



Virginia Department of Corrections

Records and Information Management

Operating Procedure 050.1

Inmate and Probationer/Parolee Records Management

Authority:

Directive 050, *Inmate and Probationer/Parolee
Records Management*

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date. (4-ACRS-7D-08)

COMPLIANCE

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

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DEFINITIONS

Alcohol and Drug Abuse Information - Information regarding the identification, diagnosis, prognosis, or treatment of an inmate or probationer/parolee relative to their participation in an alcohol or drug program.

Amend - The formal process of altering, modifying, or removing content from a document or an electronic record in VACORIS in order to correct inaccurate or erroneous information.

Case File - A confidential computer record maintained in VACORIS, ICOTS, and/or written record material maintained in a P&P Office or Community Corrections Alternative Program regarding the probationer/parolee that includes documentation of all action, which has occurred in the case.

Community Corrections Alternative Program (CCAP) - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

Correctional Status Information - Records and data concerning each condition of a convicted person's custodial status, including probation, confinement, study release, work release, escape, or termination of custody through expiration of sentence, parole, pardon, or Court decision; reference COV §9.1-101, *Definitions*.

Criminal History Record Information - Records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal charges, and any disposition arising there from; the term will not include juvenile record information that is controlled by COV §16.1-226 et seq., *Juvenile and Domestic Relations District Court Law*, criminal justice intelligence information, criminal justice investigative information, or correctional status information; reference COV §9.1-101, *Definitions*.

Criminal Investigative Information - Information on identifiable individuals compiled during case management or investigation related to specific criminal acts; this is the general case file material excluding the criminal history.

Criminal Justice Agency - A Court or government agency, or any sub-unit thereof, that performs the administration of criminal justice pursuant to a statute or Executive Order, as defined in COV §9.1-101, *Definitions*.

Detainer - Any form of legal hold placed on an inmate or probationer/parolee by another jurisdiction, where the effect is that an inmate or probationer/parolee will not be released upon completion of confinement, because that jurisdiction intends to take physical custody of the inmate or probationer/parolee. A legal hold may be filed by federal, state, or local authorities and will include Detainers for arraignment or prosecution of untried charges; Judgment & Commitment Orders for an un-served sentence; Non-Detainer Holds to serve the balance of a sentence subsequent to escape, or revocation of parole/probation; or any form of Notify or Hold Request filed by the U.S. Immigration & Customs Enforcement (ICE).

Educational Documents - Diplomas, High School Equivalency or GED Certificates, Career and Technical Education Certificates, apprenticeship documentation, transcripts, and other such documentation of educational achievements.

Expunge - The removal of a document or materials, or the deletion, erasure, blotting out, or striking out of a portion of a document or materials, as though the expunged material had not existed, so that all mention of a particular matter contained in an inmate's or probationer's/parolee's hard copy is completely eradicated from those records.

Facility - Any institution or Community Corrections Alternative Program.

Facility Folder - A two-part folder established at reception for each new inmate received into the DOC on or after August 1, 2015, for the storage of the *Property Envelope* and institution specific information not uploaded to VACORIS.

Health Record - A file that contains information relative to the inmate's or CCAP probationer's/parolee's medical, dental, and mental health condition, and treatment. The Health Record is maintained at the inmate's or CCAP probationer's/parolee's facility of assignment and follows the inmate or CCAP probationer/parolee throughout the term of incarceration or period of supervision.



Historical Hardcopy Record - The original criminal record, established at reception for each inmate in an institution prior to August 1, 2015, containing all original incarceration documents.

Identification Documents - Documents that satisfy the requirements of the *U. S. Citizenship and Immigration Services Employment Eligibility Verification* (Form I-9) or the identification requirements of the Virginia Department of Motor Vehicles for driver's license or identification card; examples include passport, residency card, visa, driver's license, photo ID card issued by a government agency, Social Security card, birth certificate, etc.

Indigent Inmate/Probationer/Parolee - An inmate or CCAP probationer/parolee who during the previous month had less than \$5.00 in their trust account for discretionary spending and had no job or other source of income that provided as much as \$5.00, or an inmate or CCAP probationer/parolee newly received into a facility with no available funds and no hygiene items. An inmate's or CCAP probationer's/parolee's access to facility Court appointed attorneys or local magistrates are excluded from this definition.

Information Technology Unit (ITU) - The Department of Corrections unit that is the central technology management unit and the clearinghouse for all DOC technology initiatives including but not limited to the management of surplus property management. This unit also coordinates all liaison activities with VITA Science Applications International Corporation, and its suppliers.

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

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

Interstate Agreement on Detainer (IAD) - Request for a Speedy Trial by the prosecutor or the inmate in regard to untried indictments from jurisdictions outside of Virginia.

Interstate Compact Offender Tracking System (ICOTS) - The web-based system used by all states and U.S. Territories to transfer and monitor the supervision of probationers and parolees while under Interstate Compact for Adult Offender Supervision.

Mental Health Information - Any information relative to the inmate's or CCAP probationer's/parolee's mental health status or treatment, including that part of the inmate's or CCAP probationer's/parolee's Health Record that deals primarily with mental health issues.

Notification Information - Records, reports, and notices that are generated specifically for the information and receipt of an inmate or CCAP probationer/parolee, regarding a specific matter involving the inmate or CCAP Probationer/Parolee, including, but not limited to, responses to inmate or probationer/parolee grievances, classification actions, disciplinary reports, and legal update sheets.

Official Record (Inmate or Probationer/Parolee) - All inmate or probationer/parolee specific information maintained by the Department of Corrections; the official record may include the Historical Hardcopy Record and Facility Folder (institutions), case files (Probation and Parole Offices and CCAP facilities), Health Records, and all inmate or probationer/parolee specific computerized records maintained in VACORIS and ICOTS.

Post Sentence Report (PSR) - An abbreviated form of the Pre-Sentence Investigation report that may be completed when the Court does not order a PSI, the PSR must be handled and released under the same restrictions as a PSI.

Power of Attorney - A written document that authorizes one person to act on behalf of another; see COV §64.2-1600 et seq. *Virginia Uniform Power of Attorney Act*.

Pre-Sentence Investigation (PSI) - A special individual background investigation and report prepared by P&P Officers for the Courts and Parole Board; the PSI is sealed upon final order by the Court and may be made available only by Court Order except that the Court or Department of Corrections may make a copy available to criminal justice agencies or agencies where the inmate or probationer/parolee is referred for treatment or supervision; reference COV §19.2-299, *Investigations and reports by probation officers in certain cases*.

Probationer/Parolee - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia



Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

Property Envelope - A 6” by 9” brown envelope established at initial intake to store inmate identification documents and educational documents e.g., original certificates, diplomas, and certification cards, to be transferred with the inmate to each new institution and provided to the inmate upon release.

Subpoena Duces Tecum - An order of the Court issued requiring the production of documents.

