

Civilian Inmate Labor Program (CILP)



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What is the Civilian Inmate Labor Program?

- The CILP benefits both USACE and corrections systems by providing meaningful work for inmates and providing a source of labor at no direct labor cost to USACE Civil Works projects to accomplish tasks that would not be possible otherwise due to staffing and funding constraints.
- Services provided by inmates may include but are not limited to:
 - Environmental protection
 - Constructing or repairing roads
 - Clearing, maintaining and reforesting public lands
 - Building levees
 - Providing repair and maintenance work such as mowing, painting, carpentry, cutting trees, landscaping, planting, trash pickup, custodial work
 - Constructing or repairing any other public works financed wholly or in major part by funds appropriated by Congress.
- Only minimum-security community custody inmates are authorized to perform tasks at Army Civil Works projects.



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Background/History of the CILP

- December 1996, ER 1130-2-500, Chapter 10 Volunteer Program: Authorized Corps projects to accept the services of minimum security level inmates under the 33 USC 569(c) volunteer authority
- March 2013, Chapter 10 update: Sentence added by HQUSACE Office of Counsel to inmate volunteer section clarifying that any use of civilian prison labor must also comply with AR 210-35 – Army Civilian Inmate Labor Program
- August 2016, Implementation Guidance for Section 1047(d) of WRRDA 2014: Army General Counsel ruled that CILP is not a volunteer program authorized by 33 USC 560(c). Removed the use of inmate labor from the volunteer program.
- January 2017, HQ CILP Policy Memo: Clarified how to accept civilian inmate labor following AR 210-35 procedures, routed from project to district=> division=> HQUSACE=> ASA(CW)=> Assistant Chief of Staff Installation Management for approval



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14 MAY 2020

CECW-CO

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS

SUBJECT: Civilian Inmate Labor Programs at Army Civil Works Projects - Delegation of Approval and Execution Authority

1. References.

a. Assistant Secretary of the Army for Civil Works memorandum, Subject: Civilian Inmate Labor Programs at Army Civil Works Projects - Approval of Model Agreements for Acceptance of Federal, State, and Local Civilian Inmate Labor Services and Delegation of Approval and Execution Authority, dated March 12, 2020.

b. Secretary of the Army Memorandum, Subject: Delegation of Authority to Establish Civilian Inmate Labor Programs at Army Civil Works Projects, dated February 5, 2020.

c. Department of the Army, U.S. Army Corps of Engineers Inmate Labor Plan for Federal and State/Local Inmate Labor at Army Civil Works Projects, dated March 2, 2020.

d. Model Memorandum of Agreement for Federal Civilian Inmate Labor, dated March 2, 2020.

e. Model Memorandum of Agreement for State/Local Civilian Inmate Labor, dated March 2, 2020.

2. The enclosed guidance document, reference 1.c., establishes guidelines for the Department of the Army, U.S. Army Corps of Engineers Civilian Inmate Labor Program and prescribes policies, procedures, and responsibilities for using civilian inmate labor at Army Civil Works projects.

3. Pursuant to reference 1.a., I hereby delegate approval of inmate labor agreements that do not deviate from the approved model agreements (references 1.d. and 1.e.) to division commanders. Division commanders may further delegate signature authority to a district commander, once an agreement is approved by the division commander.

4. District commanders shall provide a copy of all executed memorandums of agreement to the Office of the Assistant Secretary of the Army for Civil Works (OASA (CW)) through Operations and Regulatory Division, Natural Resources Management

Civilian Inmate Labor Program Delegation of Authority

- Memo from Secretary of Army to ASA(CW) delegating authority to establish CILP programs at Army Civil Works Projects, 05 Feb 2020
- Memo from ASA(CW) to CG delegating authority for approval of CILP agreements, 12 Mar 2020
- Memo from CG to MSC Commanders delegating approval and execution of CILP, 14 May 2020
- Included approved Inmate Labor Plan and model MOAs for Federal and State/Local Inmate Labor



