

2023-2024 KERN COUNTY GRAND JURY



KERN COUNTY SHERIFF'S OFFICE WORK RELEASE PROGRAM

Providing Our Communities With Safe Workers

Release Date

June 12, 2024

KERN COUNTY SHERIFF'S OFFICE WORK RELEASE PROGRAM

Providing Our Communities With Safe Workers

SUMMARY:

Have you ever noticed individuals around town wearing a safety vest with the initials Work Release Program (WRP) on the back? Next time you do, know that these individuals are working to offset court sentenced time in the community rather than in the Kern County Sheriff's Office (KCSO) Lerdo Facilities. The WRP participants provide manual labor throughout Kern County working at County agencies which include parks, the fire department, landfills, and drainage sumps. The WRP has been around since August 18, 1987. Persons convicted of sex crimes, crimes involving sexual deviancy, all violent crimes, weapons possession, and gang related charges are ineligible for this program.

PURPOSE OF INQUIRY:

Pursuant to California Penal Code §925 the 2023-2024 Kern County Grand Jury (Grand Jury) inquired into the operation of the Kern County Sheriff's Office Work Release Program. A review of past Grand Jury reports noted that the Grand Jury has never written a report on KCSO's Work Release Program. The Grand Jury interviewed participants assigned to the WRP, but also addressed the health, safety, and welfare of the civilians that oversee and administer the program at the 77 work sites throughout Kern County.

METHODOLOGY:

The Grand Jury reviewed multiple resources including the internet, KCSO's Work Release Program Policies and Procedures Manual, Memorandums of Understanding (MOU), and Work Agreements. Interviews were conducted with the Public Defender's Office, KCSO's Work Release Program management and administration staff, civilian Sheriff's Aides assigned to the program, numerous County departments, and adjoining communities using the service.

DISCUSSION OF FACTS:

Under California Penal Code §4024.2, ...notwithstanding any other law, the board of supervisors of any county may authorize the sheriff or official in charge of county correctional facilities to offer a voluntary program under which any person committed to the facility may participate in a work release program. Kern County has had a work release program since August 18, 1987. The Kern County Sheriff's Office Work Release Program is headquartered at 1415 Truxtun Avenue, Suite 100, Bakersfield, California 93301. The program is designed to allow sentenced Kern County individuals to be referred from the Court to this alternative program in lieu of incarceration. The program provides manual labor to various County departments, KCSO's facilities and sub-stations, senior centers, Kern County Public Works (Public Works), landfills and transfer stations, Kern County Road Department (Road Department) drainage sumps, and numerous County buildings.

The KCSO's Detentions Department has a work unit as part of the Downtown Services Division that encompasses the Electronic Monitoring Program (EMP) and the Work Release Program. These two separate programs, with assigned staffing, are overseen by one Commander, one Lieutenant, and one Sergeant. There are three Senior Deputy Sheriffs, with one assigned to the WRP, one with the EMP, and the third as a floater working both programs. There are three Compliance Deputy Sheriffs, with one vacant position. The civilian positions consist of five Sheriff's Aides who are assigned to the work crew vans with one Aide currently on leave. One Sheriff's Support Specialist Supervisor and three Sheriff's Support Technicians, with 45 years combined work experience, staff the Department. There is a continual turnover of Sheriff's personnel causing a dependency on civilian staff for day-to-day operations.

There is currently a Sheriff's Support Specialist, a supervisory position assigned to the WRP. The wage range for this position is from \$19.61 to \$23.44 an hour. An attempt to have this position reclassified to a Sheriff's Records Supervisor with a wage range from \$22.11 to \$26.55 an hour was previously denied by the Kern County Personnel Department. The Sheriff's Support Specialist is also responsible for fingerprinting, taking DNA swabs, processing Court ordered bookings and taking mugshots. The three Sheriff's Support Technicians also do fingerprinting and take mugshots but are not trained for obtaining DNA swabs. The current wage for this position is from \$17.75 to \$21.22 per hour. Again, an attempt to have this position reclassified as Sheriff's Records Specialist with wages from \$20.10 to \$24.03 an hour was also denied. In comparison, the two positions have some of the same job duties and also assist with the registration of persons convicted of sex crimes, arson, and gang related activities.

On September 18, 2020, California's Governor signed AB 1869 removing the application, daily, and rescheduling fees from the program, however, these fees are still listed on the KCSO website. **In Fiscal Year 2020-2021, prior to AB 1869, KCSO collected \$349,367 in revenue for its Work Release Program.** This revenue kept WRP self-sustaining.

