



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 820.2

Inmate Re-entry Planning

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Directive 820, *Release and Re-entry Management*

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Content

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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 April 2022 and determined that no changes are needed.

The content owner reviewed this operating procedure in May 2023 and necessary changes have been made.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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DEFINITIONS

Case Management Review - An action taken to document the specific processes completed during an inmate's annual review.

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*.

Community Release Unit (CRU) - A section of Offender Management Services whose function is to release all eligible inmates, probationers, and parolees in a timely and legal manner; the CRU coordinates and facilitates release planning between DOC facilities, Probation and Parole Offices, and service providers.

Employment Plan - The physical address and contact information for the job the inmate or probationer/parolee intends to secure upon release or the Workforce Center that is nearest to their home

High Risk Sexual Aggressor (HRSA) - As identified by the *Classification Assessment* and Mental Health Clinician assessment, any inmate, probationer, or parolee at high risk of being sexually abusive.

High Risk Sexual Victim (HRSV) - As identified by the *Classification Assessment* and Mental Health Clinician assessment, any inmate, probationer, or parolee confirmed as a sexual victim or identified as being at high risk of being sexually victimized.

Homeless Inmate - Any inmate released from a DOC institution who lacks a stable, permanent home plan

Home Plan - The physical address at which the inmate, probationer, or parolee will reside upon release, including residential programs or private residences

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.

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

Institutional Program Manager (IPM) - The position at an institution who coordinates program activities, monitors VACORIS for accurate data entry, and ensures programs are being offered with fidelity

Intensive Re-entry Program (IRP) - A cognitive community program that inmates with a moderate or high risk of general recidivism participate in during their last seven months of incarceration; participating inmates are transferred to the IRP closest to the locality of their release plan.

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.

Interstate Compact Unit (ICU) - A section of Offender Management Services whose function is to provide oversight of the transfer and supervision of probationers and parolees in and out of the Commonwealth of Virginia via the Interstate Compact for Adult Offender Supervision (ICAOS). The unit monitors compliance with rules governing interstate movement of offenders defined by ICAOS as an adult placed under, or made subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies. ICU initiates interventions to address and correct non-compliance, and coordinates training and education regarding regulations of interstate movement of those under community supervision for officials involved in such activity. Communications with the ICU should be via email to vaicu@vadoc.virginia.gov.

Mental Health Classification Code - A numeric code assigned to an inmate by a Mental Health Clinician that reflects the inmate's current mental health status and mental health service needs; the coding system is hierarchical, with an MH-0 representing no current need for mental health services and an MH-4 representing the



greatest need for mental health services.

Mental Health Clinician - An individual with at least a Master's degree in psychology, social work, or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders, which may include Psychiatric Provider, Social Worker, or Registered Nurse.

Re-entry Case Plan - A case plan that outlines short term and long term program needs based on an assessment of the inmate's, probationer's, or parolee's individual criminogenic factors.

Re-entry Counselor - The institutional Counselor with responsibility for assisting the inmate to prepare for re-entry into the community; may be either a general Counselor dealing with inmates on an assigned caseload or a specialist Counselor dealing primarily with re-entry issues

Re-entry Timeline - A plan developed for each inmate within the first 180 days of entering a DOC institution and updated at their annual review to ensure that the appropriate EBP and skills development programs are provided so that the treatment needs of the inmate are addressed in chronological order and completed prior to release

Release Tracks - A track that an inmate is projected to be on at the time of release, which can and may change throughout their incarceration.

Transition Team - An interdisciplinary team which may consist of Counselors, Clinical Social Workers/Supervisors, Workforce Development Specialists, Mental Health Services staff, Medical staff, Re-entry P&P Officers, and other staff who assist inmates by providing re-entry planning services; the Counselor is designated as the primary coordinator for re-entry planning.

Workforce Development Specialist - A position that facilitates workforce development experiences to prepare incarcerated inmates, probationers, and parolees for re-entry employment

PURPOSE

This operating procedure provides for the planning and provision of transitional and re-entry services for inmates housed in Department of Corrections (DOC) institution. These services provide a system for inmates to successfully transition into their communities upon release from an institution and for improving opportunities for treatment, employment, and housing while on community supervision.

PROCEDURE

- I. Re-entry Planning (5-ACI-5F-01; 2-CO-4G-01)
 - A. This operating procedure establishes the re-entry planning that should occur between institution and community corrections staff to effectively transition inmates from incarceration to the community in a manner that supports law-abiding behavior.
 - B. Re-entry planning and the provision of transitional and re-entry services for probationers and parolees assigned to a CCAP is provided in Operating Procedure 940.4, *Community Corrections Alternative Program*.
 - C. The DOC emphasizes the use of Evidence Based Practices (EBPs) focused on reducing inmate risk by emphasizing behavior change, thereby reducing new crimes and improving public safety.
 - D. Institution re-entry services and programs aimed at preventing future criminal behavior are most effective when combined with proper release preparation.
 1. Planning for an inmate's re-entry and transition into their community begins the day the inmate has their first contact with the DOC and continues throughout their incarceration until completion of community supervision.
 2. Re-entry planning provides for an initial and an ongoing assessment of the inmate's individual risks and needs, a development of treatment plans to address the identified criminogenic needs, and timely referrals to Evidenced Based Practices (EBP) and skills development programs.
 3. Re-entry planning progresses to the development, documentation, and updating of the inmate's, home and employment plans as well as addressing any post-incarceration needs prior to release.
 4. Qualified inmates may receive a graduated release from incarceration to participate in re-entry, community work, or work release programs.(5-ACI-5F-03; 4-ACRS-5A-14 [I]; 4-APPFS-2C-04)
 - E. Formal and informal information sharing between institution staff and probation and parole staff is critical for the successful transition of inmates.
 1. Institution staff will communicate with Probation and Parole (P&P) Officers and other resources, as needed, in order to assist the inmate in preparing for their re-entry into the community, upon their release from a DOC institution.
 2. The use of multi-discipline teams in formal information sharing sessions to review and address any program activities, behavior, bed management, and disciplinary issues is encouraged.
 - a. A core group of staff, including the Chief of Housing and Programs, Unit Manager, Cognitive Counselor, Counselor, Treatment Officer, Senior Re-entry PO and Workforce Development Specialist should hold sessions monthly.
 - b. Mental Health Services, Medical, Treatment, and Correctional Educational staff as well as the inmate's work supervisor should participate in sessions, when appropriate.
 - F. Institution staff should provide inmates with an overview of the DOC-re-entry process by viewing the *Prison Re-entry Program (Video for Offenders)*. Staff may access this video online or they may request a recorded copy from the Re-entry & Programs Unit.



- II. Assessments and Identification of Special Needs (2-CO-4B-01)
- A. Risk/Needs Assessment
1. At the time of an inmate's reception into the DOC an institution Counselor must conduct a risk/needs assessment on each inmate; see Operating Procedure 820.1, *Inmate Case Management*.
 2. An institution Counselor will conduct a risk/needs assessment every other year for inmates with more than five years to serve and annually for inmates who have one to five years until release.
- B. Classification Assessment
1. A staff member will assess all inmates for their risk of being sexually abused by other inmates or sexually abusive towards other inmates; see Operating Procedure 810.1, *Offender Reception and Classification*, and Operating Procedure 810.2, *Transferred Offender Receiving and Orientation*.
 2. The staff member will refer inmates identified as HRSA and HRSV to a Mental Health Clinician for follow-up, see Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*.
- III. Treatment Planning
- A. A timely, thorough, and viable re-entry plan developed to address the results of an inmate's risk/needs assessment and that supports a successful transition from incarceration to the community is critical for public safety.
- B. Counselors must develop a *Re-entry Timeline* and *Re-entry Case Plan* for each inmate and will periodically update the *Timeline* and *Case Plan* throughout the inmate's incarceration; see Operating Procedure 820.1, *Inmate Case Management*.
1. The *Re-entry Timeline*, including the release track forecasted for that inmate, is designed to address specifically the criminal risks and identified treatment needs specific to the inmate by ensuring that the appropriate EBP and skills development programs are completed in chronological order.
 2. A *Re-entry Case Plan* is developed, based on the inmate's criminogenic needs, to decrease the risk for recidivism and violence, and to ensure the appropriate and efficient use of agency resources. The *Re-entry Case Plan* includes:
 - a. Identification of initial program needs
 - b. A statement of the long term and annual needs and objectives
 - c. Program assignments; see Operating Procedure 841.1, *Inmate Programs*
 - d. Expected behavior and accomplishments
 3. Counselors will document *Re-entry Timelines* and *Re-entry Case Plans* completed as a part of the Annual Review process on the *Case Management Review Checklist* located in the *Facility Supervision* section of VACORIS.
- IV. Re-entry Programming (5-ACI-5F-01; 2-CO-4G-01)
- A. Staff must ensure all releasing inmates enroll in re-entry programming prior to their release.
- B. Staff at State Farm Work Center, Central Virginia Correctional Unit, Virginia Correctional Center for Women and Fluvanna Correctional Center for Women will provide re-entry programming services for all female inmates.
- C. Work center and field unit staff, Roving Cognitive Counselors, and/or the Workforce Development Specialist will provide re-entry programming services for male inmates assigned to those institutions.
- D. Staff will screen inmates at Security Level 2-3 institutions, who score moderate and high on the COMPAS/WRNA General Risk of Recidivism scale, at 24-36 months prior to the inmate's release for assignment to an intensive re-entry site that covers their home plan location; see Attachment 1, *Intensive*

Re-entry Program Locations.

