

Prisoners Public Work Contract, Assignment of Inmates to Public Works Programs and Agency Service Work Program 1

I. Definitions 2

 A. Public Works Programs 2

 B. Agency Service Work Program 2

 C. Warden’s Crew Work Projects (Institutions)..... 2

 D. Public Agency 2

II. Purpose 2

 A. Benefit to the Community 2

 B. Benefit to the Inmate 3

III. Contract Agreements 3

 A. Prison Public Works Programs 3

 B. Contracts and Agreements 4

IV. Selection and Assignment of Inmates 5

 A. Minimum Security 5

 B. Community 7

 C. Community Programs 9

 D. Approval or Denial 9

V. Inmate Management Requirements 10

 A. Removal From Program 10

 B. Supervision 10

VI. Health and Safety 11

 A. Training 11

 B. Communication 11

VII. Monitoring and Accountability 11

 A. Reporting of Noncompliance 11

 B. Communication Responsibilities 12

 C. Violation of Service Agreements 12

 D. Training 12

VIII. Invoicing the Public Agency 12

 A. Prisoner Public Works Program Invoice 12

IX. References 13

X. Action 13

Referenced Forms 15

Attachments 15

Section-09 Programs	OP-090106	Page: 1	Effective Date: 04/01/2026
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Justin Farris, Director Oklahoma Department of Corrections		Signature on File	

Prisoners Public Work Contract, Assignment of Inmates to Public Works Programs and Agency Service Work Program

As authorized by state law, inmates under the authority, custody or care of a prison or community-based facility operated by the Oklahoma Department of Corrections (ODOC) may be assigned to municipalities, counties, other state or federal agencies, or political subdivisions for the purpose of working on projects in the public interest.

Inmates will not normally be assigned to projects on private property; the only exception being when the project is for the benefit of the public or the exercise of a governmental function. The affected Administrator shall evaluate each situation on statutory and legal authority. Consideration shall be given to the nature of the project, whether an emergency exists and significance to the people of the State of Oklahoma.

I. Definitions

A. Public Works Programs

An ongoing project, or projects of lesser durations, that use minimum or community security inmates to provide labor to a public agency for the betterment of the public.

B. Agency Service Work Program

An ongoing project or projects that use minimum or community security inmates to provide labor for an agency service program. Agency Service Work Programs include Oklahoma Correctional Industries (OCI), Agri-Services and Construction and Maintenance (C&M).

C. Warden's Crew Work Projects (Institutions)

A special project of three-week duration or less that uses minimum or community inmates from a single facility to provide labor to eligible public agencies that serve the community interest.

D. Public Agency

A board of county commissioners, a municipality, or any agency of the State of Oklahoma or the United States or any subdivision thereof.

II. Purpose

The purpose of this procedure is to establish the process for the request, approval and operation of ODOC Prisoners Public Works Programs (PPWP) and Agency Service Work Programs. The agency's policy is to provide inmate labor for the purposes of: developing lands pursuant to a public works program; providing improvement and beautification; aiding inmates' transition between confinement and society, thus reducing recidivism; and similar purposes, which serve the public interest.

A. Benefit to the Community

PPWP projects shall be performed for the convenience, safety or welfare of the entire community. Inmate labor shall be utilized to fulfill community projects as well as saving taxpayer dollars without displacement of current jobs.

B. Benefit to the Inmate

The agency's goal is that participation in the program shall benefit the inmate by:

1. Demonstrating the inmate's willingness to become a useful, productive citizen;
2. Encourages the inmate to make restitution to the victims of their crimes(s) and/or to the community;
3. Serving as a deterrent to crime for the inmate and serve as an example to others that there is a consequence to unlawful behavior;
4. Providing rehabilitation and skill training;
5. Providing meaningful work opportunities for the inmate; and
6. Serving as a restorative sanction to the community.

III. Contract Agreements

A. Prison Public Works Programs

Public agencies desiring to participate in a PPWP shall be required to submit an "Application for Prisoner Public Works Program Inmates" ([Attachment I](#)) before entering into a written contract with ODOC. Contract renewals with any modifications shall require a new application to be submitted before the contract is changed. PPWP contracts shall specify the standards of performance required for both parties. Facilities shall receive contract renewal instructions and updated fees no later than April 15 each year so that contracts can be prepared and submitted to contracting public agencies no later than May 1.

