



# Virginia Department of Corrections

## Offender Management and Programs

### Operating Procedure 801.4

#### *Privileges by Security Level*

**Authority:**

Directive 801, *Facility Administration*

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**Access:**  Restricted  Public  Inmate

**ACA/PREA Standards:** None

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in October 2023 and determined that no changes are needed.*

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## **DEFINITIONS**

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**Institution** - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers.

**Out of Bed/Cell Activity** - Includes meals, programs, outside recreation, activities in the housing unit common areas, educational programs, and work.

**Security Level** - A measure of the degree of physical restraint and supervision that is required to maintain adequate control over an inmate to prevent escapes, to minimize risk of staff and inmate injury, and to maintain orderly institution operations while providing for the safety of the general public



## PURPOSE

This operating procedure provides guidance to promote consistency in the privileges afforded to inmates based on the security level of the Department of Corrections (DOC) institution. Provision is made for institutions to request variances based on institution specific program and mission requirements.

## PROCEDURE

- I. Security Level Assignment
  - A. Staff will assign an inmate once classified, to a security level based on their risk to others and to the secure and orderly operations of an institution; see Operating Procedure 830.2, *Security Level Classification*.
  - B. Inmates may be housed in an institution that has a higher security level designation than the inmates assigned security level as follows:
    1. Work Centers - Security Level W inmates
    2. Field Units - Security Level W and 1 inmates
    3. Security Level 2 Institutions - Security Level W-2 Inmates
    4. Security Level 3 Institutions - Security Level W-3 Inmates
    5. Security Level 4 Institutions - Security Level W-4 Inmates
    6. Security Level 5 Institutions - Security Level W-5 Inmates
    7. Security Level 6 and S Institution - Security Level W-6 and Inmates with a Security Qualifier
  - C. Each institution will house one or multiple inmate security levels.
    1. The minimum and maximum privileges authorized for general population inmates varies based on each institutions' designated security level. As the security level of the institution decreases, the privileges offered increases.
    2. For institutions designated to house multiple security levels, the privileges provided for all inmates are based on the highest level housed at the institution; see Attachment 1, *Privilege Level Designation of Multi-Level Institutions Privileges*.
  - D. Each institution is expected to provide inmates with the privileges listed on the *Privilege Level Designation of Multi-Level Institutions* for the institution's security level designation unless the institution has an approved *Privilege Variance Request* 801\_F8.
  - E. Restorative Housing Unit privileges will be in accordance with Operating Procedure 841.4, *Restorative Housing Units*.
  - F. Privileges for Security Level 6 and S institutions will be in accordance with Red Onion State Prison Local Operating Procedure 830.A, *Restorative Housing Reduction Step Down Program*, as approved by the Chief of Corrections Operations and consistent with applicable ACA Standards.
  - G. Reception Centers and residential programs may restrict or enhance the privileges available to support their institutional mission and/or program model.
  - H. Privileges for Cadre inmates will be as specified for Security Level 1 institutions unless otherwise indicated.
- II. Inmate Privileges by Security Level
  - A. The privileges afforded to inmates housed in Security Level W-5 institutions are as follows:
    1. Commissary
      - a. Weekly spend limit for consumable items (except nicotine replacement products) (changed 1/6/23)



