



# Operating Procedure

## Subject

### RE-ENTRY PLANNING

Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Attachments Yes <input checked="" type="checkbox"/> # <del>5</del> 6 No <input type="checkbox"/>	

<b>Effective Date</b> March 1, 2017	<b>Number</b> 820.2
<b>Amended</b> 2/3/17, 2/9/17, 2/14/17, 7/7/17, 8/25/17, 12/4/17, 7/1/18, 8/1/18	<b>Operating Level</b> Department
<b>Supersedes</b> Operating Procedure 820.2 (8/1/12)	
<b>Authority</b> COV §2.2-221.1, §32.1-36.1, §53.1-10, §53.1-28, §53.1-31.2, §53.1-32.1, §53.1-32.2, §53.1-40.01, §53.1-40.10, §53.1-133.03, §53.1-155.1, §53.1-190, §53.1-231.2	
<b>ACA/PREA Standards</b> 4-4281-4, 4-4281-5, 4-4297, 4-4298, 4-4363-1, 4-4442, 4-4444; 4-ACRS-3A-04, 4-ACRS-5A-01, 4-ACRS-5A-02, 4-ACRS-5A-03, 4-ACRS-5A-04, 4-ACRS-5A-05, 4-ACRS-5A-08, 4-ACRS-5A-12, 4-ACRS-5A-13, 4-ACRS-5A-15; 4-APPFS-2C-01, 4-APPFS-2C-02, 4-APPFS-2C-03, 4-APPFS-2C-04, 4-APPFS-2D-01; 2-CO-4B-01; 2-CO-4G-01; §115.78, §115.278	
<b>Office of Primary Responsibility</b> Re-entry and Programs Unit	

## I. PURPOSE

This operating procedure provides for the planning and provision of transitional and re-entry services for offenders housed in Department of Corrections facilities. These services provide a system for offenders to successfully transition into their communities upon release from incarceration and for improving opportunities for treatment, employment, and housing while on community supervision.

## II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

## III. DEFINITIONS

**Annual Review** - A uniform yearly review of an offender's classification, needs, and objectives; the Initial Classification Date (ICD) is used to establish the review date for an offender received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an offender received prior to February 1, 2006.

**Community Release Unit (CRU)** - A section of Offender Management Services whose function is to release all eligible offenders in a timely and legal manner; the CRU coordinates and facilitates release planning between DOC facilities, Probation and Parole Offices, and service providers. Community Re-entry Specialists in the CRU are assigned problematic releases to assist in developing release plans (see *Community Re-entry Specialists Assignments*, Attachment 1). Communication with the CRU should be by email through the [Community Release Mailbox](#).

**COMPAS (Correctional Offender Management Profiling for Alternative Sanctions)** - The DOC approved risk/needs assessment which consists of different versions for community corrections and institutions; COMPAS is a support system for supervision and case-management decisions, a database used in combination with VACORIS, a tool that assesses two critical risks - violence and recidivism and a tool for determining the criminogenic needs that are used to develop case plans and set programming.

**Employment Plan** - The physical address and contact information for the job the offender intends to secure upon release or the Workforce Center that is nearest to the offender's home

**Facility** - Any institution or Community Corrections facility

**High Risk Sexual Aggressor (HRSA)** - As identified by the *Classification Assessment* and QMHP assessment, any incarcerated offender at high risk of being sexually abusive

**High Risk Sexual Victim (HRSV)** - As identified by the *Classification Assessment* and QMHP

assessment, any incarcerated offender confirmed as a sexual victim or identified as being at high risk of being sexually victimized

**Home Plan** - The physical address at which the offender will reside upon release, including residential programs or private residences

**ICOTS** – The Interstate Compact Offender Tracking System (ICOTS) is the web based system used by all states and U.S. Territories to transfer and monitor the supervision of offenders while under Interstate Compact for Adult Offender Supervision.

**Identification Documents** - Documents that satisfy the requirements of the U. S. Citizenship and Immigration Services *Employment Eligibility Verification* (Form I-9) or the identification requirements of the Virginia Division of Motor Vehicles for driver's license or identification card; examples include passport, residency card, visa, driver's license, photo ID card issued by a government agency, Social Security card, birth certificate, etc.

**Imminent Death** - In the independent judgment of the treating physician and a second licensed physician, one of which must be a DOC physician, the terminally ill offender, has an estimated three months or less to live.

**Initial Classification Date (ICD)** - The date on which the offender was initially assigned to a Security Level

**Institutional Classification Authority (ICA)** - The facility staff person designated to conduct offender case review hearings

**Interstate Compact Unit (ICU)** - A section of Offender Management Services whose function is to provide oversight of the transfer and supervision of offenders on community supervision in and out of the Commonwealth of Virginia via the Interstate Compact for Adult Offender Supervision; the unit monitors compliance with rules governing interstate movement of offenders, initiates interventions to address and correct non-compliance, and coordinates training and education regarding regulations of interstate movement of offenders for officials involved in such activity. Communications with the ICU should be via email to [vaicu@vadoc.virginia.gov](mailto:vaicu@vadoc.virginia.gov).

**Offender Re-entry Timeline** - A plan developed for each offender at their first permanent assignment and updated at annual review to ensure that the appropriate EBP programs and skill based courses are provided so that the treatment needs of the offender are addressed in chronological order and completed prior to release.

**Petitioner** - An individual, such as a relative or close family friend, who requests Executive Medical Clemency on behalf of a terminally ill offender.

**Qualified Mental Health Professional (QMHP)** - An individual employed in a designated mental health services position as a Psychologist or Psychology Associate, Psychiatrist, Social Worker (Masters level) or Registered Nurse or an individual with at least a Master's degree in psychology, social work or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders.

**Re-entry Counselor** - The institutional counselor with responsibility for assisting the offender to prepare for re-entry into the community; may be either a general counselor dealing with offenders on an assigned caseload or a specialist counselor dealing primarily with re-entry issues.

**Re-entry Case Plan** - A report that includes each offender's Home Plan, Employment Plan, and outlines short term and long term treatment needs based on an assessment of the offender's criminogenic factors. Facility staff conducts periodic evaluations of each offender's progress toward objectives for successful re-entry into the community on release from incarceration. DOC institutional staff evaluates each offender based on their Annual Goals. The Annual Goals should be tailored to available resources at the offender's assigned facility.

**Terminal Illness** - For the purposes of this operating procedure, the independent opinion of at least two physicians that an offender's illness is expected to result in death within ten to twelve months of the date of the medical clemency physicians' report.

**Transition Team** - An interdisciplinary team which may consist of Counselors, Clinical Social Workers/Supervisors, Offender Workforce Development Specialists, Mental Health Services staff, Medical staff, Re-entry P&P Officers, and other staff who assist offenders by providing re-entry planning services. The counselor is designated as the primary coordinator for re-entry planning.

**Women's Risk/Needs Assessment (WRNA)** - The risk/needs assessment tool sanctioned by VADOC for institutions and community corrections that includes gender-neutral risk/needs information, but also is inclusive of gender-specific factors such as mental health, child/adult abuse and/or victimization, relationship dysfunction, parental stress, and housing safety. Areas of strength such as self-efficacy, parental involvement, family support, and education are also assessed. The WRNA is used to develop gender-responsive case plans and identify programming needs designed to reduce recidivism of female offenders.

#### IV. RE-ENTRY PLANNING

##### A. General

1. Facility services aimed at preventing future criminal behavior are most effective when combined with proper release preparation.
2. Risk /needs assessments should be conducted at the time of the offender's reception into the DOC and annually thereafter. A timely and thorough re-entry plan that supports an offender's successful transition from prison to the community is critical for public safety.
3. Approved risk /needs assessments for institutions include:
  - a. COMPAS LITE (Institutions) - Pre-screener for institutions used in Reception Centers for new offenders
  - b. COMPAS Reentry (all scales) - Accesses the risk and needs of offenders preparing to leave an institution and transition back into the community
  - c. COMPAS Basic - Used as a temporary measure for offenders who refuse to complete the assessment
  - d. COMPAS Long Term - Assessment used for offenders with more than 20 years to serve, life sentences or on death row
  - e. Women's Risk/Needs Assessment (WRNA) - The risk/needs assessment tool sanctioned by VADOC for institutions and community corrections that includes gender-neutral and risk/needs information and gender specific factors related to female offenders
4. Reception Center staff should provide offenders with an overview of the DOC re-entry process by viewing the *Re-entry Video for Incarcerated Offenders*. Staff may access the video at [Prison Re-entry Program \(Video for Offenders\)](#) or obtain recorded copies from the office of the Re-entry & Programs Unit.
5. Re-entry planning continues during incarceration with treatment planning and program referrals designed to address the offender's identified criminogenic needs. It progresses to the development, documentation and update of home and employment plans as well as addressing post-incarceration needs prior to release. Formal and informal information sharing between facility, staff, and community corrections staff is critical for successful transition of offenders. (2-CO-4G-01)
6. Qualified offenders may receive graduated release from incarceration by participation in offender re-entry or work release programs. (4-4444)
7. This operating procedure describes re-entry planning that should occur between facility and community corrections staff to effectively transition offenders from incarceration to the community in a manner that supports law abiding behavior. (4-APPFS-2C-04)
8. This operating procedure provides guidance to provide funds, transportation, and clothing to offenders upon their parole or discharge from custody of the DOC. (see also Operating Procedure 050.3, *Facility Release of Offenders*)

