
to HQDA, Assistant Chief of Staff for Installation Management, Plans and Operations Division (DAIM-MD) for review and approval. These changes will not become part of the MOA without first obtaining HQDA approval and confirmation that these changes have become part of the Army's Civilian Inmate Labor Program policy.

c. This MOA will be reviewed as required to determine if the conditions of the document are still current.

**(/s/ Name
Warden/Administrator
Name and location of local
Federal corrections facility)**

**(/s/ Name
Rank
Commander
Name and location of Army
organization)**

Date:

Date:

Figure B-1. Sample format for a memorandum of agreement—continued

Appendix C Sample Inmate Labor Plan

This sample Inmate Labor Plan may be used as a template to develop user Inmate Labor Plans. This sample Inmate Labor Plan contains all required clauses for compliance with Army policy on using civilian inmates. Users of this template should make the appropriate substitutions indicated in bold print and bounded by parenthesis to tailor this template for their own use. User Inmate Labor Plans may be a regulation, letter of instruction, policy memorandum, or other document of the user's choice.

**DEPARTMENT OF THE ARMY
(NAME AND LOCATION OF ARMY ORGANIZATION
USING CIVILIAN INMATE LABOR)**

(Army Organization) Regulation No. _____

FEDERAL INMATE LABOR PROGRAM

1. **Purpose.** This regulation establishes guidelines for the Federal Civilian Inmate Labor Program at **(name of Army organization)** and prescribes policies, procedures, and responsibilities for using Federal civilian inmate labor on **(name of Army organization)**.

2. **References.**

- a. AR 210-35, Army Civilian Inmate Labor Program.
- b. AR 190-40, Serious Incident Reporting.
- c. 18 USC 4125(a).
- d. 28 CFR 301.
- e. Memorandum of Agreement between **(name of local Federal corrections facility)** and **(name of Army organization)**.
- f. **(Add any other applicable local regulations).**

3. **General.**

a. Headquarters, Department of the Army has approved establishing a Federal civilian inmate labor program at **(name of Army organization)**, and has granted the Commander, **(name of Army organization)** permission to enter into agreement with **(name of local Federal corrections facility)** to provide inmate labor for labor details on **(name of Army organization)**.

b. The **(name of division/office)** will provide stewardship for the Federal civilian inmate labor program at **(name of Army organization)**.

c. Civilian inmates and inmate labor details will perform tasks for which funding is not available and therefore would not normally be performed. Civilian inmate labor will not replace authorized civilian positions, nor impair service contracts. Civilian inmates and inmate labor details will not interfere nor conflict with projects for which resources have been allocated and funds made available for accomplishment by contract or Federal civilian labor force.

d. Federal civilian employees will not be displaced by civilian inmates or inmate labor details.

e. Only minimum security community custody inmates will work on **(name of Army organization)**. These inmates are those convicted of nonviolent crimes who have been judged by established prison standards to represent no threat to the population at **(name of Army organization)** and who are not considered escape risks.

f. Inmates and inmate labor details will perform work defined by 18 USC 4125(a), i.e. road repair/construction, clearing, maintaining and reforesting public lands, building levees, and constructing or repairing any other public ways or works financed wholly or in major part by funds appropriated by Congress.

g. Typical work projects inmate labor can perform include painting, carpentry, general maintenance and repair, landscape planting and/or maintenance, mowing, trash pickup, custodial work, transporting material to and from recycling centers, and other similar type work.

h. Inmates will not be used in any manner inconsistent with this plan or any other law and regulation.

4. **Responsibilities.**

a. **(Name of division/office with overall responsibility for the civilian inmate labor program)** will:

(1) Have overall responsibility for managing and coordinating action of the Federal civilian inmate labor program and will establish priorities for use of all inmate labor on **(name of Army organization)**.

(2) Maintain a current list of all **(name of Army organization)** personnel trained and certified by **(name of local Federal corrections facility)** to check on the quality of inmate labor being performed, provide necessary daily training related to tasks, safety, and proper use of equipment, materials, tools, and supplies for inmates working at **(name of Army organization)**.

