



# Operating Procedure

<b>Effective Date</b> October 1, 2013	<b>Number</b> 940.4
<b>Amended</b>	<b>Operating Level</b> Department

**Supersedes**  
Operating Procedure 940.4 (6/1/10)

**Authority**  
COV §19.2-311, §19.2-316.1, §19.2-316.2, §19.2-316.3, §53.1-63, §53.1-67.7, §53.1-67.8

**Subject**

**COMMUNITY CORRECTIONS FACILITIES AND YOUTHFUL OFFENDER PROGRAM**

**ACA Standards**  
4-ACRS-2A-07, 4-ACRS-2A-08, 4-ACRS-3A-05, 4-ACRS-3A-06, 4-ACRS-3A-07, 4-ACRS-5A-06, 4-ACRS-5A-13, 4-ACRS-5A-20, 4-ACRS-5A-21, 4-ACRS-6A-04, 4-ACRS-6A-10, 4-ACRS-6A-11, 4-ACRS-6A-12, 4-ACRS-6B-01, 4-ACRS-6B-02, 4-ACRS-6D-01, 4-ACRS-6D-02, 4-ACRS-7A-01, 4-ACRS-7B-01, 4-ACRS-7B-02, 4-ACRS-7D-07, 4-ACRS-7D-36, 4-ACRS-7F-07; §115.233, §115.241, §115.242, §115.262

**Incarcerated Offender Access**  
Yes  No

**FOIA Exempt Attachments** Yes  No   
Yes  #3 No

**Office of Primary Responsibility**  
Chief of Corrections Operations

## I. PURPOSE

This operating procedure provides guidelines for the referral, evaluation, admission, removal, successful completion, and follow-up supervision of offenders in Detention Center, Diversion Center, and Youthful Offender Programs operated by the Virginia Department of Corrections.

## 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

**Community Corrections Facility** - A residential facility operated by the Department of Corrections to provide the Detention Center Incarceration program in accordance with [COV §53.1-67.8](#) or the Diversion Center Incarceration Program in accordance with [COV §53.1-67.7](#).

**Detainee** - An offender participant in a Detention Center program

**Detention Center** - A facility operated by the Department of Corrections to provide programs to meet criminogenic needs including components for military-style management and supervision, physical labor in organized public works projects, counseling, remedial education, substance abuse testing and treatment, and community re-entry services.

**Diversion Center** - A facility operated by the Department of Corrections to provide programs to meet criminogenic needs including components for ensuring compliance with terms and conditions of probation or parole; ensuring restitution and performance of community service; payment of fines, if any, and costs of Court; providing assistance in securing and maintaining employment; providing access to substance abuse testing and treatment; and providing other programs which will assist the probationer or parolee in returning to society as a productive citizen.

**Divertee** - An offender participant in a Diversion Center program

**Nonviolent Felony** - Any felony except those considered an "act of violence" pursuant to [Code of Virginia §19.2-316.1](#) ([§19.2-297.1](#)) or any attempt to commit any of those crimes.

**Pre-Admission Manual** - Information provided by the Community Corrections Facility through the Probation and Parole Districts to offenders prior to their transportation and admission to a Community Corrections Facility. This information should include mandatory and allowable personal property and

procedures for visiting and correspondence by telephone and letters while at the Community Corrections Facility.

**Referral Agency** - The Probation and Parole District or the Parole Board referring the offender for participation in a Community Corrections Facility program.