The WRP currently has over 316 participants enrolled in the program. An average of ten applicants are enrolled in the program daily. The program averages 72 workers per day and 60 workers on weekends. The WRP generates 3,840 man-hours of manual labor per week at \$16 per hour totaling \$61,400 of free labor for Kern County. In comparison, it costs KCSO \$140 a day to house a prisoner at the Lerdo Facilities if they are not in the program. Responses to Grand Jury questionnaires sent to work sites and work site interviews indicate that these facilities would like more participants working there.

In the first four months of 2024, there were 85 participants disqualified (76 for failure to appear at worksite, three participants were arrested, one was disrespectful to staff, four for stealing, and one for the consumption of alcohol). Disqualified participants are referred to the Court for the issuance of an arrest warrant.

The KCSO has MOUs and site-specific Work Agreements with clients using the WRP. After June of 2024, Public Works will not renew its MOU to continue using the WRP at its landfills and transfer stations. Public Works must pay \$307 per day plus \$0.67 per mile for using the WRP service, which is not cost effective in the remote areas. On the other hand, the Roads Department will continue using the WRP to supplement its workforce as they have over 400 drainage sumps to maintain throughout the County. Other Kern County Departments are not charged for this service, because participants must commute to the work sites from their homes.

WRP Participant Criteria:

1. The application process for participation in the WRP starts with the sentencing judge's referral for a specific number of days. Program credits are one day of program work for one day of commitment credit. The Court referral that the participant receives has two dates. The first date indicates when the participant must contact the WRP for a file to be created. The participant normally is given five days to complete this step. The second date indicates the date the enrollment process must be completed. Failure to complete both steps can result in incarceration. (Appendix 1)
2. The participant must complete their application at 1415 Truxtun Ave., Suite 100, Bakersfield, California 93301. The participant is interviewed by a Sheriff's Aide and screened by a Compliance Deputy Sheriff for prior felonies, ensuring the safety of Sheriff's Aides, work site supervisors and the communities served. The KCSO's Compliance Deputy Sheriff has five days to approve or reject the participant's application for the program. If the application is rejected, the Court is notified, and an arrest warrant is issued. If approved, the applicant is assigned a work site. Those who fail the screening are notified and instructed to turn themselves in to the appropriate KCSO's authority.
3. Participants must be physically fit, mentally sound, capable of lifting 50 pounds, and provide their own transportation to an assigned work site. Male and female participants are assigned to perform the same tasks.
4. Participants accepted into the program must agree to the work rules and regulations of the program and perform a minimum of 8 hours of manual labor per day. (Appendix 2)
5. Any person who is not able to perform manual labor because of a medical condition, physical disability, or age, may participate in a work release program involving any other type of public sector work approved by the KCSO.
6. Participants are not allowed their choice of work sites, but are assigned work sites closest to their residence based upon their own transportation needs.
7. A WRP work site shall be under the direction of a responsible person appointed by the KCSO. The individual appointed will receive training necessary for the assigned participants to perform his/her duties, as specified in their work agreement.
8. All participants in the WRP are required to wear the provided designated identifier or an orange safety vest at all times.

9. Kern County Superior Court Judges have the discretion to cancel credited workdays from WRP participants who have been disqualified. If a participant fails to appear at the time and location as agreed upon, does not perform the work or activity assigned, or for any other reason is no longer a fit subject for WRP, the Compliance Deputy Sheriff may, without a warrant, take the person into custody to complete the remainder of the original sentence.

WRP Support Information:

1. A random sampling of work release participants was interviewed. The consensus of the participants was that the enrollment process was smooth. Staff at the registration office were kind, helpful and flexible when it came to placing them on a work site. Participants who were employed stated that their work schedule was taken into consideration when their assignment was made. One participant was homeless and did not have a vehicle, and the staff found a work site within walking distance.
2. A sampling of Sheriff's Aides was interviewed. After conducting the interviews, it was clear that each Aide ran their crew differently. The one thing all Aides had in common was that they never felt endangered. Sheriff's Aides are civilians and have a combined service of twenty years performing their jobs.
3. A list of clients using the service was given to the Grand Jury by the KCSO. A random sampling of clients was sent questionnaires asking about the program. Many of the responses were positive. All agency representatives stated that they were satisfied with the program, and the KCSO responses to any problems they experienced with participants were dealt with in a timely manner. More than one client stated that they could use additional participants at their work site.

FINDINGS:

- F1. The KCSO's website needs to be updated as it contains misinformation on the Work Release Program.
- F2. The WRP work vans have no identification markings, and when in the neighborhoods, this causes some concerns for private citizens. (Appendices 3 and 4)



KCSO Work Van
photo by Grand Jury

- F3. The different colored vests that participants are currently wearing can cause confusion as to whether or not they are with the WRP.
- F4. It is apparent that the Sheriff's Support Supervisor and three Sheriff's Support Technicians assigned to the WRP are the glue that ensures the program runs seamlessly.