1. Inmates who score moderate and high on the COMPAS/WRNA General Risk of Recidivism scale will be placed in an IRP for the last seven months of their incarceration.
 2. The Virginia Parole Board may require inmates granted parole or pardoned to complete an IRP as a condition of their release, regardless of their general risk of recidivism on the COMPAS/WRNA.
 3. Inmates who score low on the COMPAS/WRNA *General Risk of Recidivism* scale will remain at their current location where they will receive services to address their identified needs such as education, Thinking for a Change, *Cognitive Behavioral Interventions for Substance Abuse*, etc. Prior to release, the inmate will be provided the:
 - a. *Reentry Planning* interactive journal
 - b. Money Smart video
 - c. *Bonding Eligibility Letter*
 4. Staff will provide inmates at Security Level 4 and higher institutions with reentry services at their current location.
 5. Inmates with serious medical and mental health needs receive re-entry services at an appropriate institution.
 6. Inmates with detainers receive re-entry services at their current institution.
 7. Inmates scheduled for deportation upon completion of their state sentence or who have an Immigration and Customs Enforcement (ICE) detainer are not eligible for intensive re-entry services.
 8. Inmates with less than nine months to release will receive re-entry services at their current institution.
- E. Staff should transfer inmates with out of state home plans to the institution closest to their sentencing jurisdiction.

V. Employment Plan Development (4-ACRS-5A-20(I))

- A. Counselors should guide inmates in developing employment plans that support law-abiding behavior and should refer them to community resources, such as residential programs, and provide follow-up contacts, if needed.
- B. The Workforce Development Specialist assists inmates in finding and maintaining employment upon release by teaching employability, money management, and career advancement skills and ensuring that each participant prepares a *Re-entry Employment Portfolio*, prior to program completion; see Operating Procedure 841.1, *Inmate Programs*.
- C. The inmate has the primary responsibility to explore employment plans through contact with relatives and community resources.

VI. Home Plan Development and Confirmation

- A. A *Home Plan* must be developed and entered into VACORIS as a proposed home plan within 15 calendar days of an inmate's reception into a DOC institution.
 1. The inmate's proposed home plan must include :
 - a. The full address
 - b. The telephone number
 - c. The releasing jurisdiction
 - d. The appropriate P&P District as determined by VACORIS
 2. Counselors must review and, when necessary, update the inmate's *Home Plan* at each annual review. Counselors will document the *Home Plan Review* on the *Case Management Review Checklist* in VACORIS.



3. Staff will use the USPS button on the address page of VACORIS to determine the proper jurisdiction for the home plan address and to confirm that the address is a proper postal address.
4. The inmate has the primary responsibility to explore home plans through contact with relatives and community resources.
 - a. The Counselor or a transition team member, when applicable, should guide inmates in developing home plans that support law abiding behavior and should refer them to community resources, such as residential programs, and provide follow-up contacts if needed. (4-ACRS-5A-13[I])
 - b. The DOC utilizes *2-1-1 Virginia* as a directory of current community agencies. (4-ACRS-5A-12[I]; 4-APPFS-2D-01)

B. Home Plan

1. Confirmation of Home Plan

- a. The Counselor, six months before the inmate's anticipated release date, must telephone or, if necessary, send a copy of Attachment 2, *Home Plan Confirmation* letter, to the proposed home plan address to determine if the address and phone number are valid and if the resident will provide a home for the inmate upon release.
- b. The following should be entered into VACORIS:
 - i. *Reported Date* - Date staff called or sent a letter in an attempt to validate the proposed address.
 - ii. *Verified Date* - Date staff received a reply validating the proposed address. The verified date must be within six months of the inmate's anticipated release date.
2. The Counselor should question the resident in order to determine if the home plan is suitable and whether appropriate provisions are available to address the special needs of a disabled or chronically ill inmate. Questions may include the following:
 - a. Is the residence in Section 8 or public housing?
 - b. Are there any lease restrictions regarding the inmate living in the residence?
 - c. Are there minor children living in the home?; sex offender specific
 - d. How close is the nearest school or day care?; sex offender specific
 - e. Are there any concerns with the address being listed on the Sex Offender Registry, if applicable?; sex offender specific
3. If the Counselor is unable to verify the proposed home plan address, the Counselor should request additional information from the inmate. When necessary, the Counselor should request a new proposed home plan address to include any potential out-of-state home plans.
4. Once the Counselor has verified the proposed home plan address or has determined that there is not a viable home plan available, the Counselor, no more than six months before the inmate's anticipated release date, must enter the *Release Plan Type* in VACORIS and request a *Home Plan Investigation* for a Virginia home plan or an *Interstate Pre-Release Forms* investigation for an out of state home plan. (4-APPFS-2C-01)

C. Homeless Home Plan

1. For purposes of re-entry planning, an inmate is homeless when it is likely that the inmate will return to one or more of the following housing situations upon their release from the institution.
 - a. Unsheltered environment such as a tent, abandoned building, outdoor area, or vehicle
 - b. Halfway house or community residential placement with no permanent address
 - c. Unstable living arrangements with other individuals
 - d. Emergency or domestic violence shelter with no permanent address
 - e. DOC funded temporary housing with no permanent address
 - f. Residential substance abuse and/or mental health program or facility with no permanent address



- g. Local community agency funded temporary housing
- 2. When an inmate is determined to be homeless, the Counselor must document in the *Address-Phone* module of VACORIS that the inmate's proposed home plan is homeless.
 - a. The Counselor will select the type of homelessness and provide a description of the housing situation in the *Address Comments* section of the module.
 - b. The description should include all relevant information, if this information is available, specific to the inmate's housing situation for further investigation and verification such as the names of possible facilities or locations for temporary placements.

D. Release Plan Types

- 1. A *Regular Release Plan Type* has a home plan address and no identified issues such as medical or mental health needs or offense history to complicate the release.
 - a. The Counselor will request a *Home Plan Investigation* for the home plan address no earlier than six months before the inmate's anticipated release date.
 - b. A P&P Officer from the P&P District responsible for supervision of the inmate has 90 days, unless the anticipated release date requires staff to request an earlier response, to complete the *Home Plan Investigation* to include supervisor review and approval for all inmates with probation, parole, or post-release supervision. (4-APPFS-2C-02)
- 2. A *Problematic Release Plan Type* is for release plans that require extra coordination in order to facilitate the release of an inmate with or without a supervision obligation, such as an inmate who is homeless or has current or ongoing medical or mental health issues. (4-ACRS-5A-13[I])
 - a. The *Problematic Release Plan Type* in VACORIS is a tool for resource assignment and release planning, it is important that staff use this plan type properly.
 - b. Community Re-entry Specialists with the CRU assist in the development of release plans for problematic releases in their assigned area; see Attachment 3, *Community Re-entry Specialists Area Assignments*.
 - c. Staff should contact the Community Release Unit (CRU) regarding any known problematic cases by completing and submitting a *Request for Assistance - Problematic Release 820_F9*.
 - i. Communication with the CRU and submission of the *Request for Assistance* with any associated medical or mental health documents required for re-entry planning should be by email to the *Community Release Mailbox*.
 - ii. Staff should submit the *Request for Assistance*, in *Word* format, nine to 12 months prior to the inmate's anticipated release date.
 - d. If the inmate has supervision upon release, the *Problematic Release Plan Type* requires the Counselor to submit a *Home Plan Investigation* request to the P&P District of the home plan address.
 - i. If the inmate is homeless, the Counselor will submit the *Home Plan Investigation* to the sentencing jurisdiction.
 - ii. Staff must not submit a *Home Plan Investigation* request to the P&P District more than six months prior to the inmate's anticipated release date.
 - e. All release planning and transportation arrangements for sex offenders will be in accordance with Operating Procedure 050.3, *Facility Release of Offenders*.


