



Operating Procedure

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Supersedes Operating Procedure 830.5 (11/1/14)	
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ACA/PREA Standards 4-4444; 4-ACRS-5A-06; 4-ACRS-5A-14; 4-APPFS-2C-04; §115.42, §115.43, §115.68	
Office of Primary Responsibility Director of Offender Management Services	

Subject
TRANSFERS, INSTITUTION REASSIGNMENTS

Incarcerated Offender Access
Yes No

Public Access Yes No
Attachments Yes #4 No

I. PURPOSE

This operating procedure governs offender requests for and management of offender transfers and reassignments for offenders incarcerated in Department of Corrections institutions.

II. COMPLIANCE

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

III. DEFINITIONS

Annual Review - A uniform yearly review of an offender's classification, needs, and objectives; the Initial Classification Date (ICD) is used to establish the review date for an offender received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an offender received prior to February 1, 2006.

Behavioral Correction Program (BCP) - Requires a court referral to CCS prior to sentencing, is a specific sentence into CTC that allows for the potential of sentence suspension and release on Probation after an offender's successful completion of a minimum of 24 months in CTC.

Central Classification Services (CCS) - Staff members from the Offender Management Services Unit who review certain recommendations made by the Institutional Classification Authority and Multi-Disciplinary Team (MDT) to render a final decision regarding offender status and assignments

Cognitive Therapeutic Community (CTC) - A structured, residential substance abuse treatment program that incorporates cognitive and behavioral programming to aid in the recovery from alcohol and other drug addictions

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

Emergency Transfer - Temporary movement found necessary to protect offenders and staff from imminent danger of physical harm, to prohibit offenders from destruction of State property, and/or escape

Facility Reassignment (Transfer) - The physical movement of an offender from the custody of one facility to the custody of another facility within the purview of the Department of Corrections and local jail facilities

High Risk Sexual Victim (HRSV) - As identified by the *Classification Assessment* and QMHP assessment, any incarcerated offender confirmed as a sexual victim or identified as being at high risk of being sexually victimized

Initial Classification Date (ICD) - The date on which the offender was initially assigned to a Security Level

Institutional Classification Authority (ICA) - The facility staff person designated to conduct offender case review hearings.

DOC Jail Contract Work Release - For eligible offenders housed within a DOC institution, the DOC in contract with local and regional jails provides the opportunity for offenders to return to a local or regional jail for work release

Multi-Institution Treatment Team (MITT) - MITT members are responsible for assigning the offender to one of the Secure Diversionary Treatment Programs and transitioning offenders to other SDTP programming and out to a non - SDTP general population setting upon completion of programming.

Offender with Serious Mental Illness (SMI) - Offender diagnosed with a Psychotic Disorder, Bipolar Disorder, Major Depressive Disorder, PTSD or Anxiety Disorder, or any diagnosed mental disorder (excluding substance abuse disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's ability to meet the ordinary demands of living.

Parole Board Recommendation - The Parole Board may recommend an offender for work release participation in lieu of granting parole. Recommendations are reviewed administratively by Central Classification Services.

Protective Custody - A classification status and form of custodial management for offenders requesting or requiring separation from other offenders as a result of their personal security needs

Protective Custody Unit - A special purpose general population housing unit designated by the Director for offenders classified as requiring separation from other offenders as a result of their personal security needs; offenders requesting and requiring assignment to a protective custody unit may be managed in General Detention and Segregation or Restrictive Housing, as appropriate, pending assignment and transfer.

Secure Diversionary Treatment Program (SDTP) - Bed assignments designated for offenders who have been classified as SMI; operates with structured security regulations and procedures, and provides programming and treatment services conducive with evidence based treatment protocols and individualized treatment plans.

Seriously Mentally Illness (SMI) Coordinator - A member of the MITT responsible for gathering and organizing documentation for SDTP referrals and coordinating the offender review, approval, and assignment process

Shared Allied Management (SAM) Unit - A residential programming unit operated at designated DOC institutions to deliver intensive services in a safe environment to specific offender populations that typically require a high level of services from security, mental health, and/ or medical staff

Sheriff Requested Home Electronic Monitoring (HEM) - The Code of Virginia (§53.1-131.2, paragraph C) does not grant Department of Corrections the authority to operate an HEM incarceration program or approve offenders for such a program. However, at the request of the jail, state responsible offenders can be assigned to a local jail and the Sheriff or Jail Administrator can then approve them for HEM status. Offenders are not eligible to earn good conduct credit when on HEM status.

