



Operating Procedure

Effective Date	October 1, 2015	Number	851.2
Amended		Operating Level	Department
Supersedes	Operating Procedure 851.2 (10/1/12)		
Authority	COV §53.1-10, §53.1-37		
Subject	BEREAVEMENT VISITS		
ACA/PREA Standards	4-4445, 4-4500-1, 4-ACRS-5A-18-1		
Incarcerated Offender Access	FOIA Exempt	Attachments	Office of Primary Responsibility
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	IOP Committee

I. PURPOSE

This operating procedure establishes guidelines for request, approval, and supervision of offenders housed in Department of Corrections facilities to attend in person or by video deathbed visits, funeral visits, and private visitation for members of their immediate families.

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

Bereavement Visit - Deathbed visit, funeral attendance (Community Corrections Facilities only), or private visitation

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](#).

Deathbed Visit - Presence of an offender at a hospital for a visit with an immediate family member who is not expected to live due to terminal illness or injury and for whom death appears imminent, as determined by the attending physician.

Electronic Control Belt - A belt that incorporates a portable, non-lethal, electronic immobilization package that can be remotely activated to temporarily stun the wearer when activated

Facility - Any Community Corrections facility or institution

Full Transportation Restraints - Security restraints used for offender transportation consisting of handcuffs, cuff cover (black box), waist chain, and leg irons.

Funeral Attendance - Presence of an offender at a church, funeral home, graveside service, or memorial service for an immediate family member (available at Community Corrections facilities only)

Immediate Family - For purposes of bereavement visits, limited to Mother, Father, Brother, Sister, Wife, Husband, Daughter, or Son. Other family members may be included as immediate family, provided substantial evidence reveals that there was a relationship where the ill, injured, or deceased person lived in the household of the offender (or vice versa) and a close personal relationship existed.

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

Local/State Authorities or Other Professionals - Law enforcement agencies, probation/parole offices, attending physician, or funeral home director

Private Visitation - Presence of an offender at a funeral home for an immediate family member. No private residence may be visited. Other family members may be present. Security staff will be present throughout the visitation. Available at institutions in lieu of funeral visits.

Visit Expenses - Costs incurred by the Department of Corrections in providing funeral attendance (Community Corrections only), private visitation, or a deathbed visit for an offender, including but not limited to correctional escort salary, transportation, and tolls.

IV. PROCEDURE

- A. Timely notification of verifiable critical illness or death of an offender's immediate family member: (4-4500-1, 4-ACRS-5A-18-1)
1. When staff is notified of the critical illness or death of an offender's immediate family member verification and timely (normally within four hours) notification to the offender must be made.
 2. When available, treatment staff should notify the offender; at other times, the Shift Commander should ensure the offender is notified.
 3. Staff must document when they are first notified of a death or critical illness of an offender's immediate family member and when they notify the offender. Counselors should document this information in the *Notes* section of VACORIS and security supervisors should document it on the *Supervisor's Daily Activity Report*.
- B. Bereavement Visit Attendance
1. No offender will be approved to travel outside of the geographical borders of the Commonwealth of Virginia for a bereavement visit.
 2. If approved, eligible offenders in institutions may attend deathbed visits or private visitations. (4-4445, 4-4500-1)
 - a. Institutional offenders may not attend funeral or memorial services.
 - b. Institutional offenders cannot participate in both a deathbed visit and private visitation for the same person.
 3. If approved, eligible offenders in Community Corrections facilities may participate in deathbed visits, funeral visits, and private visitations. Community Corrections offenders may be allowed to participate in both a deathbed visit and a funeral/private visitation; however separate requests and separate approvals are required for the deathbed visit and the funeral/private visitation. (4-ACRS-5A-18-1)
 4. An offender may decide not to attend a bereavement visit. The offender and the family should be encouraged to consider if attendance is in the best interest of all individuals involved, with regard to financial expenses, family sentiment, public sentiment, etc.
 5. Eligibility Criteria
 - a. Institutions eligibility for consideration for bereavement visit attendance:
 - i. Offenders who are assigned to Security Levels 1, 2, or 3 are routinely eligible for consideration.
 - ii. Offenders assigned to Security Level 4 may be given special consideration and may be approved, provided the circumstances warrant and the Facility Unit Head believes that proper security can be maintained.
 - iii. Offenders who are assigned to Security Levels 5, 6, or S are not eligible to attend a bereavement visit and will not be considered.
 - iv. Under normal circumstances, offenders who are assigned to segregation or disciplinary segregation, regardless of security level assignment, are not eligible to attend a bereavement visit; however, special consideration may be given for offenders in segregation for reasons other than inappropriate behavior.
 - v. Offenders ineligible to attend a bereavement visit may be considered for a video bereavement visit in accordance with this procedure.
 - b. Community Corrections eligibility for consideration for bereavement visits:
 - i. The offender has no history of escape from confinement or absconding from custody.

