



# Operating Procedure

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<b>Supersedes</b> Operating Procedure 038.1 (3/1/17) Operating Procedure 038.2 (1/1/15)	
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<b>ACA/PREA Standards</b> 4-4202; 4-APPFS-3G-02, 4-APPFS-3G-04; §115.6, §115.51, §115.61, §115.86, §115.251, §115.261, §115.286	
<b>Office of Primary Responsibility</b> Chief of Special Operations	

**Subject**  
**REPORTING SERIOUS OR UNUSUAL INCIDENTS**

**Incarcerated Offender Access**  
Yes  No

**Public Access** Yes  No   
**Attachments** Yes  No

## I. PURPOSE

This operating procedure ensures effective communications and reporting of incidents involving Department of Corrections employees, offenders, or physical assets. Incident reporting shall be required for any situation or event that involves the life, health, or safety of employees, volunteers, visitors, or offenders; damages to state property; or a situation that has the potential of subjecting the agency to public comment.

## 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

**Aged Offender** - For reporting purposes, any offender who is 60 years of age or older

**Assault** - Intentional, unlawful touching, or attempted touching of another without their consent; this includes touching or attempted touching with objects including, but not limited to, weapons, liquids, rocks, etc. In **Simple Assault**, the victim does not suffer serious injury; in **Serious Assault**, the victim does suffer serious injury.

**Illegal Drugs** - Any drug or substance found in Code of Virginia §54.1-3401, and Schedules I through VI of §54.1-3446 through §54.1-3456, or Section 202 of the Controlled Substances Act (21 U.S.C. 812). This also includes illegal or un-prescribed use of controlled substances (prescription drugs).

**Incapacitated Offender** - For reporting purposes, an offender who is impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age, or other causes to the extent that the offender lacks sufficient understanding or capacity to make, communicate, or carry out responsible decisions concerning their well-being.

**Incarcerated Offender** - An offender housed in an institution or Community Corrections facility

**Incident** - An actual or threatened event or occurrence outside the ordinary routine that involves:

- The life, health and safety of employees, volunteers, guests, or offenders (incarcerated or under Community supervision)
- Damage to state property
- Disruption or threats to security, good order, and discipline of a facility or organizational unit
- Exposure of the Department of Corrections to significant media or public attention

**Operations and Logistics Unit (OLU) Operations Center** - The portion of the Special Operations Unit that is staffed at all times to serve as the main repository and clearing house for all DOC incident notifications and intelligence

**Recent Sexual Assault** - A Sexual Assault that is alleged to have occurred within the previous 72 hours or previous 90 hours if there is a possibility of collecting forensic evidence (PERK Kit), as determined by a

forensic nurse.

**Serious Injury** - An injury, including self-injury, that requires urgent and immediate medical treatment and restricts the person's usual activity; medical treatment should be more extensive than mere first aid, such as the application of bandages to wounds; it might include stitches, setting of broken bones, treatment of concussion, loss of consciousness, etc.

**Sexual Abuse (§115.6)**

- **Sexual abuse of an offender by another offender** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
  - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
  - Contact between the mouth and the penis, vulva, or anus
  - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
  - Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- **Sexual abuse of an offender by a staff member, contractor, or volunteer** includes any of the following acts, with or without consent of the offender:
  - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
  - Contact between the mouth and the penis, vulva, or anus
  - Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
  - Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
  - Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
  - Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described as sexual abuse in this section
  - Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender
  - Voyeurism by a staff member, contractor, or volunteer
  - This definition does not include incidental touching during security searches, medical personnel engaged in evidence gathering or legitimate medical treatment, or to health care personnel performing body cavity searches in order to maintain security and safety within a facility.

**Sexual Assault** - Any sexual touching or contact that is non-consensual, forced, or coerced in any manner, including but not limited to rape, sodomy, or unlawful touching (see COV §18.2-67.10)

**Sexual Harassment** - (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another; and (2) Verbal comments or gestures of a sexual nature to an offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. (§115.6)

**Sexual Misconduct** - Any behavior or act of a sexual nature directed toward an offender by an employee, volunteer, visitor, contractor, or agency representative; this includes but is not limited to acts or attempts to commit such acts of sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity, and unreasonable invasion of privacy. Sexual misconduct also includes but is not limited to conversations or correspondence that suggests a sexual relationship between an offender and any party mentioned above.

