facility shall develop a facility directive to indicate the manner in which it ensures that non-Department personnel obtain a criminal history background check, and the required training before assuming supervision of a work crew.

VII. ASSIGNMENT TO OUTSIDE WORK CREWS:

Incarcerated individuals assigned to outside work crews shall be classified as Security Level 1-O or 2-O. Incarcerated individuals who are classified as 1-R shall not be assigned to outside work crews; but may be assigned to work crews within the secured perimeter of a facility.

Incarcerated individuals newly arrived at a facility shall not be assigned to an outside work crew for fourteen (14) days from the date of arrival at the facility. At the discretion of the Warden, the fourteen (14) days may be extended to thirty (30) days. During this time, staff shall review the incarcerated individual’s records and observe their behavior to determine whether they appear appropriate for assignment to an outside work crew. The only exception to the fourteen (14) days waiting period will be for facilities that have an agreement (contract or MOU) with another government agency which has specifically required a different waiting period and has been approved by the Commissioner or designee before the work crew is initiated.

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Following the review and approval of an incarcerated individual for an outside work crew by facility Classification staff, the Warden shall review each incarcerated individual prior to assigning the individual to an outside work crew. The Warden shall determine whether the incarcerated individual meets the criteria for placement on a work crew, including whether the incarcerated individual meets the appropriate waiting period and whether their behavior while at the facility is satisfactory to allow the incarcerated individual to be assigned to an work crew.

All assignments of incarcerated individuals to outside work crews shall be in accordance with Policy and Administrative Procedure 01-04-104, "Adult Classification."

VIII. DUTIES OF INCARCERATED INDIVIDUALS ASSIGNED TO OUTSIDE WORK CREWS:

Incarcerated individuals who are assigned to an outside work crew shall be responsible to:

- A. Obtain the necessary training in the use of all safety equipment and tools necessary to complete the assigned job tasks;
- B. Ensure that all safety procedures are followed at all times, including the wearing of protective safety equipment (e.g. reflective vests, helmets, goggles, gloves, etc.);
- C. Follow the directions/orders of the person assigned to supervise the work crew;
- D. Complete assigned work duties to the best of their abilities and in accordance with the instructions given by the supervisor;
- E. Follow all Department procedures and facility rules while on the work crews;
- F. Maintain visual contact with the supervisor the work crew as instructed;
- G. Ensure that they have their Identification Card on their person at all times. The incarcerated individual may be permitted to carry the Identification Card in a pocket or some place to keep it safe and prevent losing it, however, they must be able to show the Identification Card whenever requested;

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- H. Wear the appropriate clothing as designated by the facility and Department for incarcerated individuals assigned to outside work crews (i.e., Department-issued jumpsuit); appropriate clothing may include a specific designation that the person wearing the clothing is an incarcerated individual or the name/designation of the facility;
- I. Submit to any search or count as required by the work crew supervisor;
- J. Have limited contact with members of the general public and directing any questions or issues involving a member of the public to the work crew's supervisor (NOTE: Incarcerated individuals shall not accept anything from any member of the public nor shall they engage in conversations with the public other than to answer direct questions and to be polite and courteous. Family or friends shall not attempt to contact the incarcerated individual while they are on the work crew.).
- K. Incarcerated individuals shall not be permitted to smoke or possess tobacco products away from a facility on a work crew.

Incarcerated individuals who violate any of these conditions shall be subject to disciplinary action and removal from the work crew.

The facilities shall ensure that each incarcerated individual is made aware of the above duties and any other duties/responsibilities associated with the work crew assignment.

IX. OPERATION OF OUTSIDE WORK CREWS (See Facility Directive):

A. Staff-Incarcerated Individual Ratio

Ideally, each work crew shall maintain a ratio of one (1) supervisor for every 12 individuals or less. However, in some cases, the operation of the specific work assignment may allow for a higher ratio.