- ii. The offender has had no infractions for substance abuse while assigned to the facility.
 - c. The patient or deceased must be a member of the offender's immediate family as defined in this operating procedure.
6. Suitability Criteria
- a. Offenders who are determined to be eligible must also be judged as suitable before they are recommended and approved to attend a bereavement visit.
 - b. Suitability criteria include, but are not limited to:
 - i. The degree of risk to the public
 - ii. Community sentiment
 - iii. Family sentiment
 - iv. Offender's behavior
 - v. Offender's criminal history
 - vi. Number of convictions for violent offenses
 - vii. Escape history
 - viii. Length of remaining sentence
 - ix. Closeness of relationship with the deceased/ill relative
 - x. Security considerations at the site of the visit
7. Review and Approval Process
- a. When a bereavement visit is requested, the employee responsible for the case shall:
 - i. Meet with the offender to determine that the offender wants to attend.
 - ii. Review the offender's record to determine eligibility and suitability.
 - iii. Verify that:
 - (a) Institutional offender - expenses can be paid by the offender or by the offender's relatives, if the request is approved.
 - (b) Community Corrections offender - the family can provide appropriate transportation and lodging (if needed) if the request is approved.
 - iv. Advise the offender of the conditions of attendance including:
 - (a) Institutional offender - costs; restraints that will be worn; method of transportation (security vehicle); clothing to be worn by the offender (state-issue) and the security escorts (officers in uniform).
 - (b) Community Corrections offender - time to be allowed for visit, restrictions on travel and activities, drug/alcohol test to be administered on return.
 - v. Contact members of the immediate family to determine the family's reaction to the possible presence of the offender at the bereavement visit.
 - (a) Staff should ensure that the family is aware of the conditions of attendance as noted above, and costs of the proposed visit.
 - (b) Bereavement visits will not be approved if family members object.
 - (c) The family contact should also be asked to identify any other offenders that may be requesting to attend the bereavement visit.
 - vi. Contact the attending physician/funeral home director to verify the patient's condition/death, time, place, and other relevant information for the visit.
 - vii. Contact the local police department or sheriff's department to solicit any objections or other information law enforcement officials may have relative to the offender's visit. Advise the local authorities of the offender's arrival time and as needed request assistance from an officer in the area, if their schedule allows.
 - viii. Contact the Probation and Parole Office in the jurisdiction where the bereavement visit will occur for information that could impact a decision to approve or disapprove the offender's request for a bereavement visit. Facility and/or Probation/Parole staff may wish to also contact the Probation and Parole Office in the sentencing jurisdiction if it is different from the visit jurisdiction.

- ix. Determine if there are other offenders in the system who will request attendance at the bereavement visit. Contact the Facility Unit Head at that offender's facility to determine if attendance will be approved or denied, and the reasons for approval or denial.
 - x. Review offense data to determine risk of interaction with victims. If appropriate, contact Victim Services Unit (see Operating Procedure 021.1, *Victim Services Unit*) to determine if any relatives are registered with DOC as victims.
- b. All relevant information should be gathered prior to submitting a written recommendation to the Facility Unit Head.
- c. The [Bereavement Visit Request - Institutions](#) 851_F7 or [Bereavement Visit Request - Community Corrections Facilities](#) 851_F8 should be completed using verified information and forwarded to the Facility Unit Head for review.
- d. The Facility Unit Head should review the *Bereavement Visit Request* and approve or disapprove
- i. The Facility Unit Head should carefully consider all available information before making a determination as to the suitability of the offender for a bereavement visit in the community.
 - ii. The Facility Unit Head should only recommend those offenders who, in their opinion, have demonstrated appropriate behavior and are expected to conduct themselves properly during a bereavement visit.
 - iii. If the Facility Unit Head disapproves the *Bereavement Visit Request*, the offender should be advised of the decision and provided reason(s) for the disapproval. No further steps shall be taken on a disapproved request and the application shall not be referred to the Regional Administrator.
 - iv. If the eligibility/suitability determination is not clear, the Facility Unit Head should consult with appropriate staff for additional input.
 - v. If the Facility Unit Head approves the request; any additional security requirements should be indicated.
 - vi. For DOC institutions, the completed and signed [Bereavement Visit Request - Institutions](#) 851_F7, with any other relevant information, shall be forwarded to the Regional Administrator for final action. The Regional Administrator shall notify the Facility Unit Head of the final decision by returning a copy of the signed request to the facility. The Regional Administrator may include additional instructions at this time.
8. Security Procedures
- a. DOC Institutions:
- i. Offenders approved for a bereavement visit will be transported in a security vehicle by certified, senior corrections officers or certified security staff of a higher rank. All bereavement visit trips will be accompanied by a minimum of two armed corrections officers. The Facility Unit Head or Regional Administrator may require additional officers.
 - ii. Escorting officers will dress in the Corrections Officer uniform.
 - iii. Prior to accompanying an offender on a deathbed/ private visitation, security escort officers will be familiar with Operating Procedure 411.1, *Offender Transportation*. Security escort officers will be thoroughly briefed by the Shift Commander, Chief of Security, or Assistant Facility Unit Head/Facility Unit Head prior to departure.
 - iv. Offenders transported to a deathbed visit or private visitation will be maintained in full transportation restraints at all times per Operating Procedure 411.1, *Offender Transportation*. Facility Unit Heads may order the use of the electronic control belt in addition to the standard transportation restraints.
 - v. Offenders attending a bereavement visit will be given a full strip search prior to departure and must change into newly issued facility clothing following the search. A full strip search must be conducted upon return to the facility. No offender will be allowed to change clothing after departure from the facility.
 - vi. At no time during a deathbed visit or private visitation will an offender enter a private residence or otherwise make any unauthorized contact with members of the public.