VACORIS - The computer-based Virginia Department of Corrections inmate and probationer/parolee information management system.

Virginia Freedom of Information Act (FOIA) - Code of Virginia §2.2-3700 through COV §2.2-3714; governs the disclosure of public records in the custody of a public body or its officers and employees.



PURPOSE

This operating procedure provides a standardized record keeping system and establishes guidelines for the management of inmate, probationer, and parolee records to ensure that record information is uniform, accurate and kept confidential.

PROCEDURE

I. Inmate and Probationer/Parolee Records

A. This operating procedure governs the establishment, utilization, content, privacy, secure placement, preservation, and security of inmate and probationer/parolee electronic and hardcopy records; the release of information from these records, and instructions for retiring or destroying inactive records. (5-ACI-1E-01; 4-ACRS-7D-08; 4-APPFS-3D-28; 2-CO-1E-01)

B. VACORIS Record

1. VACORIS is an organized computer-based system that provides for the collection, storage, review, retrieval, analysis and reporting of information as part of the overall management, planning, and research capacity relating to inmates, probationers/parolees, and Organizational Units within the Department of Corrections (DOC). (5-ACI-1F-01; 4-ACRS-7D-05; 4-APPFS-3D-31; 2-CO-1F-02)
2. The VACORIS record is an ongoing electronic record originated upon the inmate's or probationer's/parolee's first contact with the DOC and continues throughout the inmate's or probationer's/parolee's lifetime.
 - a. Any additional investigations and periods of supervision or incarceration are added to the VACORIS record.
 - b. Staff will upload original documents into a VACORIS record only, staff should not upload copies of documents maintained elsewhere and documents that are only applicable to a specific facility or P&P location.
3. The VACORIS record is the inmate's and probationer's/parolee's primary official DOC record. (2-CO-1E-02, 2-CO-1E-03)
 - a. Staff must enter inmate information into the inmate's VACORIS record as follows: (4-ACRS-7D-07 [I], 4-ACRS-7D-09 [I])
 - i. Identification Photograph; see Operating Procedure 864.1, *Inmate and CCAP Probationer/Parolee Grooming and Hygiene*
 - ii. Emergency Notification
 - (a) Staff will meet with the inmate to obtain the *Emergency Notification Information* 050_F11 and will key this information into VACORIS; a copy may be filed in the Historical Hardcopy Record, Facility Folder, or Case Record.
 - (b) Staff must review and update the *Emergency Notification Information* 050_F11 and key this information into VACORIS, if necessary, at each annual review or sooner if the inmate reports a change.
 - iii. Educational and Vocational Records; see Operating Procedure 601.1, *Educational Administration and Management*
 - iv. Personal Property Inventories; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*
 - v. Initial Intake Information; see Operating Procedure 810.1, *Inmate Reception and Classification*
 - (a) Identification and Demographic.
 - (b) Criminal History Record Information, Sentence Summary, PSI and PSR, when available
 - (c) Social History/Family Environmental Information
 - (d) Classification Assessment
 - vi. COMPAS Assessment, Re-entry Case Plan and Re-entry Timeline; see Operating Procedure 820.1, *Inmate Case Management*



- vii. Security Level Assignments; see Operating Procedure 830.2, *Security Level Classification*
 - viii. Good Time Awards; see Operating Procedure 830.3, *Good Time Awards*
 - ix. Treatment Programs; see Operating Procedure 841.1, *Inmate Programs*
 - x. Current and Previous Institutional Employment; see Operating Procedure 841.2, *Offender Work Programs*
 - xi. Visitation Approvals, Histories, Suspensions, and Restrictions; see Operating Procedure 851.1, *Visiting Privileges*
 - xii. Disciplinary Record; see Operating Procedure 861.1, *Inmate Discipline*
 - xiii. Grievance Record; see Operating Procedure 866.1, *Offender Grievance Procedure*
 - xiv. Evaluations, Progress Reports, and Discharge Reports, as applicable
 - xv. Other information as appropriate and required
- b. Staff must enter CCAP probationer/parolee information into the CCAP probationer's/parolee's VACORIS record in accordance with Operating Procedure 940.4, *Community Corrections Alternative Program*. (4-ACRS-7D-07 [CC], 4-ACRS-7D-09 [CC])
 - c. P&P Officers must enter probationer/parolee information into the probationer's/parolee's VACORIS record in accordance with Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
4. The Information Technology Unit (ITU) security controls must be strictly followed to ensure that inmate and probationer/parolee information in the VACORIS record is secured and not released without appropriate approval; see Operating Procedure 310.2, *Information Technology Security*. (4-ACRS-7D-08; 2-CO-1F-06)

C. Inmate Hardcopy Record

1. Staff will establish a Facility Folder for each inmate newly received into the DOC on or after August 1, 2015. Prior to August 1, 2015, inmates have a Historical Hardcopy Record. (2-CO-1E-02)
2. The Records Manager determines which institution specific documents are to be filed in the Facility Folder and Historical Hardcopy Record to include orientation documents, other documents generated at the institution that are not uploaded to VACORIS, and copies of documents that are maintained elsewhere at the institution. (2-CO-1E-03)
 - a. The Records Manager will remove and destroy all original institution specific documents maintained in the Facility Folder or Historical Hardcopy Record 30 days after an inmate's transfer or release.
 - b. Staff who maintain institution specific documents that cannot be filed in the inmate's Facility Folder or Historical Hardcopy Record must retain and dispose of these documents in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.
3. Records staff will establish and maintain an envelope in the inmate's Facility Folder and Historical Hardcopy Record to store identification documents and other specific documents that must transfer with the inmate so staff can deliver the contents to the inmate at their release; see Attachment 1, *Property Envelope*.
 - a. Records staff will transfer the *Property Envelope* with the inmate to each institution assignment.
 - b. In the event of an inmate's death, the Records Manager or designee will remove the contents of the *Property Envelope*, except the Social Security Card, and deliver them to the executor or administrator of the inmate's estate; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
 - i. The *Property Envelope* will remain in the Records Office until the contents are claimed by the executor or administrator of the inmate's estate or are destroyed as unclaimed property.
 - (a) Records staff will coordinate the delivery of *Property Envelope* contents with the staff member designated by the Facility Unit Head to distribute the inmate's funds and property.
 - (b) The executor or administrator must sign and date the *Property Envelope* confirming receipt

of the contents.

- (c) Records staff must upload a signed copy of the *Property Envelope* into VACORIS to document the executor or administrator claimed the contents.
- ii. If the executor or administrator does not claim the contents within 90 days, staff will dispose of the contents as unclaimed property by shredding or burning.
- iii. Records staff will write "Inmate Deceased on (date)/Contents disposed of on (date)" on the *Property Envelope* and will upload a copy into VACORIS to document the contents were unclaimed and subsequently destroyed.
- iv. Records staff will return the Social Security Card to the nearest Social Security Administration office within 30 days of the inmate's death.