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CILP Procedures

- USACE requesting site identifies a need for CILP inmate labor and makes contact with local correctional facilities to discuss details of the program and potential work projects.
- USACE requesting site uses template MOA for either Federal or State/Local facilities and works with correctional facility manager to outline:
 - Procedures for assigning/requesting inmate labor details
 - Oversight/monitoring responsibilities
 - Training of personnel involved in the program
 - Required security/safety measures
 - Environmental considerations
 - Reporting requirements
- District Commander submits MOA for approval to MSC Commander
 - Once approved by MSC Commander, District Commander provides copy of MOA to ASA(CW) through HQUSACE NRM branch

NOTE: Substantive deviations from approved template MOAs require ASA(CW) approval. Non-substantive deviations require DCW approval.



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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
INMATE LABOR PROGRAM FOR FEDERAL AND STATE/LOCAL INMATE LABOR
AT ARMY CIVIL WORKS PROJECTS

1. Purpose. This memorandum establishes guidelines for the Department of the Army, U.S. Army Corps of Engineers (USACE) Civilian Inmate Labor Program and prescribes policies, procedures, and responsibilities for using civilian inmate labor at Army Civil Works projects.

2. References.

- a. 18 U.S.C. 4125(a)
- b. 33 U.S.C. 2325
- c. 28 C.F.R. Part 301
- d. Secretary of the Army memorandum, subject: Delegation of Authority to Establish Civilian Inmate Labor Programs at Army Civil Works Projects, dated 5 February 2020.
- e. ER 1130-2-500, Ch. 11, Project Operations—Partners and Support, Contributions Program (27 December 1996).
- f. EP 1130-2-500, Ch. 11, Project Operations—Partners and Support, Contributions Program (27 December 1996).

3. General.

- a. The Secretary of the Army has delegated to the Assistant Secretary of the Army for Civil Works (ASA(CW)) the authority to establish civilian inmate labor programs for use of Federal and state/local inmate labor at Army Civil Works projects and the responsibility for providing overall program direction (reference 2.d.).
- b. Title 18 U.S.C. 4125(a) provides that the services of U.S. civilian inmates may be made available to perform work set forth under terms, conditions, and rates mutually agreed upon, for constructing or repairing roads, 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.
- c. Title 33 U.S.C. 2325 authorizes the Secretary of the Army to accept contributions of services from persons, including governmental entities but excluding the project sponsor, in connection with carrying out a water resources project for environmental protection and restoration of a water resources project for recreation. The acceptance of civilian inmate labor services from state and local correction facilities meets the statutory requirements of 33 U.S.C. 2325.

Approved Inmate Labor Plan for All USACE CW Projects

- This document establishes the guidelines for the CILP and prescribes policy, procedures, and responsibilities for all parties.
- It is considered the foundational/reference document and must be accompanied by a Memorandum of Agreement using the approved templates.



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MEMORANDUM OF AGREEMENT
BETWEEN
(NAME AND LOCATION OF CORRECTIONS FACILITY PROVIDING CIVILIAN
INMATES)
AND
THE DEPARTMENT OF THE ARMY
FOR
THE USE OF FEDERAL CIVILIAN INMATE LABOR ON PROPERTY UNDER
CONTROL OF (DISTRICT)

THIS MEMORANDUM OF AGREEMENT is entered into by, and between, **(the name and location of the local Federal corrections facility)**, represented by its **(insert title)** and the Department of the Army (hereinafter referred to as "the Army"), represented by the **(insert title)**.