**Terrorist Act** - The use of force or violence against persons or property in violation of the criminal laws of the United States for purposes of intimidation, coercion, or ransom; this includes acts that provide support to any individual, organization, or government in conducting terrorist activity.

**Use of Force** - Any use of force as defined in Operating Procedure 420.1, *Use of Force*, or Operating Procedure 910.2, *Probation and Parole Use of Force*

**Voyeurism (by an offender)** - An invasion of privacy of an offender by another offender, such as intentionally peering at an offender who is showering or using a toilet to perform bodily functions; or requiring an offender to expose their buttocks, genitals, or breasts

**Voyeurism (by a staff member, contractor, or volunteer)** - An invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in their cell to perform bodily functions; requiring an offender to expose their buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions (§115.6)

#### IV. PROCEDURE

##### A. Incident Reporting

1. Timely and accurate reporting of incidents that occur in the Department of Corrections is essential for immediate response, investigation, and further action and support in the event of a critical incident involving any employee, offender, or DOC property. (4-APPFS-3G-04)
  - a. Since incident reports are frequently used in litigation proceedings, the importance of writing clear, concise, factual, and complete reports cannot be over emphasized.
  - b. Incident reports allow DOC executive staff to make decisions concerning directive and operational changes, and to keep other officials informed as necessary.
2. Incident reporting provides the information needed for informed and timely responses to public and administrative inquiries.
3. The reporting of incidents provides for a structured communication process that facilitates the timely exchange of information with, and between, all levels of employees.
4. This operating procedure is not exempt from release under the *Virginia Freedom of Information Act* COV §2.2-3700 et seq. (FOIA), however any *Incident Reports*, including *Internal Incident Reports*, generated in accordance with this operating procedure are generally exempt from disclosure, pursuant to citation of the applicable exemptions.
5. All incidents shall be reported and must include the following minimum information.
  - a. Date and time of incident
  - b. Location of incident
  - c. Names and positions of persons involved
  - d. Synopsis of incident (i.e. the type of force used, the type of weapon used, the type of canine used) and action taken including discipline of offender and/or employee
  - e. Whether or not the incident was recorded (video camera, "Rapid Eye," etc.)
  - f. Whether or not the incident was gang related
  - g. Name, title, organizational unit of person preparing the report
  - h. Date of report submission
6. Video Recording of Incidents
  - a. Video recordings that document actual or threatened events outside the ordinary routine that involve the life, health, and safety of employees, volunteers, offenders, or visitors or disrupts/threatens security, good order, and discipline of a DOC unit shall be stored as evidence in accordance with Operating Procedure 030.1, *Evidence Collection and Preservation*.
  - b. Any recording of an incident relating to bodily injury of any person or alleged assault or abuse shall be preserved as evidence.

- c. Video recordings required by other operating procedures such as Operating Procedure 420.1, *Use of Force*, or Operating Procedure 420.2, *Use of Restraints and Management of Offender Behavior*, shall be retained as required by that operating procedure, Operating Procedure 025.3, *Public Records Retention and Disposition*, and Operating Procedure 030.1, *Evidence Collection and Preservation*.
- d. The Organizational Unit Head shall be responsible for determining if recordings of other incidents shall be preserved as evidence.

#### B. Use of Internal Incident Reports

1. Any DOC employee, contract employee, or volunteer that observes or has knowledge of an incident affecting the safe, orderly operation of a DOC organizational unit shall report that incident.
  - a. Persons with DOC computer accounts shall submit *Internal Incident Reports* using VACORIS.
  - b. Volunteers and others without DOC computer accounts shall make a verbal report to responsible DOC staff. If necessary, the verbal report should be documented with a written report containing the required information.
2. If the nature of the incident requires submission of an *Incident Report*, the *Internal Incident Reports* should be used to gather information from all staff involved in or witness to the incident.
3. A written *Internal Incident Report* shall be submitted to the Facility Unit Head or designee no later than the end of the shift when any of the following occur: (4-4202)
  - a. Discharge of a firearm or other weapon
  - b. Chemical agents are used to control offenders
  - c. Force is used to control offenders
  - d. Offender(s) remain in restraints at the end of the shift

