PUT YOUR WORK RELEASE PROGRAM TO WORK FOR YOU

Transforming surplus jail capacity into sustainable federal reentry partnerships

By Hugh Hurwitz and Joe Summerill

Sheriffs operating local work release programs can convert underutilized bed space into long-term, sustainable resources through a partnership with the Federal Bureau of Prisons (BOP). The federal government's need for community-based reentry solutions is not temporary, seasonal, or experimental. It represents a lasting component of the federal corrections framework, codified in law and sustained by a consistent eligible population qualifying for placement.

For sheriffs, the debate is no longer about the existence of this opportunity. The pressing consideration is whether their facilities are equipped to maximize its potential. Available jail bed space should not be treated as a problem to absorb, but as a resource to strategically leverage. Through informed data use, thorough evaluation, and well-structured partnerships, sheriffs can reposition idle jail capacity into consistently supported, mission-critical elements of the country's reentry system.

STABLE, STATUTORY, AND SUBSTANTIAL

As background to the discussion, it's important to understand that 18 U.S.C. §§ 4002 and 3624(c) authorize the BOP to place eligible detainees into residential reentry centers, otherwise known as halfway houses, to facilitate their structured transition back into society. Therefore, this is not a discretionary program; it is a codified federal responsibility.

This statutory mandate has only strengthened in recent years. The First Step Act, passed with overwhelming bipartisan support and signed into law in 2018, expanded rehabilitation and reentry programming across the federal prison system. The subsequent Trump administration made expanding residential reentry bed capacity a stated priority, recognizing that successful reintegration reduces recidivism, lowers long-term correctional costs, and enhances public safety. This signal from Washington is clear and sustained: The federal government needs more community-based reentry beds.

A recent report from the U.S. Government Accountability Office (GAO) underscores this need with new urgency. The GAO found that BOP did not apply all earned time toward placement in residential reentry centers and home confinement for 21,190 of 29,934 individuals reviewed. Among the primary reasons cited: insufficient residential reentry center capacity.

The demand pool for eligible participants is significant, and as of January 2026, the total federal detainee population stood at 153,647. Of these, more than 77,000 individuals, fully 50.8%, are classified as minimum or low security. This population represents the primary eligible pool for community-based work release placements. Yet, despite this clear need and statutory mandate, only 9% of federal detainees are currently housed in reentry centers.

This gap between the eligible population and actual placements is not a failure of federal policy, but instead a lack of available bed space. The BOP faces persistent, often insurmountable opposition when attempting to site new halfway houses in communities. Residents frequently organize against proposed facilities over concerns about property values, crime, and neighborhood character. For example, the bureau has been unable to establish a residential reentry center in Washington, D.C., despite years of effort and documented need. This pattern repeats itself in cities and towns across the country, leaving the bureau with a statutory obligation it cannot fulfill through traditional means.

THE STRATEGIC VALUE PROPOSITION

For jails with secure, available bed space, this is not merely an opportunity; it is an invitation to fill a critical gap in the federal reentry infrastructure. Additionally, converting an empty jail bed into a revenue-generating asset through a fixed per diem rate provides direct budgetary relief to the county. But the strategic value of a partnership with the BOP extends far beyond the revenue line.

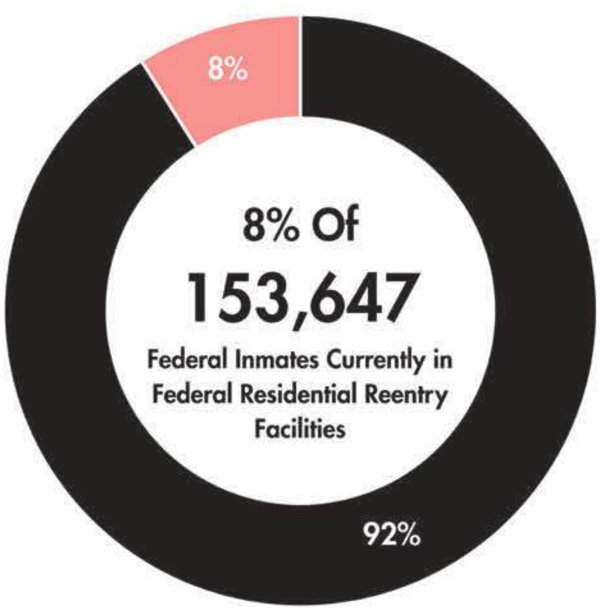
Unlike detention agreements with other federal agencies whose populations can fluctuate based on enforcement priorities and appropriations debates, federal work release is funded through the agency's core operations budget. This creates a predictable multiyear revenue stream that can provide sheriffs with a viable long-term financial planning resource. Facility upgrades, staffing models, and capital investments can be planned with confidence when the funding source is stable.

Work release is not passive housing; it is active reentry. Detainees are vetted for low-risk behavior, placed in verified employment, and required to return to the facility under structured supervision. This model directly contributes to reduced recidivism, enhanced community safety, and the successful transformation of incarcerated individuals into contributing citizens. For sheriffs, this is not a diversion from their public safety mission but instead a fulfillment of it.