1. The appropriate Administrator of Institutional Operations shall designate facility/host facility assignments for all PPWP crews. The affected facility head shall review the applications and sign the standardized public agency contracts for their facility before forwarding to the appropriate Administrator of Institutional Operations.
2. The appropriate Administrator of Institutional Operations shall approve all contracts before forwarding to the Office of the General Counsel.
3. The "Prisoners Public Works Project Contract" ([Attachment A](#)) is the approved contract for all public works projects, as approved by the Office of the General Counsel.

4. To determine the public agency's monthly amount in paragraph number six of the "Prisoners Public Works Project Contract" ([Attachment A](#)), multiply the number of inmates requested for the public works project (paragraph number four of the PPWP contract) by \$135.00 which is the base cost and a 10 percent administrative fee for each inmate requested for the crew. The base cost shall be evaluated and updated annually or as needed to reflect current costs to the agency.
 - a. Any modification to the basic contract or any questions concerning the contracting entity shall be reviewed and addressed by the General Counsel.
 - b. Any amendment/addendum to an existing contract shall be approved by the General Counsel.
5. The appropriate facility Administrator or facility head shall ensure that the contract specifies the location and nature of the work to be performed and that the contract is with a public agency.
6. When a "Prisoners Public Works Project Contract" ([Attachment A](#)) has been executed by all parties, the appropriate Administrator of Institutional Operations shall forward a copy of the contract to the General Counsel. The General Counsel shall maintain a repository of all approved contracts.

B. Contracts and Agreements

All services provided by work crews shall be in accordance with the "Prisoners Public Works Project Contract" ([Attachment A](#)) or the "Oklahoma Department of Corrections Special Project Agreement" ([Attachment B](#)). Both parties agree and understand that inmates shall not displace any employee of the public agency nor shall they reduce the employment opportunities of any eligible and qualified citizens.

1. Special Projects

The length of each special project request, as provided on the "Oklahoma Department of Corrections Special Project Agreement" ([Attachment B](#)), shall normally be no longer than three weeks from start to finish. Any extension of time that would require the project beyond six weeks shall require approval by the Administrator of Institutional Operations. The facility shall provide the items listed on the "Prisoners Public Works Program Equipment Needs" ([Attachment E](#)).

2. Statewide contract (e.g., ODOT, ODPS, etc.) time frames shall be specified in the terms of the contract and may be extended by approved contract addendum(s).

3. In circumstances where a contractual number of inmates are not able to be supplied on a consistent term, an addendum to the contract may be agreed upon by the facility and the public agency to reduce the number of inmates originally agreed upon by utilizing the "Addendum to the Prisoners Public Works Project Contract" ([Attachment A-1](#)).

IV. Selection and Assignment of Inmates

A. Minimum Security

1. Inmate Criteria

- a. All inmates shall be assigned minimum security.
- b. The facility classification committee shall determine participation.
- c. Prior to an inmate being assigned to a PPWP/Institutional Program work crew, staff shall review the "Individual Health Activity Profile (IHAP)" ([DOC 140113C](#)) for any work-related restrictions. A copy of the "Individual Health Activity Profile (IHAP)" ([DOC 140113C](#)) shall be provided by the medical unit within five working days of the request by facility staff.
- d. Facility staff shall complete the "PPWP Screening" ([Attachment D/IJTP200](#)) in ICON for inclusion in the PPWP packet.

2. Exclusionary Criteria

Inmates who meet any of the following criteria shall be excluded from participation in any PPWP/Institutional Program project as listed below per 57 O.S. § 216 and the "Sex Offenders Registration Act" (57 O.S. § 581 et seq.):

- a. Deemed to be a threat to public safety;
- b. No more than 20 years to PRD (combination of all cases);
- c. No outstanding felony detainers, felony warrants, revocations, or felony charges pending;
- d. Escape history to include: escape or attempt to escape from a correctional facility within the last 10 years; escape from a city/county jail or from the custody of a police officer/sheriff. This does not include absconders from supervision, bail jumping/AWOL from House Arrest, PPCS, EMP or SSP;

- e. Ever convicted of any sex crime, as defined by the “Sex Offenders Registration Act,” Murder I, Murder II, Manslaughter First Degree or any crime against a child (excluding failure to pay child support or contributing to the delinquency of a minor) or any attempt/solicitation conspiracy of these crimes;
- f. Current or past history of domestic violence. History shall be defined as two or more misdemeanor or felony domestic violence convictions;
 - (1) With the approval of the facility head, inmates with a current or past history of domestic violence may only be approved for assignment to a PPWP work crew if the crew is directly supervised by an OCI, Agri-Services or C&M employee.
- g. Override from medium or maximum security; and
- h. Inmates with active protective orders or felony convictions for stalking in the county where they are being housed or in the county where the PPWP crew works.
- i. Inmates with violent offenses shall be directly supervised by an agency OCI, Agri-Services and/or C&M employee.