E. Referrals to Outside Agencies

- 1. Counselors, unless specifically exempted by the Code of Virginia, may release information to a transition team, P&P staff, and Community Services Boards without a *Consent for Release of Information 050_F14* from the inmate.
- 2. Prior to contacting an outside agency for a referral, Counselors, will obtain a signed *Consent for Release of Information 050_F14* from the inmate; see Operating Procedure 050.1, *Offender Records*



Management.

- a. The *Consent for Release of Information* must identify the information necessary to initiate the referral, e.g., criminal history, educational, vocational and treatment program participation, institutional adjustment, etc.
 - b. This *Consent for Release of Information* does not authorize the release of substance abuse, medical and/or mental health information.
3. The release of medical and mental health information is governed under COV §53.1-40.10, *Exchange of medical and mental health information and records*.
- a. In certain cases, staff may release medical and mental health information without inmate approval and consent; see Operating Procedure 701.3, *Health Records*.
 - i. When a consent for release of information is required, the Counselor, Medical, or Mental Health staff should request that the inmate sign a *Consent for Release of Confidential Health and/or Mental Health Information_701_F8*.
 - ii. If the inmate consents, staff may forward the requested information to the designated entity.
 - b. The following are exceptions to COV §53.1-40.10, *Exchange of medical and mental health information and records*.
 - i. Substance abuse records are subject to federal regulations and staff may only release these records upon receipt of a signed *Consent for Release of Alcohol and Drug Abuse Record Information 050_F15*; see Operating Procedure 050.1, *Offender Records Management*.
 - ii. The disclosure of Human Immunodeficiency Virus (HIV) test results are subject to the provisions of COV §32.1-36.1, *Confidentiality of test for human immunodeficiency virus; civil penalty; individual action for damages or penalty*. The release of HIV test results, without a release of information, may only occur to the following (partial listing); see *HIV/Aids Discharge Plan* under *Nursing Guidelines* on iDoc:
 - (a) Department of Health
 - (b) Health care providers for purposes of consultation or providing care and treatment to the subject of the test
 - (c) Inmate's spouse
4. Any inmate may obtain a copy of their medical records at no cost to the inmate within 30 days of release so long as the inmate requests a copy of their records at least 60 days prior to their release date in accordance with COV §53.1-28, *Authority to fix discharge date; improper release; warrant, arrest and hearing*; see Operating Procedure 701.3, *Health Records*.

F. When conducting a home plan investigation on an inmate with a red VACORIS Victim Registered Alert Flag,  Victim Registered, the P&P Officer must contact the Victim Services Unit or their Regional Victim Advocate to allow input regarding this investigation.

G. CRU staff may request the Court and Legal section remove adjusted discharge days for a reasonable delay in an inmate's release to accommodate entry into a CRP or other approved home plan. (4-APPFS-2C-03)

VII. Out of State Home Plan

A. Counselor Responsibilities

1. After the Counselor has confirmed the inmate's home plan and the home plan is to an out of state address, the Counselor will enter the inmate's out of state proposed home plan address in the *Address-Phone* module of VACORIS; and select the appropriate state in the state field.
 - a. Inmates attempting to transfer their supervision to another state should always have a prospective Virginia home plan in case the other state denies the transfer, or the transfer is not finalized in time for the inmate's release.
 - i. Information about their ties or their family's ties to the state should be included on the *Interstate*



Compact Pre-Release Checklist 820_F8.

- ii. An inmate does not have to live with an immediate family member to be able to transfer supervision out of state.
 - b. Inmates who have detainers and out of state release plans should submit their pre-release interstate compact paperwork as detainers are often lifted or quickly resolved once the inmate is released. The P&P Officer will decide if the paperwork is processed and when to process the *Transfer Request*.
 - c. Inmates who have been determined to be Sexually Violent Predators (SVP) subject to civil commitment or a conditional release plan are not eligible for interstate compact transfer and should not have interstate pre-release paperwork submitted. Inmates under SVP review are not eligible for interstate compact transfer but should still submit the pre-release paperwork in case the inmate is determined not to be a SVP.
2. The Counselor and inmate, six months prior to the inmate's release, will complete the *Interstate Compact Pre-Release Checklist 820_F8* and the *Offender's Application for Interstate Compact Transfer 920_F17*.
- a. If the inmate has a Mental Health Code of 2 or higher, the Counselor must request that a Mental Health Clinician complete a *Mental Health Release Summary to Community - DOC MH 9 730_F9* and upload the *Summary* to a *Facility Note* in VACORIS.
 - b. The Mental Health Clinician does not have to complete the *Mental Health Release Summary to Community* before the Counselor submits the *Checklist* and *Application*.
 - c. The Counselor will upload the *Interstate Compact Pre-Release Checklist* and the *Offender's Application for Interstate Compact Transfer* into VACORIS.
 - i. The Counselor will create a *Facility Note* in VACORIS with contact type *Interstate Compact*.
 - ii. The Counselor must upload each document as a separate external document to the same *Facility Note*.
 - (a) The title of each document should begin with the word "Interstate" and include the name of the document attached, e.g., *Interstate Application*.
 - (b) The Counselor must upload a signed and witnessed copy of the *Application* but may upload the *Checklist* from *Word*.
 - d. The Counselor will create an *Interstate Pre-Release Forms* investigation in VACORIS.
 - i. The Counselor will enter Interstate Compact - Community Supervision as the receiving location.
 - ii. The request note must reference the *Facility Note*, provide the date of the *Note*, and indicate that the *Interstate Compact Pre-Release Checklist* and *Offender's Application for Interstate Compact Transfer* were uploaded.
- B. Interstate Compact Unit (ICU) Responsibilities
1. The *Interstate Pre-Release Forms* investigation is assigned to an ICU staff member responsible for reviewing the documents attached to the *Facility Note* for completeness.
 2. If the *Facility Note* is complete, ICU staff will enter a completion date for the investigation and add response notes to document the outcome and the reason for completion.
 - a. Completion of the investigation does not mean that the other state accepted the out of state release plan.
 - b. Completion of the investigation means the documents were completed properly, and ICU staff acknowledge receipt of the documentation.
 3. When a new *Interstate Compact Pre-Release Checklist 820_F8* and *Offender's Application for Interstate Compact Transfer 920_F17* or a revision to the original *Application* is needed, an ICU staff member will deny the investigation and note the reason for denial.
 - a. The Counselor must correct the errors, scan and upload the corrected *Interstate Compact Pre-Release Checklist* and *Offender's Application for Interstate Compact Transfer* to a new *Facility*

Note with "Revised Interstate" added to the title.