**Youthful Offender Program** - A program established in the Department of Corrections under COV §53.1-63 for indeterminate incarceration of young, first time offenders eligible under COV §19.2-311

#### IV. COMMUNITY CORRECTIONS FACILITIES

##### A. General

1. The Department of Corrections operates Detention Centers and Diversion Centers under the authority of COV §53.1-67.8 and COV §53.1-67.7 respectively. (4-ACRS-7A-01)
2. Each Detention and Diversion Center is headed by a superintendent with the following minimum qualifications: (4-ACRS-7B-01)
  - a. A bachelor's degree in an appropriate discipline; the degree requirement may be satisfied by completion of a career development program that includes work-related experience, training, or college credits at a level of achievement equivalent to the bachelor's degree.
  - b. Five years of related administrative experience
  - c. Demonstrated administrative ability and leadership
3. All professional staff comply with applicable state and federal licensure, certification, or registration requirements. Verification of current credentials is on file in the facility. (4-ACRS-7B-02)
4. Staff model desired behaviors in accordance with a facility code of ethics. Staff reinforce proper offender behavior and correct offender misbehavior. (4-ACRS-3A-07)
5. The facility actively identifies and implements activities that contribute to the community through public works and public service projects. (4-ACRS-7F-07)
6. The facility provides programs, services, and opportunities that encourage offenders to take responsibility for their actions and make restitution to the victims of their crime(s) and/or to the community. Opportunities are based upon victim and community input and are fashioned in a way that seeks to ameliorate the harm done. (4-ACRS-6D-01, 4-ACRS-6D-02)
7. Community Corrections facilities provide a system of communication between all levels of staff and offenders through a high degree of interaction facilitating verbal communication, as well as provision for written communications. (4-ACRS-7D-36)
8. Offenders are not subjected to discrimination based on an offender's race, religion, national origin, gender, disability, or political views. (4-ACRS-6B-01)
9. Recreation and leisure time activities are available to meet the needs of offenders. (4-ACRS-5A-21)

##### B. Detention Center

1. The Detention Center is a highly structured program of rehabilitative training involving military style regimen and physical labor in organized community service works projects.
2. Detainees receive counseling services, remedial education assistance, and substance abuse testing and treatment.
3. Detainees also receive *Ready to Work* programming, cognitive restructuring, and treatment services within an Evidenced Based Practices (EBP) environment where pro-social behavior is modeled and encouraged.
4. The program is designed to serve offenders who require more security, structure, and supervision than is available from other community-based programs.
5. Persons, who are being initially sentenced, as well as offenders who have failed at other less

restrictive community programs, should be considered.

6. The program will last at least 24 weeks, subject to extensions as needed for behavioral or programmatic issues. The length of stay is determined by the progress and adjustment of the detainee.
7. Each facility shall develop and maintain a written Pre-Admission Manual with information to prepare the offender for admission to the facility.

#### C. Diversion Center

1. The Diversion Center is a structured residential work program, supplemented with programs designed to help offenders meet their needs and reduce the risk they pose by remaining in the community. The focus is on offender social behavior change within an Evidenced Based Practices (EBP) environment to support personal growth and prepare the offender to return to the community.
2. Diversion Centers may include academics, cognitive restructuring, treatment groups, substance abuse testing and treatment, reentry planning, and other programs all within an EBP environment where pro-social behavior is modeled and encouraged.
3. Candidates should require more security or supervision than provided by Intensive Supervision.
4. Divertees reside at the Diversion Center and are expected to secure and maintain employment.
5. Divertees are expected to pay restitution, costs of Court and fines. Community service may be a part of the program.
6. Divertees will reside in the facility at least 24 weeks, subject to extensions as needed for behavioral or programmatic issues.
7. Offenders sentenced to the Diversion Center program will be expected to defray the cost of their stay in the facility by paying transportation fees (if applicable) and room and board charges.
8. Each facility shall develop and maintain a written Pre-Admission Manual with information to prepare the offender for admission to the facility.

#### D. Community Corrections Facilities Eligibility Criteria

1. Status - Offenders who have been convicted of a felony and placed on supervised probation/post release supervision, or offenders on parole for whom probable cause has been found for a parole/post release supervision violation other than a new felony or a Class 1 or 2 misdemeanor.
2. Offenses - The current felony offense must be nonviolent as defined in [Code of Virginia §19.2-316.1](#) and [§19.2-297.1](#).
3. Orders - A Circuit Court and/or the Virginia Parole Board must order offenders into Detention Center and/or Diversion Center programs; cannot be in addition to felony incarceration greater than 12 months in a single sentencing or revocation event.
4. Age - There is no age restriction for Diversion and Detention programs. Juveniles who are certified and tried as adults are eligible.
5. Health - The offender must be physically, emotionally, and mentally suitable for program participation. The program should be contacted for specific requirements.