3. Additional Considerations

The following shall also be considered in the determination whether an inmate shall be assigned to a Public Works Programs, Agency Service Work Program, Warden’s Crew or Public Agency.

- a. Past disciplinary history;
- b. Work history;
- c. Possession of contraband in accordance with [OP-040109](#) entitled “Control of Contraband and Physical Evidence”;
- d. Recent assignment to minimum security from a lower security level;
- e. Current institutional adjustment; and
- f. Mental or psychological conditions as indicated on the “Individual Housing Activity Profile (IHAP)” ([DOC 140113C](#)).

4. Additional Factors

- a. Problems at home or with family;
- b. Problems with other inmates at the facility;
- c. Problems interacting with staff; and
- d. Personal hygiene and appearance.

B. Community

1. Inmate Criteria

- a. The facility classification committee shall determine participation.
- b. Prior to an inmate being assigned to a PPWP/Institutional Program work crew, staff shall review the "Individual Health Activity Profile (IHAP)" ([DOC 140113C](#)) for any work-related restrictions. A copy of the "Individual Health Activity Profile (IHAP)" ([DOC 140113C](#)) shall be provided by the medical unit within five working days of the request by facility staff.
- c. Facility staff shall complete the "PPWP Screening" ([Attachment D/IJTP200](#)) in ICON for inclusion in the PPWP packet.

2. Exclusionary Criteria

Inmates who meet any of the following criteria shall be excluded from participation in any PPWP/Institutional Program project as listed below per 57 O.S. § 216 and the "Sex Offenders Registration Act" (57 O.S. § 581 et seq.):

- a. Deemed to be a threat to public safety;
- b. No more than 11 years to PRD in accordance with [OP-060104](#) entitled "Community Corrections Assessment";
- c. No outstanding felony detainers, felony warrants, revocations, or felony charges pending;
- d. Escape history to include: escape or attempt to escape from a correctional facility within the last 10 years; escape from a city/county jail or from the custody of a police officer/sheriff. This does not include absconders from supervision, bail jumping/AWOL from House Arrest, PPCS, EMP or SSP;
- e. Ever convicted of any sex crime, as defined by the "Sex Offenders Registration Act," Murder I, Murder II, Manslaughter First Degree or any crime against a child

(excluding failure to pay child support or contributing to the delinquency of a minor) or any attempt/solicitation conspiracy of these crimes;

- f. For community corrections and only with the approval of the Administrator of Institutional Operations, inmates convicted of Murder I, Murder II, or Manslaughter in the First Degree, and who are placed at community corrections as a result of a parole stipulation, may be placed on a crew;
- g. Inmates assigned to community corrections with a current or past history of domestic violence may be approved for assignment to a crew at the discretion of the facility head/designee; and
- h. Override from medium or maximum security; and
- i. Inmates with active protective orders or felony convictions for stalking in the county where they are being housed or in the county where the PPWP crew works.

3. Additional Considerations

The following shall also be considered in the determination whether an inmate shall be assigned to a Public Works Programs, Agency Service Work Program, Warden's Crew or Public Agency:

- a. Past disciplinary history;
- b. Work history;
- c. Possession of contraband in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence";
- d. Recent assignment to minimum security from a lower security level;
- e. Current institutional adjustment; and
- f. Mental or psychological conditions as indicated on the "Individual Housing Activity Profile (IHAP)" ([DOC 140113C](#)).
- g. Additional factors to be considered are:
 - (1) Problems at home or with family;
 - (2) Problems with other inmates at the facility;
 - (3) Problems interacting with staff; and

(4) Personal hygiene and appearance.