- b. The Counselor should create a new *Interstate Pre-Release Forms* investigation, enter Interstate Compact - Community Supervision as the receiving location, and note that they uploaded the corrected documents.
 - c. ICU staff will delete the incorrect version of the documents previously uploaded into VACORIS and strike the previous *Facility Note*.
 - d. An ICU staff member will continue to work with the Counselor until the documents are properly completed or it is determined that the inmate's release plan is no longer an interstate plan.
4. When the inmate no longer desires an interstate release plan or there is no viable interstate release plan pursuant to interstate regulations the Counselor may, prior to ICU staff accepting or denying the VACORIS investigation, cancel the VACORIS *Interstate Pre-Release Forms* investigation. If the Counselor cannot cancel the VACORIS investigation, they should email the Virginia Interstate Compact Unit.
 5. Once the ICU staff member completes the *Interstate Pre-Release Forms* investigation and determines that the documentation was accurately completed, the ICU staff member will create a new investigation with the type *Interstate ICOTS Entry*.
 - a. The *Interstate ICOTS Entry* investigation will reflect the sentencing P&P District as the receiving location.
 - b. When there are multiple sentencing P&P Districts, the ICU staff member will assign a separate *Interstate ICOTS Entry* investigation to each P&P District.
 6. ICU staff should reference the *Facility Note*, with the uploaded *Interstate Checklist* and *Interstate Application*, and provide instructions regarding the timeframe for submission.
 - a. If the inmate is located in a jail and ICU staff have not received the *Interstate Pre-Release Forms* from the jail, the CRU staff will notify ICU staff.
 - b. The *Interstate ICOTS Entry* investigation should indicate that the P&P Officer will need to secure the *Interstate Pre-Release Forms* from the jail.
 7. The assigned P&P Officer(s) will be responsible for completing the *Transfer Request* in ICOTS for eligible inmates.
 - a. Parole Obligations
 - i. If the inmate is a discretionary or mandatory parole case and has sentences from multiple courts in multiple P&P Districts, ICU staff will assign an *Interstate ICOTS Entry* investigation in VACORIS to each sentencing jurisdiction to determine which, if any, of the inmate's sentences owe probation.
 - ii. A P&P Officer in the P&P District with the longest probation Minimum Expiration Date (MED) is responsible for adding the parole obligation to their *Transfer Request*.
 - iii. If none of the P&P Districts report a probation obligation, a P&P Officer in the last P&P District to supervise the case is responsible for completing the *Transfer Request*.
 - b. Multiple Probation Obligations
 - i. When there are multiple obligations from different courts in the same P&P District, the P&P Officer should submit the obligations on one *Transfer Request*.
 - ii. When there are multiple obligations from courts in different P&P Districts, it is preferred that the P&P Officer in each District submit their obligations as a separate *Transfer Request* in ICOTS. This allows the P&P Officer in each district to monitor completion of conditions, early release requests, violations, and case closure directly and independently of other jurisdictions.
 - (a) If all involved P&P Districts agree to the submission of one *Transfer Request*, one P&P Officer is responsible to monitor the ICOTS case, report updates to all involved P&P Districts, and report decisions back to the receiving state.
 - (b) CCAP staff should not submit supervision obligations for multiple P&P Districts, unless all

- P&P Districts agree, to the submission of one *Transfer Request*.
(c) A note documenting such agreements must be made in VACORIS.

C. P&P Officer Responsibilities

1. A P&P Officer assigned to the investigation will verify the proposed Home Plan and means of support and should document their verification as a VACORIS note. P&P Officers should not rely solely on the Counselor's verification.
 - a. If the Home Plan is determined to be viable, the P&P Officer will enter the case into ICOTS.
 - b. The P&P Officer will generate specific probation and/or temporary parole conditions in VACORIS and send a copy of the conditions to the institution Counselor for inmate signature.
 - c. After the P&P Officer generates the temporary conditions needed for the *Transfer Request*, the P&P Officer must delete the obligation and conditions from VACORIS, so CRU staff may create the inmate's final parole conditions in VACORIS with the correct release date, MED, and reporting instructions.
2. Upon successfully updating ICOTS, the P&P Officer will document that the *Interstate ICOTS Entry* investigation was completed; P&P Officers may not enter cases into ICOTS until the inmate is within 120 days of their anticipated release date.
3. Completion of the *Interstate ICOTS Entry* investigation does not mean that the other state has accepted the release plan. Completion of the *Interstate ICOTS Entry* investigation means the P&P Officer completed the *Transfer Request* from Virginia to the other state in ICOTS.
4. When the state receiving the *Transfer Request* in ICOTS accepts or denies the request, the P&P Officer who entered the case receives a notification in ICOTS.
 - a. Usually only the Institutional Program Manager (IPM) and a designated Counselor have access to ICOTS to check the status of interstate cases and since most institution staff do not have access to ICOTS, the P&P Officer must enter a *Supervision Note* in VACORIS documenting the results of the *Transfer Request*.
 - b. The P&P Officer must send an email regarding the outcome of the *Request* to the inmate's assigned Counselor as identified on the VACORIS *Home Page*.

D. Community Release Unit Responsibilities

1. Based on the response received from the other state in ICOTS, CRU staff will process the inmate's release:
 - a. If the receiving state accepts the *Transfer Request* or approves temporary/emergency reporting instructions for direct discharges (non-parole or non-clemency/pardons), the out of state home plan is approved and the release should be processed as a regular release.
 - b. The receiving state must approve the *Transfer Request* for parole and clemency/pardon cases; CRU staff will not process the inmate's release on emergency reporting instructions.
 - c. CRU staff will prepare the release authorization instructing the inmate to report as instructed by the receiving state.
2. If the receiving state denies the *Transfer Request* then the out of state home plan is not acceptable and the Counselor will need to discuss an alternative home plan with the inmate.
 - a. The Counselor will enter a new home plan on the address page in VACORIS and create a new *Home Plan Investigation*.
 - b. When the receiving state denies the *Transfer Request*, it is important that the Counselor, the P&P Officer, and CRU staff work together to quickly process an effective release plan because the inmate will be near their release date.
3. If the *Transfer Request* is still pending two weeks prior to the inmate's release date and the receiving state has not granted emergency permission to proceed, the Counselor must discuss alternate home

plan options within the Commonwealth of Virginia with the inmate.

- a. The Counselor will enter a new home plan on the address page in VACORIS and create a new *Home Plan Investigation*.
- b. If the *Transfer Request* is still pending at the time of release, the inmate must remain in Virginia to await the outcome of the *Request*. The inmate will release to the supervision of a Virginia P&P District.

VIII. Identification and Employment Documents

A. Staff must assist inmates in obtaining proper identification and employment documentation during their incarceration to aid in re-entry. During the inmate's annual review, the Counselor will confirm that the inmate's identity document requirements are met and will document their review on the *Case Management Review Checklist* in VACORIS.

1. Staff must place all inmate identification and employment documents received at the institution, e.g., Birth Certificate, Social Security Card, DMV Identification Card, in the inmate's *Personal Property Envelope* to be delivered to the inmate upon their release; see Operating Procedure 050.3, *Facility Release of Offenders*.
2. Staff must document the status of the birth certificate application, Social Security Card application, DMV application and receipt of these documents in VACORIS.
3. Staff will forward all inmate identification and employment documents received after the inmate's release as required in Operating Procedure 050.1, *Offender Records Management*.

B. Birth Certificate

1. A newly classified inmate has 30 calendar days after arrival at their initial institutional assignment, or 90 days if not transferred from the Reception Center, to get an official birth certificate from home.
 - a. A birth certificate application will be submitted to the appropriate state to obtain an official copy when the inmate's official birth certificate is not received within the required time frame.
 - i. The name on the application must be the inmate's name at birth, spelled correctly, and legible, no aliases or nicknames.
 - ii. The inmate will be assessed any fee required by the state Office of Vital Records to which the request for a birth certificate was made.
 - iii. Staff will provide any inmate, who has insufficient funds to cover the cost of the application, with a loan to cover the required fee.
 - b. Staff should make a reasonable effort to obtain an official birth certificate and any relevant citizenship or residency documents for foreign-born inmates.
 - c. Inmates who are required to obtain their official birth certificate but refuse to make a reasonable effort will be charged with offense code 119c, *Refusal to participate in reentry planning or preparation, or removal from a reentry program*.
 - i. Inmates found guilty of the offense have a mandatory penalty of 90 days loss of accumulated good time.
 - ii. Inmates found guilty of the offense will receive a formal ICA hearing to reduce the inmate's good time to a Class Level IV until the inmate complies with birth certificate requirements.
 - d. Within 30 days of a legal name change, inmates are required to submit an application and a copy of the court order to obtain a birth certificate in the new name.
2. Upon receipt, staff will place the official Birth Certificate in the inmate's *Personal Property Envelope* for delivery to the inmate upon their release.
3. When the inmate or a member of the inmate's family is required to produce an official copy of the inmate's birth certificate, the inmate may request that staff release the birth certificate on file at the institution to a designated family member.



- a. Staff will only release the birth certificate when there are no other alternatives to satisfy this requirement and the family agrees to return the birth certificate within 90 days. If the inmate's release date is imminent, the family member must agree to return the birth certificate 90 days prior to the inmate's release.
- b. When releasing the official Birth Certificate, staff must make a copy of the document and place it in the inmate's *Personal Property Envelope*.
- c. If the designated family member does not return the Birth Certificate within the specified timeframe, the inmate will be required to submit an application to obtain another official copy.
 - i. The inmate will be charged any cost designated by the state Office of Vital Records.
 - ii. For inmates who have insufficient funds, a loan will be given to cover the cost required by the applicable state.