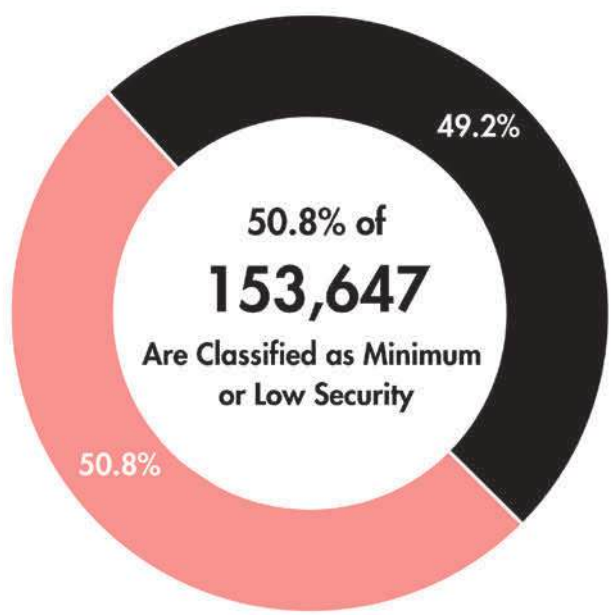
FROM INSPECTION TO IMPLEMENTATION

Establishing a federal work release agreement is a bilateral process designed to ensure suitability, capability, and mutual benefit.

Step 1: Suitability inspection. The BOP will first want to conduct an on-site facility review. This inspection evaluates not only the jail's physical security infrastructure, but also the programmatic structure of the sheriff's work release program, staffing adequacy, and administrative



*Source: GAO, Bureau of Prisons Data



*Source: bop.gov

systems. The question is not simply whether the facility is secure, but whether it is prepared to manage federal reentry residents.

Step 2: Rate negotiation. After a successful inspection, the sheriff and the bureau will enter into an agreement, the centerpiece of which is the per diem rate. This is the per-inmate, per-day rate paid to the sheriff for both the housing and care of the inmate, as well as the operation of the work release program. Critically, this rate is not an arbitrary figure set by the federal government. It is a firm-fixed reimbursement calculated to cover the actual and allowable costs of housing a federal detainee, as defined under federal Office of Management and Budget circulars and federal cost principles.

Step 3: Operational integration. Once the agreement is executed, the operational relationship is structured for clarity and efficiency. Successful work release programs require active, ongoing supervision and verification. The sheriff's office must confirm that detainees are physically present at their places of employment during designated hours. This is accomplished through telephone check-ins with employers, scheduled and unscheduled site visits by road patrol deputies, and electronic monitoring where appropriate. Employers are partners in this process, and maintaining those relationships demands consistent communication and responsiveness.

In addition to employment verification, the sheriff's responsibilities include administering random drug and alcohol testing, enforcing curfew and movement restrictions, coordinating with bureau case managers on reentry progress and behavioral issues, facilitating access to approved medical and mental health services, and maintaining detailed records of detainee compliance and infractions.

If a detainee fails to return to the facility, whether through deliberate escape or simple failure to comply with curfew, the U.S. Marshals Service (USMS) retains primary jurisdiction and responsibility for locating and apprehending federal absconders. The sheriff's role is supportive, issuing alerts, sharing information, and assisting USMS operations as requested. Detainees who abscond face federal escape charges, revocation of their work release privileges, and transfer to higher-security facilities.

This expanded operational role demands dedicated staffing, training, and coordination. It is not a passive housing arrangement. It is an active partnership in which the sheriff functions as both correctional administrator and community corrections officer. When executed properly, however, it transforms the jail from a detention center into a reentry hub that delivers measurable public safety outcomes alongside sustainable federal revenue.

LEVERAGING AN EXISTING AGREEMENT WITH THE MARSHALS SERVICE

For sheriffs seeking the most efficient path to starting a federal work release program, an existing intergovernmental agreement (IGA) with the Marshals Service can act as a catalyst. Many sheriffs already maintain an active IGA for housing federal detainees who are being adjudicated in nearby federal courthouses. The bureau is authorized to piggyback on these IGAs, and when a sheriff presents a USMS rate that has already been negotiated, documented, and accepted, the bureau does not need to reinvent the wheel.

However, a sheriff may want to renegotiate the IGA to ensure that it adequately reflects the cost of the jail's work release operations. The greatest variable determining whether a federal work release partnership delivers sustainable value or merely marginal revenue for the sheriff is the precision of the cost analysis submitted during rate negotiations. Traditional facility accounting methods are not designed for federal reimbursement compliance. They aggregate costs at a level that obscures the true operational burden of housing federal detainees. Staffing differentials, health care delivery costs, mental health services, transportation logistics, facility depreciation, and administrative overhead are frequently undercounted or omitted entirely. The result is a per diem rate that fails to capture the facility's actual cost of service.

Facilities equipped with specialized federal detention cost analysis tools can identify and document every allowable cost category with granular precision. They can create audit-ready cost models that withstand federal review. They can negotiate not from a position of asking, but from a position of showing, presenting the BOP with a comprehensive, defensible, data-backed justification for a per diem rate that genuinely reflects operational reality.

The difference is not incremental. In documented cases, facilities that transition from manual cost estimation to algorithmic, data-driven analysis have secured per diem increases of 20% to 50% or more, capturing tens of thousands of dollars in annual revenue that previously went unclaimed.

A PERMANENT PRIORITY, A PRESENT OPPORTUNITY

The federal government's need for community-based reentry solutions is not cyclical. It is not experimental. It is a permanent feature of the federal corrections landscape, grounded in statute and sustained by a consistent eligible population.

For sheriffs, the question is no longer whether this opportunity is real. It is whether their facilities are positioned to capture its full value. Surplus capacity is not a liability to be managed. It is an asset to be deployed. With the right data, the right analysis, and the right partnership framework, sheriffs can transform underutilized infrastructure into sustainably funded, mission-critical components of the nation's reentry system.

Hugh Hurwitz was appointed in 2018 by the U.S. attorney general to serve as the acting director of the Federal Bureau of Prisons. Prior to that appointment, he served as the bureau's assistant director for reentry services, overseeing 200 residential reentry centers across the nation.

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