Sheriff/Jail Requested Work Release - A Sheriff/Jail Administrator may request in writing that a state responsible eligible offender, housed in a jail, be assigned to the jail's work release program.

Steps to Achieve Reintegration (STAR) Program - A DOC program operated at designated DOC institutions for offenders who, motivated by fear, refuse to leave segregation or restrictive housing and enter general population

IV. PROCEDURE

A. Transfers of offenders

1. Except where otherwise specified in this operating procedure, all institutional transfers should be coordinated through the Transportation Section, Central Classification Services.

2. Transfer of Offender Records:

- a. The offender's criminal record, including personal property, medical records, and any prescribed medication orders, shall accompany an offender on transfer to any DOC institution. NOTE: This does not apply to temporary transfers to hospitals or to local jail facilities to facilitate court appearances.
- b. The Records Office shall complete the [Interdepartmental Transfer Notice \(CA4\)](#) 050_F9 (see Operating Procedure 050.3, *Facility Release of Offenders*) and attach it to the outside of the envelope containing the Facility Folder/ Historical Hardcopy Record and Medical Records.
- c. Facility Unit Heads or their designees of receiving institutions are not required to accept the custody of the offender without the complete applicable historical hardcopy record or facility folder.

B. Population Management Transfers

1. Central Classification Services (CCS) may administratively reassign offenders to other institutions without an ICA Hearing for the purposes of managing the prison population. Offenders who were administratively transferred to a facility are not required to meet the eligibility criteria of one year at present assignment in order to request a transfer at their Annual Review. The offender's transfer request at their annual may be submitted to CCS for final review.
2. CCS may assign offenders temporarily to institutions not on the same security level for purposes of interviews, courts, medical, psychological, security, special work assignments, etc. Transportation will be coordinated through the routine Central Transportation schedule if at all possible.
3. The Director of Offender Management Services has authorized specific parent host institutions to temporarily transfer eligible and suitable offenders to their adjacent Work Centers. The Facility Unit Head or designee must complete an [Intra-Regional Transfer Authorization](#) 050_F8 (see Operating Procedure 050.3, *Facility Release of Offenders*). The Transportation Supervisor shall be notified via telephone or email and copies of the *Authorization* shall be forwarded to Central Transportation Services, the Institution's Records Office, and the receiving Work Center prior to physical movement of the offender.

C. Field Unit and Work Center Transfers (4-4444; 4-ACRS-5A-14)

1. Field Units and Work Centers are minimum security facilities designed to provide suitable confinement for lower risk offenders, increase productivity of offenders through work activity, and provide a cost effective alternative to more traditional prison construction.
2. Offenders who meet the eligibility criteria may request a transfer to a Field Unit or Work Center at the time of their annual review, or may be administratively reviewed and assigned by CCS upon determination that such an assignment is appropriate.
3. All institutional requests will be submitted, via VACORIS, to CCS for review and final decision.
4. Eligibility Criteria - Offenders must meet each of the following criteria to be reviewed for assignment to a Field Unit or Work Center:
 - a. Security Level 1 offenders - No Murder I or II, Sex Offense, Kidnap/Abduction, No Escapes within the last 10 years as defined in the *Institutional Assignment Criteria*, or Felony Detainers
 - b. Security Level W offenders - No Murder I or II, Voluntary Manslaughter, Sex Offense, Kidnap/Abduction, Carjacking, Flight/FTA pattern, No Escapes within the last 10 years as defined in the *Institutional Assignment Criteria*, No Felony Detainers. Felony convictions for Robbery w/Weapon Present or Implied, Malicious Wounding, Unlawful Wounding, Maiming, and Felonious Assault, including multiple convictions, will be considered on a case-by-case basis.
- c. Field Units and Work Centers
 - i. Class Level I or II
 - ii. "A" or "B" Medical Location Code and "D" Medical Location Code for Psychotropic Medications with "MH-X" Mental Health Classification Code (see *Standard Treatment Guideline - Medical/ Location Codes*).

- iii. "0" or "1" Mental Health Classification Code. Offenders assigned to a "2" Mental Health Classification Code will be considered on a case-by-case basis for assignment to a designated Field Unit or Work Center (see Operating Procedure 730.2, *Mental Health Services: Screening, Assessment, and Classification*, Attachment 4, *Designated Field Unit and Work Center - Psychiatric Services Guidelines*).