C. Social Security Card

1. Inmates should obtain a copy of their Social Security card in order to facilitate employment, upon release.
2. Staff should submit the inmate's application to the Social Security Administration (SSA) 120 days prior to release.
 - a. There is no cost for an inmate to apply for a replacement Social Security Card.
 - b. If an inmate's name has changed, since issuance of the last Social Security Card, the SSA requires that the inmate prove the legal name change.
 - i. Staff should contact the local Social Security office on a case-by-case basis when the inmate's name has changed as the inmate may be required to appear in person to receive a Social Security Card in the new name.
 - ii. If the inmate's name is not correct, the inmate may not be able to access Supplemental Security Income (SSI) or other Social Security benefits.
 - c. Most Court Clerks charge a fee for certified copies of marriage, divorce or other court-issued name-change documents.
 - i. The inmate should request a money order through normal procedures to pay this fee.
 - ii. When an inmate needs to prove a name change but is indigent and after verification by the Counselor, the institution will send a check to the court and charge the inmate's account as a loan.

D. Department of Motor Vehicles (DMV) Identification Card

1. All inmates, except those releasing to a detainer, are required to obtain a DMV Identification Card.
2. The *DMV Connect* is a program that provides for DMV staff to visit DOC facilities in order to process inmate applications for DMV Identification Cards.
 - a. Based on the *DMV Connect* schedule, inmates will apply for a DMV Identification Card about 30-120 days prior to their release from the institution.
 - b. DMV Identification Cards for inmates who do not have an approved *Virginia Home Plan*, to include out of state plans, will use the institution's address.
 - c. Once the inmate establishes a Virginia residence, the inmate will be responsible for submitting a change of address to DMV.
3. Inmates who may prove that they have a valid Virginia DMV Identification Card or a Driver's License from Virginia, or any other state, that will be valid upon their release are exempt from this requirement.
 - a. The inmate will be charged any required fee for issuance of the identification card.
 - b. Inmates who are indigent or who have insufficient funds will have the fee charged as a loan to their Inmate Trust Account.
4. Inmates, who are required to obtain a DMV Identification Card but refuse, will be charged with offense



code 119c, *Refusal to participate in re-entry planning or preparation, or removal from a re-entry program.*

- a. Inmates found guilty of the 119c offense have a mandatory penalty of 90 days loss of accumulated good time.
- b. Inmates found guilty of the 119c offense will receive a formal ICA hearing and staff will reduce the inmate's good time class level to Class Level IV until the inmate complies with requirements for DMV Identification Cards.

E. Certificate of Release or Discharge from Active Duty (DD-214)

1. Staff will offer veteran inmates an opportunity to apply for their DD-214, if the inmate does not have a copy, at the time of initial contact with the DOC.
2. Staff will not sanction an inmate for refusing to apply but will document the inmate's refusal in VACORIS.
3. Inmates must be allowed to possess their own DD-214, military medical records, and other military documents, except a military identification card, related to their military service while they are incarcerated.

IX. Re-entry Resources and Assistance

A. DOC-contracted Community Residential Program (CRP) (4-ACRS-5A-13[I])

1. DOC-contracted CRPs are used to assist inmates without viable home plans transition into the community; see Operating Procedure 940.1, *Community Residential Programs.*
2. Counselors should contact the P&P Office in the sentencing jurisdiction for assistance in finding placement at one of the CRPs; see Attachment 2, *Statewide Community Corrections Residential Programs* to Operating Procedure 940.1, *Community Residential Programs.*
 - a. The Counselor should request placement assistance four to six months prior to the inmate's release.
 - b. When the Counselor refers an inmate directly from an institution to a CRP, a *Community Residential Program-Institutional Referral* 940_F22 is required.
 - c. A listing of CRPs is available on Attachment 2, *Statewide Community Corrections Residential Programs* to Operating Procedure 940.1, *Community Residential Programs.*
3. To facilitate an acceptance decision, a P&P Officer or staff member must provide criminal history, medical, psychological, substance abuse, and any other criminal or social history information as required by the CRP.

B. Public Housing

1. Inmates should be aware of the restrictions regarding residency in public housing. The McKinney-Vento Homeless Assistance Act sets the mandatory restrictions on certain convictions for residency in public housing.
2. Federal laws require Public Housing Agencies (PHA) and providers of Section 8 and other federally assisted housing to deny housing to applicants based on Code of Federal Regulations (CFR) §982.553, *Denial of admission and termination of assistance for criminals and alcohol abusers-*
3. Public housing laws also permit, but do not require, public housing agencies to deny admission to the following applicants:
 - a. Any household member evicted from public, federally assisted, or Section 8 housing because of drug-related criminal activity may be deemed ineligible for three years from date of eviction. The three-year stipulation may be shortened at the discretion of the PHA, if the person completes a rehabilitation program approved by the housing provider.
 - b. Any household with a member abusing alcohol or using another drug illegally if the household member's illegal use or pattern of alcohol abuse or illegal use of a drug may threaten the health,



safety, or right to peaceful enjoyment of the premises by other residents. The provider may permit admittance or allow the person to remain, if the person demonstrates they are not currently abusing alcohol or drugs and are either participating in a supervised substance abuse program, or have completed a substance abuse program or another form of successful rehabilitation.

- c. Individuals who engaged in any drug-related criminal activity, any violent criminal activity or any other criminal activity that would adversely affect the health, safety or right to peaceful enjoyment of the premises if the criminal activity occurred a “reasonable” time before the person seeks admission. The statute does not address how recent a conviction must be to qualify as a “reasonable” basis to deny housing.

C. Veterans Benefits Application Process

1. Incarcerated veterans may apply for veteran’s benefits at any time.
2. Staff should refer inmates to the Veteran Program Manager for assistance within 120 days of release.

D. Affordable Care Act-Health Insurance Enrollment

1. Inmates are exempt from personal health insurance during their incarceration, but must sign up for health insurance within 60 days after release to ensure they avoid penalties.
2. Staff will provide inmates with a copy of Attachment 4, *Obtaining Healthcare after Incarceration*, at the time of their release.

E. Selective Service Registration

1. All male U.S. citizens ages 18 through 25 are required to register with Selective Service.
 - a. Males to include inmates who have not registered with Selective Service are disqualified from Federal and Virginia State jobs, and are not eligible to receive Federal Student Loans or Grants or Federal Workforce Innovation and Opportuning Act Job Training.
 - b. Counselors or other designated staff should verify that all inmates ages 18 through 25 have registered with Selective Service at the time of the inmate’s reception into the DOC and when applicable, assist the inmate to register.
 - i. Staff may verify that an inmate has registered by using the on-line *Selective Service System*, calling Selective Service at 888-655-1825, or by assisting the inmate in completing the SSS Form 1M, *Selective Service System Registration Form*; staff should also give the inmate the opportunity to provide proof of registration.
 - ii. For any male inmate between the ages of 18 and 26 who is not registered, the Counselor or other designated staff should inform the inmate that selective service registration is required by law and advise the inmate of the benefits and employment opportunities for which he will be eligible once he registers.
 - c. If the inmate is required by law to register, is not registered, and refuses to complete the *Registration Form*, he should be charged with offense code 119c, *Refusal to participate in testing, classification, or re-entry preparation/ Refusal to participate in re-entry planning or preparation, or removal from a re-entry program*; see Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - i. Inmates found guilty of the offense have a mandatory penalty of 90 days loss of accumulated good time.
 - ii. Inmates found guilty of the offense will receive a formal ICA hearing to reduce the inmate’s good time to a Class Level IV.
2. The Counselor or other designated staff member should verify the Selective Service registration status of an inmate, 180 days prior to the inmate’s release, unless there is already documentation verifying the inmate has registered.
3. If the inmate did not register prior to age 26, staff should:
 - a. Provide the inmate with the *Selective Service System Fast Facts* information sheet