#### C. Incident Reports

1. Serious or unusual incidents as defined in this operating procedure shall be reported by telephone to the Operations and Logistics Unit (OLU) Operations Center (804-372-4447). (see Operating Procedure 435.1, *Special Operations Unit*) The [Vital Information for Telephone Notification of Incident](#) 038\_F1 may be used to gather critical facts for the initial telephone report.
2. Unless directed otherwise in this operating procedure, incidents, notifications, and actions taken shall be documented using an *Incident Report* and submitted in VACORIS by noon on the next working day.
3. The OLU Operations Center will be responsible for additional reporting of incidents as appropriate.
  - a. The OLU Operations Center will generally make immediate reports of Class I incidents to Regional staff, Central Office administrators, Special Investigations Unit, and other units as necessary. Follow-up notification will be made through the daily briefing report.
  - b. Notification of Class II incidents will generally be made through the daily briefing report.
4. Other incidents shall be recorded on an *Internal Incident Report* submitted in VACORIS. Reporting to the OLU Operations Center is not required except for *Fighting between incarcerated offenders*, *Simple Assault*, and *Medical condition that results in emergency transport* for confirmed/suspected drug or alcohol abuse.
5. VACORIS adds information to each *Internal Incident Report* and *Incident Report* to identify the organizational unit, time and date of submission and a unique identifier for the *Report*.
6. *Incident Reports* should include all facts as known at the time.
  - a. Care should be taken that only known facts are reported.
  - b. Follow-up reports should contain only information that was not included in the original *Incident Report* and shall be reported to the OLU Operations Center by telephone (804-372-4447) or email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) and submitted in VACORIS as an *Addendum*.

7. Reporting of Sexual Misconduct
  - a. Any employee, volunteer, or contractor shall immediately report to their supervisor or the officer in charge any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the DOC; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. If applicable, an *Internal Incident Report* shall be submitted with PREA checked in the description field; a [PREA Report of Incident Review](#) 038\_F11 may be required at the conclusion of the investigation. (§115.61[a], §115.261[a])
  - b. Apart from reporting to designated supervisors or officials, any information related to a sexual abuse report shall not be revealed to anyone other than to the extent necessary, as specified in operating procedures, to make treatment, investigation, and other security and management decisions. (§115.61[b], §115.261[b])
  - c. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document verbal reports as an *Internal Incident Report* with PREA checked in the description field. (§115.51[c], §115.251[c])
  - d. Recent Sexual Assault - Notification to OLU shall only include the statement “Alleged recent sexual assault at (facility name).” No additional information shall be reported. The incident shall be documented on an *Incident Report* that must be marked PREA; a [PREA Report of Incident Review](#) 038\_F11 may be required at the conclusion of the investigation.
8. Incidents of employee misconduct (i.e., staff criminal activity while on duty or staff involvement in criminal activity directly impacting DOC operations) should not be entered into VACORIS unless the incident involves employee sexual misconduct with an offender which will be documented on an *Internal Incident Report* with PREA checked in the description field and marked confidential.
9. Reporting of Alleged Abuse, Neglect, or Exploitation of offenders
  - a. Employees and volunteers are required to report all allegations (including offender self-report) and incidents of abuse, neglect, or exploitation of on an offender to the Organizational Unit Head or Administrative Duty Officer in a timely manner, and to fully cooperate with any investigation.
  - b. If the allegation/incident involves employee misconduct, the reporter shall immediately submit a written, signed statement directly to the Organizational Unit Head or Administrative Duty Officer instead of reporting through the VACORIS Incident Module.
  - c. The report of the alleged abuse, neglect, or exploitation shall describe the incident(s) as fully as possible; giving the names of the persons involved; the time, date, and location of the incident; and the names of any witnesses.
  - d. The Organizational Unit Head or Administrative Duty Officer shall immediately initiate any necessary action to protect and, if necessary, secure all physical evidence and act to protect the safety and welfare of the offender. Photographs(s) will be taken when indicated.
  - e. Alleged abuse, neglect, or exploitation of an offender shall be reported to the OLU Operations Center by telephone (804-372-4447) or email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) as soon as practicable, no later than 4 hours following the incident.
  - f. All allegations of offender abuse, neglect, or exploitation shall be investigated systematically to protect the offender and the reporting employee or volunteer.
  - g. If the alleged victim is aged or incapacitated, reporting to Department of Behavioral Health and Developmental Services (DBHDS), Virginia Office for Protection and Advocacy (VOPA), or the Department for Aging and Rehabilitative Services (DARS) may be required.
10. Reporting of Threats
  - a. All credible threats to elected officials, political appointees, judges, agency heads and other public officials to include DOC staff regardless of how the threat is received whether it is by letter, email, telephone, in-person, or any other means must be reported to the Virginia Fusion Center (VFC) and