COMMENTS:

The Grand Jury would like to thank the KCSO's staff for their cooperation and assistance in providing information for this report. The KCSO's staff is committed to the program, ensuring that public safety is paramount.

RECOMMENDATIONS:

The 2023-2024 Kern County Grand Jury recommends that the Kern County Sheriff:

- R1. Update the Work Release Program Website by October 1, 2024. (Finding 1)
- R2. Have "Kern County Sheriff" identification markings placed on the work vans by January 1, 2025. (Finding 2)
- R3. Ensure that all WRP participants are wearing orange safety vests with identification markings by September 1, 2024. (Finding 3)

R4. Reclassify the job position title for the Sheriff's Support Specialist to Sheriff's Records Supervisor, and the Sheriff's Support Technician to Sheriff's Record Specialist, by February 1, 2025. (Finding 4)

NOTES:

- The Kern County Sheriff should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: <https://www.kerncounty.com/government/other-agencies/grand-jury>
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website at: <https://www.kerncounty.com/government/other-agencies/grand-jury>

RESPONSE DEADLINE:

- **REQUIRED WITHIN 60 DAYS FROM:**
Kern County Sheriff: Findings 1 through 4 and Recommendations 1 through 4.

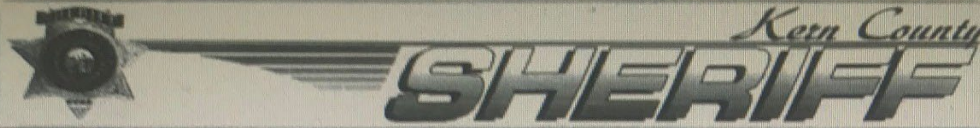
RESPONSES ARE REQUIRED PURSUANT TO CAL. PENAL CODE §§933 (c) AND 933.05 TO:

- **PRESIDING JUDGE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF KERN
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**
- **FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301**

Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDICES:

Appendix 1



WORK RELEASE PROGRAM

INSTRUCTIONS TO APPLICANT
(Print all information legibly)

The information asked on this and other forms must be complete and accurate. This information will be used in the determination of your eligibility to participate in the Work Release Program. After completion of this form, you will be asked to verify the correctness of the information by sworn oath and under penalty of perjury. If you have any questions, please ask for assistance.

APPLICANT: (Last) (First) (Middle)			DOB			Social Security Number										
Other Names Used in the last 10 yrs	Eyes	Weight	Height	Hair	Race	Sex	Age	Marital	Birthplace							
Street Address		Apt#	City & State		Zip		Home Phone									
Employer Name			Occupation (Applicant)			Cell Phone										
Employer Address			City & State		Zip		Employer Phone									
SPOUSE: (Last) (First) (Middle)		Occupation			Employer											
Employer Address			City & State		Zip		Employer Phone									
Emergency Contact Name		Address/City/State/Zip			Relationship		Phone									
Relative or Friend NOT living with you		Address/City/State/Zip			Relationship		Phone									
Relative or Friend NOT living with you		Address/City/State/Zip			Relationship		Phone									
CDL # OR ID #			Do you have transportation available to you? <input type="checkbox"/> Yes <input type="checkbox"/> No													
How is your general health? <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor			You are required to work 1-5 days per week. <u>CIRCLE</u> the days you can work for the Work Release Program													
			SAT		SUN		MON		TUE		WED		THU		FRI	
Health History 1. Do you currently have any of the following conditions: (Indicate Yes with an X) <input type="checkbox"/> High Blood Pressure <input type="checkbox"/> AIDS/HIV <input type="checkbox"/> Tuberculosis <input type="checkbox"/> Heart Problems <input type="checkbox"/> Asthma <input type="checkbox"/> Psychiatric <input type="checkbox"/> Diabetes <input type="checkbox"/> Hepatitis <input type="checkbox"/> Deformities <input type="checkbox"/> Back/Neck Problems <input type="checkbox"/> Allergies <input type="checkbox"/> Skin Conditions <input type="checkbox"/> Seizures <input type="checkbox"/> Leg Problems <input type="checkbox"/> Other. _____						Females Only Pregnant? <input type="checkbox"/> Yes <input type="checkbox"/> No Due Date: _____ Recent Delivery/Termination? <input type="checkbox"/> Yes <input type="checkbox"/> No When?: _____										
2. Will any of the medical conditions identified keep you from performing duties in the Work Release Program? <input type="checkbox"/> Yes <input type="checkbox"/> No						Do you use medical marijuana or Marinol? <input type="checkbox"/> Yes <input type="checkbox"/> No										
3. Are you currently on disability? <input type="checkbox"/> Yes <input type="checkbox"/> No						Do you take any medications <input type="checkbox"/> Yes <input type="checkbox"/> No Name of medications _____ _____ _____										
I do hereby swear under penalty of perjury, that the information I have provided is true and correct.																
Applicant (Signature) _____						Executed on (Date) _____										