**B. Assess Treatment Program Needs - Individual offender**

1. Individual offender treatment program needs should be based on a risk/needs assessment of the criminogenic factors that apply to that offender. The offender's treatment program should provide evidence based interventions targeted to factors that relate to the individual's criminal behavior. **(4-ACRS-5A-02; 2-CO-4B-01)**
  - a. A COMPAS Lite COMPAS Re-entry (All Scales) or WRNA shall be completed within 60 days from the offender's transfer date (as reflected on the transfer screen in VACORIS) into a reception center for intake from a jail or other non-DOC facility.
  - b. If a COMPAS Lite is selected, a full COMPAS Re-entry or WRNA must be completed within 180 days of receipt into the DOC and within 30 days of the annual review thereafter.
  - c. Administration of risk/needs assessments
    - i. Official Record: confirmed
      - (a) When a new risk/needs assessment is administered upon reception, at minimum staff must review the offender's most recent presentence investigation (PSI) and complete a Virginia Criminal Information Network (VCIN) records check.
      - (b) Staff must garner information from these sources and other official sources containing criminal history when appropriate, not only offender self-report or interview, to complete the Official Records section of the assessment.
      - (c) If self-report information could not be otherwise confirmed (i.e. juvenile record information), the information should be documented in VACORIS and included in calculation of the risk/needs assessment.
    - ii. Interview:
      - (a) The Interview section of the risk/needs assessment must be administered in collaboration with the offender via a semi-structured interview between the supervising Officer and the offender.
      - (b) Assigned Counselors should always use the administration of this section of the risk/needs assessment as an opportunity to establish rapport with offenders, utilize motivational interviewing skills and techniques, and ensure that the questions are understood and answered appropriately by the offender.
    - iii. Self-Report:
      - (a) A hard copy of the Self-Report section of the risk/needs assessment may be given to the offender to individually fill out in the office, unless the offender has not demonstrated an adequate reading/comprehension level.
      - (b) No other section of the risk/needs assessment shall be filled out by the offender directly.
      - (c) Hard copies of blank or completed risk/needs assessments, screeners, and Case Supervision Review must never be given to the offender.
2. Special Needs **(2-CO-4B-01)**
  - a. Offenders identified as high risk of re-offending with a history of sexually assaultive behavior (HRSA) are assessed by a mental health or other qualified professional.
    - i. Offenders with a history of sexually assaultive behavior are identified, monitored, and counseled. **(4-4281-4)**
    - ii. Facilities that offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for sexually abusive behavior shall determine if offenders who are found guilty of a disciplinary or criminal offense for sexual abuse are required to participate in such interventions as a condition of access to programming or other benefits. **(§115.78[d], §115.278[d])**
    - iii. Offenders that do not comply with therapy, counseling, or other interventions should be charged with offense code 200 in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*, or offense code 217 in accordance with Operating Procedure 861.2, *Offender Discipline, Community Corrections Facilities*. **(§115.78[d], §115.278[d])**
  - b. Offenders identified as at risk for sexual victimization (HRSV) are assessed by a mental health or

other qualified professional. Offenders at risk for sexual victimization are identified, monitored, and counseled. (4-4281-5)

- c. Offenders with alcohol and drug abuse problems should be identified early (within the first 180 days after entering a DOC institution) through a standardized battery assessment and are provided with information, education, or treatment. This battery shall be documented and include, at a minimum, the following: (4-4363-1, 4-ACRS-5A-08)
    - i. Screening and sorting
    - ii. Clinical assessment and reassessment
    - iii. Medical assessment for appropriate drug and alcohol program assignment to the needs of the individual offenders
    - iv. Referrals
    - v. Monitoring and drug testing
  - d. Offenders who were receiving or may be eligible to receive government or other benefits before conviction should be identified and documented.
3. Institutions
- a. The Counselor/Treatment Team in the Reception and Classification Center shall be responsible for identifying the treatment needs of each offender prior to the initial assignment utilizing:
    - i. All available assessments and reports including the psychological assessment or evaluation, vocational/ educational assessment, medical evaluation, pre/post-sentence report, criminal history report, employment record, and all other appropriate information. (4-4298)
    - ii. Input from the offender, offender's Counselor, Security Personnel, Housing Officer, and all other staff knowledgeable of the offender. (4-4297)
  - b. The Counselor/ Treatment Team shall develop an *Offender Re-entry Timeline* for each offender within 180 days of their transfer date (as reflected on the transfer screen in VACORIS) into a reception center or other DOC facility from a jail or other non-DOC facility and update at each annual review. Whenever a timeline is created or updated, it shall be attached to a VACORIS *Facility Note* using the Notes type, *Timeline*.
    - i. The *Re-entry Timeline* will be based on the results of the risk/needs assessment and designed specifically to address the individual criminal risks and identified treatment needs specific to each offender to ensure that appropriate programs and skill based courses are completed in chronological order to include which release track is forecasted for that offender.
    - ii. Counselors shall work with the offender to determine the amount of time necessary to complete the appropriate programming.
    - iii. Offenders shall be recommended for transfer to the appropriate facility as needed to advance to the next step in their *Re-entry Timeline*.
    - iv. The *Re-entry Timeline* will be updated at each annual review or as needed.
  - c. A *Home Plan* must be developed and entered into VACORIS as a Proposed Home Plan within 15 calendar days of an offender's reception into a DOC facility and shall include :
    - i. The full address
    - ii. The telephone number
    - iii. The releasing jurisdiction
      - (a) The USPS button on the address page should be used to determine the proper jurisdiction of the home plan address and confirm that it is a proper postal address.
      - (b) VACORIS will determine the appropriate P&P District.
  - d. The Counselor/Treatment Team should develop a *Re-entry Case Plan* in VACORIS within 180 days of the offender's transfer date (as reflected on the transfer screen in VACORIS) into a reception center or other DOC facility from a jail or other non-DOC facility. The *Re-entry Case Plan* should include:
    - i. A statement of the long term and annual needs and objectives of the offender as determined by the staff with input from the offender

- ii. Identification of the initial treatment needs of the offender in the areas of personal conduct, work/vocational or educational program assignment and re-entry needs.
- iii. Program assignments must be documented on the *Re-entry Case Plan*. The preferred language should require the offender to “successfully participate in and complete” the program. The *Re-entry Case Plan* may be updated at any time but no less than at the annual review.
- e. The *Re-entry Case Plan* should be revised within 30 days of transfer to another facility, if needs or availability of programs are affected by the transfer.
- f. The Counselor should utilize the *Re-entry Case Plan* to continually monitor and evaluate the offender's treatment needs and to establish objectives for addressing these needs.
- g. The Counselor and the Institutional Classification Authority (ICA) should review and utilize the *Re-entry Case Plan* within 30 days of the annual review date to evaluate whether the offender is progressing towards attaining treatment objectives and to identify the ongoing needs of the offender.
  - i. The offender's progress is the major factor used to render the following annual review decisions in accordance with Operating Procedure 830.1, *Facility Classification Management*:
    - (a) Security level
    - (b) Transfer status
    - (c) Special program participation
    - (d) Good time award class level
    - (e) Other decisions affecting the offender
  - ii. The revised *Re-entry Case Plan* Goals and Tasks will be documented in VACORIS (see Operating Procedure 830.1, *Facility Classification Management*).
  - iii. The *Home Plan* must be reviewed with the offender at each annual review. The Counselor should attempt to verify the Home Plan within six months of the offender's expected release date and document in VACORIS.
  - iv. The *Emergency Notification Information* 050\_F11 contained in VACORIS and the offenders record should be reviewed and updated, if necessary, at each annual review or sooner if a change is reported.
  - v. The *Family Environmental Information* available in VACORIS shall be reviewed and updated at each annual review as needed.
- h. Staff should utilize effective communication and motivational strategies to encourage and help motivate an offender to attend programs identified on the *Re-entry Case Plan*.
  - i. Staff should counsel the offender to help him or her understand how the program will be beneficial to them.
  - ii. If the offender refuses to either enroll in or attend the program or the offender attends the program but is disruptive, non-participatory, or non-compliant, the offender should be charged in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
    - (a) The Disciplinary Offense Report should cite offense code 200, “Refusing to work or refusing to attend school or other program assignments mandated by procedure or by law, or failure to perform work or program assignment as instructed.”
    - (b) If an offender is removed from a program based on an infraction related to the program, e.g. fighting in class, an additional *Offense Code 200* charge is not needed.
    - (c) If the offender is not found guilty of the charge, the offender should be placed in the next available program slot to re-enroll in the program. If the offender again refuses or is non-compliant, another charge should be written.
    - (d) If the offender is found guilty of the charge, the staff Program Facilitator shall refer the offender to the ICA to be placed in Class Level IV effective the date the charge was written (see Operating Procedure 830.3, *Good Time Awards*). The #7 override should be used regardless of the offender's Class Level score. This override will flag the offenders' file so that they are not allowed to earn good time until completing the specified program.

(e) Offender program enrollment and completion/removal shall be accurately entered into the *Programs Section* of VACORIS in a timely manner.

- i. Once an offender is assigned to Class Level IV based on conviction of an Offense Code 200 charge, the offender's class level may not be restored until they successfully participate in the same program.
  - i. The offender should be required to reenter the exact same program whenever practical.
    - (a) The offender will be required to enter an equivalent program if the same program is not available.
    - (b) The ICA will determine if a program is equivalent for Class Level purposes. Note: No other type of program is equivalent to a Therapeutic Community.
  - ii. Once the staff Facilitator considers the offender to be actively participating in the program, the Facilitator may bring the offender's case before the ICA for review of Good Time Award Class Level.
  - iii. Any change in Good Time Award Class Level should be retroactive to the date the offender reentered the program. Time spent on a waiting list shall not count towards good time earnings.

#### 4. Detention and Diversion Centers

- a. Program staff, in conjunction with the offender, should assess the offender criminogenic needs for and design a *Re-entry Case Plan* in VACORIS within 14 days of admission. The *Plan* includes expected behavior, accomplishments, and the programs expected to address the identified needs. (4-ACRS-3A-04, 4-ACRS-5A-01, 4-ACRS-5A-03)
- b. Staff and offender signatures should document that the offender has been informed of the requirement to comply with the *Re-entry Case Plan* to successfully graduate.
- c. Any changes in a personalized *Re-entry Case Plan* are reviewed and discussed with the offender. This review is dated and documented by staff and offender signatures. (4-ACRS-5A-04)
- d. Offender performance will be reviewed periodically to ensure that the offender is making acceptable progress toward completion of the program. The outcome of each review is documented. (4-ACRS-5A-05)
- e. Prior to discharge, the *Re-entry Case Plan* should be reviewed and updated as needed to address, at a minimum, a home plan, employment plan, and follow-up treatment services.
- f. Before graduation, a final review should be conducted to ensure the offender has successfully completed required program elements.
- g. After the offender's discharge from the program, the facility P&P Officer should create a *Discharge Report* in VACORIS Case Notes for use by the supervising P&P Office or the next facility for dually sentenced offenders. Elements of the *Discharge Report* are: (4-ACRS-5A-15)
  - i. Personal Conduct
  - ii. A summary of the offender's program activities
  - iii. Any unusual occurrences
  - iv. Community resource references that affected the outcome of supervision
  - v. Objective assessment of the offender's program participation
  - vi. General Comments