- a. [Threat Assessment](#) 038\_F8 completed.
- b. If there is an imminent threat, Unit staff shall immediately report the threat to the Unit Head or designee who shall directly and immediately notify the OLU Operations Center, SIU, and (if appropriate) local law enforcement. The Unit Head may consult with the Chief of Special Operations in making this determination.
- c. Passive or general threats shall be reported to the Unit Head or designee, who shall determine if the threat is credible.
  - i. The completed [Threat Assessment](#) 038\_F8 must be submitted to the Regional Operations Chief for review with a copy of the *Offender Summary Report* from VACORIS when applicable.
  - ii. The Regional Operations Chief or designee will notify the OLU Operations Center of all credible threats and forward a copy of the [Threat Assessment](#) 038\_F8 with the *Offender Summary Report* to the OLU Operations Center for further review.
  - iii. The OLU Operations Center will make the final determination on the credibility of a threat and update the Virginia Fusion Center and notify the Chief of Special Operations, Special Investigations Unit, Homeland Security, and local law enforcement as necessary.
  - iv. The Chief of Special Operations will make the necessary notification to the Director of Security and Correctional Enforcement and the Chief of Corrections Operations or appropriate Deputy Director.
- d. All credible threats received at Headquarters shall be reported to the Director of Security and Correctional Enforcement or, in their absence, Chief of Special Operations who will notify the Virginia Fusion Center and complete a [Threat Assessment](#) 038\_F8. The Director of Security and Correctional Enforcement or, in their absence, Chief of Special Operations will determine if the threat is credible and ensure that necessary notifications are made.

#### D. Class I Incidents

- 1. Class I incidents (listed below) shall be reported by telephone to the OLU Operations Center (804-372-4447) immediately following an incident or commencement of the incident. For ongoing or developing incidents, situation reports should be submitted to the OLU Operations Center by email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) each hour or when there is a significant change in the situation.
  - a. Critical Incident that triggers an Emergency Response Plan (see Operating Procedure 075.1, *Emergency Operations Plan*; Fire/Hazardous Materials; Escape; Manmade or Natural Disaster; Bomb; Terrorist, or other Adverse Threat; Riot/Disturbance; Hostage Situation; Letter/Package Containing Contaminant or Explosive; Active Shooter; Sexual Assault) (Class IA) (Report of Incident Review required)
  - b. Attempted escape
  - c. Abscond from a Community Corrections facility
  - d. Death of an incarcerated offender due to unknown causes - In the event of any incarcerated offender death, the facility shall also notify the Health Services Director and Chief Physician by email.
  - e. Intentional discharge of a lethal firearm (other than blank rounds, “stinger” rounds”, or in training) or the accidental discharge of a firearm that results in death or injury to a person
  - f. Serious assault on an employee, volunteer, visitor, or incarcerated offender (Report of Incident Review required)
  - g. Serious injury to an employee, volunteer, visitor, or incarcerated offender
  - h. Property damage causing major disruption of security or normal operations
  - i. Mechanical breakdown causing major disruption of security or normal operations
  - j. Group demonstration or work stoppage
  - k. Vehicle accident while transporting offenders
  - l. Environmental incidents to include petroleum, toxic, regulated medical, or hazardous waste spills - The OLU Operations Center will notify the appropriate Regional Environmental Specialist.