D. Cadre Assignment Transfers

1. Offenders who meet all eligibility criteria may request a Cadre assignment at the time of their annual review, or may be administratively reviewed and assigned by CCS upon determination that such an assignment is appropriate.
2. Eligibility Criteria - Offenders must meet each of the following criteria to be reviewed for Cadre:
 - a. Security Level W offenders - No Murder I or II, Voluntary Manslaughter, Sex Offense, Kidnap/Abduction, Carjacking, Flight/FTA pattern, No Escapes within the last 10 years as defined in the *Institutional Assignment Criteria*, No Felony Detainers. Felony convictions for Robbery with Weapon Present or Implied, Malicious Wounding, Unlawful Wounding, Maiming, and Felonious Assault, including multiple convictions, will be considered on a case-by-case basis.
 - b. Security Level 1 offenders - No Murder I or II, Sex Offense, Kidnap/Abduction, Escape within the last 10 years as defined in the *Institutional Assignment Criteria*, or Felony Detainers
 - c. Security Level 2 offenders - No Life+ or Multiple Life sentences, Single Life GCA sentences must have reached their PED. Single Life ESC sentences are not eligible for SL 2
 - d. For all Security Levels (W, 1, and 2)
 - i. Class Level I or II
 - ii. "A" or "B" Medical Location Code, "D" Medical Location Code considered on a case-by-case basis
 - iii. "0" or "1" Mental Health Classification Code, "2" Mental Health Classification Code considered on a case-by-case basis
 - e. No Disciplinary Infractions in the past 6 months
3. CCS must be notified when an offender is no longer eligible or suitable for a Cadre Assignment.
4. Upon notification that an offender is no longer eligible or suitable for Cadre assignment, CCS will review for appropriate reassignment.

E. Medical and Mental Health Transfers

1. Temporary or permanent transfers for medical purposes will be coordinated by the Office of Health Services in accordance with Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*, and Operating Procedure 720.7, *Emergency Medical Equipment and Care*.
2. Transfers of offenders based on mental health problems will be handled through the CCS Psychologist Senior in accordance with Operating Procedure 730.3, *Mental Health Services: Levels of Service*.

F. Court Appearance Transfers

1. An offender summoned by Court order to appear in a Court may be housed in a local jail facility for court appearances. Offenders transferred to local jail facilities for Court purposes will be returned to the sending institution upon completion of their involvement in Court proceedings.
2. Where it is deemed necessary to transfer an offender from one institution to another to facilitate Court appearance in the absence of a Court order, the Facility Unit Head or their designee receiving verbal instructions from the Court (or the Attorney General's office) shall promptly notify the Director of Offender Management Services.
 - a. The Facility Unit Head or their designee will indicate the date of the scheduled Court appearance.
 - b. The Director of Offender Management Services or designee will issue a temporary reclassification order authorizing the necessary transfer to an appropriate institution.

- c. Upon completion of the Court appearance, the offender will be returned to the sending institution, if suitable.