#### C. Home and Employment Plan

1. The Re-entry Counselor and the Transition Team should guide offenders in developing home and employment plans that support law abiding behavior and should refer offenders to community resources, such as residential programs, and provide follow-up contacts if needed. (4-ACRS-5A-13)
2. It is the offender's responsibility to explore home and employment plans through contact with relatives and community resources.
3. The DOC utilizes *2-1-1 Virginia* as a directory of current community agencies. (4-ACRS-5A-12, 4-

**APPFS-2D-01)****V. RE-ENTRY PROGRAMS AND RESOURCES****A. Access to Re-entry Programming: Institutions (4-4442)**

1. Re-entry programming services for female offenders will be provided at the Brunswick Women's Work and Pre-Release Center, Central Virginia Correctional Unit, Virginia Correctional Center for Women and Fluvanna Correctional Center for Women. Staff must ensure that all releasing offenders are enrolled in re-entry programming prior to their release.
  2. Re-entry programming services for male offenders assigned to work centers and correctional field units will be provided at those facilities.
  3. All other offenders will be screened at 24-36 months prior to release for assignment to the re-entry site which covers their home plan location (see Attachment 6, *Intensive Re-entry Program Locations*).
    - a. Offenders with serious medical and mental health needs will receive re-entry services at the appropriate facilities.
    - b. Offenders with detainers will receive re-entry services at their current facility.
      - i. If the facility does not offer re-entry services the offender should be transferred to an appropriate facility.
      - ii. Offenders scheduled to be deported upon completion of their state sentence or have an Immigration and Customs Enforcement (ICE) detainer are not eligible for re-entry services.
    - c. Offenders with out of state home plans should be transferred to the facility closest to their sentencing jurisdiction.
    - d. Offenders with less than 9 months to release will receive re-entry services at their current facility when available.
    - e. Offenders releasing from High Security Re-entry programs will complete *Resources for Successful Living, Ready To Work, Process Groups* ( six sessions), *Thinking For A Change* for those offenders who score "probable or highly probable" on the risk/needs assessment /Cognitive Behavioral Scale.
  4. Offenders who refuse to participate in residential cognitive community re-entry programming or are removed due to disruptive, non-participatory, or non-compliant behavior shall be charged with Offense Code 119e, "Refusal to participate in or removal from a residential cognitive community program."
    - a. Offenders who refuse to participate in non-residential re-entry programming or are removed due to disruptive, non-participatory, or non-compliant behavior shall be charged with Offense Code 200, "Refusing to work or refusing to attend school or other program assignments mandated by procedure or by law, or failure to perform work or program assignment as instructed."
    - b. Offenders found guilty of Offense Code 119e shall have a Mandatory penalty of 90 Days Loss of Accumulated Good Time.
- B. Offenders found guilty of Offense Code 119e or 200 shall receive a formal hearing by the ICA to be reduced to good time Class Level IV effective the date the charge was written (see Operating Procedure 830.3, *Good Time Awards*). A #7 override should be used regardless of the offenders' Class Level score. This override will flag the offenders' file so that they are not allowed to earn good time until completing the specified program.
- C. DOC-contracted Community Residential Programs (CRP)
1. DOC-contracted Community Residential Programs (CRP) are utilized to assist offenders without viable home plans to transition into the community. (see Operating Procedure 940.1, *Community Residential Programs*)
    - a. Counselors should contact the P&P Office in the sentencing jurisdiction for assistance in finding

- placement at one of the Community Residential Programs. (see [Procurement Link](#) on iDOC)
- b. The request for assistance should be made 4 - 6 months prior to the offender's release.
  - c. The Counselor should submit the CRP application with assistance from the P&P Office to provide criminal history and other relevant information.
  - d. The P&P Office will provide criminal history information as needed including a copy of the PSI (Pre or Post Sentence Investigation Report) to criminal justice agencies or agencies where the offender is referred for services.
2. Facility staff will need to provide medical, mental health and facility adjustment information to the CRP. See the *Release Process* section of this operating procedure for consent for release of information requirements for release of substance abuse records and HIV test results.
- D. Federal and State Benefits - Please refer to the [\*Pre-Release Benefits Application Guide\*](#) for more detailed directions.
- 1. Benefits are not available to offenders while incarcerated, with the exception of some Veteran's benefits. If an offender is deemed eligible for benefits, coverage will begin after they are released from the correctional facility.
  - 2. Transition, healthcare, and mental health staff shall complete applications for federal and state benefits including veterans that may include Medicaid, and Supplemental Security Income (SSI) to aid potentially eligible offenders. If an offender is 65 years or older or blind and/or disabled with limited income they may be eligible for state and federal benefits. The DOC has a [Memorandum of Understanding Social Security Administration and Disability Determination Services](#) covering pre-release SSI application procedures.
  - 3. For potentially eligible offenders within 180 days of release who are identified by healthcare staff as meeting the requirements for disability benefits, healthcare staff shall begin the benefit application process by completing all medical and mental health information in the benefit application packet (Medical Information section of the Disability Report form). Mental health and healthcare staff shall begin gathering data, medical and mental health documentation, and completion of forms at least 6 months prior to release.
    - a. Healthcare staff shall then forward the packet to the Re-entry Counselor at least 120 calendar days prior to release. The Counselor and the offender would complete the remainder of the application packet and document the application in a VACORIS *Facility Note*. All supporting medical and mental health disability documentation must be submitted with the initial referral packet.
    - b. Applications for Supplemental Security Income (SSI) disability based claims may not be submitted more than 120 days prior to release. SSI applications for age based claims may not be submitted more than 30 days prior to release. SSI applications are submitted to the Social Security Administration office aligned with the correctional facility in the Memorandum of Understanding.
  - 4. Applications for Medicaid may not be submitted more than 90 days prior to release for a disability claim nor more than 45 days prior to release for an age based claim. Medicaid applications are submitted to the Department of Social Services in the locality where the offender resided prior to incarceration. The counselor will document a facility note in VACORIS as to the status of the application.
  - 5. Incarcerated veterans may apply for veteran's benefits at any time. Offenders may be referred to the Veteran's Administration Re-entry Specialist for assistance within 120 days of release.
  - 6. Affordable Care Act-Health Insurance Enrollment
    - a. During incarceration offenders are exempt from enrolling for health insurance.
    - b. Offenders must sign up for health insurance within 60 days after release to ensure they avoid penalties.

- c. At the time of their release, offenders should be given enrollment information to continue healthcare after incarceration (see Attachment 4).
- 7. Selective Service - All male U.S. citizens ages 18 through 25 are required to register with Selective Service. All males, including offenders, who have not registered with Selective Service, are disqualified for all Federal and Virginia State jobs. They are also disqualified to receive Federal Student Loans or Grants or Federal Workforce Innovation and Opportunity Act Job Training.
  - a. During the reception process, DOC staff should verify if applicable offenders have registered and assist them in registration if needed.
    - i. Registration can be verified on-line with the [Selective Service System](#) or calling Selective Service at 847-688-6888 or having the offender complete and mail in a registration verification form. The offender can be given the opportunity to provide proof of registration.
    - ii. If it is determined that he is not registered, he should be advised of this requirement, including the benefits and employment opportunities for which will be eligible when he registers.
    - iii. For any male offender under age 26 who isn't registered, staff should inform the offender that he is required by law to register. Staff should offer to assist him by registering him using the [Selective Service System](#) Online Registration Form or staff can provide and assist him with completing a printed version of the [Selective Service System](#) Registration Form.
    - iv. If the offender is required by law to register, is not registered and refuses to complete the registration form, he should be charged with a 119-c offense.
  - b. Except for those who have verification that they have registered, staff should verify the Selective Service registration of all male offenders 180 days prior to their release.
    - i. If staff receives verification that the offender did not register prior to age 26, staff should provide the offender the [Selective Service System Fast Facts](#) information sheet.
    - ii. The offender should be provided a [Request for Status Information Letter](#) and staff should assist the offender in securing a copy of supporting information to attach to this form.
    - iii. If registration didn't occur due to incarceration or other allowable reasons, Selective Service will send a response saying that the man was not required to register.
    - iv. The offender should be advised that the [Selective Service Status Information Letter](#) can be used to establish his eligibility when applying for Federal student loans, federally funded job training or any federal or state job.
    - v. Selective Service Registration Cards, Registration Verification documents and Status Information Letters should be placed in the offender's record (brown personal property envelope) maintained at the facility.
      - (a) The offender will be given the documents at the time of release, signing a receipt that will be placed in the offender's record.
      - (b) If the documents are received after the offender is released, they will be forwarded by certified mail or staff courier within 30 days of receipt to any DOC unit or staff responsible for the offender's supervision.
  - c. Staff should document Selective Service status in VACORIS and update as needed.

#### E. Public Housing

- 1. Offenders who are discharging from DOC facilities should be aware of restrictions regarding residency in Public Housing. The McKinney-Vento Homeless Assistance Act sets the mandatory restrictions on certain convictions and residency in public housing.
- 2. Federal laws require Public Housing Agencies (PHA) and providers of Section 8 and other federally assisted housing to deny housing to two categories of applicants with past criminal convictions.
  - a. Any household with a member who has been convicted of methamphetamine production on the premises of federally funded housing
  - b. Any household with a member who is subject to a lifetime registration requirement under a state sex offender registration program

3. The public housing laws permit but do not require public housing agencies to deny admission to the following applicants:
  - a. Any household member who has been evicted from public, federally assisted, or Section 8 housing because of drug-related criminal activity may be deemed ineligible for three years from date of eviction. The three year stipulation can be shortened at the discretion of the PHA if the person completes a rehabilitation program approved by the housing provider.
  - b. Any household with a member who is abusing alcohol or using another drug illegally if the household member's illegal use or pattern of alcohol abuse or illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. The provider may permit admittance or allow them to remain if the person demonstrates they are not currently abusing alcohol or drugs and either are participating in a supervised substance abuse program, completed a substance abuse program or another form of successful rehabilitation.
  - c. Individuals who have engaged in any drug-related criminal activity, any violent criminal activity or any other criminal activity that would adversely affect the health, safety or right to peaceful enjoyment of the premises if the criminal activity occurred a "reasonable" time before the person seeks admission. The statute does not say how recent a conviction must be to qualify as a "reasonable" basis for denying housing.

## VI. GERIATRIC/TERMINALLY ILL OFFENDERS

A. Per COV §53.1-40.01, the Virginia Parole Board has the authority to grant conditional release of geriatric offenders under a parole process in accordance with [Parole Board Administrative Procedure 1.226](#).