The Warden and Custody Supervisor shall review the requirements of each work crew and establish a maximum allowable staff to incarcerated individual ratio. This ratio shall take into consideration:

1. The duties to be performed by the work crew;
2. The location and terrain of area where the work crew will be assigned (e.g., flat open area, hilly area with low visibility, heavily wooded area, etc.);
3. The experience of the work crew supervisor; and,
4. Any other conditions specific to the particular work crew.

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B. Supervision

The supervisor of the work crew shall ensure that direct sight and sound supervision of the individual on the work crew is maintained. The supervisor should be able to see all of the incarcerated individuals under their supervision with only minimal movement.

In cases where is it necessary for the work crews to take a break, for a meal or a restroom break, all incarcerated individuals shall take a break at the same time and shall be ordered to go to and remain in a specific area until the supervisor instructs that they are permitted to return to their work sites.

C. Searches

The supervisor of a work crew shall ensure that each incarcerated individual is frisk searched prior to leaving the facility. In certain cases, such as when excessive contraband or prohibited property has been found, incarcerated individuals preparing to leave for an outside work crew may be strip searched.

While the incarcerated individuals are on the outside work crew, the supervisor may order any or all of them to submit to a frisk search if the supervisor has reason to believe that such a search is needed. The reason for conducting such a search shall be at the discretion of the supervisor. If the supervisor has reason to believe that individuals on the work crew have obtained contraband or prohibited property, the supervisor shall either return the crew to the facility as soon as possible or call the facility for assistance so that frisk searches may be conducted on the incarcerated individuals.

Upon return to a facility following an assignment on an outside work crew, all incarcerated individuals shall be frisk or strip searched before they are allowed to enter the secure area of the facility in accordance with Policy and Administrative Procedures 02-03-101, "Searches," and 02-03-103, "Facility Entrance/Exit Procedures."

D. Searches of Equipment and Vehicles

Prior to obtaining incarcerated individuals for an outside work crew, the work crew supervisor or other designated staff shall ensure that any vehicles and equipment/tools to be used are thoroughly searched for contraband or prohibited property.

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While the work crew is at the designated work site, the supervisor shall periodically inspect the vehicle and tools/equipment to determine whether it appears that contraband or prohibited property has been hidden in them.

At the end of the day, following the incarcerated individuals being returned to the facility, the supervisor or designated staff shall ensure that all vehicles and tools / equipment are searched for hidden contraband / prohibited property before they are put away.

A “Report of Incident” shall be written and submitted in accordance with facility procedures if contraband or prohibited property is found.

E. Incarcerated Individual Accountability

The supervisor shall be aware of the location and number of incarcerated individuals under their supervision at all times. At least hourly, the supervisor shall informally count all the incarcerated individuals on the work crew to ensure that all are accounted for and present. Additionally, if the work crew is away from the facility for more than four (4) hours, at least one (1) census count shall be made and the supervisor shall report the results of this census count to the Master Locations Office of the facility.

The facility’s central Control Room shall be aware of all work crews and their general location at all times. The facility shall ensure that local law enforcement is notified whenever a work crew is to be working within their jurisdiction. Additionally, the Indiana State Police District Post shall be notified whenever a work crew is to be working along a State highway or interstate highway within the District.

A crew kit containing a photograph of the incarcerated individual and pertinent information on the individual shall be prepared and maintained by the work crew supervisor for all individuals assigned to the work crew in accordance with Policy 02-01-110, “Offender Accountability.” The supervisor shall refer to the crew kit to ensure that all incarcerated individuals are present when conducting a census count.

F. Communication Equipment

The facility shall ensure that the supervisor has appropriate communication equipment so that information can be relayed to the supervisor or the facility as needed. This communication equipment can be a cell phone or radio. The supervisor shall be responsible to test this communication equipment to ensure that it is in proper working condition.

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G. Emergencies

The facility shall ensure that the supervisor of each outside work crew is provided with detailed instructions regarding actions to take in case of an emergency. The supervisor shall be instructed to contact the facility immediately and how to summon law enforcement assistance or medical assistance. Written instructions shall be provided to the supervisor and the Custody Supervisor or designee shall review the reporting instructions monthly to ensure that they are up-to-date and in order.