#### E. Eligibility, Suitability, and Acceptability Evaluation

1. Each facility shall develop and maintain a written brochure or Implementation Memorandum listing its specific established eligibility and suitability criteria and facility capabilities. This document shall be distributed to each relevant referral agency. (4-ACRS-6A-12)
2. The Department of Corrections prohibits discrimination in accepting referrals based on disability, race, creed, political views, or national origin. Each facility will be designated to serve offenders of one gender; parallel programs are operated so that there is no discrimination based on gender in accepting referrals. (4-ACRS-6B-02)

3. Community Corrections Facilities Medical and Mental Health Suitability Considerations
  - a. Should have no self-injury or suicidal attempts within the past 12 months
  - b. Must be physically stable, should not require daily nursing care, and must be able to perform the activities of daily living and program requirements.
  - c. Potential program participants currently taking or who have been medically approved to stop taking prescribed mental health medications within 60 days of referral or intake will be assessed on a case-by-case basis. Harrisonburg Men's Diversion Center reviews offenders for acceptance who are on approved antidepressant medications as part of a self-medication treatment program for offenders.
  - d. Offenders with disabilities, if found eligible and suitable for the program, are housed in a manner that provides for their safety and security. Housing used by offenders with disabilities is designed for their use and provides for integration with other offenders. Programs and services are accessible to offenders with disabilities who reside in the facility. (4-ACRS-6A-04)

F. Referral Process (4-ACRS-6A-11)

1. Order for Referral
  - a. Probation Cases - Prior to sentencing, or following a finding that an offender's probation should be revoked, the Court should order the DOC to screen the offender for suitability for participation in the Detention and/or Diversion Center programs. The Court's order may be based on a motion by the defense, Commonwealth's Attorney, or the Court's own motion. The DOC then has up to 45 days to determine suitability for Diversion Center; 60 days to determine suitability for Detention Center.
  - b. Parole Cases - Parole violators may be referred to Detention and Diversion Programs by the Parole Board, Parole Examiner, or the Preliminary Parole Violation Hearing Officer, with the violator's consent, and following a finding of probable cause that the offender has violated one or more parole conditions.
  - c. Technical violators of probation and parole supervision may volunteer for referral to Detention and Diversion Programs
    - i. Must not be charged with new criminal offenses
    - ii. Probationers should score incarceration on Probation Violation Guidelines
    - iii. Offender must sign a [Voluntary Facility Evaluation and Participation Agreement](#) 940\_F9
  - d. Unless ordered by the Court, a change in the custodial status is not required during the evaluation period.
2. Once an offender has volunteered or been ordered for referral to a Detention or Diversion program, the District P&P Officer will submit the offender for evaluation through VACORIS.
  - a. A criminal record check must be provided if a PSI or criminal history is not available.
  - b. The referring P&P Officer shall evaluate the candidate by completing the *Mental Health Information, Physical Health Information and Substance Abuse Information* pages in VACORIS. These may be completed by the referring P&P Officer based on self-reported offender information at the P&P office or at any DOC or local correctional facility, or other location deemed appropriate by the DOC. If the candidate so desires, he may secure the evaluations from professionals of his own choice, but at his own expense.
  - c. The referring P&P Officer shall complete a criminal record check to determine that no outstanding warrants or detainers exist. Community facilities will not intake offenders until all pending Court matters are resolved.
3. The facility will perform a timely evaluation of each referral based on its specific established eligibility, suitability, and acceptability criteria and facility capabilities to determine the offender's level of risk to facility operations and public safety. (4-ACRS-2A-07)
4. Facility staff shall enter in VACORIS, for review by the referring P&P Officer, notification of the

offender's acceptance or rejection specifying reasons for non-acceptance into the program. (4-ACRS-2A-08)