- vii. While consideration should be given to allowing reasonable interaction with the family, available facilities and space may require the escort staff to limit the number of persons allowed in the room with the ill or deceased family member and the offender.
 - viii. Escort staff should be alert to persons crowding around the offender such as for a group photo that would allow for contraband to be passed to the offender.
 - ix. Private visitations should be scheduled to end at least one hour before the funeral or memorial service starts.
 - x. Length of Visit
 - (a) Time permitted for a deathbed visit or private visitation will be determined by the Facility Unit Head, but will not exceed two hours.
 - (b) If an overnight trip is necessary, accommodations for the offender will be made at the nearest suitable correctional facility.
 - (c) Overnight accommodations must be coordinated through the Central Transportation Supervisor in Central Classification Services.
 - xi. Meals, if necessary, will be “bag meals” packed at the facility and carried on the trip. No stops may be made for meals or beverages at restaurants, drive-ins, drive-thrus, convenience stores, etc.
- b. Community Corrections:
- i. Family members, or other facility-approved persons, should transport all offenders approved for bereavement visits. Facility staff may provide transportation in a state vehicle if expenses are paid as noted below. Staff should dress appropriately for the visit; uniform is not required for security staff.
 - ii. Clothing:
 - (a) For a deathbed visit, the offender will be attired in clothing as issued by the facility.
 - (b) The offender may wear their own civilian clothing to a funeral. The family may, upon authorization of the Facility Unit Head or designee, bring appropriate clothing to the facility during normal business hours.
 - (c) All clothing delivered to the facility will be receipted by the facility staff, will be thoroughly searched, and will not become part of the offenders Personal Property Inventory. All such clothing delivered to the facility will be returned to the family at their next appearance at the facility. If the family does not visit the facility within thirty days from the date of the funeral the clothing will be mailed home at the offender’s expense. Failure of the offender to have the clothing picked up or mailed out may result in the clothing being destroyed.
 - iii. Length of Visit:
 - (a) A deathbed visit should be limited to no more than two hours and will be in accordance with the hospital’s visitation regulations. Overnight visits may be approved if it is not feasible to complete the visit and travel in one day.
 - (b) Time permitted for funeral attendance will be determined by the Facility Unit Head, taking into consideration travel time, but will not generally exceed a total of 72 hours.
 - (c) Offenders will be returned to the facility as soon as possible after the funeral or hospital visits.
 - (d) The Probation Officer will give the offender written [Travel Permission - Community Corrections](#) 851_F9 denoting the time the offender is to return to the facility.
 - (e) If the offender fails to return to the facility as designated by the written instructions provided on the *Travel Permission*, the Probation Officer will issue a *PB-15 Arrest Warrant* for absconding.
 - (f) Unusual incidents occurring during a bereavement visit should be reported to the facility and recorded on an Internal Incident Report by the staff member receiving the information.
 - iv. On return to the facility, the offender may be subject to a strip search and drug/alcohol testing.
9. Visit Expenses
- a. Expenses incurred as a consequence of bereavement visit may not be charged against General nor

Non-General Funds of the Commonwealth of Virginia. Expenses must be paid by the offender, the offender's family, or an approved organization or individual.