- b. Provide the inmate with a *Request for Status Information Letter*, which may be used to establish the inmate's eligibility when applying for Federal student loans, federally funded job training or any federal or state job
 - c. Assist the inmate in securing a copy of supporting information to attach to the *Information Letter*
 4. If Selective Service registration did not occur due to the inmate's incarceration or other allowable reasons, Selective Service will send a response stating that the inmate was not required to register.
 5. Staff must place *Selective Service Registration Cards*, *Status Information Letters*, and any registration and verification documents in the inmate's *Personal Property Envelope*.
 6. Staff must forward all Selective Service documents received after the inmate's transfer or release by certified mail or staff courier, within 30 days of receipt, to the inmate's current institution, to the P&P Officer for the inmate's supervision, or the P&P Office serving the inmate's release plan address.
 7. Staff should document the inmate's Selective Service status in VACORIS and update as needed.
- F. Virginia Fidelity Bonding Program
1. The IPM will ensure that all inmates, prior to release, receive information on the Virginia Fidelity Bonding Program, either in the Ready to Work program or as a topical seminar.
 - a. The IPM will ensure that staff enroll inmate participants in the program and accurately record the appropriate inmate completion status in VACORIS.
 - b. The IPM will monitor the program to ensure that all inmates who request a *Bonding Eligibility Letter* receive the *Letter* prior to release.
 2. The Workforce Development Specialist or a Re-entry Counselor must complete the required Virginia Fidelity Bonding Program facilitator training offered by the Fidelity Bonding Program Coordinator.
 - a. The Workforce Development Specialist or a Re-entry Counselor is responsible for providing inmates with the information on the Virginia Fidelity Bonding Program in the Ready to Work program.
 - b. Inmates not enrolled in a Ready to Work program will get this information in a separate Virginia Fidelity Bonding Program topical seminar.
 - c. The Workforce Development Specialist, a Re-entry Counselor, or a topical seminar facilitator is responsible for enrolling and removing participants in the programs section of VACORIS.
 - d. The Workforce Development Specialist or Re-entry Counselor will create and distribute a personalized *Bonding Eligibility Letter* to each participant who successfully completes the seminar and requests a letter.
 3. The Facility Unit Head will designate sufficient staff to facilitate seminars on the Virginia Fidelity Bonding Program.
 4. Staff may submit questions on training or program specific issues to the Fidelity Bonding Program Coordinator at Virginia.BondingProgram@vadoc.virginia.gov.
- G. Restoration of Civil Rights (Removal of Political Disabilities)
1. Anyone convicted of a felony in Virginia automatically loses the following civil rights:
 - a. The right to vote
 - b. The right to hold public office
 - c. The right to serve on a jury
 - d. The right to serve as a notary public
 - e. The right to possess a firearm
 2. Staff should advise inmates on the procedure for the restoration of their civil rights and provide the inmate with a copy of Attachment 5, *Restoration of Civil Rights Information*.

- a. Staff will give inmates the *Restoration of Rights Form* from the Office of the Secretary of the Commonwealth and have the inmate sign the *Acknowledgement of Restoration of Rights Application Form 820_F14* to document receipt of the form.
 - b. Staff will witness the inmate's signature and upload a signed copy of the *Acknowledgement of Restoration of Rights Application Form* to VACORIS.
3. The restoration of civil rights does not:
- a. Restore the right to possess a firearm.
 - b. Expunge a criminal conviction.
 - c. Pardon; persons convicted of a felony must first have their civil rights restored in order to be considered for a pardon.
4. Only the Governor can restore civil rights, not to include the right to possess a firearm. Once an individual's rights have been restored, the individual must contact the local Circuit Court for restoration of their firearm rights.
- a. Individuals seeking restoration of their civil rights are encouraged to contact the Secretary of the Commonwealth's office <https://www.restore.virginia.gov/>
 - b. All inmates, to include those who request restoration of their rights and inmates identified as potentially eligible, will be thoroughly reviewed by the Secretary of the Commonwealth's office, which include a check of the inmate's record with Virginia State Police, DOC, and other state agencies to ensure the inmate meets the Governor's standards for restoration of rights.
 - c. To be eligible for the restoration of civil rights, an individual must be free from any term of incarceration resulting from felony conviction(s).
 - d. Individuals may check their status on the Secretary of the Commonwealth's website at <https://www.restore.virginia.gov/>.

H. Work Opportunity Tax Credit

1. Staff will provide inmates with a copy of Attachment 6, *Work Opportunity Tax Credit*, and a copy of the Internal Revenue Service's Form 8850, *Pre-Screening Notice and Certification Request for the Work Opportunity Credit*.
2. P&P staff will provide the inmate with signed documentation of the inmate's conviction and release date for submission to their employers.
3. The employer will be responsible for applying to the Virginia Employment Commission (VEC) for the tax credit.

I. Child Support Obligations

1. The Virginia Division of Child Support Enforcement (DCSE) provides information on an inmate's child support obligations in VACORIS; see COV §53.1-31.2, *Notification of child support due by a prisoner*.
2. Inmates may receive registration and payment information from the Virginia Department of Social Service at 1-800-468-8894 or the agency's web site at <https://www.dss.virginia.gov/family/dcse/>.

J. Restitution, Fines, and Court Costs

1. Inmates may obtain information on their balances owed for restitution, fines and court cost obligations by sending a written request directly to the Clerk of the sentencing court.
2. Inmates may request that the court waive the interest charges accrued for fines and costs incurred while they were incarcerated by submitting a waiver using the *Certification of Incarceration Period* (Form DC-366) to each applicable Circuit Court; see COV §19.2-353.5, *Interest on fines and costs*.
3. If the inmate requests a waiver from multiple courts, each court must have an original *Certification of Incarceration Period*. When an inmate mails the *Certification of Incarceration Period*, the inmate

should include a stamped, self-addressed envelope and request that the court return the original.

4. Records Office staff must provide each inmate with three notarized *Certifications of Incarceration Period* (Form DC-366) covering the current period of incarceration upon their release from the institution.
5. Inmates may acquire *Certifications of Incarceration Period* (Form DC-366) for previous incarceration periods by submitting a written request to their Counselor 90 days prior to their release date.
 - a. Once the inmate provides their name, date of birth, the last four digits of their social security number, and their DOC number, the inmate should return the *Certification of Incarceration Period* to their Counselor with a note indicating the approximate dates of incarceration.
 - b. The Counselor will forward the *Certification of Incarceration Period* to the Records Manager or designee who will complete the documents and provide the three notarized forms to the inmate prior to their release.
6. Inmates seeking a waiver of interest charges accrued during past incarcerations imposed by a court while in a jail or a CCAP should submit a *Certification of Incarceration Period (Form DC-366)* to the appropriate facility for completion. The inmate should then submit the completed form to the applicable court for instructions regarding their waiver requests for the period(s) of time served in the jail and/or CCAP.

X. Federal and State Benefits

- A. Staff should identify and document those inmates who were receiving or may have been eligible to receive federal, state, or other benefits before conviction.
 1. Please refer to the *Pre-Release Benefits Application Guide* for more detailed directions on when and how to assist inmates in the process of pre-release benefit applications.
 2. With the exception of some Veteran's benefits, federal and state benefits are not available to inmates while incarcerated.
 3. If an inmate is determined to be eligible for benefits, coverage will begin after the inmate's release from the institution.
 4. Staff will complete federal and state benefit application to include Medicaid, Supplemental Security Income (SSI), and Veterans, when applicable, to aid potentially eligible inmates.
- B. Supplemental Security Income (SSI) Application Process
 1. SSI applications must be submitted to the SSA office aligned with the institution where the inmate is housed; see *Memorandum of Agreement - Social Security Administration, Department of Corrections, and Department of Rehabilitative Services*
 - a. Staff should submit SSI applications for disability based claims at least 120 days prior to the inmate's release.
 - b. Staff may not submit SSI applications for age-based claims more than 30 days prior to the inmate's release.
 2. Medical staff will use VACORIS to generate a listing of all inmates within 180 days of their anticipated release date so that pre-release preparation may begin; see Operating Procedure 720.3, *Health Maintenance Program*.
 - a. When medical staff identify an inmate on the pending release list as meeting the requirements for disability benefits, medical staff will begin the benefit application process with the inmate.
 - b. Medical and mental health services staff will begin gathering inmate medical and mental health documentation and completing the required forms in the benefit application packet for eligible inmates at least six months prior to the inmate's scheduled release date.
 - c. Medical staff will forward the benefit application packet, at least 120 calendar days prior to the