(3) Provide/accomplish all inmate labor reporting requirements.

(4) Ensure that training and licensing of inmates is accomplished in accordance with Army

Figure C-1. Sample Inmate Labor Plan—continued

regulations, as necessary, for inmates to operate government equipment/vehicles on **(name of Army organization)**.

(5) Coordinate training for **(name of Army organization)** personnel on **(name of local Federal corrections facility)** policies and procedures in such areas as inmate and inmate labor detail discipline, accountability, **(name of local Federal corrections facility)** staff conduct and safety. This training will be required for personnel who will serve as inmate labor detail monitors, or have any contact with inmates.

(6) Review and approve (or disapprove) each inmate labor work project request.

(Add additional paragraphs as appropriate).

b. The **(name of Army organization)** Public Affairs Office (PAO) will develop a plan to inform the installation and surrounding communities (to include family members) of the Federal civilian inmate labor program, projects inmate labor will perform, and community training regarding the presence of inmates on the installation.

c. The **(name of Army organization)** Staff Judge Advocate will review each inmate labor work project request to ensure that the work projects are within the parameters of 18 USC 4125(a). Factors other than those identified herein may be considered in the approval process.

d. Director and heads of other organizations will ensure that the provisions of this regulation are followed by personnel within their respective organizations.

e. Users of inmate labor will:

(1) Provide trained personnel for inmate labor details. Personnel provided must be trained and certified by **(name of local Federal corrections facility)** officials and be listed on the **(name of local Federal corrections facility)** record of training. Personnel will check on the quality of work being performed and provide necessary daily training related to tasks, safety, and proper use of equipment, materials, tools, and supplies. These personnel will not become directly involved with the operation of labor details, and in no event will perform custodial supervision of inmates or inmate labor details.

(2) Identify designated work break, lunch, restroom, and vending machine areas for use by inmates and inmate labor details.

(3) Submit written requests, **(specify type of written request)** to **(division/office having overall responsibility for the civilian inmate labor program)** for inmate labor support. All written requests must contain the following:

(a) Work location (building, area, place, etc.)

(b) Work period (days, hours, etc.)

(c) Duration of work required (weeks, months, indefinite, etc.)

(d) Names of **(name of local Federal corrections facility)** trained personnel who will be providing assistance at the work site.

(e) Names and telephone numbers of points of contact within the user's organization.

(f) Number of inmates required.

(g) Statement of work to be performed. This information should be simply stated but comprehensive enough to show expertise, training, qualifications, or any other knowledge/ skills inmates must possess to perform the work. Include physical requirements of the job.

(4) Ensure that inmates are used in accordance with guidelines and instructions provided by **(name of local Federal corrections facility)** officials, **(name of Army organization)** requirements, and job safety.

(5) Provide an escort at all times for inmate labor details working within controlled and restricted areas.

(6) Report the following to **(name of division/office with overall responsibility for the civilian inmate labor program)**:

(a) Any walkaway, escape, riot, disturbances or similar incident involving inmates or the **(name of Army organization)** Federal civilian inmate labor program.

(b) Any criminal act by a **(name of local Federal corrections facility)** inmate against a military member or civilian assigned to, residing on, or traversing the installation.

(c) Any negative media coverage concerning the inmate labor program or **(name of local Federal corrections facility)** inmates.

(d) Accidents/injuries.

(7) Maintain records of hours worked and work performed.

(8) Provide a safe and humane work environment for inmate labor details.

(9) Provide all materials, supplies, equipment, tools, and personal protective equipment for inmates and inmate labor details in a safe and serviceable condition.

(10) Enforce inventory and control procedures for hand tools and other equipment provided for inmate labor details.

(11) Ensure that personnel in their organization who will be directly involved with inmates and inmate labor details are of good integrity, have no known criminal record, have no known history of drug or alcohol abuse, and have no prior nor present social or other relationship with inmates and members of inmate labor details.