5. The referring P&P Officer shall notify the referring agency of the community facility's acceptance or rejection of the offender. (4-ACRS-6A-10)
  - a. If the Court orders the offender into the program, the Judge normally imposes and then suspends an active sentence conditioned upon the offender's successful completion of the program. In accordance with COV §19.2-316.2 and §19.2-316.3, a sentence to the Detention and/or Diversion Center programs should not be imposed in addition to an active sentence to a state correctional facility.
  - b. The Parole Board may sanction eligible parole violators directly to Detention and/or Diversion Center programs.
6. The referring P&P Officer shall notify the Detention and/or Diversion Center of the Court or Parole Board order.
7. If sentenced to the program, the facility staff will respond with a projected entry date and ensure that the referring P&P Officer has access to the facility's current Pre-Admission Manual and provides a copy to the offender.
8. The referring P&P Officer shall send a copy of the Sentencing Order and Conditions of Probation or Parole Board Order and Conditions of Parole to the facility or enter into VACORIS.

#### G. Pre-Intake

1. Each facility should distribute a copy of the criteria for acceptance and intake policies and procedures to referral sources and interested parties.
2. Offenders sentenced or sanctioned to the Detention and/or Diversion Center program should be scheduled for transfer to the facility through coordination between the facility and the sentencing/sanctioning/supervising jurisdiction.
3. The referring P&P Officer should advise the offender of all necessary information contained in the facility's Pre-Admission Manual.

#### H. File Review for Intake

1. Prior to an offender's arrival at the facility, program staff shall review the available case record to verify the offender's suitability for program participation and to ensure there have been no changes since the referral/ acceptance.
2. Facility staff shall verify that the appropriate authorization order is available and that there are no active pending charges, detainers, or other incarceration obligations to interfere with the offender's participation in the program.

#### I. Admission

1. Offenders will generally be assigned to a facility that serves the sentencing District.
2. An offender accepted by one Detention Center or Diversion Center may be admitted or transferred to another like facility as needed for bed space or other management considerations or to provide services to the offender that are not available at the original facility. The Facility Unit Heads of the respective facilities will have the authority to transfer offenders as needed.
3. The receiving facility shall coordinate the offender's date for admission with the referral agency and jail or other facility housing the offender, if applicable.
4. Often, offenders are required to participate in multiple Community Corrections Facility Programs. Upon an offender's completion of the Detention Center program, facility staff will coordinate with the Diversion Center for the offender's transfer and intake into the next program.

#### J. Intake and Reception into the Community Corrections facility

1. Facility staff should notify the referring P&P Officer upon the offender's actual arrival into the facility.
  2. At the time of intake, the offender and staff should complete all appropriate intake forms for admission into the program, including emergency contact information. Any relevant information not already collected will be entered into VACORIS including: (4-ACRS-7D-07)
    - Name
    - Address
    - Social security number
    - Date of birth
    - Gender
    - Race or ethnic origin
    - Reason for referral
    - Whom to notify in case of emergency
    - Date information gathered
    - Name of referring agency or committing authority
    - Social history, where available
    - Special medical, dental and mental health problems or needs
    - Personal physician, if applicable
    - Legal status, including jurisdiction, length and conditions of placement
    - Identification of employee gathering information
  3. The facility's medical authority shall review any previous medical evaluation and perform an examination of each offender upon arrival at the unit or no later than one working day thereafter (see Operating Procedure 720.1, *Access to Health Services*).
    - a. If an offender is found to be medically unsuitable, Medical or Mental Health staff shall document the findings on the [Medical Unsuitability - Community Corrections Facilities](#). 940\_F10.
    - b. Before the offender participates in further program activities, the Superintendent, or designee in the Superintendent's absence, must determine whether the offender will be dismissed or retained in the program and list any precautions or accommodations that will be provided to the offender if retained.
  4. Regional Mental Health Clinicians will review cases in which assessments indicate there may be mental health concerns.
  5. Security staff shall inventory and search each offender's property and process for removal any personal property not authorized. (see Operating Procedure 802.1, *Offender Property*)
  6. Any monies in offender possession, in excess of facility allowances, will be receipted and turned over to the Business Office to be credited to the offender's account. (see Operating Procedure 802.2, *Offender Finances*)
  7. Each offender should receive the initial issue of state property (see Operating Procedure 802.1, *Offender Property*) and bed assignment.
    - a. Facilities shall provide for the issue of clean, suitable clothing as needed. Protective clothing and safety equipment shall be provided when appropriate.
    - b. Facilities shall provide clean bedding, towels, washcloths, and blankets.
    - c. Facilities shall provide for weekly laundering of bed linens and clothing.
  8. Under supervision of corrections staff, each offender should receive a haircut as needed to comply with facility grooming standards. (see Operating Procedure 864.1, *Offender Grooming and Hygiene*)
  9. If not conducted prior to admission, a COMPAS risk assessment is conducted for each offender.
- K. Orientation
1. Offenders shall participate in an orientation program under the control of a facility staff member no