- inmate's scheduled release date, to the Counselor who will complete the remainder of the packet and document the application in a VACORIS *Facility Note*.
- d. Staff must submit all supporting medical and mental health disability documentation with the initial referral packet.
3. In designated mental health units, the Mental Health Unit Director or a Mental Health Clinician responsible for discharge planning will identify and document inmates who are within 180 days of release and potentially eligible for benefits.
 - a. In living units not specifically designated as mental health units, Mental Health Clinician Senior or designee will identify these inmates.
 - b. The Mental Health Unit Director or Mental Health Clinician Senior will compare the list to the mental health services database to verify that the information is consistent. If there is a discrepancy in the mental health services database, the Mental Health Unit Director or Mental Health Clinician, as applicable, must rectify it.
 - c. A Mental Health Clinician, within 30 days, will conduct a preliminary review of all inmates releasing within the next 180 days. At a minimum, the screening will consist of a review of the inmate's assigned Mental Health Classification Code and the mental health information available in the inmate's record.
 - d. Inmates who are MH-0 or MH-1 are typically not eligible for mental health services or related benefits upon release, except when the inmate previously received disability benefits or in cases of possible developmental disability. Within 120 days of the inmate's expected release, the Mental Health Clinician will notify the inmate's Counselor by e-mail that the inmate is a MH-0 or MH-1 and will indicate if the inmate may be eligible for disability benefits.
 - e. The Mental Health Unit Director or Mental Health Clinician, as appropriate, will screen all inmates who are MH-2 or above for SSI benefit eligibility within 180 days of the inmate's release; see Operating Procedure 730.3, *Mental Health Services: Levels of Service*.
 - i. The screening will consist of a review of all available mental health information to determine if an inmate is potentially eligible for SSI.
 - ii. Issues for consideration in the screening include determining if the inmate has a diagnosis identified by the SSA on their *Listing of Impairments*; see *SSA Blue Book Criteria* on the *DOC Intranet*, noting the severity of the illness as well as how the disorder impacts the inmate's adaptive functioning and ability to engage in gainful activity.
 4. The Mental Health Clinician will complete the *Mental Health Appraisal for Disability (DOC MH 17-D) 730_F42* and consult with institution medical staff to confirm that the inmate's medical problems or physical limitations are included on the completed document.
 - a. Completion of the SSI application should be coordinated with the Counselor and then submitted to the local SSA office; see *Mental Health Discharge Planning Guide* on the *DOC Intranet*.
 - b. If the Mental Health Clinician is not a licensed clinical psychologist or a psychiatrist, a licensed clinical psychologist or psychiatrist must co-sign the *Mental Health Appraisal for Disability (DOC MH 17-D) 730_F42*.
 - c. Within five months of the inmate's expected release, the designated Mental Health Clinician will e-mail the completed *Mental Health Appraisal for Disability DOC MH-17D* to the inmate's assigned Counselor.
 - d. At designated mental health units, the Mental Health Clinician may provide the Counselor with information in addition to the *Mental Health Appraisal for Disability DOC MH-17D*.
- C. Medicaid Application Process
1. Transition, healthcare, and mental health staff must complete all applications required for federal and state benefits, which may include Medicaid in order to aid potentially eligible inmates.
 2. The inmate's Counselor or a facility designee must provide all inmates who meet the eligibility criteria

and have not already been approved for Medicaid coverage, with the opportunity to apply for Medicaid a minimum of 45 days prior to the inmate's release following the required guidelines outlined in Attachment 7, *Medicaid Enrollment Information*.

- a. Counselors should check the *Medicaid Module* in VACORIS to determine if the inmate has already applied or if they must submit an application for Medicaid.
- b. Once staff submit the inmate's application, the Virginia Department of Medical Assistance Services (DMAS) CoverVA Incarcerated Unit (CVIU) staff will process the application and determine eligibility.

XI. Conditional Release of Geriatric/Terminally Ill Inmates and Medical Clemency

A. Conditional Release

1. Geriatric Inmates

- a. Per COV §53.1-40.01, *Conditional release of geriatric prisoners*, the Virginia Parole Board has the authority to grant conditional release to certain inmates in accordance with the Parole Board's policies and procedures.
- b. An inmate is eligible for review if they are serving a sentence imposed for a conviction of any felony offense, other than a Class 1 felony, and;
 - i. Has reached the age of 65 or older and served at least five years of the sentence imposed or,
 - ii. Has reached the age of 60 or older and served at least ten years of the sentence imposed
- c. Consideration for Geriatric Conditional Release
 - i. For any inmate not eligible for discretionary parole, the Parole Board will automatically review the inmate for geriatric conditional release within a year from the date the inmate first meets the eligibility criteria and will review the inmate for release annually. After the initial review, the Parole Board may defer the next review for up to three years.
 - ii. Any inmate eligible for discretionary parole must submit the *Petition for Geriatric Conditional Release* (Parole Board Form) to the Parole Board to be considered for geriatric conditional release.
 - iii. Inmates may submit a *Petition for Geriatric Conditional Release* no earlier than 90 days from the date they meet the minimum requirement of age and time served.
 - iv. Any inmate who is qualified to submit a *Petition for Geriatric Conditional Release* may resubmit a petition on an annual basis for Parole Board review.

2. Terminally Ill Inmates

- a. Per COV § 53.1-40.02, *Conditional release of terminally ill prisoners*, the Virginia Parole Board has the authority to grant conditional release to inmates who are terminally ill, i.e., has a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is the person's death within 12 months.
- b. Any inmate who is terminally ill may petition the Virginia Parole Board for conditional release by submitting a *Petition for Conditional Release Based on Terminal Illness* (Parole Board Form) to the Parole Board for consideration.
- c. Inmates who were convicted and are serving a sentence for certain offenses are not eligible to petition the Parole Board for conditional release; see COV § 53.1-40.02, *Conditional release of terminally ill prisoners*, for a list of offenses.

B. Executive Medical Clemency

1. Per COV §53.1-229, *Powers vested in Governor*, only the Governor of Virginia has the power to grant medical clemency to terminally ill inmates.
2. An inmate must be diagnosed as terminally ill with a life expectancy of three months or less in the independent judgment of the treating physician and a second licensed physician, one of which must be a DOC physician in order to be eligible for medical clemency consideration.



3. Medical pardons are handled via an expedited process by the Office of the Secretary of the Commonwealth. For information on how to submit a medical clemency petition, please contact the Office of the Secretary of the Commonwealth.
 4. As a condition of the inmate's release on medical clemency, the inmate must agree in writing to have their physician provide information on their current medical condition to the Virginia Department of Corrections whenever requested. If the inmate or physician does not honor a request, the release on medical clemency may be terminated immediately; see Operating Procedure 050.3, *Facility Release of Offenders*.
- C. All DOC staff will provide an updated progress report in a timely manner as requested by the Secretary of the Commonwealth and the Parole Board with information regarding the inmate's treatment, programming, work history, educational record, mental and physical health needs, disciplinary record, interactions with staff and offenders, cognitive functioning, proposed home plan, and support system. (2-CO-4B-01)

XII. Release Preparation

- A. Designated facility staff, six months prior to the inmate's anticipated release date, will run a VCIN/NCIC check for any outstanding warrants (wanted query) on the inmate. When staff receive information on an inmate that indicates an outstanding warrant, staff must forward the information, any instructions, and contact information to the Director of Offender Management Services, Manager of the Detainer Unit, and the DetainerUnit@vadoc.virginia.gov mailbox.
- B. Release Authorization and Proper Transfer Transaction
1. CRU staff will create the release authorization and appropriate reporting instructions for the inmate's release status in VACORIS. CRU staff will upload any release notification details, e.g., Good Time Release Date, special conditions, post release, or medical clemency as external documents to *Facility Notes* in VACORIS. (4-ACRS-5A-15[I])
 2. Records Staff at the releasing institution will enter the transfer information into VACORIS based on the release authorization.
 - a. If the inmate's supervision is approved for transfer through the Interstate Compact for Adult Offender Supervision, upon the inmate's release, the transfer must be entered as a transfer type: *DOC Facility to DOC Community*.
 - i. The transfer reason will be either release to supervision or one of the parole options.
 - ii. The community location will be *Interstate Compact-Community Supervision*.
 - b. If the inmate has an out of state detainer such as ICE, or another out of state location, and has a supervision obligation upon release with instructions to report to a specific P&P Office, when released from the detainer, the transfer must be entered as a transfer type: *DOC Facility to DOC Community*.
 - i. The transfer reason will be either release to supervision or one of the parole options.
 - ii. The community location will be the designated Virginia P&P Office.
 - c. If the inmate has reporting instructions for a Virginia P&P District, the transfer should be entered as a transfer type: *DOC Facility to DOC Community*.
 - i. The transfer reason will be either release to supervision or one of the parole options.
 - ii. The community location will be the designated Virginia P&P Office.
- C. Medical Release Preparation
1. Medical staff monitors the inmate population through VACORIS so that medical pre-release preparation that includes the following as required in Operating Procedure 720.3, *Health Maintenance Program*, may begin:
 - a. Initiating the benefit application process by completing all medically related information in the benefit application packet (Disability Report (Adult) Form SSA-3368-BK from the Social Security