- i. Security Level W-2 - \$ 150 weekly
  - ii. Security Level 3 - \$ 135 weekly
  - iii. Security Level 4 - \$ 110 weekly
  - iv. Security Level 5 - \$ 75 weekly
2. Inmate Property
  - a. Security Level W-5 - Personal Property as authorized on the appropriate *Institutional Property Matrix* attachment to Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
  - b. Security Level W-5 - Personal arts, crafts, and hobby items as authorized on the *Approved Arts and Crafts Items* attachment to Operating Procedure 841.6, *Recreation Programs*.
  - c. Security Level W-5 - Personal religious items as authorized on the *Approved Religious Items* attachment to Operating Procedure 841.3, *Offender Religious Programs*.
  - d. Inmates must purchase all authorized items, except publications and items sold through a DOC Contract Vendor, from the institution commissary; inmates are not permitted to purchase from an alternate vendor.
3. Out of Bed Area Activities
  - a. Minimum hours out of bed area to include movement and meals
    - i. Security Level W & 1 - 14 hours
    - ii. Security Level 2 & 3 (Female Institutions) - 12 hours
    - iii. Security Level 3 - 10 hours
    - iv. Security Level 4 - 8 hours
    - v. Security Level 5 - 7 hours
  - b. Access to Day Room (Area in the housing unit itself such as the TV area, not a separate basement recreation area, etc.)
    - i. Security Level W-2 institutions and Fluvanna Correctional Center for Women - Until 11:30 p.m. Sunday - Thursday; and until 1:00 a.m. Friday and Saturday nights and nights before a holiday
    - ii. Security Level 3 male institutions - Until 11:30 p.m. Sunday - Saturday
    - iii. Security Level 4 & 5 - Until 9:00 p.m. Sunday - Saturday
  - c. Yard Activity
    - i. None during periods of darkness or low visibility without observed/escorted movement.
    - ii. Security Level W-3 & Security Level W-2 female institutions - Ends at sundown.
    - iii. Security Level 4 & Security Level 3 female institutions - Ends at 8:00 p.m. or sundown whichever is first, except for feeding.
    - iv. Security Level 5 - Ends at 6:00 p.m. or sundown whichever is first, except for feeding.
4. Programs
  - a. Security Level W-3 & female institutions - Observed/escorted movement for programs may occur until 9:00 pm out of housing area.
  - b. Security Level 4 - Movement for programs may occur until dark, no later than 8:00 p.m. out of housing area
  - c. Security Level 5 - No programming out of housing area after 6:00 p.m. or sundown whichever is first.
5. Telephone
  - a. On during scheduled service hours
  - b. Available when inmates are allowed access to area(s) where phones are located
  - c. Calls limited to 20 minutes

6. Television
    - a. Security Level W-5 - Cable TV (no premium channels)
    - b. Security Level W-5 - Movies/Motion Pictures (Facility Unit Head Approval)
  7. Visitation
    - a. Security Level W-5 - Minimum of 1 hour and maximum 4 hours per visiting day; as space is available
    - b. Security Level W-5 - Video visitation program and home internet video visitation available
- B. Additional privileges as listed on Attachment 2, *Privileges by Security Level-Male Institutions*, and Attachment 3, *Privileges by Security Level-Female Institutions*, are available based on the security level of the institution and inmate behavior.
1. Inmate Pictures (i.e. inmate picture projects, etc.)

The Facility Unit Head or designee at each participating institution will establish the rules, procedures, and process for accessing inmate picture services.