G. Emergency Transfers

1. In situations which require the immediate removal of an offender from an institution, CCS (during business hours) or the Regional Administrator or Regional Duty Officer (during non-working hours, holidays, and weekends) may authorize a temporary transfer to any equal or higher security level institutional bed. These transfers will be in accordance with levels established in the *Institutional Assignment Criteria*. Such decisions may be made for security and health reasons only, and must conform to the definition of *Emergency Transfer* in this operating procedure.
2. Exception: The Director of Offender Management Services has authorized all Work Centers to coordinate the temporary, emergency removal of offenders from their units with their parent host institution using an [Intra-Regional Transfer Authorization](#) 050_F8 (see Operating Procedure 050.3, *Facility Release of Offenders*). If the Facility Unit Head of the host institution accepts the offender for temporary transfer, no further authorization for transfer is necessary. The Transportation Supervisor shall be notified via telephone or email immediately. All eligibility standards for emergency transfer and Institutional Classification Authority (ICA) hearing requirements of Operating Procedure 830.1, *Facility Classification Management*, apply.
3. Where possible, temporarily transferred offenders will be assigned to fill vacant beds and “swaps” of offenders will be utilized only as a last resort. All emergency transfers should be coordinated with the Central Transportation Supervisor. The Regional Administrator, or designee, should contact (email acceptable) the Central Transportation Supervisor the next business day after a temporary intra-regional transfer to confirm that their transfer presents no conflict with already committed beds.
4. All temporary, emergency transfer decisions are subject to review and approval by CCS. All Institutional Classification Authority (ICA) Hearing requirements of Operating Procedure 830.1, *Facility Classification Management*, shall be observed.
5. Offenders Eligible for Emergency Transfer:
 - a. An offender who cannot be safely controlled at the current institution pending standard reclassification due to disruptive or violent/aggressive infractions; the offender may not be assigned to a general population status at time of transfer.
 - b. An offender whose medical needs require immediate transfer to an institution with 24 hr. medical coverage, specialized medical equipment, or close proximity to a major medical facility.
6. Processing Temporary Emergency Transfers - (Normal Business Hours - 8:00 am - 5:00 p.m.):
 - a. The Facility Unit Head or the Assistant Facility Unit Head requesting a temporary transfer will contact CCS. (4-ACRS-5A-06)
 - b. This institutional administrator will provide a detailed written explanation of the rationale for the offender’s assignment to segregation/ restrictive housing, the need for their immediate transfer from the current housing institution, and a recommendation of the level of security housing needed for the offender.
 - c. CCS will issue a *Temporary Reclassification* to affect the necessary transfer.
7. Processing Temporary Emergency Intra-Regional Transfers - (Non-Working Hours, Holidays, and Weekends):
 - a. The Regional Administrator or Regional Duty Officer will be responsible for determining the validity of need for immediate temporary transfer based on a Facility Unit Head (or Administrative Duty Officer if the Facility Unit Head is not available) request. (4-ACRS-5A-06)
 - b. The Regional Administrator, or designee, will ensure the offender being transferred meets the established assignment criteria of the institution chosen to receive the offender and will ensure the sending institution completes a thorough records check for documented keep separates prior to transfer to ensure that the temporary transfer will not place the offender in jeopardy.

- c. The Regional Office shall maintain a permanent ledger or file of all temporary transfers approved at the regional level.
 - d. The Regional Administrator, or designee, will be responsible for ensuring institutional compliance with Operating Procedure 830.1, *Facility Classification Management*.
 - e. The [Intra-Regional Transfer Authorization](#) 050_F8 (see Operating Procedure 050.3, *Facility Release of Offenders*), along with a detailed, written explanation of the need for temporary transfer from the offender's housing institution will be completed and distributed. Notification to the Central Transportation Section will be made by telephone and fax or email of the *Intra-Regional Transfer Authorization* by 9:00 AM on the following working day.
 - f. When a temporary transfer conflicts with a bed commitment, CCS will select an alternate location, where possible, on the first working day following the temporary move.
8. Responsibilities for Temporary Emergency Transfer:
- a. Sending Institution's Responsibilities
 - i. The sending institution is to provide CCS or the Regional Administrator with clear, concise information regarding the need for a temporary transfer. A record keep separate check will be conducted to ensure the offender has no documented keep separates at the institution to which they are being sent.
 - ii. Institutional Classification Authority (ICA) Hearing will be conducted by the sending institution when the offender is being assigned to segregation/ restrictive housing status at the same time they are being temporarily transferred. When this is not possible, the sending institution will ensure at a minimum the following is accomplished prior to the physical move:
 - (a) Offender will receive and sign an *Institutional Classification Authority Hearing Notification*, per Operating Procedure 830.1, *Facility Classification Management* for assignment to segregation/ restrictive status, prior to transfer.
 - (b) The Reporting Officer will provide a signed written statement describing the pertinent facts and action(s) taken concerning the incident that prompted or resulted in the temporary transfer.
 - iii. The following documents are to be forwarded to the receiving institution with the offender's record at the time of transfer:
 - (a) *Institutional Classification Authority Hearing Report*, indicating the reason for transfer
 - (b) Reporting Officer's original written statement
 - (c) Any untried disciplinary infractions as well as the originals of any infractions
 - (d) *Disciplinary Hearing Reports* which are pending possible offender appeal action
 - (e) Other pertinent documents, statements and/or reports concerning the incident and/or transfer (i.e. keep separate lists or completed request sheets, ICA results)
 - b. Receiving Institution's Responsibilities
 - i. The sending Facility Unit Head or designee will apprise the receiving Facility Unit Head or their designee of the pertinent facts surrounding the case.
 - ii. If an ICA was not conducted prior to the offender's physical transfer, the receiving institution will conduct an ICA Hearing within three working days. The ICA may address a temporary assignment pending the outcome of the investigation or disciplinary hearing or a permanent assignment for the offender, whichever is appropriate. If a temporary assignment is addressed by the ICA pending completion of an investigation or disciplinary action, an additional ICA hearing will be required to address the offender's permanent assignment.
 - iii. The institution will ensure that all procedural safeguards are observed per applicable operating procedures.
 - iv. The institution conducting the ICA Hearing will note in *Classification Action*:
 - (a) The fact that the offender was temporarily transferred
 - (b) The date of the transfer
 - (c) The location to and from which the offender was transferred
 - (d) The specific reason(s) for the temporary transfer and recommendations for institutional