C. Community Programs

The following shall be considered when determining inmate assignments to a community program:

1. Inmate Assignment to Non-Agency Supervised Work Crews-Community
 - a. Preferably earned credit class level three or four. Earned credit class level one and two inmates shall be considered on a case-by-case basis for assignment to this type of work supervision;
 - b. Excellent to outstanding work evaluation;
 - c. Excellent to outstanding personal hygiene and appearance;
 - d. No recent misconduct history of a serious nature;
 - e. Good to excellent attitude, behavior and emotional stability; and
 - f. Excellent to outstanding interaction with staff, other inmates and visitors.
2. The contracting public agency shall contact the facility when requesting inmate services. The facility shall ensure the inmate population is reviewed by the facility classification team for suitable candidates that meet the following criteria:
 - a. No class "A" or "X" misconducts in the preceding 60 days;
 - b. Not in one of the exclusionary categories; and
 - c. Inmates shall be screened for any medical conditions that would preclude assignment to the program and shall be approved by medical staff prior to assignment.
3. Contracting public agencies may interview eligible inmates prior to assignment. Such interviews shall be conducted through the designated staff member.

D. Approval or Denial

1. Institutions

All inmates assigned to a Public Works Programs, Agency Service Work Program, Warden's Crew or Public Agency shall be reviewed and approved, in writing, by the facility head (no designee).

2. Community Corrections

- a. The facility head or designee shall approve all inmates assigned.
- b. Special circumstances may require the approval of the Administrator of Institutional Operations, as outlined in the Section IV.B.2 and 3 of this procedure.

V. Inmate Management Requirements

A. Removal From Program

Any inmate may be removed from participation for inappropriate behavior (e.g., horseplay, disrespect to staff or public and/or other similar acts) or disciplinary violations.

B. Supervision

1. ODOC security shall be provided for the custody and control of all inmates assigned to institutional (Warden's Crew) PPWP crews. Crews shall not exceed one agency staff member for each 10 inmates.
2. Public agency employees supervising an inmate crew, for any period of time, shall be approved by the facility head following completion of a favorable criminal background check and with documentation of required training as outlined in Section VII.D below. Approval of the criminal background check shall be indicated with a note and facility head's signature on the criminal background records check. The inmates shall be checked out to the agency employee by the supervising ODOC staff person.
3. Supervision and security counts of all PPWP work crew inmates shall be in accordance with OP-040101 entitled "Facility Security Standards."
4. Transportation of the inmate to the work site shall be the responsibility of the public agency and coordinated by the facility/host facility's designated staff member as specified in the contract agreement.
5. The facility/host facility coordinator shall ensure that inmates assigned to the program have read and signed the "Inmate Guidelines and Rules for Prisoners Public Works Program"

([Attachment F](#)). The original shall be scanned into the Scanned Documents screen in ICON.

VI. Health and Safety

Projects which involve any activity that may expose the inmate to occupational health hazards (e.g., lead paint and asbestos fibers) shall be reviewed by a facility Safety Consultant or the Environmental Health and Safety unit to ensure safety equipment and training is provided. This review shall be submitted in writing to the facility head with any recommendations for ensuring proper health and safety precautions/protection are available. The facility head and the Safety Consultant/Environmental Health and Safety unit shall ensure that the affected unit manager and crew supervisor are made aware of the safety requirements and receive a copy of the recommendation.

Proper safety equipment in accordance with Occupational Safety and Health Administration (OSHA) standards, shall be provided and worn by inmates assigned to PPWP crews in accordance with "Prisoners Public Works Program Equipment Needs" ([Attachment E](#)).

A. Training

1. The public agency is required to provide safety training and related instruction and other equipment necessary to assist the inmate in safely accomplishing the work tasks. The public agency shall provide documentation of such training to the facility head.
2. Training associated with the use of lawn equipment, power tools and hand tools shall meet OSHA and Department of Labor standards, and this training can be conducted without the agency's review of the curriculum. Training associated with the use of any heavy equipment (e.g., backhoes, dozers, tractors and implements, frontend loaders, excavators, skid loaders etc.) shall require the public agency to provide the training curriculum to the facility safety consultant or the Environmental Health and Safety unit for approval prior to the public agency's training and allowing inmates to use this equipment.

B. Communication

The facility head/public agency shall ensure proper communication equipment (radio, telephone and other similar forms) is assigned to the officer/person in charge of the work crew in the event of an emergency.