- m. Probation and Parole: Absconder under supervision for a violent criminal offense(s) or abscond while under GPS monitoring
  - n. Probation and Parole: Discharge of firearm (4-APPFS-3G-02)
  - o. Probation and Parole: Lost or stolen DOC firearm
  - p. Probation and Parole: Firearm in offender possession at P&P Office
  - q. Any activity which requires intervention of outside law enforcement (other than routine offender arrests in a P&P Office)
2. For incidents marked as “Class IA” the OLU Operations Center will send an immediate text and email message to applicable, designated Department, Regional, and Operating Unit level executive and administrative staff and open a conference call for the staff notified by message. The conference call should be utilized to organize information sharing and management decision making.
  3. The OLU Operations Center will make immediate reports of other Class I incidents to:
    - a. Regional Operations Chief, Regional Administrator, and Regional Duty Officer via text and email message
    - b. Special Investigations Unit and other units as appropriate
    - c. Follow-up notification will be made through the daily briefing reports.
  4. If circumstances warrant, anyone notified of an incident can request that the OLU Operations Center send an immediate message to applicable, designated Department, Regional, and Operating Unit level executive and administrative staff and open a conference call for the staff notified by message. The conference call should be utilized to organize information sharing and management decision making.
  5. Facilities shall notify outside agencies of critical incidents in accordance with Operating Procedure 075.1, *Emergency Operations Plan*.
    - a. These notifications are for tactical support that will be under the control of DOC administration or the Incident Commander while inside DOC facilities.
    - b. At the direction of the DOC Director or Chief of Corrections Operations, external agencies may be requested to provide other assistance and resources during serious/critical incidents and investigations.
  6. The telephone notification to the OLU Operations Center shall be followed by submission of the *Incident Report* in VACORIS by noon on the next working day. Staff criminal activity incidents should not be entered in VACORIS.
  7. Media inquiries concerning an incident at a DOC facility or any other unit shall be referred to the Director’s office in accordance with Operating Procedure 022.1, *Mass Media Relations*.
- E. Class II Incidents
1. Class II incidents (listed below) shall be reported to the OLU Operations Center by telephone (804-372-4447) or email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) as soon as practicable, no later than 4 hours following an incident or commencement of the incident.
    - a. Offender allegation of staff abuse, assault, or neglect that is supported by a preliminary investigation (Class IIA)
    - b. Probation and Parole: Altercation in the P&P Office involving staff, or outside arresting authority (Class IIA)
    - c. Probation & Parole: Altercation in the P&P Office involving an offender (Class IIA)
    - d. Probation and Parole: Any serious felony committed in the community that would be considered “newsworthy” (Class IIA)
    - e. Accidental discharge of a lethal firearm not resulting in death or injury (Class IIA)
    - f. Discharge of a less lethal weapon (Class IIA)
    - g. Possible felonies committed by volunteers, visitors, or offenders on DOC grounds (Class IIA)

- h. Possible felonies committed by incarcerated offenders off DOC grounds (Class IIA)
  - i. Armory inventory discrepancies (Class IIA)
  - j. Cell extraction (Class IIA)
  - k. Use of force; including physical force, electronic devices, chemical agents (aerosol or grenade), and canines (Institutions) (Class IIA)
  - l. Lost or stolen state property, equipment, or funds (including but not limited to security key, Class A tools, weapons, or narcotics) (Class IIA) Use an *Internal Incident Report* for other items.
  - m. Restraints applied to pregnant or postpartum recovery offenders
  - n. Probation & Parole; Firearm drawn or brandished (Class IIA)
  - o. Lost or stolen ID card or badge
  - p. Natural death - In the event of any incarcerated offender death, the facility shall also notify the Health Services Director and Chief Physician by email.
  - q. Execution - The Office of Health Services Chief Physician shall be notified by email
  - r. Attempted suicide of an incarcerated offender (only if approved by a QMHP; the QMHP input should be submitted in an *Addendum* if it is not available before submission of the initial *Incident Report*)
  - s. Life threatening illness of an incarcerated offender
  - t. Drone flying near or over facility
  - u. Cell phone found in offender possession
  - v. Cell phone or parts found inside secure perimeter
  - w. Hunger strike - confirmed (nine or more consecutive meals refused by an incarcerated offender); Termination of a hunger strike shall be reported on an *Incident Report Addendum* documenting when the offender began consuming meals.
  - x. In-cell restraints (four/five point or ambulatory); release from restraints shall be reported on an *Incident Report Addendum* with the [Restraints Break Log](#) 420\_F27 uploaded as an external document for releases from four/ five point restraints.
  - y. Placement on restricted feeding
  - z. Seizure of drug or paraphernalia
  - aa. Fire with minor damage or injuries
  - bb. Mechanical breakdown without major disruption of security or normal operations
  - cc. Property damage without major disruption of security or normal operations
  - dd. Vehicle accident without serious injury
  - ee. Significant inventory discrepancies
  - ff. Probation & Parole: Use of Force (4-APPFS-3G-02)
  - gg. Probation & Parole; Use of Chemical Agents
  - hh. Probation & Parole: Threats, assaults on staff, or any other victimization of employees
  - ii. Probation & Parole; Serious incidents in Community Residential Programs
  - jj. Probation & Parole; GPS Equipment stolen or maliciously damaged
  - kk. Other incidents considered reportable by the Administrative Duty Officer/Headquarters Unit Head
  - ll. Suspected drug/alcohol overdose
  - mm. Naloxone administered
2. For incidents marked as "Class IIA," the OLU Operations Center will send an email notification to the Regional Operations Chief, the Regional Administrator, and the Regional Duty Officer.
  3. The OLU Operations Center will make notification of Class II incidents to DOC Executive staff through the daily briefing report.