In addition to the above, the facilities shall ensure the outside work crews comply with the conditions set forth in Policy and Administrative Procedure 02-03-108, "Security Inspections," as they relate to the external inspections of these work crews.

Facilities shall develop a facility directive and update post orders to ensure that the above procedures are implemented and made a part of the operation of the outside work crews.

X. INSPECTIONS:

Each Custody Supervisor shall ensure that an employee, other than the work crew supervisor, visits each work crew and inspects its operation at least once every month. If staffing is available or if the Custody Supervisor has reason to believe that more frequent inspections are required, the Custody Supervisor shall increase the frequency of these inspections. The inspection report indicated in the Policy and Administrative Procedure 02-03-108, "Security Inspections," shall be used to record these facility inspections.

Additionally, external inspections of the outside work crew operations shall be conducted as indicated in Policy and Administrative Procedure 02-03-108.

XI. RECORDKEEPING:

Each facility shall maintain records on the training provided to staff, non-Department staff and incarcerated individuals assigned to outside work crews. Records shall indicate that all safety training is conducted and that incarcerated individuals have been trained in the use of equipment.

Additionally, the facilities shall maintain records on the use of outside work crews. The information maintained shall include, but not be limited to:

A. Number of Work Crews

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- B. Location of Work Crews
- C. Number of individuals assigned to each work crew
- D. Total number of incarcerated individuals who participated in work crews for the month and year
- E. Whether the work crew is supervised by Department staff or non-Department staff
- F. Whether staff and non-Department personnel are up-to-date on training
- G. Whether criminal history checks have been completed on all incarcerated individuals and non-Department personnel
- H. Number of hours of service provided by the work crews.

XII. TRAINING:

The Warden shall ensure that all Department and non-Department staff authorized to supervise outside work crews are trained in accordance with the training provided by the Division of Workforce Engagement. Department staff shall have completed the pre-service academy and be current on all annual training prior to being assigned to supervise an outside work crew. Additionally, when possible, Department staff shall job shadow an experienced employee before being assigned to supervise a work crew.

Non-Department personnel who are authorized to supervise an outside work crew shall complete the Department's training program relating to the supervision of incarcerated individuals. Additionally these persons shall complete an annual training regarding the supervision of incarcerated individuals as outlined in Section VI and Policy and Administrative Procedure 01-05-101, "Division of Workforce Engagement.

XIII. OUTSIDE WORK CREW MEETINGS:

In an attempt to ensure that information is shared and that any issues are addressed, all facilities operating outside work crews providing services to another agency or governmental unit shall conduct semi-annual meetings with the representatives from those agencies and governmental units. These meetings are to give staff and the representatives the opportunity to get better acquainted, to share information, to address any issues or concerns that may have arisen and to prepare for future needs and opportunities. These meetings are to be in addition to the Community Advisory Board meetings. However, they may be held in conjunction with the Community Advisory Board meetings.

The Warden or designee shall schedule semi-annual meetings with the contacts from the agencies and governmental units that receive the services of facility work crews. These meetings are to be held in the spring (March-April) and fall (September-October) each year. The content of these meetings will depend upon

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the issues and concerns raised about the work crews. Also, these meetings shall be used to provide refresher training to staff and the contacts and representatives regarding safety and security in working with incarcerated individuals.

The facility shall prepare an agenda for this meeting. Training materials, such as PowerPoint presentations and/or handouts, shall be prepared to assist in the presentation of information.

Once the meetings are scheduled, the assigned Executive Director of Adult Facilities is to be advised as to the date, time and location of the meeting. Following the meeting, the assigned Executive Director of Adult Facilities shall be advised of any discussions regarding significant issues related to the operation of an outside work crew.

XIV. APPLICABILITY:

This policy and administrative procedure are applicable to all facilities that house incarcerated adults and send work crews into the community.

signature on file
Christina Reagle
Commissioner

Date