

THE CITY OF BETHEL, ALASKA
ORDINANCE NO. 44

AN ORDINANCE PROVIDING FOR WORK FURLOUGHS AND REHABILITATION FURLOUGHS FOR PERSONS CONVICTED OF CRIMINAL VIOLATIONS OF THE ORDINANCES OF THE CITY OF BETHEL AND SENTENCED TO JAIL OR IMPRISONED IN JAIL.

THE CITY COUNCIL OF THE CITY OF BETHEL ORDAINS:

1. Definitions. In this ordinance, unless the context otherwise requires

(a) "Administrator" means the City Administrator of the City of Bethel or his designee;

(b) "Court" means any court established by the State of Alaska;

(c) "City" means the City of Bethel;

(d) "prison facility" or "facility" means a building, camp, farm, place or area designated by the Administrator for detention or confinement of persons accused or convicted of criminal violation or violations of an ordinance or ordinances of the City of Bethel or held under authority of law by a police officer of the City of Bethel and includes a facility owned by or leased, loaned or granted to the City by the United States or the State of Alaska;

(e) "prisoner" means a person detained or confined for any period of time in a prison facility, whether by arrest, conviction, order of court, or a person held as a witness, or otherwise;

(f) "temporary commitment" means any detention of a person authority of law, but does not include confinement upon conviction and judgment of a court of this State.

2. Work Furlough.

(a) When a person is convicted of a violation of an ordinance of the City of Bethel and is sentenced to a prison facility, or is imprisoned in the prison facility for nonpayment of a fine, for contempt, or as a condition of probation for a criminal offense, the Administrator may, if he concludes that the person is a fit subject for a work furlough and is not prohibited from it under subparagraph (g) of this paragraph, direct that the person be permitted to continue in his regular employment, if that is compatible with the requirements of subparagraph (c) of this paragraph, or may authorize the person to secure employment for himself, unless the Court at the time of sentencing has ordered that the person not be granted work furloughs.

(b) If the Administrator directs that the prisoner be permitted to continue in his regular employment, the Administrator shall arrange for a continuation of the employment so far as possible without interruption. If the prisoner does not have regular employment, and the Administrator has authorized the prisoner to secure employment for himself, the prisoner may do so, and the Administrator may assist him in doing so. Any employment secured must be suitable for the prisoner. The employment must be in accordance with the prevailing working conditions and wages in the area. No employment may be permitted where there is a labor dispute in the establishment of which the prisoner is, or is to be, employed.

(c) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined to the prison facility unless the Court directs otherwise.

(d) The earnings of the prisoner shall be collected by the Administrator and the prisoner's employer shall transmit the wages to the Administrator at the Administrator's request. Earnings levied upon under a writ of attachment or execution or in other lawful manner may not be transmitted to the Administrator. If the Administrator has requested transmittal of earnings before the levy, the request shall have priority for those earnings due and payable at that time. When an employer transmits the earnings to the Administrator, he has no liability to the prisoner for the earnings. From the earnings, the Administrator shall pay the prisoner's board and personal expenses, both inside and outside the prison facility, and shall deduct so much of the costs of administration of this ordinance as is allocatable to the prisoner, and, in an amount determined by the Administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the Administrator may, with the consent of the prisoner, pay, in whole or in part, the pre-existing debts of the prisoner. Any balance shall be retained by the Administrator and paid to the prisoner at the time of his discharge.

(e) If the prisoner violates the conditions established for his conduct, custody or employment, the Administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(f) The willful failure of a prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement under this ordinance, is an escape from the place of confinement and is punishable under the laws relating to escape.

(g) A work furlough may not be authorized for a prisoner

- (1) identified with large-scale, organized criminal activity;
- (2) with serious emotional or personality problems, as determined by the Administrator;

2. (g) (3) whose presence in the community is likely to evoke adverse public reaction toward the inmate, the institution and the City.

3. Rehabilitation Furloughs. The Administrator may authorize a prisoner to participate in educational, training, medical, psychiatric, or other rehabilitation programs approved by the Administrator. When the prisoner is not participating in a rehabilitation program, he shall be confined in the jail unless the Administrator directs otherwise. If the prisoner violates the conditions established for his conduct or custody, the Administrator may order the balance of the prisoner's sentence to be spent in actual confinement. The willful failure of a prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement under this ordinance, is an escape from the place of confinement and is punishable under the laws relating to escape.

First Reading: 22 March, 1971

Second Reading: 22 March, 1971

Passed and approved by the City Council for the City of Bethel, Alaska, this 12th day of April, 1971.

Wm. B. Zahradnik
Mayor

Kathleen F. Haddell
City Clerk