1. An offender is eligible for review if they are serving a sentence imposed for a conviction of a felony offense, other than a Class 1 felony, and:
  - a. Has reached the age of 65 or older and served at least five years of the sentence imposed or,
  - b. Has reached the age of 60 or older and served at least ten years of the sentence imposed
2. Consideration for Geriatric Conditional Release
  - a. An offender currently incarcerated for felonies committed after January 1, 1995 will automatically be reviewed by the Parole Board within the year after they become eligible for Geriatric Conditional Release.
  - b. To be considered for conditional release an offender currently incarcerated for felonies committed before January 1, 1995 and within 90 days of the minimum requirement of age and time served must submit the [Petition for Geriatric Conditional Release](#) (Parole Board Form) to the Parole Board.
  - c. An offender who is qualified to submit a *Petition for Geriatric Conditional Release* but is denied conditional release may resubmit a *Petition* annually.

B. Per COV §53.1-229, only the Governor of Virginia has the power to grant clemency to terminally ill offenders.

1. An offender is eligible for review if they are diagnosed as terminally ill, with death imminent as defined in this operating procedure, and:
  - a. The offender is not eligible for parole.
  - b. The offender must have family or other persons willing and able to assume responsibility for the offender's care.
2. The petitioner may submit a request for consideration by letter to the Pardons Department, Office of the Secretary of the Commonwealth, P.O. Box 2454, Richmond, VA 23218-2454.
3. The letter must contain all of the following required information:
  - a. The offender's name and any aliases, offender's DOC number, and facility location with mailing address, social security number, date of birth, sentences or other dispositions of all misdemeanor

and felony convictions (including dates, Courts, and a complete statement of details for each conviction), date of parole eligibility (if applicable), date of mandatory release, and an explanation of why the Governor should grant clemency.

- b. A general description of the offender's medical condition and prognosis
  - c. The name, address, telephone, e-mail if applicable, and relationship to the offender of the person willing to assume responsibility for the offender's care and a statement of their ability to provide that care.
4. Family members may file a request with written consent from the offender. If the offender is incapacitated and unable to provide consent the family may proceed without written consent from the offender. If applicable, it may be noted that the offender previously voiced or wrote of his or her desire for clemency.
  5. If the request is denied, the petitioner cannot appeal the decision but the petitioner may file a new request two years after the date of the denial letter.
  6. As condition of being released on Medical Clemency, the offender must agree in writing to have their physician provide information on the offender's current medical condition to the Virginia Department of Corrections whenever requested. If the request is not honored, the Medical Clemency Release may be terminated immediately (see Operating Procedure 050.3, *Facility Release of Offenders*).
- C. All DOC organizational units should provide an updated progress report in a timely manner as requested by the Secretary of the Commonwealth and the Parole Board with information regarding the offender's treatment, programming, work history, educational record, mental and physical health needs, disciplinary record, interactions with staff and offenders, cognitive functioning, proposed home plan, and support system.

## VII. RELEASE PROCESS

### A. Virginia Home Plan

1. At 6 months before the offender's anticipated release date, the Re-entry Counselor shall telephone or, if necessary, send a *Home Plan Confirmation* letter (see Attachment 2) to the proposed home plan address to determine if the address and phone number are valid and if the resident will provide a home for the offender on release.
  - a. The Re-entry Counselor should ask questions to attempt to determine suitability of the home and if there are provisions for special needs of disabled or chronically ill offenders. Appropriate questions include "Is the residence in Section 8 or public housing?" "Are there any lease restrictions regarding the offender living in the residence?" For Sex offenders – "Are there minor children living in the home?" "How close is the nearest school or day care?"
  - b. If the Re-entry Counselor is unable to verify the proposed home plan address, they should request additional information from the offender or a new proposed home plan address including out-of-state or any other possible plan.
  - c. Entries should be made in VACORIS as follows:
    - i. *Reported Date* is the date that the facility staff calls or sends a letter in an attempt to validate the proposed address.
    - ii. *Verified Date* is the date that facility staff receives a reply validating the proposed address. The Verified Date must be within 6 months of the offender's anticipated release date.
2. A *Regular Release Plan Type* is one that has an actual home plan address with no issues such as medical/mental health needs or offense history to complicate the release.

- a. The *Regular Release Plan Type* requires the counselor to request a *Home Plan Investigation* of the home plan address no earlier than 6 months before the offender's anticipated release date.
  - b. The P&P District has 90 days to complete the *Investigation* on all offenders with probation, parole, or post-release supervision including review and approval by a supervisor unless the release date requires the facility staff to request an earlier response. (4-APPFS-2C-02)
3. A *Problematic Release Plan Type* is for release plans that require extra coordination to facilitate the release of an offender with or without a supervision obligation, such as if the offender is homeless or has current or ongoing medical or mental health issues. It is important that the *Problematic Release Plan Type* in VACORIS is utilized properly as it is a tool for resource assignment for release planning.
- a. Facility staff should contact the Community Release Unit regarding known problematic cases up to 12 months before the offender's anticipated release date by completing and submitting a [Request for Assistance - Problematic Release](#) 820\_F9. This form shall be completed in *Word* and sent by email through the [Community Release Mailbox](#).
  - b. Also any medical or mental health documents required for re-entry planning must be completed in *Word* and sent by email through the [Community Release Mailbox](#).
  - c. If the offender has supervision upon release, the *Problematic Release Plan Type* requires the Counselor to submit a *Home Plan Investigation* to the P&P District of the home plan address. If homeless, the Counselor submits a *Home Plan Investigation* to the sentencing jurisdiction. *Home Plan Investigation* requests shall not be made to a P&P District more than 6 months before the offender's anticipated release date.
4. The Re-entry Counselor shall obtain a signed [Consent for Release of Information](#) 050\_F14 (see Operating Procedure 050.1, *Offender Records Management*) from the offender prior to contacting agencies outside of DOC.
- a. The release should specify the information that might be necessary to initiate a referral e.g. criminal history, educational, vocational and treatment programs attended, facility adjustment, etc. This consent form does **not** cover medical and/or mental health information.
  - b. COV §53.1-40.10 governs the release of medical and mental health information. In most cases, information may be released to the Transition Team, Probation/Parole and Community Services Boards without a Release of Information from the offender.
    - i. If a consent for release of information is needed, the Counselor, Medical, or Mental Health staff should request the offender to sign a [Consent for Release of Confidential Health and/or Mental Health Information](#) 701\_F8 (see Operating Procedure 701.3, *Health Records*). If a release is then obtained, records may be forwarded to the designated entities.
    - ii. NOTE: The following exceptions are listed in this Code section. (1) Substance abuse records may **only** be released upon receipt of a signed [Consent for Release of Alcohol and Drug Abuse Record Information](#) 050\_F15 (see Operating Procedure 050.1, *Offender Records Management*). (2) Per COV §32.1-36.1, disclosure of HIV test results **without** a release of information can only occur as follows (partial listing): Department of Health, health care providers for purposes of consultation or providing care and treatment to the subject of the test, and to the spouse of the subject of the test (see *HIV/Aids Discharge Plan* in *Nursing/Medical Guidelines*).

#### B. Out-of-State Home Plan

1. Counselor Responsibilities (see Operating Procedure 920.4, *Interstate Transfer of Supervision*)
  - a. The offender's out of state proposed home plan address must be entered in VACORIS on the *Address / Phone* page. In the state field, select the appropriate state.
  - b. Offenders attempting to transfer their supervision to another state upon release should always have a back-up Virginia plan in case their Interstate Compact is denied or is not finalized prior to their release.

- c. Offenders with detainees who also have out of state release plans should still submit pre-release Interstate paperwork since the detainees are often lifted or resolved quickly upon release. The P&P Office will decide if/when to process the ICOTS Transfer Request.
- d. Offenders who are being reviewed for or have been determined to be Sexually Violent Predators subject to Civil Commitment or a Conditional Release Plan are not eligible for Interstate Compact transfer and should not have Interstate pre-release paperwork submitted.
- e. The Counselor and offender shall complete the [Offender Application for Interstate Compact Transfer](#) 920\_F17 and the [Interstate Compact Pre-Release Checklist](#) 820\_F8.
- f. If the offender has a Mental Health Code of 2 or higher, the Case Management Counselor must request a QMHP complete a [Mental Health Release Summary to Community - DOC MH 9](#) 730\_F9 and upload it to a *Facility Note* in VACORIS. This information is now a required item in the ICOTS Transfer Request for offenders releasing from prison who are receiving mental health care. The MH 9 does not have to be completed before the Counselor submits the Interstate Application and Checklist.
- g. Upon completion of the *Offender's Application for Interstate Compact Transfer* and the *Interstate Compact Pre-Release Checklist*, the Counselor shall upload the documents into VACORIS.
  - i. Facility Treatment staff are required to create a *Facility Note* in VACORIS with contact type *Interstate Compact*.
  - ii. Each document must then be uploaded as a separate external document to one note in VACORIS. The title of each document should begin with the word "Interstate" and include the name of the document attached. For example: *Interstate Application*. The signed application must be scanned but the completed checklist can be uploaded from Word.
  - iii. Facility Treatment Staff will create an *Interstate Pre-Release Forms* investigation. *Interstate Compact - Community Supervision* shall be entered as the receiving location. The request notes must reference the facility note, providing the date of the note and indicate that the *Interstate Application* and *Interstate Checklist* are attached. (see Operating Procedure 920.4. *Interstate Transfer of Supervision*)
  - iv. Interstate Compact Unit Responsibilities
- h. The investigation will be assigned to an Interstate Compact - Community Supervision staff member who is responsible for reviewing the documents attached to the Facility Note for completeness.
- i. If the information attached to the note is complete, Interstate Compact Unit (ICU) staff will reflect a completion date on the *Interstate Pre-Release Forms* investigation and add response notes to indicate the outcome.
  - i. The completion of the *Interstate Pre-Release Forms* investigation does not indicate that the plan has been accepted by the other state.
  - ii. The completion of the *Interstate Pre-Release Forms* investigation means the documentation is completed properly, and Interstate Compact - Community Supervision has acknowledged receipt of the information from the Facility Treatment Staff.
  - iii. The Response Notes provide the reason for completion.
- j. If a new *Interstate Application* and *Interstate Checklist* or revision of the original application is needed, the ICU staff member will deny the investigation noting the reason for denial. The Counselor shall correct the errors, scan and attach the corrected documentation to a new Facility Note adding "Revised Interstate" to the title.
- k. Once this is completed, a new *Interstate Pre-Release Forms* investigation should be assigned to Interstate Compact Community Supervision noting corrected forms have been uploaded.
- l. The ICU staff will delete the incorrect version of the form previously uploaded into VACORIS and strike the previous note.
- m. The ICU staff member will continue to work with Facility Treatment staff until the documentation is completed properly or it is determined that the offender's release plan is no

longer an Interstate plan.