assignment

- c. Central Classification Services Responsibility
 - i. The Manager of CCS, or designee, will determine the priorities when a temporary regional transfer conflicts with an earlier bed commitment.
 - ii. The Manager will advise the Transportation Supervisor to redirect offenders as deemed necessary and appropriate.
- d. All *Intra-Regional Transfer Authorizations* received in the Central Classification Services will be forwarded to the Transportation Supervisor who will maintain a log of all intra-regional transfers.
- e. CCS will review each *Classification Action* involving offenders who have been temporarily transferred intra-regionally. CCS will require the institution where the offender is housed to provide additional information for any *Classification Action* that does not specifically address the rationale for temporary transfer.
- f. CCS will ensure all necessary procedural safeguards are in place and will initiate final action in the case of each temporary transfer.

H. Transfer to Other Regional Facilities for Special Housing/ Restrictive Housing

1. Facility Unit Heads or their designees may authorize the transfer of an offender to another institution's Special Housing Unit or Restrictive Housing Unit when the sending institution does not have adequate special housing/ restrictive housing resources.
2. In such cases, the offender is normally returned to the assigned institution upon return to General Population.
3. The Institutional Classification Authority will review offenders who, for security reasons, cannot be returned to their institution of assignment.

I. Disciplinary/ Keep Separate Transfers

1. Offenders may be referred administratively to the Institutional Classification Authority (ICA) for transfer consideration to another appropriate institution when the institution determines the offender is a threat to the secure and orderly operation of the institution due to disciplinary infractions or a documented keep separate situation.
2. Offenders assigned to a restrictive housing unit or special housing for investigative purposes or pre-hearing detention should not be recommended for a transfer until the investigation is completed or the charge is heard. When the offender is assigned to segregation status or restrictive housing, the ICA may recommend a transfer to a suitable institution (with documentation) or return the offender to the general population.

J. Protective Custody

1. Designation of Protective Custody Units
 - a. The Department of Corrections Director or designee shall determine the location of Protective Custody Units and the number of beds assigned for that purpose.
 - b. The Facility Unit Head or designee should designate the specific beds within the institution allocated to protective custody use.
 - c. Protective custody units may be double celled or double bunked as needed for population management.
2. An offender may declare a need for protection at any time.
 - a. After thorough investigation, the institution administration may request an offender's transfer to the Protective Custody Unit, if deemed appropriate.
 - b. The institution(s) maintaining a Protective Custody Unit may be at a higher security level than that which the offender is currently assigned.
 - c. Offenders assigned to the Protective Custody Unit will be designated as security level P.

