



Operating Procedure

Effective Date October 1, 2012	Number 820.3
Amended	Operating Level Department
Supersedes Operating Procedure 820.3 (10/1/09)	
Authority COV §53.1-191	
ACA Standards None	
Office of Primary Responsibility Chief of Corrections Operations	

Subject SENTENCE REDUCTION	
Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	FOIA Exempt Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I. PURPOSE

This operating procedure provides guidance for submitting and reviewing recommendations for sentence reduction for offenders incarcerated in Department of Corrections institutions.

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, Board of Corrections policies and regulations, ACA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Sentence Reduction – A specific amount of time credited to an offender’s sentence in cases of injuries to or extraordinary services performed by the offender.

Sentence Reduction Review Committee - A committee appointed by the Chief of Corrections Operations to meet as needed to review sentence reduction recommendations.

IV. PROCEDURE

A. Eligibility

1. In accordance with COV §53.1-191, sentence reductions may not be applied to any sentence imposed for a felony offense committed on or after January 1, 1995. Offenders under the Earned Sentence Credit (ESC) system may be recognized in another manner, but no sentence reduction can be recommended.
2. One or more of the following criteria should apply for an offender to be considered for a sentence reduction:
 - a. An offender shall have rendered effective and measurable assistance directly related to preventing an escape or in the apprehension of an escaped offender.
 - b. An offender shall have voluntarily, or at the instance of a prison official, rendered other extraordinary services such as saving the life of any person, preventing serious bodily harm or substantial damage to State property.
 - c. An offender shall have suffered serious or debilitating bodily injury that was not the result of misconduct by the offender and which was incurred by saving life or State property or in the performance of assigned job duties while in the prison system.

B. Facility Level

1. Each correctional employee is authorized and permitted to prepare an Internal Incident Report on any offender the employee deems deserving, who has been observed to perform any act defined as meritorious or injurious by this procedure.
2. Whenever an offender is observed to be performing one of the acts listed in the criteria above, the correctional employee observing the act should submit a written Internal Incident Report (see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*). The report shall include:
 - a. The offender's name and number

- b. The location, by facility and area where the incident occurred
 - c. The date and time of day
 - d. A factual summary of what was observed
 - e. The name of the reporting officer and any others who may have witnessed the incident
3. The initial report should be submitted within one working day to the reporting employee's immediate supervisor who, if deemed appropriate, should submit a report providing additional pertinent details.
 4. Reports written under Sections 2 and 3 above should normally be submitted to the Facility Unit Head within three working days of the incident.
 5. Facility Unit Heads are responsible for reviewing each sentence reduction recommendation submitted by staff for completeness and approval or disapproval. The Facility Unit Head may refer the report back due to incompleteness or disapproval, or recommend another avenue of commendation. If approval is indicated, the Facility Unit Head will forward the report and attachments to the Regional Administrator for action.
 6. Recommendations and incident summaries should be processed in a manner to ensure appropriate confidentiality. There is no requirement for recommendations to be reviewed by a facility committee or reviewer other than the Facility Unit Head.
 7. A Special Investigations Unit investigation is to be conducted when one or more of the following occur:
 - a. A meritorious action that was not directly observed by a correctional employee
 - b. A meritorious act that results in criminal charges being brought against an individual
 - c. Any act which indicates a serious breach of facility security
 - d. Disclosure of a discovered weapon
 8. It is the responsibility of the Facility Unit Head to investigate the reports, to verify all facts reported and to prepare a summary report to include:
 - a. Signed statements from witnesses
 - b. Copies of all reports which have been received to include the following when appropriate:
 - i. Internal Incident Report
 - ii. Incident Report
 - iii. Special Investigations Unit report
 - iv. Corrective action follow-up
 - v. Medical report indicating extent of injury
 - c. Facility Unit Head's statement regarding the impact of the offender's action upon the operation of the facility as a whole
 - d. This report package should be forwarded to the office of the Regional Administrator within three working days after compilation of a completed report by the Facility Unit Head.
 9. No recommendation shall be made at the facility level regarding the specific amount of credit to be given to an offender under this procedure. The recommendation will initially be made by the Sentence Reduction Committee.
 10. If the Facility Unit Head determines that the offender's action does not warrant a recommendation for sentence reduction, the offender will normally be notified in writing of the decision. Notification should be made within seven working days of receipt of the initial reports.
- C. Chief of Corrections Operations Level
1. All reports received from facilities regarding extraordinary service or injuries are to be reviewed in the office of the Regional Administrator/Regional Operations Chief for content and approval. The Regional Operations Chief may forward the recommendation with a cover letter stating approval to the Chief of Corrections Operations or return the report to the sending facility for disapproval, rewrite, or suggestion of alternative to sentence reduction.

2. The Chief of Corrections Operations or designee may accept or reject the recommendation. If accepted, the report is forwarded to the Sentence Reduction Review committee. If disapproved, it is returned to the Regional Operations Chief.
3. The Chief of Corrections Operations shall appoint a Sentence Reduction Review Committee composed of representatives from regional offices, facilities, and the Offender Management Services unit.
 - a. The Committee shall consist of a minimum of three members who shall be rotated periodically. The senior member of the Committee will preside as the Chairperson.
 - b. Additionally, the Chief of Operations of Offender Management Services may designate a Sentence Reduction Review Coordinator to handle administrative work for the Committee.
 - c. The Committee may conduct an investigation into reports submitted by Facility Unit Heads. Included in the file presented to the Committee will be all identification and classification information pertinent to the individual. This record shall accompany recommendations provided to the Chief of Corrections Operations by the Sentence Reduction Committee.
 - d. The Committee shall consider each case independently and shall submit its findings with appropriate recommendations for sentence credit to the Chief of Corrections Operations.
4. Upon receipt of all reports, the Chief of Corrections Operations shall review each Committee recommendation. If approved, it is forwarded to the Director for action.

D. Board Level

1. The Board of Corrections, through the recommendation of the Director of the Department of Corrections, and with the consent of the Governor, may consider and grant sentence reductions to offenders in cases of injuries to or extraordinary services performed.
 2. The Board shall review the facts and recommendations in each case, and where appropriate, make a recommendation to the Governor for his final approval.
 3. Upon the Governor's approval, the Chief of Corrections Operations shall inform the Regional Operations Chief, Regional Administrator, Facility Unit Head, and offender in writing of the sentence credit authorized in this case.
 4. Each sentence credit should be entered into the offender's record within ten working days of receipt from the Governor.
- E. Offender Appeals - An offender may appeal any recommendations or decisions by submitting a grievance through the Offender Grievance Procedure at his assigned facility.
- F. Sentence credits awarded under COV §53.1-191 may not be forfeited for violation of written facility rules and regulations.

V. REFERENCES

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Board of Corrections Policy Number: 20-2

VI. FORM CITATIONS

None

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than October 1, 2015.

Signature Copy on File

7/25/12

A. David Robinson, Chief of Corrections Operations

Date