- n. Prior to completion by ICU, the *Interstate Pre-Release Forms* investigation can be cancelled by the requesting Counselor if it is determined that the offender no longer desires an interstate release plan or there is no viable interstate release plan pursuant to the Interstate regulations.
2. ICU Staff to P&P District
  - a. When the Interstate Compact - Community Supervision Staff member completes the *Interstate Pre-Release Forms* investigation determining the documentation attached to the designated Facility Note is completed accurately, they will create a new investigation with type *Interstate ICOTS Entry*.
  - b. This investigation will reflect the P&P District as the receiving location. If there are multiple sentencing P&P Districts, a separate *Interstate ICOTS Entry* investigation will be assigned to each P&P District.
  - c. The ICU staff should reference the Facility Note where the interstate application and checklist are located, and provide instructions regarding timeframe for submission in the request note field.
    - i. If the offender is located in a jail and the pre-release forms have not been received from the jail, the Community Release Unit will notify ICU.
    - ii. The ICOTS Entry investigation created by ICU should indicate the P&P Office will need to secure the forms from the jail.
  - d. The P&P Office(s) will be responsible for completing the *Transfer Request* in ICOTS for eligible offenders.
    - i. If the offender is a discretionary or mandatory parole case and has sentences from multiple Courts in multiple P&P Districts, a VACORIS investigation will be sent to each sentencing jurisdiction to determine which, if any, sentences also owe probation. The P&P District with the longest probation MED is responsible to add the parole obligation to their *Transfer Request*.
    - ii. If the P&P Districts report that none of them have a probation obligation, the last P&P District that supervised the case is the one responsible for completing the *Transfer Request*.
    - iii. If an offender has multiple probation obligations, the P&P Offices can work together to submit one *Transfer Request* combining all obligations or each P&P Office can submit a separate *Transfer Request*.
      - (a) If one *Transfer Request* is submitted for multiple obligations, the P&P District submitting it will need to notify the other jurisdictions if *Progress Reports*, *Violation Reports*, or *Case Closure Notices* are received. This method consolidates the request into one package and keeps the receiving state from having to submit multiple activity items for each event.
      - (b) Submitting each obligation individually on separate cases would allow each jurisdiction to respond to *Progress Reports*, *Violation Reports*, or *Case Closure Notices* themselves. Once one Transfer Request is created, other jurisdictions can copy the existing *Transfer Request* and enter their specific Court's obligation using the *Intended to Create a Copy of an Existing Transfer* option. Doing so means the receiving state will have to submit activities items on each of the cases (i.e. *Notice of Arrival*, *Progress Report*, *Violation Report*, etc.).
3. P&P Office Responsibilities
  - a. The P&P Office will assign the investigation to a P&P Officer to research and data enter the case into Interstate Compact Offender Tracking System (ICOTS). The P&P Officer will generate specific probation and or temporary parole conditions in VACORIS and send them to the assigned facility counselor for offender signature.
  - b. When creating temporary parole conditions in VACORIS, the obligation and conditions entered by the P&P District need to be deleted from VACORIS after the temporary conditions needed for the *Transfer Request* are generated so the CRU can create the final parole conditions in VACORIS at release with the correct release date and MED and reporting instructions.
  - c. Upon successfully updating ICOTS, the P&P Officer will reflect the Interstate ICOTS Entry

investigation as completed. It should be noted that cases cannot be entered into ICOTS until the offender is within 120 days of the release date.

- d. The completion of the Interstate ICOTS Entry investigation does not indicate that the plan has been accepted by the other state. The Completion of the Interstate ICOTS Entry investigation means the Transfer Request from Virginia to the other state was completed in ICOTS.
  - e. When the state receiving the request to transfer the offender for supervision in ICOTS accepts or denies the request, the P&P Officer who entered the case into ICOTS receives a notification in ICOTS.
  - f. Since most facility staff do not have access to ICOTS, it is imperative that the P&P Officer enter a *Supervision Note* in VACORIS indicating the results of the request to transfer and send an email to the offender's assigned regarding the outcome of the request to transfer.
  - g. The offender's assigned primary Counselor can be identified on the VACORIS Home Page, Custody Section, right side.
  - h. Each institution has one to two representatives (usually the Institutional Program Manager (IPM) and a Counselor) who have been given access to ICOTS to check the status of Interstate cases.
4. Community Release Unit Responsibilities - Processing the Offender's Release Relative to the Response Received from the Other State in ICOTS:
- a. If the request to transfer is accepted or temporary/emergency Reporting Instructions are approved by the receiving state, the out of state home plan is approved and the release should be processed as a regular release. The Community Release Unit will prepare the release authorization instructing the offender to report as instructed by the other state.
  - b. If the request to transfer is denied by the receiving state, the out of state home plan is not acceptable and the Counselor will need to discuss an alternative home plan with the offender.
    - i. The Counselor will need to enter the new home plan on the address page in VACORIS and create a new Home Plan investigation.
    - ii. It is important that the Counselor, the P&P Officer, and the Community Release Officer work together to quickly process an effective release plan as the release date will be very near when the request is denied.
  - c. If the request to transfer is still pending 2 weeks prior to the offender's release date and emergency permission to proceed while the ICOTS Transfer investigation is pending has not been received from the other state, the Counselor will need to discuss with the offender alternate home plan options that are in within the State of Virginia.
    - i. The Counselor will need to enter the new home plan on the address page in VACORIS and create a new home plan investigation.
    - ii. If the offender's request to transfer to another state is still pending at the time of release, they will be released to the supervision of a Virginia P&P District. The offender must remain in Virginia to await the outcome of the ICOTS transfer request.

#### C. Release Authorization and Proper Transfer Transaction

1. The Community Release Unit will create the release authorization and detail the appropriate reporting instructions for the offender's release status. Details of release notifications i.e. GTRD, special conditions, Post Release, or medical clemency will be uploaded by Community Release Unit staff and available as external documents on VACORIS in Offender Pages/Facility Notes.
2. The Records Staff at the releasing DOC facility will enter the proper transfer information into VACORIS based on the release authorization.
  - a. If the offender's has been approved to transfer supervision upon release through the Interstate Compact for Adult Offender Supervision, the transfer must be entered as a transfer type: *DOC Facility to DOC Community*. The transfer reason shall be either release to supervision or one of the parole options. The Community location shall be *Interstate Compact-Community Supervision*.

- b. If the offender has an out of state detainer such as Immigration and Customs Enforcement (ICE), or another out of state location, and has a supervision obligation upon release with instructions to report to a specific P&P Office when released from the detainer, the transfer must be entered as a transfer type: *DOC Facility to DOC Community*. The transfer reason shall be either release to supervision or one of the parole options. The Community location shall be the designated Virginia P&P Office.
  - c. If the offender's reporting instructions are for a Virginia P&P District, the transfer should be entered as a transfer type: *DOC Facility to DOC Community*. The transfer reason shall be either release to supervision or one of the parole options. The Community location shall be the designated Virginia P&P Office.
3. The Community Release Unit may request the Court and Legal section to remove adjusted discharge days for a reasonable delay in an offender's release to accommodate entry into a Community Residential Program or other approved home plan. (4-APPFS-2C-03)

#### D. Identity and Employment Documents

- 1. To assist offenders in getting proper identity documents upon release, an effort will be made to obtain the original birth certificate and social security card for each offender during their incarceration.
- 2. Birth Certificates
  - a. A newly classified offender will be given 30 calendar days after arrival at the initial institutional assignment or 90 days if not transferred from reception site to get an official birth certificate from home.
    - i. Offenders assigned to Community Corrections facilities should be encouraged to obtain an official birth certificate, taking into account the offender's personal financial situation.
  - b. If an official birth certificate is not received within the required time frame, an application shall be submitted to the appropriate state to obtain an official copy.
    - i. The name on the Birth Certificate application must be the offender's name at birth, must be legible and must be spelled correctly. No aliases or nicknames should be used.
    - ii. Offenders will be charged a fee as designated by the state Office of Vital Records to which the request is being made for the Birth Certificate.
    - iii. For offenders who have insufficient funds to cover the cost of the Application for Certification of a Vital Record, a loan will be given by the DOC to cover the cost as required by the applicable state.
  - c. For foreign born offenders, reasonable effort should be made to obtain official birth certificates and any relevant citizenship or residency documents.
  - d. Offenders who are required to obtain their official birth certificate but refuse to make a reasonable effort shall be charged with Offense Code 119c, Refusal to participate in re-entry planning or preparation.
    - i. Offenders found guilty of Offense Code 119c shall have a Mandatory penalty of 90 Days Loss of Accumulated Good Time.
    - ii. Offenders found guilty of Offense Code 119c shall receive a formal hearing by the ICA to be reduced to good time Class Level IV until they comply with requirements for Birth Certificates.
  - e. Within 30 days of a legal name change, offenders will be required to submit an application and a copy of the Court Order to obtain a birth certificate in the new name.
- 3. Social Security Cards - To facilitate employment upon release, each offender should obtain a copy of their Social Security card. Applications may be submitted to the Social Security Administration 120 days prior to release.
  - a. There is no cost for an offender to apply for a replacement Social Security Card.