- later than one working day after arrival.
2. Facility staff should ensure each offender receives written orientation materials covering the following information during orientation. Staff assistance and or translations are provided when the offender does not understand English or there is a literacy problem. (4-ACRS-3A-05)
    - a. General Rules and Regulations
      - i. The offender should be provided a copy of the facility's written rules and regulations.
      - ii. The offender should be required to sign an acknowledgement of receipt for the facility rules and regulations.
      - iii. The signature page should become part of the offender's Case Record
    - b. Grooming Standards
    - c. Hygiene Standards
    - d. Visitation, Mail, and Phone Privileges
    - e. Educational, Treatment, Psychological, and Medical Services Available
    - f. Daily Routine and Schedule
    - g. Any fees to be collected including co-pay for health services (see Operating Procedure 720.4, *Co-Payment for Health Care Services*) and, for Diversion Centers, room and board and transportation fees (4-ACRS-3A-06)
    - h. Other information as required by the facility.
  3. PREA offender education shall be presented and documented in accordance with Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*. In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats. (§115.233[b, e])
  4. Offenders received from another DOC facility via transfer will be provided a copy of the *Sexual Assault Awareness and Prevention* brochure (see Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*, Attachment 1, Attachment 1S for Spanish version, or Attachment 1H for hearing impaired) that includes the Sexual Assault Hotline number. (§115.233[b])
  5. A P&P Officer or other facility staff shall assess all offenders during reception for their risk of being sexually abused by other offenders or sexually abusive toward other offenders. (§115.241[a])
    - a. The assessment shall ordinarily take place within 72 hours of arrival at the facility. (§115.241[b])
    - b. Facility staff will interview and evaluate all incoming offenders for High Risk Sexual Aggressor (HRSA) and/or High Risk Sexual Victim (HRSV) tendencies utilizing the results of the [PREA Screening Checklist](#) 810\_F1 (see Operating Procedure 810.1, *Offender Reception and Classification*, Attachment 1, *PREA Screening Checklist - Instructions*), available offender records, and mental health screening. The completed Checklist shall be filed in the offender's Case File, and Health Record. (§115.241[c])
      - i. High Risk Sexual Aggressor (HRSA)
        - (a) An offender who answers "Yes" to item 1 in the "Possible Sexual Aggressor Factors" section of the Checklist will be considered a Known Sexual Aggressor.
        - (b) An offender who answers "Yes" to four or more items other than item 1 will be considered a Potential Sexual Aggressor.
        - (c) An offender who scores as a Known Sexual Aggressors or a Potential Sexual Aggressor will be designated as a High Risk Sexual Aggressor (HRSA)
      - ii. High Risk Sexual Victim (HRSV)
        - (a) An offender who answers "Yes" to item 1 in the "Possible Victim Factors" section of the Checklist will be considered a Known Victim.
        - (b) An offender who answers "Yes" to four or more items other than item 1 will be considered a Potential Victim.
        - (c) An offender who scores as a Known Sexual Aggressor or a Potential Sexual Aggressor will

be designated as a High Risk Sexual Aggressor (HRSA)

iii. The facility staff will note the results of the *PREA Screening Checklist* as a *Facility Note* in VACORIS.