D. CCAP Probationer/Parolee Hardcopy Case Files

1. Staff at the facility where the CCAP probationer/parolee is housed will establish, maintain, and update a hardcopy Case File for each CCAP probationer/parolee. (2-CO-1E-02)
 - a. Staff will use a four-section folder and a printed label with the CCAP probationer's/parolee's full name (last name, first) and number to identify the case file.
 - b. The Case File will be organized as specified on the *Master Index Sheet*; see Attachment 2, *Master Index Sheet (Community Corrections Alternative Programs)*. (4-ACRS-7D-09 [CC]; 2-CO-1E-03)
2. When a CCAP probationer/parolee moves from one CCAP to another, the Case File remains at the sending facility and staff will establish a new Case File at the receiving facility.
3. Staff should forward copies of pertinent Case File material with the CCAP probationer/parolee to the receiving facility.

E. Probationer/Parolee Hardcopy Case Files

1. Staff at each P&P Office must maintain a hardcopy Case File and/or a VACORIS electronic record of Case Plan decisions, events, and activities regarding probationers/parolees. (2-CO-1E-02; 4-APPFS-3D-29)
2. Staff will organize and manage the contents of the hardcopy Case File in accordance with the practices of the P&P Office. (2-CO-1E-03; 4-APPFS-3D-30)
3. If the probationer/parolee is transferred from one P&P District to another, the Case File should remain at the sending P&P Office and staff will establish a new hardcopy Case File at the receiving P&P Office.
4. Staff should forward copies of relevant Case File material to the receiving P&P Office; see Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
5. Staff should store any signed documents and any correspondence not uploaded to VACORIS in the hardcopy Case File, including but not limited to:
 - a. Court Orders
 - b. *Consent for Release of Information 920_F8*
 - c. Signed Supervision Conditions
 - d. Sex Offender Agreement, if applicable
6. Probationers/Parolees do not have a right to review their P&P or CCAP Case File except for those misdemeanor offenses that are not reportable to the State Police.
 - a. If there are mitigating circumstances and the P&P Officer determines there is a need, the P&P Officer can show the probationer/parolee their criminal investigative information or criminal history.
 - b. Whenever a P&P Officer is considering such an action, good judgment tempered with supervisor guidance is suggested.



F. Inmate and CCAP Probationer/Parolee Health Records

1. Staff will establish, maintain, and retain inmate and CCAP probationer/parolee health records in accordance with Operating Procedure 701.3, *Health Records*.
2. Staff may maintain the original or a copy of certain elements of the CCAP probationer's/parolee's Health Record, such as physical evaluations and classifications, and certain documents containing mental health information, such as evaluations and classifications, in the CCAP probationer's/parolee's Case File at a CCAP facility.

G. Inmate and CCAP Probationer/Parolee Student Records

Staff will establish, maintain, and retain inmate and CCAP probationer/parolee student records in accordance with Operating Procedure 601.1, *Educational Administration and Management*.

H. Interstate Compact Inmates Records

Staff will manage institution and health records for out of state inmates serving their sentence in the Virginia DOC under an *Interstate Corrections Compact* in accordance with Operating Procedure 020.2, *Compact for Interstate Transfer of Inmates*.

- I. Correspondence generated relative to an inmate or probationer/parolee should contain the inmate's or probationer's/parolee's name and number and staff should maintain the original request or copy with a copy of the response at the institution.

II. Maintenance and Security of Inmate and Probationer/Parolee Records (4-ACRS-7D-08; 2-CO-1F-06, 2-CO-1E-08)

- A. Staff must store all inmate and probationer/parolee hardcopy records in locked file cabinets, electronic file retrieval systems, or other suitable receptacles located in secure areas.
- B. The Facility Unit Head for each facility and the Chief P&P Officer for each district must develop provisions for maintaining necessary supervision and control over inmate and probationer/parolee hardcopy records and should establish specific procedures for issuance and use. At a minimum, hardcopy records must be:
 1. Secured in the designated secure storage area or authorized staff must always have direct control and supervision of the hardcopy record. (4-ACRS-7D-37)
 2. Labeled on the right edge of the folder, starting at the bottom, and going up, the first five digits of the DOC number will be written in black ink except for those records received from Central Criminal Records (CCR). The last two digits will be denoted using color-coded numerical stickers.
 3. Capable of securing the contents with metal fasteners in each area of the hardcopy record, staff should file newer documents on top of older documents.
 4. Filed in numerical or alphabetical sequence.
 5. Maintained and issued by a limited number of designated staff trained for this purpose, where possible.
 6. Issued to authorized users, only as designated by the Facility Unit Head, who require access to records information to perform their official duties.
 7. Returned and stored in the designated secure area at the close of each business day. Any time staff must leave a hardcopy record temporarily unattended, they must secure the record in a locked cabinet or other secure area.
- C. Staff must not allow inmates and probationers/parolee unsupervised access to areas containing hardcopy records.

III. Confidentiality and Authorized Release of Record Information (4-ACRS-7D-08; 2-CO-1E-08)

- A. Staff must not release or disclose inmate and probationer/parolee information contained in VACORIS any



differently from inmate and probationer/parolee information contained in a hardcopy record.

B. Access and Confidentiality

1. Staff must only seek to obtain inmate and probationer/parolee VACORIS and hardcopy record information in the performance of their official duties; see Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*. (2-CO-1F-06)
 - a. Staff will use record information that pertains to the records, offenses, personal history, and private affairs of inmates and probationers/parolees for official use only.
 - b. Staff cannot discuss inmate and probationer/parolee information with others except as required in the performance of their official duties.
2. The confidentiality of inmate and CCAP probationer/parolee medical, dental, mental health, and substance use, records and information is further governed and restricted by relevant state and federal laws and regulations.

C. Authorized Release of Inmate and Probationer/Parolee Information (5-ACI-1E-05; 4-APPFS-3D-34; 4-ACRS-7D-08; 2-CO-1E-07)

1. The Director of Offender Management Services, Chief of Corrections Operations, Regional Operations Chief, Regional Administrator, and Organizational Unit Head, or their designees, are authorized to release inmate and probationer/parolee record information as follows:
 - a. Upon receipt of a written request
 - b. In accordance with this operating procedure
 - c. With inmate or probationer/parolee consent if applicable
 - d. With a copy of a Power of Attorney and an original notarized request
 - e. After advising the requester of applicable copying charges
 - f. With the original request and copy of the response maintained by the DOC Organizational Unit releasing the information
2. Staff may only release the following information specific to an individual inmate or probationer/parolee to the public, provided the inmate does not have an undisclosed location code:
 - a. Projected parole eligibility, mandatory parole, and/or good time release dates at the time of the inquiry
 - b. Custody or parole status and facility location
 - c. Facility mailing address for purposes of correspondence
 - d. Visiting status and privileges; staff will not release copies of visiting, phone, and correspondence lists and logs
 - e. Staff must refer all requests for information on inmates with undisclosed location codes to the Interstate Compact Coordinator, for response.
 - i. Staff must not confirm or deny the inmate's incarceration in a DOC institution or release any location information to include the inmate's institution mailing address for correspondence purposes.
 - ii. Inmates with an undisclosed location code (previously referred to as 055 Administrative Verification) have a red flag at the top of all VACORIS offender pages with the notation "Administrative Location."
3. Correctional Status Information
 - a. An inmate's or probationer's/parolee's status in the criminal justice system, i.e., active parolee, inmate, CCAP probationer/parolee, escapee, etc. is public record.
 - b. Staff can release the following information in the event of the escape, serious injury or illness, or death of an inmate:
 - i. Name of the inmate, but only after notification of next of kin in the event of a death.