- b. If an offender's name has changed, the Social Security Administration will require that a person prove the name was legally changed since the last Social Security Card was issued. Staff should contact the local Social Security office on a case-by-case basis as the offender may be required to appear in person to receive a Social Security Card in the new name. Note: the offender may not be able to access SSI or other Social Security benefits if the name is not corrected.
- c. Most Court Clerks charge a fee for certified copies of marriage, divorce or other court-issued name-change documents.
  - i. The offender should request a money order through normal procedures to pay this fee.
  - ii. When an offender needs to prove name change but is indigent, after verification by the counselor, the facility will send a check to the Court and charge the offender's account as a loan.
- 4. DMV Identification Cards - All offenders except those being released to a detainer will be required to obtain a DMV Identification Card.
  - a. Offenders who can prove that they have a valid Virginia DMV Identification Card, a Driver's License from Virginia or any other state that will be valid on their release are exempt from this requirement.
  - b. The *DMV Connect* program provides for Division of Motor Vehicles (DMV) staff to visit DOC facilities to process offender applications for DMV Identification Cards.
  - c. Based on the *DMV Connect* schedule, offenders shall apply for the DMV Identification Cards about 30-45 days prior to discharge from the facility.
  - d. DMV Identification Cards for offenders who do not have an approved Virginia *Home Plan* (including out of state plans) will use the facility address. Offenders will be responsible for submitting a change of address to DMV when they establish a Virginia residence.
  - e. Offenders are responsible to pay the current DMV fee for issuing an identification card. Indigent offenders will have the fee charged as a loan to their Offender Trust Account. Offenders who are required to obtain a DMV Identification Card but refuse shall be charged with Offense Code 119c, Refusal to participate in re-entry planning or preparation.
    - i. Offenders found guilty of Offense Code 119c shall have a Mandatory penalty of 90 Days Loss of Accumulated Good Time.
    - ii. Offenders found guilty of Offense Code 119c shall receive a formal hearing by the ICA to be reduced to good time Class Level IV until they comply with requirements for DMV Identification Cards.
- 5. Staff will offer veteran offenders an opportunity to apply for their *Certificate of Release or Discharge from Active Duty* (DD-214) at the time of initial contact with the DOC if they do not have a copy. While there should be no sanction for refusal to do so, staff should document in VACORIS that the offender refused to apply.
- 6. Once the personal identification documents such as Birth Certificate, Social Security Card, DMV Identification Card, or other such identification document is received by the facility, Facility Records staff shall place the identification documents in the offender's *Personal Property Envelope* maintained at the facility; these documents shall not be uploaded into VACORIS.
  - a. Facility Records staff will confirm on the demographics screen in VACORIS that the offender's Birth Certificate, Social Security and DMV Identification Card has been received and are on file at the facility.
  - b. Personal identification documents will be stored in the offender's *Personal Property Envelope* and provided to the offender at the time of their release. The offender should acknowledge receipt of these documents by signing the *Personal Property Envelope*.
    - i. When an offender or a member of the offender's family is required to produce the original or a certified copy of the offender's Birth Certificate, the offender may request that the Birth Certificate on file at the facility be released to a designated family member.

- ii. The Birth Certificate should only be released when there are no other alternatives to satisfying the requirement; and the family agrees to return the Birth Certificate within 90 days. If the offender's release date is imminent, the family member must agree to return the birth certificate 90 days prior to the offender's release.
  - iii. Records staff must ensure that if the Birth Certificate is released, a copy is made and placed in the offender's *Personal Property Envelope*.
  - iv. If the Birth Certificate is not returned within the specified time frame, the offender will be required to submit an application to the appropriate state to obtain another official copy.
    - (a) The offender will be charged any cost designated by the state Office of Vital Records
    - (b) For offenders who have insufficient funds, a loan will be given to cover the cost as required by the applicable state
  - c. Records staff will document in the *Notes* Section of VACORIS that the offender's Birth Certificate, Social Security Card, and DMV Identification Card were provided to the offender and upload a copy of the signed *Personal Property Envelope* as an external document to the corresponding *Note*.
  - d. While incarcerated, the offender is allowed to possess their own *Certificate of Release or Discharge from Active Duty* (DD-214), military medical records, and other documents (other than military identification card) related to their military service.
7. Personal identification documents received after the offender has been released will be forwarded in accordance Operating Procedure 050.1 *Offender Records Management*.
8. Offenders will be given a copy of the *Work Opportunity Tax Credit* (see Attachment 5).
- a. Probation and Parole staff will provide the offender signed documentation of the offender's conviction and release date for submission to their employers.
  - b. The employer will be responsible for applying to the Virginia Employment Commission for the tax credit.
9. Virginia Fidelity Bonding Program
- a. All offenders will be informed of the DOC coordination of the [Virginia Fidelity Bonding Program \(VFBP\)](#).
  - b. The facility Offender Workforce Development Specialist (OWDS) or the Re-entry Counselor shall complete the DOC approved facilitator training for the Virginia Fidelity Bonding Program Seminars offered by the Fidelity Bonding Program Coordinator.
  - c. The OWDS or Re-entry counselor will then offer information on the Virginia Fidelity Bonding Program to all offenders in the Ready to Work program.
  - d. Offenders who are not enrolled in Ready to Work will get this information in a separate Virginia Fidelity Bonding Program topical seminar. The facilitator will enroll and remove participants in these in the programs section of VACORIS.
  - e. The facility OWDS or the Re-entry Counselor will create and distribute personalized Bonding Eligibility Letters for each participant who successfully completes the seminar and requests a letter.
  - f. The Facility Unit Head will designate sufficient staff to facilitate Virginia Fidelity Bonding Program seminars.
  - g. The Institutional Program Manager (IPM) will ensure that all offenders receive the information on the Virginia Fidelity Bonding Program (either in the Ready to Work program or a topical seminar) prior to release. The IPM will ensure participants in these programs are enrolled and appropriate completion status is accurately maintained in VACORIS. The IPM is also responsible for monitoring the program to ensure that all offenders who request a Bonding Eligibility Letter obtain the letter prior to release.
  - h. Questions on training or program specific issues should be sent to the Fidelity Bonding Program Coordinator at [Virginia.BondingProgram@vadoc.virginia.gov](mailto:Virginia.BondingProgram@vadoc.virginia.gov).

#### E. Restoration of Civil Rights (Removal of Political Disabilities)

1. The major civil rights forfeited by a person convicted of a felony include:
  - a. The right to vote
  - b. The right to hold public office
  - c. The right to serve on a jury
  - d. The right to serve as a notary public
  - e. The right to possess a firearm
2. Offenders should be advised of the procedure for restoration of civil rights upon their release. They should also be supplied a copy of the *Restoration of Civil Rights Information* (see Attachment 3).
3. The restoration of civil rights does not restore the right to possess a firearm.
4. The restoration of civil rights does not expunge a criminal conviction.
5. The restoration of civil rights is not a pardon. A person who has been convicted of a felony must first have their civil rights restored in order to be considered for a pardon.
6. Only the Governor can restore lost civil rights. There is no appeal of the Governor's decision. A person who has been denied may not reapply for one year.
  - a. Effective August 22, 2016, by Executive Action the Office of the Governor provides a process for the restoration of civil rights for offenders who may meet the Governor's standards for restoration if they have been convicted of a felony and are no longer incarcerated or under active supervision by the Department of Corrections (DOC) or other state agency for any and all felony convictions.
  - b. The Secretary of the Commonwealth (SOC) is giving priority consideration to individual who request the restoration of their civil rights. Those wishing to expedite restoration of their own civil rights may contact the SOC at <https://commonwealth.virginia.gov>
  - c. The Governor's Office will release the names of newly restored individual's monthly. Additional information is available at [\*Restoration of Rights\*](#).
7. Restoration of Voting Rights
  - a. COV §53.1-231.2 has made it possible for eligible non-violent convicted felons, to have the right to vote reinstated.
  - b. The offender must be free from any active or suspended sentence, supervised or unsupervised probation, parole, post release supervision, or good behavior for a period of five years.
  - c. The offender may petition the Circuit Court of conviction or the Circuit Court where they currently reside in Virginia, to approve a petition for voting rights only.
  - d. If approved by the Circuit Court, the petition is then forwarded to the Secretary of the Commonwealth to transmit the matter to the Governor for review and final approval.
  - e. Only the Governor can restore the right to be eligible to register to vote. There is no appeal of the Governor's decision.

#### F. Child Support Obligations

1. COV §53.1-31.2 provides for the Virginia Division of Child Support Enforcement (DCSE) to provide information on child support obligations to be available in VACORIS.
2. Offenders can receive registration and payment information from the Virginia Department of Social Service at 1-800-468-8894 or the agency's web page @ [VA/DSS](#).

#### G. Restitution, Fines, and Court Cost

1. Offender may obtain information on balances owed for Restitution, Fines and Court Cost obligations by sending a written request directly to the Clerk of the sentencing Court.
2. In accordance with COV §19.2-353.5 offenders may request the Court to waive the interest charges

accrued for fines and costs while incarcerated by submitting a [Certification of Incarceration Period \(Form DC-366\)](#) to each applicable Circuit Court.

- a. If waivers are to be requested from multiple Courts, each Court must access the original *Certification of Incarceration Period*.
    - i. If the *Certification of Incarceration Period* is submitted by mail, the offender must include a stamped, self-addressed envelope and request the return of the original.
    - ii. If presented to the Court Clerk in person, the offender should ask that the original be copied for Court use and the original returned.
  - b. On release from a DOC facility, the Records Office shall provide each offender a notarized [Certification of Incarceration Period \(Form DC-366\)](#) covering the current period of incarceration.
  - c. For previous DOC incarceration, offenders should acquire the form from the institutional counselor 90 days before their release date.
    - i. Once the offender records their Name, Date of Birth, the last four digits of their Social Security number, and their DOC number, the offender should return the form to their institutional counselor with a note indicating the approximate dates of incarceration.
    - ii. The institutional counselor will forward the request to the institutional Records Manager
    - iii. The institutional Records Manager will complete the form and ensure the notarized form is returned to the offender just prior to the release date.
  - d. Offenders seeking a waiver of interest charges accrued during past incarcerations imposed by a Court in a jail or the Community Corrections Alternative Program (CCAP) in Detention/Diversion should submit a [Certification of Incarceration Period \(Form DC-366\)](#) to the appropriate facility for completion. The offender should then submit the completed form to the applicable Court for instructions regarding any waiver requests for time periods served in the facility.
3. In accordance with COV §19.2-353.5 offenders may request the Court to waive the interest charges accrued during past incarceration for fines and costs.
  4. Offenders incarcerated in DOC institutions may apply for the waiver by submitting a [Certification of Incarceration Period \(Form DC-366\)](#) to each applicable Circuit Court.
    - a. Offenders should acquire the form from the institutional counselor 90 days before their release date.
      - i. One form may be used and duplicated for multiple courts.
      - ii. Once the offender records their Name, Date of Birth, the last four digits of their Social Security number, and their DOC number they should return the form to their institutional counselor.
      - iii. The institutional counselor will forward the request to the institutional Records Manager
      - iv. The institutional Records Manager will complete the form and ensure it is returned to the offender just prior to the release date.
    - b. Offenders seeking a waiver of interest charges accrued during past incarcerations imposed by a Court in a jail or the Community Corrections Alternative Program (CCAP) in Detention/Diversion should submit a [Certification of Incarceration Period \(Form DC-366\)](#) to the facility for completion. The offender should then submit the completed form to the applicable Court for instructions regarding any waiver requests for time periods served in the facility.