Figure C-1. Sample Inmate Labor Plan—continued

(Add additional paragraphs as appropriate).

5. Training. The **(name of local Federal corrections facility)** will provide training on the requirements for dealing with inmates to **(name of Army organization)** personnel who will be working with inmates. Training will be provided before implementation of the Federal civilian inmate labor program and at least annually thereafter. Training is mandatory for all employees, civilian and military, who work with inmates. Inmates will not be provided to organizations unless they have personnel who have been trained and certified by **(name of local Federal corrections facility)** officials.

6. Rules pertaining to inmates.

a. Inmates who work on **(name of Army organization)** are classified as minimum security, community custody inmates. They do not require supervision under guard.

b. Inmates will wear distinctive work uniforms at all times while on labor details at **(name of Army organization)**. Inmate uniforms will not resemble those worn by military or civilian personnel on the Host Agency installation.

c. Inmates will not interact with the general public. They are not to be given access to telephones or computer modems.

d. Inmates will not enter or work in family housing areas at any time. Inmates will not work in day care centers, youth services/school age services centers, schools, recreation centers/libraries, or similar facilities, except when these facilities are closed to the public or the likelihood of inmate contact with the general military community or family members is remote.

e. Inmates will not work in areas where medical supplies (drugs, syringes, etc.) are stored unless the medical supplies are secured and the inmates are under constant view by Army personnel.

f. Inmates will not work in areas where firearms and/or ammunition are sold or stored, nor in areas where alcohol products are sold, stored, or served.

g. Inmates will not work in sensitive or prohibited areas or offices. Inmates working in areas where classified information, personnel records, medical records, or other confidential or sensitive data is locked or secured will be under constant view by Army personnel. Inmates will not work in areas where classified information is discussed or in plain view.

h. Inmates will not operate vehicles or equipment unless they have the necessary valid operator's license(s), have been trained in proper operation and safety by Army personnel, and are authorized in accordance with AR 600-55 in writing by **(division/office having overall responsibility for the civilian inmate labor program)** to operate the vehicles or equipment.

i. Concerning the media:

(1) Any requests for interviews, photographs, films, and/or videos of individuals or collective members of inmate labor details must be referred to **(division/office having overall responsibility for the civilian inmate labor program)**. As program coordinator, the **(division/office having overall responsibility for the civilian inmate labor program)** will notify the **(name of Army organization)** PAO and **(name of local Federal corrections facility)** of such requests.

(2) At no time will any media representative be allowed to interview any inmate labor detail or member without prior written permission from both the **(name of Army organization)** PAO and **(name of local Federal corrections facility)** officials.

(3) No photograph, film, nor video may be taken or made of any inmate labor detail or member for any reason without prior written permission from both the **(name of Army organization)** PAO and **(name of local Federal corrections facility)** officials.

(4) No press release of any kind by anyone for any reason or any publication concerning inmate labor details or members will be made without prior written permission from both the **(name of Army organization)** PAO and **(name of local Federal corrections facility)** officials.

j. Inmates will not be transported in privately owned vehicles at any time.

k. Inmates are prohibited from performing any type of personal service.

l. Inmates are not allowed to receive anything (gratuities, food stuffs, clothing, soft drinks, etc.) from **(name of Army organization)** civilian or military personnel, or from the general public. Inmates are not authorized to receive visitors while working at **(name of Army organization)**.

m. Civilian and military personnel will not accept anything from inmates.

n. Inmates assigned to labor details are not DOD or Army employees. All assigned inmates are under the control and custody of **(name of local Federal corrections facility)**. Inmates are covered for injuries by the Federal Bureau of Prison's Inmate Accident Compensation Program. **(Name of local Federal corrections facility)** is responsible for injuries or damage to persons or property caused by the negligent or willful acts of assigned inmates.

(Add additional paragraphs on reporting accidents/injuries, transporting inmates to/from work sites and to local hospitals in the case of serious injuries, points of contact, and other paragraphs tailored to specific situations, as applicable.)

Figure C-1. Sample Inmate Labor Plan—continued