VII. Monitoring and Accountability

A. Reporting of Noncompliance

The facility/host facility shall report all instances of non-compliance with the "Prisoners Public Works Project Contract" ([Attachment A](#)) to the appropriate

Administrator, whether on the part of the contracting public agency or ODOC.

The host facility Administrator assigned to the halfway house shall report all instances of non-compliance to the appropriate Administrator.

B. Communication Responsibilities

The facility/host facility shall ensure the contracting public agency is aware of all responsibilities described in the “Prisoners Public Works Project Contract” ([Attachment A](#)). The facility/host facility shall also ensure the contracting public agency is made aware of all relevant ODOC policies and procedures and any changes in such procedures.

C. Violation of Service Agreements

Any violation of the terms of the “Prisoners Public Works Project Contract” ([Attachment A](#)) may be grounds for termination of the agreement and the immediate removal of assigned inmates. The service agreement may also be cancelled or temporarily suspended if the facility/agency becomes aware of safety or supervision issues that may jeopardize safety or security of the public, facility/host facility, public agency or inmates.

D. Training

1. Facility heads shall ensure all PPWP work crew supervisors (ODOC and civilian) attend training prior to supervising a work crew and on at least an annual basis thereafter.
 - a. The training shall consist of all information outlined in “Guidelines and Rules for Supervisors of Prisoner Public Works Programs” ([Attachment G](#)), “Use/Operation of Equipment and Machinery” ([Attachment G-1](#)), [OP-030601](#) entitled “Oklahoma Prison Rape Elimination Act” and any facility specific information/criteria.
 - b. Each supervisor of a PPWP crew shall sign a verification receipt, acknowledging that they have read and understand the guidelines.
2. Facility heads shall develop post orders for ODOC crew supervisors to include guidelines in “Guidelines and Rules for Supervisors of Prisoner Public Works Programs” ([Attachment G](#)) and in accordance with [OP-040102](#) entitled “Master Roster and Post Order Guidelines.”

VIII. Invoicing the Public Agency

A. Prisoner Public Works Program Invoice

1. The facility shall submit an invoice to the public agency once a month using the “Prisoner Public Works Program Invoice” ([Attachment H](#)).

2. An electronic version of the "Prisoner Public Works Program Invoice" ([Attachment H](#)) can be obtained from the Chief Financial Officer or designee.

IX. References

Policy Statement P-090100 entitled "Provisions of Programs"

Policy Statement P-090200 entitled "Public Works Programs of the Oklahoma Department of Corrections"

OP-030601 entitled "Oklahoma Prison Rape Elimination Act"

OP-040101 entitled "Facility Security Standards"

OP-040102 entitled "Master Roster and Post Order Guidelines"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-060104 entitled "Community Corrections Assessment"

OP-140113 entitled "Health Assessment for Inmate Transfers"

57 O.S. § 215 et seq.

57 O.S. § 510 and 510.1

57 O.S. § 581 et seq.

74 O.S. § 1008

85A O.S. § 1 et seq.

APA, Title 170, Chapter 10

Prison Rape Elimination Act (§115.17 and §115.77)

42 U.S. Code § 1997

X. Action

The Administrators of Institutional Operations and facility heads are responsible for compliance with this procedure.

The Deputy Chief of Operations is responsible for the annual review and revisions.

Any exceptions to this procedure shall require prior written approval from the agency Director.

This procedure is effective as indicated.

Replaced: OP-090106 entitled "Prisoners Public Work Contracts and Assignment of Inmates to Public Works Programs" dated November 12, 2024

Distribution: Policy and Operations Manual
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 140113C	“Individual Health Activity Profile (IHAP)”	OP-140113
<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Prisoners Public Works Project Contract”	Attached
Attachment A-1	“Addendum to the Prisoners Public Works Project Contract”	Attached
Attachment B	“Oklahoma Department of Corrections Special Project Agreement”	Attached
Attachment D	“PPWP Screening”	Attached/ICON IJTP200
Attachment E	“Prisoner Public Works Program Equipment Needs”	Attached
Attachment F	“Inmate Guidelines and Rules for Prisoner Public Works Program”	Attached
Attachment G	“Guidelines and Rules for Supervisors of Prisoner Public Works Programs”	Attached
Attachment G-1	“Use/Operation of Equipment and Machinery”	Attached
Attachment H	“Prisoner Public Works Invoice”	Attached
Attachment I	“Application for Prisoner Public Works Program Inmates”	Attached