- ii. Current offense(s), current sentence(s), and time already served.
 - iii. Release date and parole eligibility date of current sentence(s).
 - iv. Location of the incident or escape.
 - c. Upon request, any staff member may release an inmate's and probationer's/parolee's correctional status information to the public, i.e., employers, prospective employers, non-criminal justice agencies, and individuals.
 - d. Staff must not release any information about an arrest if one year has elapsed from the date of inmate's and probationer's/parolee's arrest and no disposition of the charge has been made and no active prosecution of the charge is pending.
 - e. The release of correctional status information does not need to be recorded.
4. Inmate and Probationer/Parolee Notification Information
- a. If an inmate or probationer/parolee wants to provide notification information to a third party, the inmate or probationer/parolee must submit a request for copies, pay applicable copying charges in advance and send them to the third party.
 - b. Staff will provide the requested copies to indigent inmates with the cost of such copies debited against an inmate's stipend.
 - i. Indigent inmates are authorized a maximum stipend of \$50.00 each year for copies of notification information; unused funds are not carried over to the following year.
 - ii. Once the inmate has met the \$50.00 stipend for the year the Facility Unit Head or designee must give written approval for staff to provide additional copies of notification information.
 - iii. If the Facility Unit Head or designee does not approve, staff will not provide the requested copies unless the inmate presents a Court Order instructing staff to provide additional funds for such copies.
 - c. Parole decision letters are notification information and staff may release these letters in the same manner as all other notification information; Parole Board staff must release all other Parole Board documents.
5. If an inmate or CCAP probationer/parolee is no longer housed in a DOC facility, the inmate or CCAP probationer/parolee must submit a notarized request for records information; see *Request for Inactive Inmate or CCAP Probationer/Parolee Records 050_F17*.

D. Assessment of Cost for Copies of Record Information

- 1. Staff should not charge other DOC units, Virginia state agencies, law enforcement agencies, or entities providing services or treatment to inmates and probationers/parolees upon referral, the cost for copying the inmate's or probationer's/parolee's record information.
- 2. Staff will charge inmates, probationers/parolees, and the public the cost for copying inmate and probationer/parolee record information; see Attachment 3, *Sample Copying Charge Letter*, as a guide.
 - a. The Chief of Corrections Operations determines copying charge that will be assessed per page.
 - b. Staff should advise the requestor of the following charges in writing and collect the funds before providing the requested information. Staff may bill the charges with delivery of the records at the discretion of the Organizational Unit Head.
 - i. A ten-cent charge for each page or copy
 - ii. The actual cost of postage or shipping (cheapest available or as requested by recipient).
 - iii. Reasonable costs, not to exceed the actual cost of labor for additional research required to locate and copy records that are not readily available for copying, such as records that are archived or are maintained on microfilm or electronic storage. Record information on an active inmate or probationer/parolee, except for previous DOC numbers, is considered readily available.
 - c. Upon receipt of the check or money order, made payable to the "Virginia Department of Corrections," staff will provide the copies and deposit the check/money order in accordance with financial systems procedures.

3. Staff should maintain a record of all funds received for copying inmate and probationer/parolee records auditing purposes.

IV. Virginia Freedom of Information Act and Subpoena Duces Tecum

A. The *Virginia Freedom of Information Act*, *Privacy Protection Act*, and other laws govern the confidentiality and the release of information maintained by state agencies.

1. These statutes have a direct effect on the type of inmate and probationer/parolee information that can be released to the public and the media.
2. The Virginia Freedom of Information Act (FOIA):
 - a. Explicitly excludes inmates and CCAP probationers/parolees from the provisions of the Act; see COV §2.2-3703, *Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal corrections facility*. Staff should respond to inmate and CCAP probationer/parolee FOIA requests that the FOIA does not apply to inmates and CCAP probationers/parolees.
 - b. Exempts “all records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment” from mandatory disclosure; see COV §2.2-3706 (B)(4), *Disclosure of law-enforcement and criminal records; limitations*.
 - c. Exempts from mandatory disclosure “all records of adult persons under ... investigation or supervision by state probation and parole services”; see COV §2.2-3706 (B)(6), *Disclosure of law-enforcement and criminal records; limitations*.
 - d. Excludes information contained in inmate and CCAP probationer/parolee medical, dental, and mental health records; see COV §2.2-3705.5, *Exclusions to application of chapter; health and social services records*, and COV §32.1-127.1:03, *Health records privacy*. Designated staff will release medical, dental, and mental health record information in accordance with Operating Procedure 701.3, *Health Records*.
3. All inmate and CCAP probationer/parolee record information is considered confidential and exempt from disclosure under the FOIA.
 - a. Staff can only release inmate and CCAP probationer/parolee record information as specified in this operating procedure, Operating Procedure 025.1, *Public Access to DOC Public Records*, and as authorized by the Director or designee.
 - b. Staff must handle and respond to all FOIA requests for inmate and CCAP probationer/parolee record information in accordance with Operating Procedure 025.1, *Public Access to DOC Public Records*.
 - c. The release of information concerning apprehension, arrest, prosecution, or adjudication of charges against an inmate or CCAP probationer/parolee and information in the event of an inmate escape or death should be handled in accordance with Operating Procedure 025.1, *Public Access to DOC Public Records*.
 - d. Staff must only release inmate and probationer/parolee record information to the media as authorized in Operating Procedure 022.1, *News Media Relations*.

B. Subpoena Duces Tecum

1. A Subpoena Duces Tecum requires the recipient to produce inmate and probationer/parolee records, documents, and data for inspection. The Subpoena Duces Tecum does not apply to expunged records.
 - a. Any staff member receiving a Subpoena Duces Tecum must immediately notify their supervisor.
 - b. The supervisor or other designated staff member must contact the Attorney General’s Office for case handling instructions and notify the Regional Administrator.
2. Staff failure to produce inmate and probationer/parolee records, documents, and data for inspection pursuant to a Subpoena Duces Tecum is punishable as Contempt of Court unless a Motion to Quash



the subpoena is filed before the due date.