    - a. Picture tickets must be marked with the name and number of the inmate who purchased the ticket.
    - b. Picture tickets are transferrable between institutions.
      - i. Inmates who purchased a picture ticket and then transfer prior to use may use their picture tickets at any institution that offers picture-taking services.
      - ii. When an inmate transfers to an institution that does not provide picture-taking services, staff at the receiving institution will permit the inmate to keep their picture tickets.
      - iii. Institutions are not required to refund inmates for unused picture tickets.
    - c. The Facility Unit Head should designate one staff member to be responsible for oversight of the inmate picture taking process for the institution; the designated staff member must ensure that all inmate pictures are reviewed and embedded with the inmate's identifying information (institution, inmate's name, date and time picture was taken) prior to printing the photograph for inmate possession.
      - i. Staff must take all inmate pictures with a digital camera.
      - ii. The individual responsible for taking inmate pictures must maintain a log of all the pictures taken with each inmate's name, date, and time of picture documented on the log.
      - iii. The completed log should be forwarded to the staff member responsible for embedding the inmate's information into the picture.
      - iv. Staff must save the picture with identifying information to a folder created for this purpose in "My Pictures" or "Shared Folders".
    - d. Staff should review all inmate pictures, prior to distribution to the inmate, for compliance with the institution's rules regarding picture content to include the prohibition of gang signs and symbols.
    - e. Inmate pictures on the DOC network are subject to the requirements for storage and removal provided in Operating Procedure 310.2, *Information Technology Security*.
  2. Movies (Motion Pictures)
    - a. The DOC contract vendor provides a public performance license that allows the unlimited showing of movies to the inmate population at participating institutions.
    - b. A listing of all titles under contract that the institution may be publicly show to the inmate population is available on the contractor's website at <http://institutions.swankmp.com/>.
    - c. The showing of "R" rated movies is prohibited.
    - d. The Facility Unit Head will determine the method by which movies are obtained, such as Netflix, Library, purchase, etc., and must ensure all movies shown at the institution are covered under contract and are appropriate for inmate viewing for that institution.
    - e. The Facility Unit Head or designee at each participating institution will establish the availability, procedures (location, time, number of movies etc.), and process to attend inmate movie services.

### 3. Sale of Ice Cream

- a. The Facility Unit Head will determine if ice cream is available for sale to the inmate population through the institution's commissary.
- b. The contract vendor will order the ice cream and deliver it to a vendor provided freezer located in the commissary or other designated location.
- c. Institutions that have their commissary orders shipped from another institution will receive ice cream directly from the vendor. Once the institution receives the delivery, staff will fax the receiving document to the institution responsible for providing commissary services.
- d. Inmates must purchase a color-coded ticket that represents a specific type of ice cream from the commissary. The ticket must be marked with the name and number of the inmate, who purchased the ticket, and the inmate must turn the ticket in to institution staff in order to receive their selected ice cream.
- e. The Facility Unit Head or designee will determine the process for ice cream distribution (location, number of days offered, etc.) and inventory control.
- f. Business Office Staff must deposit all proceeds from the sale of ice cream into the Commissary Fund.

### 4. Restaurant Food Orders

- a. At the discretion of the Facility Unit Head and with notice to the Regional Operations Chief, inmates housed in Security Level W through 2 institutions are permitted to order food from an outside restaurant.
  - b. The Facility Unit Head or designee will establish the criteria, rules, and any other operational requirements necessary for inmates to participate.
- C. The Facility Unit Head or designee should address institution specific information concerning inmate privileges in the inmate orientation manual/packet or by Implementation Memorandum to this operating procedure
- D. The Facility Unit Head or Administrative Duty Officer may temporarily suspend or restrict any of the listed privileges.
1. The Facility Unit Head or Administrative Duty Officer can temporarily suspend or restrict privileges for critical incidents or when needed to search for contraband.
  2. The Facility Unit Head or Administrative Duty Officer must notify the Regional Office and comply with the reporting requirements in Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*, Operating Procedure 410.3, *Offender Movement Control* (Restricted), and Operating Procedure 445.2, *Facility Searches* (Restricted).

## REFERENCES

Local Operating Procedure 830.A, *Restorative Housing Reduction Step Down Program*  
Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*  
Operating Procedure 310.2, *Information Technology Security*  
Operating Procedure 410.3, *Offender Movement Control* (Restricted)  
Operating Procedure 445.2, *Facility Searches* (Restricted)  
Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*  
Operating Procedure 830.2, *Security Level Classification*  
Operating Procedure 841.3, *Offender Religious Programs*  
Operating Procedure 841.4, *Restorative Housing Units*  
Operating Procedure 841.6, *Recreation Programs*



## **ATTACHMENTS**

Attachment 1, *Privilege Level Designation of Multi-Level Institutions*

Attachment 2, *Privileges by Security Level-Male Institutions*

Attachment 3, *Privileges by Security Level-Female Institutions*

## **FORM CITATIONS**

*Privilege Variance Request* 801\_F8