#### H. Medical Release Preparation

1. Medical staff shall monitor the facility population through VACORIS to identify offenders who are within 180 days of release so that medical pre-release preparation can begin.
  - a. Detention and Diversion Center staff should forward a copy of the [Medical Discharge Summary: Community Corrections](#) 720\_F7 to the P&P District scheduled for the offender's release at least 60 days prior to the anticipated release date. See following sections related to release of medical,

- mental health, and substance abuse information.
- b. Institutional medical staff should complete the *[Medical Discharge Summary](#)*, 720\_F5 and forward to the Re-entry Counselor at least 180 days prior to the offender's anticipated release date. See following sections related to release of medical, mental health, and substance abuse information.
  - c. The Counselor should review the *Medical Discharge Summary* to determine the offender's special needs to allow planning for release including application for benefits, special housing needs, and if special equipment may be needed.
  - d. When there is change in the offender's treatment or medical needs, after the *Medical Discharge Summary* has been completed, facility medical staff will determine if the *[Medical Discharge Summary: Community Corrections](#)* 720\_F7 or *[Medical Discharge Summary](#)*, 720\_F5 will be updated and as necessary, notify the P&P District or Re-entry Counselor.
2. COV §53.1-40.10 governs the release of medical and mental health information. In most cases, information may be released to the re-entry staff, Probation and Parole, and Community Services Boards without a Release of Information from the offender.
3. NOTE: The following exceptions are listed in this Code section. (1) Substance abuse records may only be released upon receipt of a signed *[Consent for Release of Alcohol and Drug Abuse Record Information](#)* 050\_F15 (see Operating Procedure 050.1, *Incarcerated Offender Records Management*). (2) Per COV §32.1-36.1, disclosure of HIV test results without a release of information can only occur as follows (partial listing): Department of Health, health care providers for purposes of consultation or providing care and treatment to the subject of the test, and to the spouse of the subject of the test.
4. If consent for release of information is needed, the Counselor, Medical, or Mental Health staff will request the offender to sign a *[Consent for Release of Confidential Health and/or Mental Health Information](#)* 701\_F8 (see Operating Procedure 701.3, *Health Records*). If a release is then obtained, records will be forwarded to the designated entities.
5. After an offender is identified as meeting the requirements for disability benefits upon release, healthcare staff shall begin the benefit application process with the offender by completing all medically related information in the benefit application packet (Medical Information section in the Disability Report form).
- a. Healthcare staff shall begin gathering of data, medical/mental health documentation, and completion of forms at least 6 months prior to release.
  - b. Medical staff shall then forward the packet to the Re-entry Counselor at least 120 days prior to release.
  - c. The offender and the Re-entry Counselor will complete the remainder of the application packet and the Re-entry Counselors will document the application in a VACORIS Facility Note.
6. If indicated, Healthcare staff will assist offenders diagnosed with infectious diseases and other serious, chronic health conditions with referrals or appointments to community healthcare providers.
- a. Once appointments are made by medical staff for follow-up care, they should notify the offender's assigned Re-entry Counselor who will enter a note in VACORIS for the supervising P&P Office.
  - b. Healthcare staff shall also provide necessary medical information to the community healthcare provider.
  - c. At a minimum, offenders should be provided the address and instructed to report to a community healthcare provider to get follow-up medical treatment as soon as possible and to avoid interruption in treatment or medication.
7. Healthcare staff shall also obtain a supply of discharge medications and other necessary medical supplies not to exceed a 30-day supply for offenders who are pending release. Offenders released to the VASAVOR program who are pending transfer should be issued up to a 75-day supply. (see

*HIV/Aids Discharge Plan in Nursing/Medical Guidelines).*

- a. If indicated, Health Services staff shall also obtain necessary supplies such as blood glucose monitoring machines, testing supplies, wound care supplies, etc.
- b. All necessary actions completed as a part of the discharge planning schedule shall be documented in the offender's Health Record.
8. Healthcare staff will ensure that offenders who need mobility equipment such as wheelchairs, walkers, canes, crutches, etc. have access to such equipment at their release.
  - a. Offenders with long term need for mobility equipment will be provided with and required to purchase this equipment in accordance with Operating Procedure 750.3, *Prostheses*, and Operating Procedure 720.4, *Co-Payment for Health Care Services*.
  - b. DOC owned equipment should be provided for temporary use only during a short term condition.
  - c. Healthcare staff should assess the offender's condition 3 months after being provided DOC owned mobility equipment to determine continued need for the equipment. If continuance of the mobility equipment is necessary, the offender should be required to purchase their own equipment and be charged co-pay.
  - d. If the offender will need mobility equipment on release, the Counselor should check with the family and/or release plan to see if the same or equivalent equipment will be available to the offender upon release.
  - e. If such equipment is not owned, purchased, or available through the family, the facility Healthcare staff should be notified 90 days prior to release.
9. When Home Health care is required, a referral will be initiated by Healthcare staff prior to the offender's release so that continuity of medical care can be maintained and home health assistance can be arranged through the Community Release Unit.
10. Per COV §53.1-28, any offender may obtain a copy of their medical records within 30 days of release so long as the offender requests a copy of the records at least 60 days prior to their release date.

#### I. Mental Health Services Release Preparation: Offenders' Eligibility for Benefits

1. In designated mental health units, the Unit Director (or other Qualified Mental Health Professional responsible for discharge planning) will identify and document offenders who are within 180 days of release and are potentially eligible for benefits.
2. Other than in designated mental health units, the Senior Qualified Mental Health Professional (QMHP) or designee will identify offenders who are within 180 days of their anticipated release.
3. The QMHP will compare the list to the mental health services database to ensure that the two sets of information are consistent with one another. If there is a discrepancy in the mental health services database, the QMHP will rectify it.
4. Within 30 days of identifying the offenders, the QMHP will conduct a preliminary screening of each offender scheduled for release within the next 180 days.
  - a. At a minimum, the screening will consist of a review of the offender's assigned Mental Health Classification Code ('Code) and mental health record.
  - b. The QMHP will ensure that the offender's Code is current and accurate.
  - c. The QMHP may decide to conduct a face-to-face interview with the offender to obtain additional information.
  - d. Offenders coded MH-0 or MH-1 are typically not eligible for mental health services or related benefits upon release except when previously received disability benefits or in cases of possible developmental disability. Within 120 days of the offender's expected release, the QMHP will notify the offender's Counselor via e-mail that the offender's Code is MH-0 or MH-1 and indicate if the offender may be eligible for disability benefits.

5. Offenders with a code of MH-2 or higher who propose an out of state release plan must have a [Mental Health Release Summary to Community - DOC MH 9](#) 730\_F9 completed prior to release. The counselor will notify the QMHP to complete the MH-9 and upload it to a *Facility Note* so it is accessible to the Probation and Parole staff.
6. Offenders with a Code of MH-2 will need to be screened to determine if they are potentially eligible for SSI benefits.
  - a. The screening will be completed within 180 days of release, with the QMHP or MHU Director reviewing available mental health information.
  - b. Issues for consideration in the screening may include determining if the offender has a diagnosis identified by the Social Security Administration on its *Listing of Impairments* (as identified in the Disability Evaluation Under Social Security manual, also known as the '[Blue Book](#)'), noting the severity of the illness as well as how the disorder impacts the ability of the offender to engage in gainful activity.
  - c. For those offenders who may be eligible for benefits and services, the QMHP will complete a [Mental Health Appraisal DOC MH-17](#) 730\_F17 (see Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*).
  - d. The QMHP will confer with medical staff at the facility to ensure that the offender's medical problems or physical limitations are documented on the MH-17.
  - e. If the QMHP is not a licensed clinical psychologist or psychiatrist, the [Mental Health Appraisal DOC MH-17](#) 730\_F17 must be signed (or e-mailed) by a licensed clinical psychologist or psychiatrist. Within 5 months of the offender's expected release, the designated QMHP will e-mail the completed MH-17 to offender's assigned Counselor. For offenders assigned to designated mental health units, the QMHP may provide the Counselor with information in addition to the MH-17.
7. Offenders with a Code of MH-3 or MH-4 may be eligible for benefits and services upon release.
  - a. For each of these offenders who are within 180 days of release, the QMHP will complete a [Mental Health Appraisal DOC MH-17](#) 730\_F17 (see Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*).
  - b. The QMHP will confer with medical staff at the facility to ensure that any medical problems or physical limitations that the offender has are documented on the MH-17.
  - c. If the QMHP is not a licensed clinical psychologist or psychiatrist, the [Mental Health Appraisal DOC MH-17](#) 730\_F17 must be signed (or e-mailed) by a licensed clinical psychologist or psychiatrist. Within 5 months of the offender's expected release, the designated QMHP will e-mail the completed MH-17 to offender's assigned Counselor. For offenders assigned to designated mental health units, the QMHP may provide the Counselor with information in addition to the MH-17.
8. An outside entity (e.g., Disability Determination Services) may request verification that an offender is not considered disabled in terms of their mental status and service needs. In such cases, a licensed clinical psychologist or psychiatrist will forward such verification to the requesting entity. The message will state, e.g.

"Offender \_\_\_\_\_ (name/DOC #) has reportedly applied for disability benefits pending their release from the Department of Corrections. Mr. /Ms. \_\_\_\_\_'s mental health record was reviewed on \_\_\_\_\_. According to available information, he/she is not currently receiving mental health services and has not received mental health services since \_\_\_\_\_. The offender reported previously having been prescribed \_\_\_\_ for \_\_\_\_\_ from \_\_\_\_ (date) to \_\_\_\_ (date). No other mental health treatment history is indicated."
9. See Operating Procedure 730.3, *Mental Health Services: Levels of Service*, for additional mental health services release planning requirements.