V. Criminal History Record Information

A. Criminal History Record Information is commonly known as a Record of Arrests and Prosecutions “rap sheet”, and designated staff may only release this information as authorized in COV §19.2-389, *Dissemination of criminal history record information*, to:

1. All DOC units and to other criminal justice agencies, as defined in COV §9.1-101, *Definitions*.
2. Individual representatives of government agencies requiring this information to implement State and Federal statutes, implement Executive Orders, conduct investigations, or determine employment suitability or security clearance such as the Bureau of Immigration and Naturalization, the US Civil Service Commission, and military intelligence agencies.
3. Treatment agencies when an inmate or probationer/parolee is referred for treatment.
4. Individuals and agencies pursuant to a specific agreement with the DOC to provide services required for the administration of criminal justice in which the agreement specifically authorizes them access to data, limits the use of data to the purposes for which it was given, and ensures the confidentiality and security of the data.
5. Individuals or agencies outside the DOC for the purpose of research, evaluative, or statistical activities pursuant to an agreement between such agencies or individuals and the DOC that specifically authorizes access to data, limits the use of data to research, evaluative, or statistical purposes, and ensures the confidentiality and security of the data.
6. Any other public or private agency or individual for such purpose as specifically authorized by federal or state statute or executive order.
7. Any individual or agency when authorized by Court Order or Court rule.
8. Under any other circumstances as provided in COV §19.2-389, *Dissemination of Criminal History Record Information*.

B. Staff should direct inmates and probationers/parolees requesting a copy of their own Criminal History Record Information to the Virginia State Police, Central Criminal Records Exchange (CCRE) for Criminal History Record Information that is required to be reported to the CCRE or to the criminal justice agency required to maintain the record if such information is not required to be reported to the CCRE; see COV §19.2-389 (A)(11) and COV §19.2-389 (D).

1. Criminal History Record Information will not be released to the inmate, probationer/parolee, or to any person or agency not authorized in COV §19.2-389, *Dissemination of Criminal History Record Information*.
2. Staff should deny any request for Criminal History Record Information received from private, non-criminal justice agencies and the agency or individual referred to CCRE, local law enforcement or the Court for assistance.
3. The DOC does not release criminal history records information for employment or background checks.

C. Release of Juvenile and Family Member Criminal History

1. Permission from the Juvenile or Circuit Court Judge must be obtained before staff can release any juvenile information. The permission does not need to be in writing, and it is permissible for a P&P Office to receive blanket approval for the release.
2. P&P staff may include information on the criminal history of an inmate’s or probationer’s/parolee’s family members in a Pre/Post-sentence Report, but staff may only release this information in accordance with this operating procedure.
3. The staff member disseminating criminal history information should obtain a current CCRE printout before providing this information to anyone to ensure that the information is current. The staff member



will shred the CCRE printouts as soon as they have served the purpose for which they were obtained.

4. Logging the Release of Criminal History Information

- a. Staff must record the release of criminal history information, whether released verbally or in writing.
- b. Staff will record the release as a dated entry in *Facility Notes* or *Case Notes*, detailing the information released and to whom.
- c. Staff are not required to log the release of criminal history information to other DOC units or to a Court in the *Case Notes* as the release can be traced through the trail of case activity.

VI. Release of Other Information Contained in Inmate and Probationer/Parolee Records

A. Criminal Investigative Information

1. Criminal investigative information is general case file material excluding criminal history.
 - a. The release of criminal investigative information is a matter of DOC operating procedure and case law.
 - b. Staff should not release this type of material except when so instructed by the Court or a supervisor.
2. Staff can only release a PSI and PSR as authorized in COV §19.2-299, *Investigations and reports by probation officers in certain cases*:
 - a. To any criminal justice agency as described in COV §9.1-101, *Definitions*
 - b. To any agency where the inmate or probationer/parolee is referred for treatment
 - c. To counsel for any person who has been indicted jointly for the same felony as the subject of the report
 - d. To the attorney if an inmate or probationer/parolee is later charged with a new felony

B. Alcohol and Drug Abuse Information

1. Alcohol and Drug Abuse information is protected under 42 U.S.C. CFR 2, *Confidentiality of Substance Use Disorder Patient Records*.
 - a. Staff may release alcohol and drug abuse information without an inmate's or probationer's/parolee's written consent to the following:
 - i. Medical staff to the extent necessary to meet a bona fide medical emergency.
 - ii. Qualified staff for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such staff may not identify, directly or indirectly an individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identity in any manner.
 - iii. Upon receipt of a Court Order, the Court will determine the extent to which any disclosure of all or any part of any record is necessary.
 - iv. Private contract treatment provider for continuation of therapeutic treatment.
2. An inmate and probationer/parolee can authorize the release of alcohol and drug abuse information to the inmate or to any other person, agency, or specified organization by completing and signing a *Consent for Release of Alcohol and Drug Abuse Information 050_F15* or a *Consent for Release of Information 920_F8*.
3. The protections under 42 U.S.C. CFR 2, *Confidentiality of Substance Use Disorder Patient Records* to apply even when the inmate or probationer/parolee is no longer under DOC custody or supervision.

C. Inmate and Probationer/Parolee Social Security Numbers

1. The use and disclosure of an inmate's or probationer's/parolee's social security number is governed under COV §2.2-3808, *Collection, disclosure, or display of social security number*.
 - a. Social security numbers are maintained in inmate and probationer/parolee records for record



keeping and identification purposes only.

- i. Staff must not use social security numbers on identification cards or for other identification purposes within the DOC.
 - ii. When providing information to authorized criminal justice and other agencies in accordance with this operating procedure, staff may use social security numbers to confirm the identity of an inmate or probationer/parolee.
- b. Staff should confirm, and correct if needed, an inmate's social security number in VACORIS when the inmate's Social Security Card is received at the institution.
2. The DOC number assigned to the inmate or probationer/parolee is the official identifying number for that inmate or probationer/parolee during all contact with DOC.
 3. The employment or use of inmates in any capacity that "would allow such inmates access to the social security account numbers of other individuals is prohibited"; see 42 U.S.C. §405, *Evidence, procedure, and certification for payments*.

D. Victim notification information

Victim Services Unit staff will provide victim notification information to victims who request notice of inmate and probationer/parolee status changes; see COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.* and Operating Procedure 021.1, *Victim Services Unit*.

E. Other Record Information (5-ACI-1E-05; 4-ACRS-7D-08, 4-ACRS-7D-09; 2-CO-1E-07)

1. Staff may release other inmate and CCAP probationer/parolee record such as education, career and technical education, work experience, and programming completions to another person, agency, or organization with a properly completed and signed *Consent for Release of Information* 050_F14 and payment of applicable copying charges.
2. Staff must upload a copy of the signed *Consent for Release of Information* 050_F14 as an external document to VACORIS.

F. Staff must refer any request for inmate and probationer/parolee record information that raises a question as to the validity of the request to the Director of Offender Management Services who will consult with the Office of the Attorney General or CCRE as appropriate.

