I. PURPOSE

This operating procedure ensures that gifts and donations to the Virginia Department of Corrections are solicited and accepted in a manner consistent with the objectives and priorities of the agency and the Commonwealth of Virginia and in compliance with applicable laws and regulations.

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

**Donation** - Anything of value, whether solicited or unsolicited, contributed by an individual or group to a DOC Organizational Unit

**Employee** - Any individual that is employed by a Department of Corrections Organizational Unit and is covered by the Virginia Personnel Act, Code of Virginia §2.2-2900 et seq. or is employed on an at will basis or appointed by the Governor.

**Fair Market Value** - The price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations; if the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

**Gift** - Anything of value, whether solicited or unsolicited, given by an individual or group to an employee of the DOC or offender for which consideration of equal or greater value is not received by the giver

**Organizational Unit** - A DOC operating unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, or other separate operational unit

**Organizational Unit Head** - The person occupying the highest position in a DOC organizational unit

**Real Property** - Land, including buildings and improvements on the land and its natural resources; this definition includes office space and warehouse space.

**Value** - The actual cost or fair market value of an item or items, whichever is greater; if the Fair Market Value cannot be determined, the actual amount paid for the item shall be given consideration.

IV. PROCEDURE

A. Gifts to Employees

1. Gifts to employees are governed by Operating Procedure 135.3, *Standards of Ethics and Conflict of Interest*.

2. Employees, contract personnel, consultants, hourly wage employees, volunteers, interns and any other person providing services to offenders of the DOC shall not personally benefit from any donation made to the DOC or a DOC Organizational Unit.
B. Gifts and Donations to Offenders
   1. Gifts and donations directed to individual offenders are prohibited.
   2. The following are not prohibited:
      a. Third party purchase of publications in accordance with Operating Procedure 440.1, Mailroom Operations and Security, and Operating Procedure 803.2, Incoming Publications
      b. Faith items handled in accordance with Operating Procedure 841.3, Offender Religious Programs
      c. Third party purchase of Securepak or other DOC approved program
      d. Funds added to offender accounts in accordance with Operating Procedure 802.2, Offender Finances

C. Approvals - Any Organizational Unit seeking to accept donations (monetary or non-monetary), whether solicited or unsolicited, shall obtain written approval prior to accepting such donation.
   1. All monetary donations must be approved by the Director or designee.
      a. Monetary donations should be deposited to the State Treasury by the close of the following business day.
      b. Organizational Units without a non-general fund (NGF) appropriation, Units that wish to accept monetary donations that will exceed the NGF appropriation, or Units that are uncertain of their NGF status shall contact their budget analyst at DOC Headquarters for assistance in submitting the proper documentation to Department of Planning & Budget (DPB) for approval. Once approved by DPB, the DOC Budget Unit shall provide guidance to the recipient in using the donated funds.
   2. The Organizational Unit Head must request written approval from the proper authority for all non-monetary donations based on the declared dollar value established by the donor, as follows:

<table>
<thead>
<tr>
<th>Value Amount</th>
<th>Approval Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1,000</td>
<td>Organizational Unit Head</td>
</tr>
<tr>
<td>$1,001 to $2,500</td>
<td>Regional Operations Chief, Chief of Corrections Operations, Superintendent of Education, or Deputy Director</td>
</tr>
<tr>
<td>$2,501 to $5,000</td>
<td>Chief of Corrections Operations, Deputy Director, or Superintendent of Education</td>
</tr>
<tr>
<td>$5,001 to $9,999</td>
<td>Director</td>
</tr>
<tr>
<td>$10,000 and above</td>
<td>Director of the Department of Planning &amp; Budget</td>
</tr>
</tbody>
</table>

D. Documentation - Responsibility for documentation of all approvals rests with the requesting Organizational Unit Head.
   1. Upon receipt of the necessary approvals, the Organizational Unit Head or designee shall promptly forward this information to the DOC General Accounting Manager.
   2. Donations requiring the approval of the Director or the Department of Planning & Budget shall be coordinated through the DOC General Accounting Manager and the DOC Budget Unit, respectively.
   3. Non-monetary donations that are considered rare or otherwise do not have clear and obvious values should be accompanied with professional appraisal certificates.