- c. Any offender scoring as a High Risk Sexual Aggressor (HRSA) or a High Risk Sexual Victim (HRSV) shall be immediately referred to a Qualified Mental Health Professional (QMHP) for follow-up in accordance with Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*.
- d. Offenders who are subject to a substantial risk of imminent sexual abuse, or are considered to be at risk for additional sexual victimization shall be referred to the QMHP who will immediately consult with the Facility Unit Head or designee and recommend housing interventions or other immediate action to protect the offender. (§115.262)
- e. Offenders may not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked in the *PREA Screening Checklist* interview. (§115.241[h])
- f. Responses to questions asked related to the *PREA Screening Checklist* shall remain confidential in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders. (§115.241[i])
- g. The DOC shall use information from the *PREA Screening Checklist* to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. (§115.242[a])
- h. Housing and programming assignments for transgender or intersex offenders shall be made on a case-by-case basis and shall take into consideration whether a placement would ensure the offender's health and safety and whether the placement would present management or security problems. (§115.242[c])
  - i. A transgender or intersex offender's own views with respect to his or her own safety shall be given serious consideration. (§115.242[d])
  - ii. Lesbian, gay, bisexual, or intersex offenders shall not be placed in a dedicated housing unit or wing solely on the basis of such identification or status. (§115.242[f])
  - iii. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders. (§115.242[e])
- i. The agency shall make individualized determinations about how to ensure the safety of each offender. (§115.242[b])
- j. Within 30 days from the offender's arrival at the facility, the facility will reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. (§115.241[f])
- k. An offender's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness. (§115.241[g])

#### L. Physical Training for Detainees

- 1. Military style physical training will be part of the Detention Center Incarceration Program and will be designed to promote healthy lifestyle choices as well as assist in the enhancement of self-discipline. The training will be aimed to loosening the muscles, which will improve movement and assist in preventing injuries. Physical training will also assist in the reduction of stress and when practiced on a regular basis tends to improve self-confidence.
- 2. At any time physical training is utilized, Training Instructors will be especially alert for indications of ailments, injuries, or other factors affecting individual detainee performance. If any medical factor is indicated, physical training should be suspended until the detainee is seen by appropriate medical staff. Physical training should not be performed within thirty minutes following a meal.

3. Intensive Physical Training for Detainees
  - a. Intensive physical training (IPT) may be used in the Detention Center Program in lieu of written infraction reports.
  - b. The use of IPT will last no more than five minutes for each use. More than five minutes of IPT is not authorized for multiple infractions. There must be a rest period of at least fifteen minutes between IPT sessions.
  - c. IPT may be used only if authorized by the Training Instructor assigned to the transition platoon or by the Shift Commander.
  - d. Each Detention Center must develop written procedures for the use of IPT at their facility. These written procedures will include the authorized sanctions or exercises to be used and reporting requirements.