G. The Chief of Corrections Operations must approve in advance any request for inmate and probation/parole record information from any outside, non-law enforcement entity, not otherwise authorized in this operating procedure.

VII. Inmate and Probationer/Parolee Access to Record Information

A. Inmates and probationers/parolees must have no access to the information contained in their record other than as authorized in Operating Procedure 050.6, *Access to Inmate and Probationer/Parolee Record Information*.

B. Under no circumstances are staff to allow inmates and probationers/parolees access to information contained in another inmate's or probationer's/parolee's active record, including but not limited to the following information:

1. Criminal, classification, medical, mental health, substance use, educational, counseling, disciplinary and grievance records.
2. Personal information such as the names and addresses of visitors, and phone lists.
3. Inmate and CCAP probationer/parolee account and spend sheet information.
4. Any other records relating to an inmate's or probationer's/parolee's custody and/or supervision.

C. Staff may approve for certain inmates and probationers/parolees to handle archived records to scan to electronic storage. These inmates and probationers/parolees must not handle or have access to the Social



Security account numbers of other individuals through these records under any circumstances; see 42 U.S.C. §405, *Evidence, procedure, and certification for payments*.

VIII. Amend and Expunge Inmate and Probationer/Parolee Record Information

A. Request to Amend and Expunge

1. The Facility Unit Head must submit a *Request to Amend and Expunge Record Information* 050_F13 to the CCR Manager or designee for institutions or the Regional Administrator for CCAPs.
2. Requests to Amend and Expunge must:
 - a. Be limited to material that is erroneous or false and to *Disciplinary Offense Reports* disapproved on Level I appeal
 - b. Give the reasons for the request and indicate the specific material to be amended and expunged
 - c. Be submitted by the Facility Unit Head
 - d. Based upon the accuracy of the information
3. For *Disciplinary Offense Reports*, the Regional Administrator will request the record be amended and expunged using a *Request to Amend and Expunge Record Information* 050_F13, see Operating Procedure 861.1, *Inmate Discipline*. (5-ACI-3C-21)
4. Disciplinary convictions and other erroneous material will not be removed for any reason other than the accuracy of the material such as the inmate's or probationer's/parolee's behavior unless directed to do so by the Director, Chief of Corrections Operations, the Office of the Attorney General, Department of Criminal Justice Services, or a valid Court Order.

B. Order to Amend and Expunge

1. The CCR Manager or designee or the Regional Administrator, as applicable, will review each *Request to Amend and Expunge Record Information* 050_F13 and approve or disapprove the request.
 - a. Staff will forward approved requests the Facility Unit Head with specific instructions on what is to be amended and expunged and the reason.
 - b. Staff will forward disapproved requests to the Facility Unit Head with accompanying reasons.
2. Process to Amend and Expunge Records
 - a. CCR staff or the Regional Office staff will ensure:
 - i. All referenced material is expunged from the hardcopy and amended in the VACORIS record as directed in the order to amend and expunge.
 - ii. All orders to expunge and the material expunged from the record is maintained in a separate expungement file.
 - iii. The *Request to Amend and Expunge Record Information* 050_F13 is forwarded to Court and Legal Services when the material amended and expunged is contained in or effects an inmate's time computation, so the time computation record is also amended and the inmate's time re-computed.
 - b. The *Request to Amend and Expunge Record Information* 050_F13 is forwarded to the Facility Unit Head of the inmate's or probationer's/parolee's current facility.
3. The Facility Unit Head or designee will
 - a. Will remove and mark "expunged" at the top and bottom of each page when the material is a complete document or page.
 - b. Blot the material out completely so that it is not possible to determine the content when the material such as a document or page cannot feasibly be removed such a sentence in the middle of a page, and notate "expunged", the date and initials of the staff member completing the expungement on the document next to the information blotted out.
 - c. Return the completed *Request to Amend and Expunge Record Information* 050_F13 to CCR or the

Regional Office confirming completion of the expungement.

- d. Review and correct, if needed, any actions taken such as classification, program, work, school, and housing assignments because of a disciplinary offense report or due to erroneous information later expunged.
 4. Staff should destroy by shredding all documents or pages removed from an inmate's or probationer's/parolee's record as the result of an order to expunge.
 5. No record of the expunged material or the order to expunge can remain in any official record.
- C. Expungement of P&P Criminal History Record Information
1. Any individual whose arrest results in a "dismissal" or a "nolle prossed" or who is granted an absolute pardon may petition the Circuit Court of jurisdiction for an expungement of any records pertaining to their arrest.
 - a. The petition, usually prepared by an attorney, sets forth the reasons why the existence of such a record would adversely affect the individual arrested.
 - b. If the Court grants the petition, the Court will issue a directive to expunge the individual's record. P&P Offices may receive directives for such expungements.
 2. If a P&P Office receives instructions to expunge probationer/parolee records, the staff must strictly comply with the instructions.
 3. P&P staff who knowingly disclose expunged record content may be guilty of a Class 1 misdemeanor.
- D. Expungement of Parole Board Records:
1. Staff can only expunge material from the parole section of records with written approval of the Virginia Parole Board Chairman.
 2. The CCR Manager or designee will notify the Parole Board in writing of the expungement request.
- E. Virginia State Police, Office of the Attorney General, and the Department of Criminal Justice Services Expungement Requests
1. Staff may forward all Office of the Attorney General or official designee requests, Department of Criminal Justice Services requests, and valid Court Orders for the expungement of material from and inmate's or probationer's/parolee's official records directly to the Chief of Corrections Operations in writing.
 2. Staff must forward such expungement orders to the CCR Manager or designee who upon receipt of the order will:
 - a. Expunge the appropriate material from the Historical Hardcopy Record and amend the VACORIS record as directed in the expungement order.
 - b. Notify the Facility Unit Head at the inmate's or CCAP probationer's/parolee's current facility of the expungement order; the Facility Unit Head will forward the expunged material and copies of blotted out documents to the CCR Manager or designee.
 - c. The CCR Manager or designee, upon receipt of the expunged material, will notate on the memo cover of the original request that the expungement has been affected.
- F. Appeal Process for Expungement Decisions
1. There is no administrative appeal process for expungement decisions.
 2. Inmates may appeal the denial of access to record information through the established grievance procedure; see Operating Procedure 866.1, *Offender Grievance Procedure*.
 3. Probationers/parolee may appeal the denial of access to record information to the Chief P&P Officer or Facility Unit Head at CCAP facilities.