WHEREAS, Title 18 U.S.C. 4125(a) provides that the services of United States civilian inmates may be made available to perform work set forth under terms, conditions, and rates mutually agreed upon, for constructing or repairing roads, 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; and

WHEREAS, the Army may require labor to include, but not limited to, providing repair and maintenance work such as mowing, painting, carpentry, cutting trees, landscaping, planting, building demolition, general maintenance and repair, trash pickup, custodial work, and other similar type work on property under Army control; and

WHEREAS, the **(name of local Federal corrections facility)** has under its custody and control a varying number of able-bodied, minimum security, community custody status inmates who can be made available for such activities; and

WHEREAS, it is to the mutual advantage of the **(name of local Federal corrections facility)** and the Army to have these inmates performing such work;

MOA Templates for Federal Facilities and State/Local Facilities

Very similar documents, with a few minor differences:

- Different authorities referenced
- Federal facility:
Warden/Administrator signs
- State/Local facility: Sheriff or
title of top official signs
- Federal MOA includes clause
about injuries covered by the
Inmate Accident Compensation
Program, 28 CFR Part 301

March 2, 2020

MEMORANDUM OF AGREEMENT
BETWEEN
(NAME AND LOCATION OF CORRECTIONS FACILITY PROVIDING CIVILIAN
INMATES)
AND
THE DEPARTMENT OF THE ARMY
FOR
THE USE OF STATE/LOCAL CIVILIAN INMATE LABOR ON PROPERTY UNDER
CONTROL OF (DISTRICT)

THIS MEMORANDUM OF AGREEMENT is entered into by, and between, **(the name and location of the local state/local corrections facility)**, represented by its **(insert title)** and the Department of the Army (hereinafter referred to as the "Army"), represented by the **(insert title)**.

WHEREAS, Title 33 U.S.C. 2325 authorizes the Secretary of the Army to accept contributions of services from persons, including governmental entities but excluding the project sponsor, in connection with carrying out a water resources project for environmental protection and restoration of a water resources project for recreation; and

WHEREAS, acceptance of civilian inmate labor services from State and local correction facilities meets the statutory requirements of Title 33 U.S.C. 2325; and

WHEREAS, the Army may require labor to include, but not limited to, providing repair and maintenance work such as mowing, painting, carpentry, cutting trees, landscaping, planting, building demolition, general maintenance and repair, trash pickup, custodial work, and other similar type work on property under Army control; and

WHEREAS, the **(name of state/local corrections facility)** has under its custody and control a varying number of able-bodied, minimum security, community custody status inmates who can be made available for such activities; and



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Key Governing Provisions

- Only minimum security community custody inmates are allowed. i.e. Those convicted of nonviolent crimes who have been judged by the established correction facility standards to represent no threat to the population at the project and who are not considered escape risks.
- The program will be without direct labor cost/expense for inmate labor to USACE except for nominal costs for program administration, equipment, materials, supplies used by inmates, or other similar costs.
- **Inmates will not operate USACE vehicles.**
- **USACE personnel will not transport inmates. Corrections facility personnel are responsible for all inmate transportation.**
- **USACE personnel will not be used to guard, control, discipline or exercise custodial supervision.**
- Inmates may purchase food/drinks from vending areas, but may not be given gifts, food, money by any USACE personnel or the general public.
- To the extent practicable, inmate labor will be limited to areas not currently occupied by the visiting public.



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Key Governing Provisions

USACE will be responsible for:

- USACE personnel, in coordination with corrections facility supervisors will provide daily technical oversight to include training of inmates to perform assigned tasks.
- Upon request by the facility, USACE staff may assist in providing necessary OSHA training.
- USACE will provide all necessary equipment, tools, materials and supplies to corrections facility supervisors, who will enforce inventory and control of the equipment.
- USACE may provide necessary safety equipment or require the corrections facility to provide.
- USACE staff will not transport inmates.



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Key Governing Provisions

The **Correctional Facility** will be responsible for:

- The Warden/Administrator/Sheriff will make inmate labor detail assignments.
- The Warden/Administrator of the corrections facility is charged with the responsibility and accountability for the control and custody of inmates at all times.
- The corrections facility retains control and custody of the inmates at all times and shall be responsible for inmate conduct and discipline.
- Corrections facilities must provide safety training to all inmates in the CILP.
- Corrections facilities will provide work clothing not resembling USACE uniforms, safety shoes, and daily meals.
- Corrections facilities are responsible for providing routine and emergency medical care, and first aid.
- Corrections facility personnel are responsible for all inmate transportation.