- b. Expenses include:
 - i. Salary of escorts - An estimate of the number of hours of staff time should be made based on the length of the trip plus the time needed to prepare the vehicle, load/unload the offender prepare/return equipment, etc. An hourly rate for each escort can be determined by multiplying the beginning annual salary for pay band #3 by 1.5 and dividing this total by 2080.
 - ii. Mileage - Estimated miles to be traveled, multiplied by the current state mileage reimbursement rate, plus the exact amount of any tolls to pay.
- c. Payment shall be by certified check, cashier's check, or money order payable to "Treasurer of Virginia."
- d. Staff must verify that payment has been received, or is in the hands of a responsible third party (funeral director, hospital administrator, etc.), before the offender leaves the facility.
- e. Payment from donations by offenders or organizations may be received in accordance with facility procedure and practice.

C. Video Bereavement Visits

- 1. Offenders should be encouraged to participate in a video bereavement visit in lieu of a deathbed visit or private visitation.
- 2. Offenders who are ineligible, unsuitable, or unable (geographical location, security level, housing status, funds, etc.) to attend a deathbed visit, private visitation, or funeral (Community Corrections Facilities only) may be approved for a video bereavement visit.
 - a. All video bereavement visits will be conducted on a facility Polycom device designated by the Facility Unit Head for this purpose.
 - b. In order for the offender's family to connect with the facility Polycom, the *Polycom Real Presence* application must be downloaded on the receiving device (i.e. computer, smartphone, etc.). Any expenses associated with downloading this application are the responsibility of the offender's family.
 - c. Technical issues may arise internally or externally in the process of carrying out a video visit. When an issue arises the employee responsible for the case, not the offender's family, should contact DOC Video NOC for technical assistance.
 - d. Video visits will be monitored and may be recorded.
 - e. Under no circumstance will an offender be granted private or unsupervised access to the facility Polycom device.
- 3. When a video bereavement visit is requested, the employee responsible for the case shall:
 - a. Meet with the offender to determine that the offender wants to participate in a video visit.
 - b. Confirm the patient or deceased is a member of the offender's immediate family as defined in this operating procedure.
 - c. Contact members of the immediate family to determine the family's reaction to the possible presence of the offender through a video bereavement visit.
 - i. The family contact should also be asked to identify any other offenders that may be requesting to attend the bereavement visit or participate in a video bereavement visit.
 - ii. When other offenders are requesting an in-person or video visit, contact the Facility Unit Head at that offender's facility to determine if the visit will be approved or denied, and the reasons for the approval or denial
 - iii. A video bereavement visit will not be approved if family members object.
 - d. Contact the attending physician/funeral home director to verify the patient's condition/death.
 - e. Review offense data to determine risk of interaction with victims. If appropriate, contact Victim

Services Unit (see Operating Procedure 021.1, *Victim Services Unit*) to determine if any relatives are registered with DOC as victims.

- f. Gather all relevant information and submit their recommendations on the [Bereavement Visit Request - Institutions](#) 851_F7 or [Bereavement Visit Request - Community Corrections Facilities](#) 851_F8 to the Facility Unit Head for review and approval or disapproval.
4. After careful consideration of all available information, the Facility Unit Head will review the *Bereavement Visit Request* and approve or disapprove the *Request*.
 - a. If the Facility Unit Head disapproves the video *Bereavement Visit Request*, the offender should be advised of the decision and provided reason(s) for the disapproval. No further steps shall be taken on a disapproved request.
 - b. If the *Bereavement Visit Request* for a video visit is approved, the Facility Unit Head or designee must notify DOC Video NOC by email and provide the date, time, name of the facility Polycom, and the type of receiving device that will be used by the family (android, ipad, iphone, laptop, etc).
 - c. The time permitted for a video bereavement visit will be determined by the Facility Unit Head, but should not exceed two hours.
 - d. DOC Video NOC will schedule the video bereavement visit through the DOC Polycom system and provide the Facility Unit Head with the information and necessary downloading instructions for the receiving device in order to facilitate the visit.
 - e. The Facility Unit Head or designee shall forward the information and downloading instructions provided by DOC Video NOC to the offender's family.

D. Video Recordings

1. When a video recording (DVD) is available of a funeral/ memorial service of an immediate family member, the Facility Unit Head may approve for the offender to view the recording.
2. The DVD must be sent directly to the facility from the funeral home in care of the chaplain or designated DOC staff.
3. DVDs must be viewed, as soon as possible after receipt at the facility, in the presence of the chaplain or DOC staff and returned to the family or funeral home after viewing.
4. All DVDs must be opened and played on a DVD player/ television. Under no circumstance shall a DVD be played on any device connected to or able to be connected to the DOC network.

V. REFERENCES

Operating Procedure 021.1, *Victim Services Unit*
Operating Procedure 411.1, *Offender Transportation*

VI. FORM CITATIONS

[Bereavement Visit Request – Institutions](#) 851_F7
[Bereavement Visit Request - Community Corrections Facilities](#) 851_F8
[Travel Permission – Community Corrections](#) 851_F9

VII. 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

A. David Robinson, Chief of Corrections Operations

8/17/15

Date