Are you related to any current or ex law enforcement? Yes / No (Circle One)

REV. 12.12.2023 - JS 202410

Photo from KCSO WRP

Appendix 2

KERN COUNTY SHERIFF'S OFFICE
WORK RELEASE PROGRAM
RULES AND REGULATIONS
READ AND INITIAL EACH RULE; SIGN SECOND PAGE OF RULES

1. You must report in accordance with the dates, times, and locations agreed to in me contract. You may not fail to appear for your work assignment for any reason, other than a medical emergency, death in the immediate family, and Probation or Court appointments. A licensed physician **MUST** verify any medical emergency. A photocopy of the death certificate must verify death in the family. Employment conflict, no babysitter, no ride, etc., are **NOT** valid excuses. If you fail to appear for your work assignment, you must call the Work Release Program office, at 661-868-5501, as soon as possible. You must schedule a new interview and bring verification of your reason for absence to the Interview officer.
2. You must report to the designated work site on the date and time assigned. If you are late you must reschedule.
3. You will not report to a work site other than the designated work site on you Promise to Appear contract, unless authorized by a work release staff.
4. To receive a day of credit toward your court commitment, you must complete 8 to 10 hours of assigned work.
5. Transportation to and from the designated work site shall be your responsibility. Do not drive without a valid driver's license. A restricted driver's license does not permit driving to Work Release sites.
6. Insubordinate behavior toward your work site supervisor will not be tolerated.
7. You must perform your assigned work tasks.
8. You must make every effort to get along with other participants; no arguing or fighting is permitted.
9. Wear suitable clothing and shoes for current weather conditions, outdoor work, and manual labor.
10. Clothing, jewelry, accessories shall be appropriate as determined by Work Release management and worn in a manner that provides a safe environment for the participant and others.
PROHIBITED CLOTHING: Shorts, capri pants, sweatpants, leggings, pajamas, tank tops, halter tops, sleeveless shirts, sandals, or open-toed shoes.
11. You are required to wear the provided designated Identifier or clothing "orange vest" at all times.
12. You are to provide your own lunch. No food will be provided at the work site.
13. You may not possess the following items: weapons, alcohol, prescription drugs (which affect performance), non-prescription drugs, or electronic games or devices. No pornographic material is allowed.
14. Sexual harassment will not be tolerated. Examples of sexual harassment include:
 - ❖ Unwelcome sexual advances, requests for sexual favors, or hugging
 - ❖ Verbal or physical conduct of a sexual nature
 - ❖ Direct or indirect pressure for dates and/or sexual activity

REV. 12.12.2023 - JS 293410

Photo by KCSO WRP

Appendix 3

- ❖ Pinching, patting, leering, gawking
- ❖ Sexual jokes or cartoons
- ❖ Posting or circulating pornographic material(s)

15. Harassment of others will not be tolerated. Examples of harassment include:

- ❖ Racial jokes or cartoons
- ❖ Abusive or foul language
- ❖ Offensive reference to handicaps
- ❖ Derogatory remarks regarding a particular religion

16. You will not be permitted to have visitors or make personal telephone calls while at the work site.

17. You will not be permitted to communicate with anyone at work site other than your supervisor or other workers.

18. Do not report under the influence of alcohol or drugs.

19. Sleeping when at the work site is not permitted.

20. You are not permitted to enter into any business dealings with other participants or staff members of the contract agencies.

21. You are required to notify the Work Release office of any change(s) in the information required on the program application or any modifications to court commitments, any new court cases, or new court commitments. This includes phone numbers, addresses, and emergency contact information.

22. If you are arrested while on the program, you may be excluded from the program or taken into custody.

23. Violation of any of the rules may result in one or more of the following:

- ❖ Your immediate removal from the Work Release Program and incarceration in jail
- ❖ Violation of your terms of probation
- ❖ Notification to the court of your violation of the commitment
- ❖ Filing of new misdemeanor criminal charge(s)

24. **YOU MUST KEEP THE PROMISE TO APPEAR AND CARRY IT TO THE WORKSITE. HAVE THE PROMISE TO APPEAR INITIALED BY THE WORK SITE SUPERVISOR EACH WORKDAY. Do not let the supervisor keep the promise to appear. Bring the original to the office with you.**

25. **AFTER COMPLETING THE PROGRAM, BRING YOUR COMPLETED PROMISE TO APPEAR.**

Acknowledgement of receipt of rules, signed _____ Date _____

Signature of Office, signed _____ ID# _____ Date _____

Photo by KCSO WRP

Appendix 4



Photo by Grand Jury