4. The telephone notification to the OLU Operations Center shall be followed by submission of the *Incident Report* in VACORIS by noon on the next working day. Staff criminal activity incidents should not be entered in VACORIS.

#### F. Internal Incident Reports

1. Facility staff shall utilize *Internal Incident Reports* as a method of communicating information up the chain of command at the facility/unit.
  - a. *Internal Incident Reports* are used to gather information from participants and witnesses to be used in preparing an *Incident Report*.
  - b. *Internal Incident Reports* should also be used to document incidents that do not require notification otherwise mentioned in this operating procedure.
2. The following incidents shall be recorded on an *Internal Incident Report* in VACORIS. Reporting to the OLU Operations Center is not required except for *Fighting between incarcerated offenders, Simple Assault, and Medical condition that results in emergency transport* for confirmed/suspected drug or alcohol abuse.
  - a. Each person observing an incident should complete an *Internal Incident Report* to document their observations. If an *Incident Report* is required, the information from all relevant *Internal Incident Reports* will be combined for the *Incident Report*.
  - b. Alleged sexual abuse, assault, harassment, misconduct, or voyeurism - *PREA* box shall be checked in the *Description* field of VACORIS - Notify the Regional *PREA* Analyst)
  - c. Fighting between incarcerated offenders (shall be reported to the OLU Operations Center by telephone (804-372-4447) or email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) as soon as practicable, no later than 4 hours following the incident)
  - d. Simple assault (shall be reported to the OLU Operations Center by telephone (804-372-4447) or email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) as soon as practicable, no later than 4 hours following the incident.)
  - e. Medical conditions that result in emergency transport (if due to confirmed or suspected drug or alcohol abuse shall be reported to the OLU Operations Center by telephone (804-372-4447) or email ([docolu@vadoc.virginia.gov](mailto:docolu@vadoc.virginia.gov)) as soon as practicable, no later than 4 hours following the incident.)
  - f. Accidents and injuries of employees or volunteers involving less than serious injuries
  - g. Accidents and injuries of offenders involving less than serious injuries
  - h. Emergency medical care provided to non-offender
  - i. Offender refuse medical procedure after transport off-site
  - j. Referral to Restrictive Housing
  - k. Self-injury, suicidal behavior, or threat
  - l. Throwing of bodily fluids
  - m. Canine present - force used/engaged
  - n. Canine present - no force/not engaged
  - o. Mechanical breakdown that does not result in disruption of security or normal operations
  - p. Property damage that does not result in disruption of security or normal operations (Damage to or loss of any Information Technology asset (telephone, cellphone, laptop, desktop, etc.) shall be reported to CTSU Security immediately.)
  - q. Lost tool
  - r. Lost, broken, or damaged key; damaged lock
  - s. Lost or stolen uniform parts
  - t. Strike Force Equipment damaged