Administration), when applicable

- b. Completing the *Medical Discharge Summary 720_F5*
 - c. Assisting inmates diagnosed with infectious diseases and other serious, chronic health conditions with referrals or appointments to community healthcare providers; see *Medical Guidelines* and *Nursing Guidelines* for discharge planning and reporting for HIV infected inmates.
 - d. Obtaining a supply of discharge medications and other necessary medical supplies for inmates pending release
2. Medical staff will ensure that inmates who need mobility equipment such as wheelchairs, walkers, canes, crutches, etc., have access to such equipment at their release; see Operating Procedure 750.3, *Prostheses*.
 3. The Counselor or other designated staff should review the *Medical Discharge Summary 720_F5* to determine any inmate special needs for release planning to include an application for benefits, special housing assistance, and if the inmate will need special equipment. **(4-ACRS-5A-15 [I])**
 - a. If the inmate will need mobility equipment upon release, the Counselor should check with the family and/or release plan contact to see if the same or equivalent equipment will be available to the inmate upon release.
 - b. If the inmate does not own such equipment or the equipment is not available through the family, the Counselor should notify medical staff 90 days prior to the inmate's release.
 4. Medical staff will initiate all home health care referrals, when required, prior to the inmate's release so that continuity of medical care is maintained and home health assistance may be arranged through the CRU.

D. Mental Health Services Release Preparation

1. At least 30 days in advance of an inmate's release date, the primary Mental Health Clinician working with the inmate and the inmate's Counselor will arrange care for any inmate who requires mental health services upon release; see Operating Procedure 730.3, *Mental Health Services: Levels of Service*. **(4-ACRS-5A-15[I])**
2. For inmates releasing to the community from the Sex Offender Residential Treatment program, see Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)* for additional mental health services release planning requirements. **(4-ACRS-5A-15[I])**
3. Inmates with a code of MH-2 or higher who propose an out-of-state release plan must have a *Mental Health Release Summary to Community - DOC MH 9 730_F9* completed and uploaded to a *Facility Note* prior to release so that the *Summary* is accessible to P&P staff.

E. Inmate Work History **(4-ACRS-5A-15[I])**

1. All inmates will complete the *Discharge Inmate Work History Report 820_F10* at least 90 days before their anticipated release date and submit the *Report* to their assigned Counselor.
 - a. The inmate will mark with an "X" any work assignments held during their current incarceration.
 - b. The inmate will write in the facilities where they held this work assignment, a brief description of the work duties and responsibilities, and the dates of assignment.
2. The Counselor will verify this information when verification information is available, will note any discrepancies in the *Counselor Notes* section of the *Discharge Inmate Work History Report*, and will provide the inmate with the completed *Report* upon their release from custody.
3. Inmates employed for at least three months in a stable position may be issued a *Job Proficiency Exit Report 820_F11* that documents the skills learned and/or employment in the institution.
 - a. The *Job Proficiency Exit Report* will be completed by the inmate's direct Work Supervisor upon notification that an inmate worker:
 - i. Is scheduled to be released from incarceration within 30 days



- ii. Has been reassigned to another job at the institution
 - iii. Is scheduled to be transferred to another institution
- b. When a Work Supervisor does not receive notification that the inmate was released, reassigned to another job, or transferred to another institution, the Work Supervisor may complete a *Job Proficiency Exit Report* after the worker's departure. The Work Supervisor will be responsible for:
- i. Providing the inmate a signed original
 - ii. Uploading the *Job Proficiency Exit Report* into VACORIS attached to a *Facility Note*
 - iii. Notifying the Counselor that the *Job Proficiency Exit Report* is completed and available in VACORIS
- F. Inmate Program History (4-ACRS-5A-15[I])
1. Re-entry staff will run the inmate's *Course Program Completions and Removals* report from VACORIS by unchecking the "Null" check box and entering the inmate's DOC number to produce a transcript of all counseling services, Correctional Education and other courses the inmate has taken. When running the report staff should select all for the course location.
 2. The transcript will be run 90 days prior to the inmate's release with the completed *Report* given to the inmate upon their release from custody; staff must document that they gave the report to the inmate in *Facility Notes*.
- G. Guidance information on the provision of inmate funds, transportation, and clothing upon the inmate's release is available in Operating Procedure 050.3, *Facility Release of Offenders*.

REFERENCES

- CFR §982.553, *Denial of admission and termination of assistance for criminals and alcohol abusers*
- CommonHelp Medicaid Application User Guide*
- Documenting Submission of a Medicaid Application Guide*
- COV §19.2-353.5, *Interest on fines and costs*
- COV §32.1-36.1, *Confidentiality of test for human immunodeficiency virus; civil penalty; individual action for damages or penalty*
- COV §53.1-28, *Authority to fix discharge date; improper release; warrant, arrest and hearing*
- COV §53.1-31.2, *Notification of child support due by a prisoner*
- COV §53.1-40.01, *Conditional release of geriatric prisoners*
- COV §53.1-40.10, *Exchange of medical and mental health information and records*
- COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*
- COV §53.1-229, *Powers vested in Governor*
- COV §53.1-231.2, *Restoration of the civil right to be eligible to register to vote to certain persons*
- Operating Procedure 050.1, *Offender Records Management*
- Operating Procedure 050.3, *Facility Release of Offenders*
- Operating Procedure 701.3, *Health Records*
- Operating Procedure 720.3, *Health Maintenance Program*
- Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*
- Operating Procedure 730.3, *Mental Health Services: Levels of Service*
- Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*
- Operating Procedure 750.3, *Prostheses*
- Operating Procedure 810.1, *Offender Reception and Classification*

Operating Procedure 810.2, *Transferred Offender Receiving and Orientation*

Operating Procedure 820.1, *Inmate Case Management*

Operating Procedure 841.1, *Inmate Programs*

Operating Procedure 861.1, *Offender Discipline, Institutions*

Operating Procedure 940.1, *Community Residential Programs*

Operating Procedure 940.4, *Community Corrections Alternative Program*

Memorandum of Agreement - Social Security Administration, Department of Corrections, and Department of Rehabilitative Services

Pre-Release Benefits Application Guide

ATTACHMENTS

Attachment 1, *Intensive Re-entry Program Locations*

Attachment 2, *Home Plan Confirmation*

Attachment 3, *Community Re-entry Specialists Area Assignments*

Attachment 4, *Obtaining Healthcare after Incarceration*

Attachment 5, *Restoration of Civil Rights Information*

Attachment 6, *Work Opportunity Tax Credit*

Attachment 7, *Medicaid Enrollment Process*

FORM CITATIONS

Consent for Release of Information 050_F14

Consent for Release of Alcohol and Drug Abuse Record Information 050_F15

Consent for Release of Confidential Health and/or Mental Health Information 701_F8

Medical Discharge Summary 720_F5

Mental Health Release Summary to Community - DOC MH 9 730_F9

Mental Health Appraisal for Disability (DOC MH 17-D) 730_F42

Interstate Compact Pre-Release Checklist 820_F8

Request for Assistance - Problematic Release 820_F9

Discharge Inmate Work History Report 820_F10

Job Proficiency Exit Report 820_F11

Acknowledgement of Restoration of Rights Application Form 820_F14

Offender's Application for Interstate Compact Transfer 920_F17

Community Residential Program-Institutional Referral 940_F22

Petition for Geriatric Conditional Release (Parole Board Form)

Petition for Conditional Release Based on Terminal Illness (Parole Board Form)

Restoration of Rights Form (Secretary of the Commonwealth's Office form)