IX. Inmate and Probationer/Parolee Name Changes

- A. Inmates and probationers/parolees are permitted to legally change their name in accordance with the Code of Virginia and case law.
- B. Staff will allow inmates and probationers/parolees to use any name that has been legally changed in addition to the name they were sentenced provided the inmate or probationer/parolee provides appropriate documentation.
- C. DOC staff are not required to change an inmate's or probationer's/parolee's term name, as listed on the current sentencing order, to reflect the legal name change for record keeping purposes, unless staff receive a Court Order that amends the original sentencing order.
- D. Absent a Court Order, staff will acknowledge in the inmate's or probationer's/parolee's official records that the inmate or probationer/parolee changed their name legally by recording the name as the VACORIS name by virtue of an attested copy of the Court Order showing the legal name change.
 - 1. Facility staff must not change the VACORIS name i.e., legal name, birth name, or a legal name change but will scan and upload a copy of the attested Court Order as an external document in VACORIS and forward the Court Order to Offender Management Services to have the VACORIS name changed.
 - 2. P&P Office clerical staff are authorized to change the VACORIS name for probationers/parolees under supervision in the community.
 - 3. The VACORIS name is used on all printed VACORIS documents, and the inmate or probationer/parolee should use their VACORIS name for DOC business and on all communications.
 - 4. Staff will allow inmates and CCAP probationers/parolees to send or receive correspondence using either name, but the inmate's or probationer's/parolee's number should be on all correspondence.
- E. Some Courts require that the inmate or probationer/parolee provide a copy of their Criminal History Record Information when applying for a name change.
 - 1. The inmate or probationer/parolee can request a summary of their felony conviction records by providing court documentation that confirms inmate's or probationer's/parolee's application for a name change with instructions to provide the information.
 - 2. Staff can use the *Sentence Summary* from VACORIS for this purpose once the inmate or probationer/parolee pays the required copying charges. Staff should research VACORIS and provide all sentence summaries, including those for prior DOC numbers.
 - 3. Staff should send the sentence summaries directly to the Court and notate the request, the information provided, and date the summaries were sent in VACORIS.

X. Court Dispositions, Detainers, Indictments, or Information

- A. The Facility Unit Head or designee in institutions must forward all Court dispositions regarding trials, detainer notifications or materials such as an Interstate Agreement on Detainer (IAD), additional sentences, Writ, indictments, or information on inmates accused or convicted of violations of Virginia, other states, or federal law while in confinement to

Manager of Court and Legal Services
Virginia Department of Corrections
P. O. Box 26963
Richmond, Virginia 23261

Supervisor, Detainer Unit
Virginia Department of Corrections
P.O. Box 26963
Richmond, VA 23261



Mail or scan to detainerunit@vadoc.virginia.gov

- B. The Facility Unit Head or designee in a CCAP facility must consult with the Regional Administrator and contact the Chief P&P Officer of the referring P&P District to determine appropriate handling of all Court dispositions regarding trials, detainer notifications or materials, additional sentences, indictments, or information on CCAP probationers/parolees accused or convicted of violations of state law.
1. When law enforcement identifies a CCAP probationer/parolee as a possible suspect of a new law violation and the Facility Unit Head determines the probationer/parolee is no longer suitable for assignment to a CCAP, staff should issue a PB 15.
 2. Staff should submit *A Major Violation Report (MVR)* requesting a show cause outlining that the CCAP probationer/parolee is a flight risk.

XI. Hardcopy Records at Transfer (2-CO-1E-04)

A. Inmate and CCAP Probationer/Parolee Facility Transfers

1. The Facility Unit Head or designee will:
 - a. Institutions
 - i. Prepare the inmate's Facility Folder or Historical Hardcopy Record, *Personal Property Envelope*, and Health Record for transfer and ensure that all material has been securely filed in the required section and is up to date. These records must accompany every inmate transferred to another institution. (5-ACI-1E-02; 4-ACRS-7D-10 [I])
 - ii. Remove and destroy all institution specific file material in a Facility Folder.
 - iii. Seal the record in envelopes; envelopes must remain sealed while the inmate is in transit.
 - b. Community Corrections Alternative Programs
 - i. Transfer the Case File and the Health Record when a CCAP probationer/parolee transfers to another CCAP in the same program. (4-ACRS-7D-10 [CC])
 - ii. Transfer the Health Record when a CCAP probationer/parolee completes a program at one CCAP and transfers to another CCAP for another program, retain the Case File at the sending facility and forward copies of pertinent Case File material.
 - c. Coordinate transfer preparation with assigned medical, mental health, and treatment staff.
 - d. Ensure inmates and CCAP probationers/parolees are not transferred without all volumes of their records.
 - e. Not receive an inmate or CCAP probationer/parolee without all volumes of their associated records, Health Record, Historical Hardcopy Record or Facility Folder, or case file).
2. Transportation Officers must:
 - a. Retain custody, maintain confidentiality, and properly handle inmate and CCAP probationer/parolee records during the transfer.
 - b. Ensure records are not accessible to inmates or probationers/parolees at any time.
 - c. Deliver records to appropriate staff at the receiving facility.
3. Identification Documents
 - a. Staff will forward an inmate's personal identification documents received after the inmate's transfer to the receiving institution within 30 days by staff courier or certified mail.
 - b. Staff must return all Social Security Cards not forwarded within 30 days to the nearest Social Security Administration office within 30 days of receipt.
 - c. Staff must allow inmates to possess their own personal documents such as military discharge (DD-214) and medical documents and the personal documents of others, when applicable, staff should not store these documents in the *Property Envelope* or hardcopy record.

B. Transfers to Local Jail for Permanent Assignment



1. The Facility Unit Head or designee will ensure copies of pertinent information from the Criminal Record and Health Record accompany the inmate or CCAP probationer/parolee to include the contents of the *Property Envelope*; see Operating Procedure 050.3, *Facility Release of Offenders*.
2. The Facility Unit Head or designee must send the original records to CCR within 30 days of the inmate's or CCAP probationer's/parolee's transfer.

C. Transfers to Local Hospital

The Facility Unit Head or designee should forward copies of appropriate Health Record information, original Health Records must not be sent; see Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*.

XII. Hardcopy Records at Release from Custody or Supervision

A. Institutions

1. Each month, Records Office staff will generate a *Facility Custody Release Report* that lists all inmates released on supervision, parole, or discharged for the previous month.
 - a. Staff will forward the Historical Hardcopy Record for inmates released on parole, pre-release assignment, or work release to CCR for storage.
 - b. Staff will forward the Historical Hardcopy Record for inmates released to supervision, discharged, death, or out from DOC by runner or shipping to Virginia Correctional Enterprise (VCE) where the record is scanned to electronic storage at:

Fluvanna Correctional Center for Women, Warehouse
Attention: VCE Document Conversion
144 Prison Lane
Troy, Virginia 22974
 - c. Since the records contain sensitive information, staff should take care to ensure that privacy is maintained and that each record is sent to the location designated for the inmate's release type.
2. Identification Documents
 - a. Staff will forward an inmate's personal identification documents received after the inmate's release within 30 days of receipt by staff courier or certified mail to the P&P Office serving the release plan address.
 - b. Staff must return all Social Security Cards received after the inmate that are not forwarded within 30 days to the nearest Social Security Administration office within 30 days of receipt.
3. Staff will retain the inmate's Health Records at the current institution for three months from the date of release and then forward them to the designated location for the inmate's release type; see Operating Procedure 701.3, *Health Records*.