#### J. Offender Work History

1. The offender shall complete the [\*Discharge Offender Work History Report\*](#) 820\_F10 at least 90 days before their expected release date.
2. The offender shall mark with an “X” any Work Assignments that the offender has held during their current incarceration.
3. The offender shall write in the institution(s) where they held this job, a brief job description, and the dates that they held this job.
4. The offender shall submit the Report to the assigned Counselor.
5. The Counselor will verify this information, where verification information is available, and denote any discrepancies in the Counselor Notes section.
6. The completed Report will be given to the offender on release from custody.
7. Offenders who have worked at least 3 months in a Maintenance, Food Service, Agribusiness, Environmental Services, Corrections Construction, or Correctional Enterprises position are eligible to be issued a [\*Job Proficiency Exit Report\*](#) 820\_F11 (JPER) to document the skills learned and/or employed in the facility.
  - a. The JPER form will be completed by the offender’s direct Work Supervisor upon notification that an offender worker:
    - i. Is scheduled to be released from incarceration within 30 days
    - ii. Has been reassigned to another job at the institution
    - iii. Is scheduled to be transferred to another institution
  - b. If a Work Supervisor does not receive notification that an offender has been released, reassigned to another job, or transferred to another institution, a JPER may be completed after the worker’s departure. The Work Supervisor will be responsible for:
    - i. Providing the offender a signed original
    - ii. Submitting the [\*Job Proficiency Exit Report\*](#) 820\_F11 into the *Offender Pages Facility Notes* of the VACORIS case file
    - iii. Notifying the Case Management Counselor that the JPER is completed and in VACORIS

#### K. Offender Program History

1. Re-entry Staff should run the Course Program Completion report by unchecking the “Null” check box and entering the offender’s DOC number in VACORIS for offenders 90 days prior to their release to produce an offender’s transcript. This will result in a transcript of all the counseling services, Division of Education and other courses the offender has taken.
2. The completed Report will be given to the offender on release from custody.
3. The re-entry staff will document in *Facility Notes* that the report was given to the offender upon release.

### VIII. RELEASE PROCESSING

- A. The facility Records Office or other authority designated by the Facility Unit Head should ensure that each relevant step of Release Processing is covered for each offender being released.

#### B. Monetary Allowance/Hold Account

1. An offender released from confinement by action other than to meet a detainer, will be provided all funds credited to that offender’s account. For Institutions offenders, if the funds do not total \$25.00, sufficient money will be added to reach that amount. This includes offenders who are being released from incarceration but who are not going directly into the community including e.g. committed to a mental health hospital or the Virginia Center for Behavioral Rehabilitation.
2. An offender who is discharged or paroled to another criminal justice agency to meet a detainer will be provided all funds accumulated in that offender’s account.

3. An offender who is being released to a jail work release program will be provided all funds credited to the offender's account. Since the offenders are not being released from incarceration, facilities DO NOT need to supplement offender funds to meet the \$25.00 Discharge Allowance. A check, in the amount of funds currently available, will be made out to the receiving jail and be included in the offender's "dummy" file sent with the transporting officer. One check may be written when more than one offender is being released to the same jail.
4. Any offender pay or other funds not posted to the offender's account at the time of the offender's release will be forwarded to that offender within five working days of the posting in accordance with *Offender Trust Fund* procedures.
5. An offender transferred for Court proceedings will receive no funds, because this is not a release action and the offender will return to the custody of the DOC.

#### C. Transportation Allowance

1. Upon being notified of an offender's release date, the Facility Unit Head or designee will determine the offender's need for transportation. If the offender does not make outside arrangements for transportation, the Facility Unit Head will determine the most economical mode of travel.
2. Only within the Commonwealth of Virginia, an offender released to Probation or Parole Supervision may be issued authorization for a public transportation ticket to the place of the offender's approved home plan. If the approved home plan is out-of-state, authorization for a public transportation ticket will be to a locality on the transportation route closest to the out-of-state location, but within Virginia's border.
3. Sex Offenders under probation or parole supervision will not be allowed to utilize public transportation. Their Transportation will be arranged by the Community Release Unit. DOC personnel will transport them to the P&P Office unless the Chief P&P Officer allows family members to provide transportation.
4. An offender released with no probation, parole, or post-release supervision (direct discharge) may request transportation to any locality within the Commonwealth of Virginia.
5. When an offender is being released to an area not covered by public transportation, facility staff will determine if the offender has a ride to the designated release location.
  - a. If the offender does not have a ride, Central Transportation will be notified by facility Records staff to arrange a transfer to a facility nearer to the release location. Arrangements must be made ten days in advance to ensure transfer.
  - b. On the day of release, staff from the releasing facility will drive the offender to the P&P Office in the offender's release plan. This will apply to all offenders being released to the affected area regardless of whether they have supervision to follow incarceration.
  - c. On the day of the release, a courtesy call to the P&P Office shall be made to advise them of the trip.
6. An offender who has had a transportation request approved will not be given any state money to pay for the direct purchase of a ticket.
  - a. The Facility Unit Head will issue transportation authorization to cover the purchase of the ticket.
  - b. The offender will be given this authorization for delivery to the ticket agent in exchange for a ticket.
  - c. A copy of the authorization will be returned to the facility by the ticket agency with their invoice for payment.

#### D. Release Clothing

1. At least two weeks before discharge, facility property staff should determine the need for and, if necessary, obtain discharge clothing

2. No offender will be discharged in state-issued offender clothing, except for approved discharge clothing.
3. Offenders may be discharged wearing personal clothing acquired while incarcerated.
4. Offenders will make arrangements, with the approval of the Facility Unit Head, to have one set of seasonally appropriate civilian clothing delivered or mailed to the facility up to one month prior to the offender's scheduled discharge date. This clothing will be provided to the offender only on the day of discharge.
5. Female offenders may order discharge clothing through the commissary or approved vendor no sooner than one month prior to discharge. The facility shall store the discharge clothing to be issued only on the day of discharge.
6. If the offender does not have personal clothing to wear on discharge, the facility will provide seasonally appropriate clothing at facility expense.

#### E. Personal Property

1. Personal property of offenders who are being released will be handled in accordance with Operating Procedure 802.1, *Offender Property*.
2. Any property left by the offender will be considered unclaimed property and handled in accordance with Operating Procedure 802.1, *Offender Property*.

#### F. Mail

Mail addressed to released offenders will be forwarded in accordance with Operating Procedure 803.1, *Offender Correspondence*.

#### G. Conditions of Release and Sex Offender Registration

1. At the time of release, the offender will read, or have read to them by facility staff, the *Order of Release, Conditions of Probation, or Conditions of Parole*, as applicable.
  - a. The offender shall then sign their name, as typed on all documents and date the forms.
  - b. The staff representative shall also sign and date all release documents, in the space provided, as witness to the offender's signatures.
  - c. If an offender refuses to sign the Conditions of Parole for a Discretionary Parole Release, they shall be placed back into the facility. The offender shall be maintained in the facility until the Community Release Unit advises when the offender is to be released.
2. The registration of sex offenders will be handled in accordance with Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*.
3. The records staff, in the presence of the offender, shall open the Personal Documents Envelope at the time of release and give the contents to the offender. The offender shall sign name, number, and date on the space provided, and the Records Office representative shall sign as a witness to the offender's receipt of personal documents and signature.
4. Each offender leaving on parole or discharge shall be released by 11:59 PM on the date of release.
  - a. During hazardous weather conditions, if the local conditions are such that the Facility Unit Head deems that transportation of the offender to a public transportation location could be dangerous to staff or offenders, or if there is a lack of public transportation, the offender's release may be reasonably delayed past the scheduled release date. The offender shall be notified about the delay and allowed to notify those persons in the community involved in their release plans. If the offender is able to make their own arrangements for transportation from the facility, the release may proceed as scheduled.
  - b. When an offender's release is delayed, the records staff is to notify both the Community Release Unit and the Court and Legal Section so that the offender's release date can be adjusted and a new date scheduled. The offender is not to be released without a new date being set by the Court

and Legal Section.

#### H. Gang Monitoring

1. Just before the offender is to be released, the Gang Specialist shall conduct a follow-up interview and examination to detect additional display of gang affiliation, ensure that the Gangs and STG Notes in VACORIS are up to date, and ensure a gang alert appears in VACORIS if applicable.
2. The facility Gang Specialist is responsible to notify the receiving P&P District's gang specialist or other authority of any gang related information on the offender in accordance with Operating Procedure 427.1, *Offender Gang Identification and Tracking*.

### IX. REFERENCES

*Offender Trust System Policies and Procedures Manual*

Operating Procedure 050.1, *Offender Records Management*

Operating Procedure 050.3, *Facility Release of Offenders*

Operating Procedure 427.1, *Offender Gang Identification and Tracking*

Operating Procedure 701.3, *Health Records*

Operating Procedure 720.4, *Co-Payment for Health Care Services*

Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*

Operating Procedure 730.3, *Mental Health Services: Levels of Service*

Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*

Operating Procedure 750.3, *Prostheses*

Operating Procedure 802.1, *Offender Property*

Operating Procedure 803.1, *Offender Correspondence*

Operating Procedure 830.1, *Facility Classification Management*

Operating Procedure 830.3, *Good Time Awards*

Operating Procedure 861.1, *Offender Discipline, Institutions*

Operating Procedure 861.2 *Offender Discipline, Community Corrections Facilities*

Operating Procedure 920.4, *Interstate Transfer of Supervision*

*Parole Board Administrative Procedure 1.226*

### X. FORM CITATIONS

[Emergency Notification Information](#) 050\_F11

[Consent for Release of Information](#) 050\_F14

[Consent for Release of Alcohol and Drug Abuse Record Information](#) 050\_F15

[Consent for Release of Confidential Health and/or Mental Health Information](#) 701\_F8

[Medical Discharge Summary](#) 720\_F5

[Medical Discharge Summary; Community Corrections](#) 720\_F7

[Mental Health Release Summary to Community - DOC MH 9](#) 730\_F9

[Mental Health Appraisal DOC MH-17](#) 730\_F17

[Petition for Geriatric Conditional Release \(Parole Board Form\)](#)

[Interstate Compact Pre-Release Checklist](#) 820\_F8

[Request for Assistance - Problematic Release](#) 820\_F9

[Discharge Offender Work History Report](#) 820\_F10

March 1, 2017

Job Proficiency Exit Report 820\_F11

Offender Application for Interstate Compact Transfer 920\_F17

XI. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

*Signature Copy on File*

2/3/17

H. Scott Richeson, Deputy Director of Re-entry and Programs

Date

*Signature Copy on File*

2/8/17

A. David Robinson, Chief of Corrections Operations

Date