E. Accountability - After approval and receipt, the Organization Unit Head shall maintain appropriate accountability for the donation.
   1. The recipient unit's Organizational Unit Head shall keep a separate file for each donation received, to include, at a minimum, the following:
      a. Information on the donor (i.e., name, address, telephone number)
      b. The value and purpose of the donation
      c. The written justification brief, approval letters, and DPB budget execution adjustment, as appropriate, from the DOC Budget Unit
d. Receipts, invoices, canceled checks, or other supporting documents to prove that funds were expended appropriately and to the donor's intentions, if applicable

e. Records on equipment and real property that reflect the FAACS or Physical Inventory Number, location of the asset, or final disposition

f. Any other record indicating the proper use of either monetary or non-monetary donations

2. All Organization Units must submit to the Financial Systems and Reporting Unit a Donations Fiscal Year End Report 220_F1 at the fiscal year end to document the donations for the previous fiscal year.

3. Records shall be maintained in accordance with the approved records disposition schedules for financial and property records (see Operating Procedure 025.3, Public Records Retention and Disposition).

4. The Unit Head of each Organizational Unit that receives donations shall ensure that copies of required documentation are transmitted to the DOC General Accounting Manager.

a. The General Accounting Manager shall then review the non-monetary donations received during the fiscal year, prepare a consolidated report, and provide copies to the DOC Budget Unit.

b. The DOC Budget Unit shall review the report and submit a copy to DPB by July 31st of each year.

c. The DOC Chief Financial Officer shall review the report to determine if the value of all donations is significant enough to merit financial disclosure in the annual financial statements.

F. Equipment Donations

1. The Organizational Unit Head, through the oversight of its unit Fiscal Officer, shall ensure that all equipment received becomes the property of the Commonwealth.

2. Depending upon the actual or estimated dollar value of each donation at the time of receipt, the recipient unit’s Fiscal Officer shall record such items on FAACS.

G. Real Property Donations

1. The acceptance of real property shall be in accordance with the current Appropriations Act and Real Property Management Manual issued by the Division of Engineering and Buildings, Department of General Services.

2. Units being offered real property shall contact the DOC Architectural and Engineering Services Unit for assistance and instructions.

3. Commitments to accept real property shall not be made until all necessary approvals are obtained in accordance with COV §2.2-1149.

H. Disposal - Donations no longer needed or used by the organizational unit shall be disposed of in accordance with instructions for the disposition of other state surplus property items per Operating Procedure 260.2, Surplus Property.

I. Refusal of Donations - The Organizational Unit Head may refuse to accept any donation for, but not limited to, the following reasons:

1. Conflict of interest between the Organizational Unit and the donor, such as a vendor or contractor

2. Discriminatory qualification restrictions including but not limited to race, gender, religion, or ethnic background

3. Restrictions on the use of the donation such as specific facility or unit usage, time usage, etc. This would not apply for special occasion usage such as holiday seasons, picnics, etc.

4. Acceptance of the donation would pose a threat to or conflict with health, safety, or security regulations

5. The donation is made to an individual instead of to the DOC

6. The Organizational Unit Head shall notify the donor in writing when a donation is being considered for refusal, and the reason for such action. The donor should be given the opportunity to withdraw
any restrictions placed upon the donation.

V. REFERENCES
   Current Appropriations Act, Section entitled Nongeneral Fund Revenues, §4-2.01a in the current Appropriations Act (Chapter 665, 2015)
   Operating Procedure 025.3, Public Records Retention and Disposition
   Operating Procedure 135.3, Standards of Ethics and Conflict of Interest
   Operating Procedure 260.2, Surplus Property
   Operating Procedure 440.1, Mailroom Operations and Security
   Operating Procedure 802.2, Offender Finances
   Operating Procedure 803.2, Incoming Publications
   Operating Procedure 841.3, Offender Religious Program
   Real Property Management Manual (Division of Engineering and Buildings, Department of General Services)

VI. FORM CITATIONS
   Donations Fiscal Year End Report 220_F1

VII. REVIEW DATE
   The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.
   The office of primary responsibility reviewed this operating procedure in August 2017 and no changes are needed at this time.

Signature Copy on File 6/27/16
   Harold W. Clarke, Director Date