#### M. Diversion Center Work Program

1. Upon completion of the orientation phase of the Diversion Center program, the offender will be expected to obtain and maintain employment in the community.
2. The *Employer's Community Work Agreement* (see Attachment 1) and *Divertee Work Release Agreement* (see Attachment 2) document the expectations for the employer and the offender during the work phase of Diversion Center Program.
3. Facility resources are available to assist offenders in locating jobs. (4-ACRS-5A-20) Within resources available in the community, the facility will attempt to match offenders having marketable job skills with appropriate employment to utilize and develop those skills.
4. All divertee paychecks, tips, and other funds received for employment shall be turned over to the Diversion Center. The facility shall deduct funds to pay the following expenses:
  - a. Facility room and board
  - b. Facility transportation, if provided
  - c. Medical co-pay expenses (see Operating Procedure 720.4, *Co-Payment for Health Care Services*)
  - d. Court ordered restitution, costs, and fines
  - e. Facility loans and disciplinary fines
  - f. Offenders will be allowed limited funds for commissary purchases and personal expenses
  - g. Offenders will not be allowed to transfer funds from their facility account to an outside account.
5. Accumulated funds remaining after approved deductions will be paid to the offender on successful completion or removal from the Diversion Center program.

#### N. Violation/Removal Process

1. The Facility Unit Head or Assistant Facility Unit Head if the Unit Head is unavailable has the authority to remove or transfer an offender from the program. (4-ACRS-5A-06)
2. An offender otherwise eligible and suitable for a Detention or Diversion Center program may have the intake deferred or may be temporarily removed from the program to receive medical treatment or other services necessary to allow successful completion of the program. The offender's legal status (incarceration, supervision, etc.) during the deferral or temporary removal shall be determined by the referring agency (Court or Parole Board).
3. An offender can be removed from the Detention Center or Diversion Center program for the following reasons:
  - a. General disciplinary reasons
  - b. Violation of the Conditions of Probation/Parole
  - c. Voluntary withdrawal
  - d. Inability to physically or mentally comply with the program

- e. New criminal charge
- f. Intractable behavior
- 4. Offenders under the Jurisdiction of the Court
  - a. A *Probation Officer's Arrest Authority* PB-15 will be issued and the offender will be returned to the originating jurisdiction.
  - b. The referring district will be notified of the removal and the local jurisdiction may be contacted for case handling instructions.
  - c. Facility staff will promptly prepare a *Major Violation Report*. (see Operating Procedure 920.6, *Violation of Supervision Conditions*)
- 5. Offenders under the Jurisdiction of the Parole Board
  - a. A *Probation Officer's Arrest Authority* PB-15 will be issued and the offender will be held in custody.
  - b. The program staff in conjunction with the P&P District Office will ensure that a Preliminary Parole Violation Hearing is held.
  - c. If probable cause is found, the program staff will prepare a *Major Violation Report* and submit it to the Post Release Unit.
  - d. A courtesy copy of the report will be provided to the originating unit. If circumstances warrant, the Post Release Unit will be contacted for case handling instructions.

#### O. Transition Issues

- 1. Detention Center and/or Diversion Center program staff should develop a community re-entry plan in conjunction with the offender.
  - a. This plan should be entered in VACORIS prior to discharge for use by the referring P&P District.
  - b. It should address, at a minimum, a home plan, employment plan, and follow-up treatment services.
  - c. If needed, offenders are aided with their transition to the community, including referrals to assist offenders in locating suitable housing. (4-ACRS-5A-13)
- 2. The Detention Center and/or Diversion Center staff will prepare a *Discharge Report* in VACORIS Case Notes (see Operating Procedure 820.2, *Release Planning*) once the offender successfully completes the program. The elements of a *Discharge Report* are:
  - a. Evaluation of offender conduct including interaction with others and disciplinary record
  - b. Documentation of offender progress and performance in work, education, and programming
  - c. Comments regarding program participation, follow-up needs, and potential issues for community supervision
- 3. Following successful completion of the Detention Center and/or Diversion Center program, probationers will be placed on intensive supervision for a period to be determined by the sentencing Court. This will be followed by a period of regular probation of at least one year.
- 4. Parolees will continue on supervision subject to such terms and conditions as are imposed by the Parole Board.

#### V. YOUTHFUL OFFENDER PROGRAM

##### A. Program Purpose

- 1. The Youthful Offender Program is designed to provide youthful offenders evidence based programs to meet criminogenic needs including the experience of incarceration while keeping them separate from older, more hardened felons.
- 2. The environment is intensely therapeutic and intended to alter the development of criminal lifestyles.