- u. Suspend or restrict offender privileges
- v. Strip Search Employee or Visitor
- w. Body Cavity Search Employee, Visitor, or Offender
- x. Male Staff Frisk Search female offender
- y. Opposite gender Strip Search Offender
- z. Probation & Parole: Medical situation requiring outside medical response
- aa. Probation & Parole: Offender claim sexually abused in jail, prison, etc.
- bb. Damage to offender property in DOC possession
- cc. Offender Meritorious Service (documentation for sentence reduction; see Operating Procedure 830.3, *Good Time Awards*)
- dd. Unusual incident during bereavement visit
- ee. Seizure of tobacco, alcohol, or paraphernalia
- ff. Inflammatory language used in a group setting (Used to document offender statements made in a group of offenders promoting violence against others based on the individual's race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, veteran status, or gang affiliation. This generally relates to "a group of offenders" gathered for a religious service, program, offender organization. It is not intended to include a statement made against an individual staff member or offender.)
- gg. Institutional Status Report
- hh. Any other incident considered to warrant being documented

#### G. Offender Access to Incident Reports

1. *Incident Reports*, including *Internal Incident Reports*, are not available to offenders and are not subject to disclosure as documentary evidence for disciplinary hearings.
2. This should not preclude the Hearings Officer from reading an *Incident Report* into the hearing record if it is relevant and appropriate.

#### H. Review of Incidents

1. Incident Types requiring a Report of Incident Review:
  - a. Escapes ([Report of Incident Review](#) 038\_F3)
  - b. Serious Assaults ([Report of Incident Review](#) 038\_F3)
  - c. A sexual abuse incident review ([PREA Report of Incident Review](#) 038\_F11) shall be conducted at the conclusion of every sexual abuse investigation including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. (§115.86[a], §115.286[a])
  - d. A sexual harassment incident review ([PREA Report of Incident Review](#) 038\_F11) shall be conducted at the conclusion of every investigation into an allegation of sexual harassment where the allegation has been determined to be substantiated.
  - e. Other incidents deemed to need a critical review as determined by the Unit Head, Regional Administrator, Regional Operations Chief, or Chief of Corrections Operations
  - f. For Critical Incidents where the Incident Command System is implemented, the [After Action Report/Improvement Plan](#) 075\_F8 may serve as the Report of Incident Review.
2. Conduct of Review: (§115.86[d], §115.286[d])
  - a. The Review Team should consist of at least 2 DOC employees designated by the Unit Head.
  - b. The Review Team shall consist of at least one Administrative Duty Officer who will solicit input from the PREA Compliance Manager, line supervisors, investigators, and medical or mental health practitioners for all sexual abuse and harassment incident reviews. (§115.86[c], §115.286[c])

- c. The review should begin as soon as practical after the incident and a [Report of Incident Review](#) 038\_F3 submitted within 7 working days of the initial *Incident Report*. Follow-up reports may be submitted if all information is not available within 7 working days.
  - d. The review for sexual abuse and sexual harassment shall be conducted within 14 days of completion of the investigation on a [PREA Report of Incident Review](#) 038\_F11. The PREA Compliance Manager will forward the *PREA Report of Incident Review* to the Regional PREA Analyst for review and approval, prior to submission to the Regional Office. (§115.86[b], §115.286[b])
3. Review Elements:
- a. What happened?
  - b. Where did it happen?
  - c. Who was involved?
  - d. How did it happen?
  - e. When did it happen? (time and contributing circumstances)
  - f. What was the response?
  - ~~g.~~ Why did it happen? (causal factors)
4. Review Methodology:
- a. Review of *Incident Report* or *Internal Incident Report*, investigation reports, and any other available documentation
  - b. Interview participants and witnesses
  - c. Examine any physical evidence
  - d. Examine the area where the incident allegedly occurred to assess whether physical barriers in the area may have contributed to the incident (§115.86[d(3)], §115.286[d(3)])
  - e. Review relevant operating procedures, training manuals, equipment operating manuals, safety program guides, etc.
  - f. Develop the unit's action plan to limit future incidents
  - g. The review of incident will be documented on a [Report of Incident Review](#) 038\_F3 or [PREA Report of Incident Review](#) 038\_F11 for sexual abuse and harassment incident reviews.
5. [Report of Incident Review](#) 038\_F3 and [PREA Report of Incident Review](#) 038\_F11 (§115.86[d(6)], §115.286[d(6)])
- a. Provide a brief summary of the incident; clarify the original *Incident Report* or *Internal Incident Report*, as needed
  - b. Provide an analysis of the causal factors and contributing circumstances
    - i. Was the incident or allegation motivated by race, ethnicity, gender identity; lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; or gang affiliation, or was it motivated or otherwise caused by other group dynamics at the facility. (§115.86[d(2)], §115.286[d(2)])
    - ii. Assess the adequacy of staffing in that area during different shifts. (§115.86[d(4)], §115.286[d(4)])
    - iii. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. (§115.86[d(5)], §115.286[d(5)])
  - c. Determine what can be done to limit the occurrence or reduce the severity of future incidents; consider whether there was a proper application of current procedure, practice, staffing and/ or training; or whether there is a need to revise the current procedure, practice, staffing, and/ or training. (§115.86[d(1)], §115.286[d(1)])
  - d. Develop an Action Plan to limit or mitigate similar future incidents. The unit shall implement the recommendations for improvement, or shall document its reasons for not doing so. (§115.86[e], §115.286[e])

