



# Virginia Department of Corrections

## Financial Management and Procurement

### Operating Procedure 220.1

#### *Gifts and Donations*

#### **Authority:**

Directive 220, *Financial Reporting and Auditing*

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**Access:**  Restricted  Public  Inmate

#### **ACA/PREA Standards:**

None

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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.

*The content owner reviewed this operating procedure in July 2023 and determined that no changes are needed.*

### **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

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

**Employee** - A person who is paid by the Department of Corrections on an hourly, salaried, or contractual basis, or who is paid by another state agency or outside vendor for working in a position within DOC or in a position that supervises inmates or CCAP probationers/parolees.

**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 will be given consideration.

**Gift** - Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; it includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred (COV §2.2-3101, Definitions).

**Organizational Unit** - A DOC unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit (e.g., Human Resources, Offender Management, Internal Audit).

**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.



## PURPOSE

This operating procedure ensures that gifts and donations to the Virginia Department of Corrections (DOC) 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.

## PROCEDURE

### I. Gifts and Donations

#### 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 inmates/probationers/parolees of the DOC may not personally benefit from any donation made to the DOC or a DOC Organizational Unit.

#### B. Gifts and Donations to Inmates or Probationers/Parolees

1. Gifts and donations directed to individual inmates/probationers/parolees are prohibited.
2. The following are not prohibited:
  - a. Third party purchase of publications in accordance with 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 inmates' or probationers/parolees accounts in accordance with Operating Procedure 802.2, *Inmate and CCAP Probationer/Parolee Finances*.

#### C. Approvals - Any Organizational Unit seeking to accept donations (monetary or non-monetary), whether solicited or unsolicited, must obtain written approval prior to accepting such donation.

1. The Director or designee must approve all monetary donations.
  - 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 must contact their budget analyst at DOC Headquarters for assistance in submitting the proper documentation to the Department of Planning and Budget (DPB) for approval.
  - c. Once approved by DPB, the DOC Budget Unit provides 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:

Value Amount	Approval Authority
Less than \$1,000	Organizational Unit Head
\$1,001 to \$2,500	Regional Operations Chief, Chief of Corrections Operations, or appropriate Deputy Director
\$2,501 to \$5,000	Chief of Corrections Operations or appropriate Deputy Director
\$5,001 to \$9,999	Director
\$10,000 and above	Director of the DPB

#### D. Equipment Donations



1. The Organizational Unit Head, through the oversight of its unit Fiscal Officer, must 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 must record such items in FAACS.

#### E. Real Property Donations

1. The acceptance of real property must be in accordance with the current Appropriations Act and Construction and Professional Services Manual issued by the Division of Engineering and Buildings, Department of General Services.
2. Units being offered real property must contact the DOC Infrastructure and Environmental Management Unit for assistance and instructions.
3. Commitments to accept real property must not be made until all necessary approvals are obtained in accordance with COV §2.2-1149. *Department to review proposed acquisitions of real property; approval by the Governor; exceptions.*

## II. Documentation and Accountability

### A. 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 must promptly forward this information to the DOC Director of Financial Services.
2. Donations requiring the approval of the Director or the DPB must be coordinated through the DOC Director of Financial Services 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.

### B. Accountability - After approval and receipt, the Organization Unit Head must maintain appropriate accountability for the donation.

1. The recipient unit's Organizational Unit Head must 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 must 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 Organizational Unit Head of each operating unit that receives donations must ensure that copies of required documentation are transmitted to the DOC Director of Financial Services.
  - a. The DOC Director of Financial Services will then review the non-monetary donations received during the fiscal year and provide copies to the DOC Budget Unit.



- b. The DOC Budget Unit will review and retain copies of the report.
- c. The DOC Chief Financial Officer must review the reports to determine if the value of all donations is significant enough to merit financial disclosure in the annual financial statements.

### III. Disposal and Refusal of Donations

- A. Disposal - Donations no longer needed or used by the organizational unit must be disposed of in accordance with instructions for the disposition of other state surplus property items per Operating Procedure 260.2, *Surplus Property*.
- B. 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, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, disability, or veteran status.
  - 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 must 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.

## REFERENCES

2.2-3101, *Definitions*

COV §2.2-1149, *Department to review proposed acquisitions of real property; approval by the Governor; exceptions*

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 802.2, *Inmate and CCAP Probationer/Parolee Finances*

Operating Procedure 803.2, *Incoming Publications*

Operating Procedure 841.3, *Offender Religious Program*

Department of General Services, Division of Engineering and Buildings, *Construction and Professional Services Manual*

## ATTACHMENTS

None

## FORM CITATIONS

*Donations Fiscal Year End Report 220\_F1*