B. CCAP Facilities

1. Staff should retain inactive Case Files at the facility, stored in a controlled area not accessible to CCAP probationers/parolees. Staff will dispose of Case Files in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.
2. Staff will retain inactive CCAP probationer/parolee Health Records at the facility and will forward them to CCR once each year; see Operating Procedure 701.3, *Health Records*.

C. Probation and Parole Offices

Staff should retain inactive probationer/parolee Case Files in a controlled area until disposed of in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.

D. Behavioral Correction Program (BCP) Release Directly from Court

1. It is preferred that all BCP inmates who complete the BCP requirements are released from the



institution.

2. When a Court request to release a BCP inmate directly from their Court is received, Records Office staff should suggest to the Court that the inmate be returned to the institution for release processing.
3. If the Court then decides to release the inmate directly from Court, Records Office staff must:
 - a. Check for detainers and notify the requesting Court immediately if a detainer is on file.
 - b. Contact the Manager of Court and Legal Services, advise them of the Court's intent to release the inmate, and notify them of any detainers on file that would prevent the inmate's release. Staff must establish actual contact, notification by phone or email is not sufficient.
 - c. Request documentation from the Court that clearly states the Court intends to release the inmate. The documentation should contain at a minimum the hearing date and a statement of intent.
 - d. Request the Court fax or email the documentation to the institution and the Manager of Court and Legal Services assisting with the release.
 - e. Fax or email the inmate's signed release papers to the Community Release Unit.
 - f. Enter the transfer out in VACORIS to coincide with the date of the hearing.
4. Court and Legal Services staff will:
 - a. Notify the Community Release Unit, Central Classification Services, and the Detainer Unit, when necessary, of the Court's intent.
 - b. Give the inmate's Court and Legal Services file and all documentation to the Time Computation Specialist Senior for processing.
5. Community Release Unit staff will:

Prepare and send release paperwork to the institution prior to the inmate's release for Court transportation.
6. Detainer Unit staff will:

Contact the agency that issued the detainer and forward their findings to the Community Release Unit and Court and Legal Services.

XIII. Escapees and Absconders

A. For all escapees from an institution

1. The Facility Unit Head or designee will:
 - a. Notify all officials including DOC officials, the Operations and Logistics Unit (OLU), and local law enforcement agencies by telephone; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents* and Operating Procedure 075.1, *Emergency Operations Plan*.
 - b. Secure an arrest warrant charging the inmate with escape within six hours and notify the Supervisor, Detainer Unit, via fax, (804) 674-3334, that they obtained an arrest warrant.
2. The Director of Security and Correctional Enforcement or designee, immediately upon OLU notification, will ensure the escape is reported to the Virginia Criminal Information Network (VCIN) and the National Crime Information Center (NCIC).
3. Staff will take the following actions when an escapee is at large more than five days:
 - a. Place the original arrest warrant in the Facility Folder or Historical Hardcopy Record.
 - b. Forward the Facility Folder or Historical Hardcopy Record and Health Record by the most expeditious means to

Manager of Central Criminal Records
Virginia Department of Corrections
5511-B Biggs Rd
Richmond, Virginia 23224



B. For all absconders from a CCAP facility

1. The Facility Unit Head or designee will report the absconding in accordance with Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.
2. The Senior P&P Officer or a P&P Officer will:
 - a. Issue a PB-15 arrest warrant with local police authorities.
 - b. Contact the Chief P&P Officer in the absconder's sentencing P&P District.
 - c. Make every effort to get a Capias issued by the Sentencing Court as soon as possible.
 - d. Notify the Post Release Unit immediately if the absconder is a parolee and make every effort to have a PB-14 issued as soon as possible.
3. The Case File should stay at the facility with information provided to other offices and agencies as needed.

REFERENCES

42 U.S.C. CFR 2, *Confidentiality Of Substance Use Disorder Patient Records*

42 U.S.C. §405, *Evidence, procedure, and certification for payments*

COV §2.2-3700 et seq., *Virginia Freedom of Information Act*

COV §2.2-3703, *Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility*

COV §2.2-3705.5, *Exclusions to application of chapter; health and social services records*

COV §2.2-3706, *Disclosure of law-enforcement and criminal records; limitations*

COV §2.2-3808, *Collection, disclosure, or display of social security number*

COV §9.1-101, *Definitions*

COV §16.1-226 et seq., *Juvenile and Domestic Relations District Court Law*

COV §19.2-299, *Investigations and reports by probation officers in certain cases*

COV §19.2-389, *Dissemination of criminal history record information*

COV §32.1-127.1:03, *Health records privacy*

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*

COV §64.2-1600 et seq. *Virginia Uniform Power of Attorney Act*

Operating Procedure 020.2, *Compact for Interstate Transfer of Inmates*

Operating Procedure 021.1, *Victim Services Unit*

Operating Procedure 022.1, *News Media Relations*

Operating Procedure 025.1, *Public Access to DOC Public Records*

Operating Procedure 025.3, *Public Records Retention and Disposition*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 050.3, *Facility Release of Offenders*

Operating Procedure 050.6, *Access to Inmate and Probationer/Parolee Record Information*

Operating Procedure 075.1, *Emergency Operations Plan*

Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*

Operating Procedure 310.2, *Information Technology Security*

Operating Procedure 601.1, *Educational Administration and Management*



Operating Procedure 701.3, *Health Records*
Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*
Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*
Operating Procedure 810.1, *Inmate Reception and Classification*
Operating Procedure 820.1, *Inmate Case Management*
Operating Procedure 830.2, *Security Level Classification*
Operating Procedure 830.3, *Good Time Awards*
Operating Procedure 841.1, *Inmate Programs*
Operating Procedure 841.2, *Offender Work Programs*
Operating Procedure 851.1, *Visiting Privileges*
Operating Procedure 861.1, *Inmate Discipline*
Operating Procedure 864.1, *Inmate and CCAP Probationer/Parolee Grooming and Hygiene*
Operating Procedure 866.1, *Offender Grievance Procedure*
Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*
Operating Procedure 940.4, *Community Corrections Alternative Program*

ATTACHMENTS

Attachment 1, *Property Envelope*
Attachment 2, *Master Index Sheet (Community Corrections Alternative Programs)*
Attachment 3, *Sample Copying Charge Letter*

FORM CITATIONS

Emergency Notification Information 050_F11
Request to Amend and Expunge Record Information 050_F13
Consent for Release of Information 050_F14
Consent for Release of Alcohol and Drug Abuse Information 050_F15
Request for Inactive Inmate or CCAP Probationer/Parolee Records 050_F17
Consent for Release of Information 920_F8