3. Offenders who participate in this program are exposed to an initial period of military style drill, cognitive restructuring, substance abuse education, as well as academic and vocational training.
4. Youthful offenders are sentenced to an indeterminate commitment, not to exceed four years. Additionally, the court shall impose a suspended period of confinement.
5. Participants are reviewed by the Virginia Parole Board to determine their readiness for release.
6. All offenders shall be released within a period of four years and will receive intensive parole supervision for at least one and a half years upon release.

B. Eligibility (COV §19.2-311)

1. Status - Offenders considered by the court as capable of returning to society as a productive citizen
2. Age - Under 21 at the time of offense
3. Health - Must meet physical and mental health requirements of the program
4. Offenses - The conviction must occur in the circuit court. The offense must be a felony offense other than any of the following: Capital Murder, Murder in the 1st or 2nd Degree, or sex offenses under COV §18.2-61, §18.2-67.1, §18.2-67.2, or §18.2-67.3.

C. Referral Process

1. Following conviction and prior to sentencing, the Court shall commit the offender to the Department of Corrections for a period not to exceed sixty days to be evaluated for program suitability.
2. Upon receipt of the referral from the Court, the P&P Officer should immediately contact the Youthful Offender Program and submit a request through VACORIS to the appropriate facility to evaluate the offender for admission to the program.
3. The P&P Officer will meet with the offender and complete the Post Sentence Report if no Presentence Report has been completed. The P&P Officer will explain the program to the offender and have the *Youthful Offender Agreement to Participate* (see Attachment 3) signed.
4. The *Mental Health Information* and *Substance Abuse Information* pages in VACORIS should be carefully completed. Every effort should be made to obtain any mental health or substance abuse information from clinicians, service providers, or jail health services staff. If necessary, the officer may complete the form using information provided by the offender.
5. The *Physical Health Screening* 940\_F11 will be completed by a medical professional locally, scanned, and uploaded into VACORIS by the P&P Officer. This document can usually be completed by the medical staff at the local jail.
6. The Court Order, *Youthful Offender Agreement to Participate*, and *Consent for Release of Information* (see Operating Procedure 920.1, *Case Openings*) shall be scanned and uploaded in VACORIS and the appropriate Youthful Offender Program notified of the referral.
7. The Youthful Offender Program will provide the P&P District with an acceptance decision and entry date.
8. The P&P Officer will provide the Youthful Offender Program with the final Court Order.
9. The P&P Officer will conduct a record check to ensure that there are no outstanding warrants or detainers before the offender is transported to the Youthful Offender Program.

D. Violation/Removal Process - An offender who fails to complete the program shall be returned to the sentencing Court for a hearing.

E. Transitional Issues

1. All offenders who complete the program will be released on parole.
2. Transitional and re-entry services will be provided to the offender while in the program.

3. The offender will be intensively supervised (Level Elevated) for a period of at least one and a half years following release.

#### VI. REFERENCES

Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*  
Operating Procedure 720.1, *Access to Health Services*  
Operating Procedure 720.4, *Co-Payment for Health Care Services*  
Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*  
Operating Procedure 802.1, *Offender Property*  
Operating Procedure 802.2, *Offender Finances*  
Operating Procedure 810.1, *Offender Reception and Classification*  
Operating Procedure 820.2, *Release Planning*  
Operating Procedure 864.1, *Offender Grooming and Hygiene*  
Operating Procedure 920.1, *Case Openings*  
Operating Procedure 920.6, *Violation of Supervision Conditions*

#### VII. FORM CITATIONS

[PREA Screening Checklist](#) 810\_F1  
[Voluntary Facility Evaluation and Participation Agreement](#) 940\_F9  
[Medical Unsuitability - Community Corrections Facilities](#) 940\_F10  
[Physical Health Screening](#) 940\_F11

#### VIII. 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*

*8/20/13*

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A. David Robinson, Chief of Corrections Operations

Date