- e. Submit to the Regional Office for review by the Regional Administrator and/or Regional Operations Chief. A copy of all *PREA Report of Incident Reviews* for sexual abuse and sexual harassment shall be submitted to the Regional PREA Analyst as provided in Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*. (§115.86[d(6)], §115.286[d(6)])
  - f. Submit as an *Addendum* to or upload as an external document to the original *Incident Report* in VACORIS after completion of Regional Office review. *PREA Incident Reviews* for sexual abuse and sexual harassment shall not be uploaded to VACORIS; a copy shall be maintained at the facility.
  - g. Submit as an email attachment to the DOC Director, Chief of Corrections Operations, and OLU Operations Center
6. Follow-up:
- a. The DOC Director and Chief of Corrections Operations will assign staff and designate other resources as appropriate to accomplish Action Plans.
  - b. The Regional Operations Chiefs and the Special Operations Unit will be responsible to communicate findings to other units that may be vulnerable to similar incidents so that appropriate Action Plan recommendations may be applied to limit or mitigate similar incidents.
7. Probation and Parole After Incident Review
- a. When an offender under community supervision is suspected of committing a felony act or dangerous incident that is likely to attract media attention, P&P staff should prepare a [Probation and Parole After Incident Review](#) 038\_F7 for submission to the Regional Administrator and/or Regional Operations Chief.
  - b. The review should be submitted by email with the applicable *Incident Report* attached to the Regional Administrator and/or Regional Operations Chief within one work day after becoming aware of the incident.
  - c. A [Probation and Parole After Incident Review](#) 038\_F7 should be completed for any incident where documentation of appropriate supervision may be needed as determined by the Chief P&P Officer, Regional Administrator, Regional Operations Chief, or Chief of Corrections Operations.

## V. REFERENCES

Operating Procedure 022.1, *Mass Media Relations*  
Operating Procedure 025.3, *Public Records Retention and Disposition*  
Operating Procedure 030.1, *Evidence Collection and Preservation*  
Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*  
Operating Procedure 075.1, *Emergency Operations Plan*  
Operating Procedure 420.1, *Use of Force*  
Operating Procedure 420.2, *Use of Restraints and Management of Offender Behavior*  
Operating Procedure 435.1, *Special Operations Unit*  
Operating Procedure 830.3, *Good Time Awards*  
Operating Procedure 910.2, *Probation and Parole Use of Force*

## VI. FORM CITATIONS

[Vital Information for Telephone Notification of Incident](#) 038\_F1  
[Report of Incident Review](#) 038\_F3  
[Probation and Parole After Incident Review](#) 038\_F7  
[Threat Assessment](#) 038\_F8  
[PREA Report of Incident Review](#) 038\_F11

[After Action Report/Improvement Plan](#) 075\_F8

[Restraints Break Log](#) 420\_F27

VII. REVIEW DATE

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

*The office of primary responsibility reviewed this operating procedure in July 2019 and necessary changes have been made.*

*Signature Copy on File*

*6/5/18*

A. David Robinson, Chief of Corrections Operations

Date