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Key Governing Provisions

- The MOA must include:
 - Work location, work period, duration of work required, number of inmates required
 - Statement of work to be performed
 - Points of contact
 - Designation of work, latrine, eating, vending areas acceptable for inmates
 - Development of public affairs plan to inform the local community of inmate labor work projects.
- District Commanders will:
 - Have overall responsibility for the CILP within their district
 - Maintain a list of USACE personnel who are trained and certified by the corrections facilities to check on quality of inmate labor, provide training
 - Ensure media coverage is reported to ASA(CW), HQDA, HQ Public Affairs
 - Review and approve/disapprove inmate labor work requests
 - Submit an annual report summarizing CILP work projects, value of the program, any incidents, media requirements, or complaints



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CILP FAQs

Q: Does the CILP include community service workers who have court ordered service but are not incarcerated?

A: No. Community service workers who are not in custody of a corrections facility are treated as a regular volunteer, signed up on the OF 301a form. There may be additional paperwork/coordination with the court system to verify hours worked.

Q: Are work release inmates (those who are incarcerated in the evenings, but released without supervision during the daytime to perform work outside the corrections facility) included in the CILP?

A: Yes, however the requesting site would need to request a deviation from the DCW for the approved template MOA regarding unsupervised inmates.



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Resources: NRM Gateway

<https://corpslakes.ercd.dren.mil/partners/moumoa-labor.cfm>



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Natural Resources Management Gateway

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Civilian Inmate Labor Program

18 USC 4125 and Section 203 of the Water Resources Development Act of 1992 (33 USC 2325) provide USACE with the authority to establish civilian inmate labor programs at Army Civil Works projects. Services provided by inmates may include but are not limited to environmental protection, constructing or repairing roads, clearing, maintaining and reforesting public lands, building levees, providing repair and maintenance work such as mowing, painting, carpentry, cutting trees, landscaping, planting, trash pickup, custodial work and constructing or repairing any other public works financed wholly or in major part by funds appropriated by Congress.

Only minimum-security community custody inmates are authorized to perform tasks at Army Civil Works projects. These inmates are those convicted of nonviolent crimes who have been judged by the established correction facility standards to represent no threat to the population at the project and who are not considered escape risks.

Benefits of the program include:

- Provide a source of labor at no direct labor cost to the Corps
- Accomplish tasks that would not be possible due to funding and staffing constraints
- Provide meaningful work for inmates

District Commanders may enter into agreements with Federal Bureau of Prisons or State/Local Correctional Systems concerning the use of civilian prison labor on Corps-managed water resource development projects by preparing a memorandum of agreement (MOA) using the model agreements provided.

Authorities and Policies

- [18 USC 4125\(a\) Public Works Prison Camps](#)
- [AR 210-35 Civilian Inmate Labor Program](#)
- [Authority to Accept Inmate Labor from State and Local Corrections Facilities- Army General Counsel MFR, 15 Aug 2018](#)
- [Delegation of Authority to Establish Civilian Inmate Labor Programs at Army Civil Works Projects- Secretary of Army to Assistant Secretary of Army for Civil Works, 05 Feb 2020](#)
- [Civilian Inmate Labor Programs at Army Civil Works Projects-- Approval of Model Agreements for Acceptance of Federal, State, and Local Civilian Inmate Labor Services and Delegation of Approval and Execution Authority- ASA\(CW\) to USACE Commanding General, 12 Mar 2020](#)
- [Civilian Inmate Labor Programs at Army Civil Works Projects- Delegation of Approval and Execution of Authority: CG to MSC Commanders, 14 May 2020](#)
- [Inmate Labor Program for Federal and State/Local Inmate Labor at Army Civil Works Projects, 2 Mar 2020](#)

Templates

- [Inmate Labor Model MOA for Federal Corrections Facilities, 2 Mar 2020](#)
- [Inmate Labor Model MOA for State or Local Corrections Facilities, 2 Mar 2020](#)

Approved MOAs

Success Stories

- [MVS: Carlyle Lake Federal Inmate Labor Program](#)

Questions?



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