3. Classification To Protective Custody Units - The ICA under provisions of Operating Procedure 830.1, *Facility Classification Management*, should reach a decision for a protective custody assignment based on substantial, credible information, and after investigation as per Operating Procedure 830.6, *Offender Keep Separate Management*, which confirms the need for protective custody. For example, the offender:
 - a. Has multiple documented keep separates
 - b. Documented former public officials, law enforcement or other employees from criminal justice agencies
 - c. Documented testimony against gang or other crime organization
 - d. High Risk Sexual Victim (HRSV) or Sexual Abuse Victim
 - i. The institution shall make individualized determinations about how to ensure the safety of each offender. (§115.42[b])
 - ii. In deciding whether to assign a transgender or intersex offender to a Protective Custody Unit, the institution shall consider on a case-by-case basis whether this placement would ensure the offender's health and safety, and whether the placement would present management or security problems. (§115.42[c])
 - iii. A transgender or intersex offender's own views with respect to their own safety shall be given serious consideration. (§115.42[e])
 - e. Gang members will be considered on a case-by-case basis.
4. Offenders may be placed in segregation/ restrictive housing at the discretion of the ICA upon a determination that such placement is appropriate for the security needs of the offender. Offenders should be managed in accordance with Operating Procedure 425.4, *Management of Bed and Cell Assignments*, and Operating Procedure 861.3, *Special Housing*, pending review for protective custody assignments (see Operating Procedure 425.4RH, *Management of Bed and Cell Assignments*, and Operating Procedure 841.4, *Restrictive Housing Units*, for offenders housed in institutions operating under the Restrictive Housing Model)
5. Offenders identified as HRSV or offenders alleged to have suffered sexual abuse should not normally be placed in segregation or a restrictive housing unit without their consent by the ICA unless it has been determined that there is no available alternative means of separation from likely abusers. (see Operating Procedure 425.4, *Management of Bed and Cell Assignments* or Operating Procedure 425.4RH, *Management of Bed and Cell Assignments*, as applicable) (§115.43[a], §115.68)
 - a. The ICA must clearly document on the *Institutional Classification Authority Hearing* report the basis for the institution's concern for the offender's safety and the reason why no alternative means of separation can be arranged. (§115.43[d], §115.68)
 - b. Involuntary assignment to Segregation or a Restrictive Housing Unit shall only be made until an alternative means of separation from likely abusers can be arranged. (§115.43[c], §115.68)
 - c. This assignment to segregation/ restrictive housing shall not ordinarily exceed a period of 30 days (§115.43[c], §115.68)
 - d. Mental Health staff shall advise the ICA on whether the offender can be released to General Population or whether they must be assigned to Segregation/ Restrictive Housing and/or transferred to the DOC Protective Custody Unit. (§115.43[c], §115.68)
 - e. The Regional PREA Analyst must be notified of this assignment and kept informed of any changes in the offender's status. (§115.43[a], §115.68)
6. Offenders with documented aggressive behavior or other potential for causing management problems should not be classified to a specialized Protective Custody Unit. They should be considered for other alternatives that meet their protective custody needs without endangering the safety of staff or other offenders.
7. Requests will be submitted via VACORIS to CCS for review and final decision. Offenders should not be moved from a general population or segregation/ restrictive housing assignment to a Protective

- Custody Unit without the approval of the CCS.
8. CCS may assign an offender to the Protective Custody Unit for one or more of the following reasons:
 - a. Keep separate claims, whether offender or administrative, have been approved by CCS in accordance with Operating Procedure 830.6, *Offender Keep Separate Management*.
 - b. The offender's background, crimes, lifestyle, behavior, etc. indicates a high likelihood they will be preyed upon by other offenders in a general population setting
 9. The following information should be provided in the *Institutional Classification Authority Hearing* report:
 - a. The reason(s) the offender is in need of protective custody
 - b. How long the offender has been in segregation/ restrictive housing for his protection
 - c. Any charges the offender has received while in segregation/ restrictive housing for protection
 - d. Any other documentation that would provide CCS with information to assess the institution's request for an assignment to the Protective Custody Unit
 10. General Provisions of Protective Custody Units (§115.43[b], §115.68)
 - a. To the extent feasible, Protective Custody Units should provide programs and services similar to those available to general population offenders.
 - b. Institutions operating Protective Custody Units should develop Local Operating Procedures to specify the services and programs that will be available to protective custody offenders. Procedures should generally address the following programs and services:
 - i. Orientation
 - ii. Personal Property
 - iii. Visitation
 - iv. Legal Services/Law Library
 - v. Commissary purchases
 - vi. Education
 - vii. Medical Services
 - viii. Telephone Calls
 - ix. Work Assignments
 - x. Exercise
 - xi. Counseling
 - xii. Correspondence
 11. Classification Reviews
 - a. Assignment to a Protective Custody Unit is a specialized general population housing status. Offenders housed in a Protective Custody Unit should have an annual review of their Good Time Class Level with an updated Re-entry Case Plan and Home Plan. Security level and transfer requests should not be considered.
 - b. Protective custody offenders who become disruptive should be assigned to the institution's regular segregation/ restrictive housing unit in accordance with Operating Procedure 425.4, *Management of Bed and Cell Assignments* or Operating Procedure 425.4RH, *Management of Bed and Cell Assignments* and Operating Procedure 841.4, *Restrictive Housing Units* or Operating Procedure 861.3, *Special Housing*, as applicable.
 - c. An offender may be referred administratively to the Institutional Classification Authority (ICA) for transfer out of the Protective Custody Unit for the following:
 - i. The institution determines that the subject can no longer be managed in the Protective Custody Unit
 - ii. The institution determines that the threat to the offender's safety no longer exists.
 - iii. The offender requests release or refuses an assignment to the Protective Custody Unit. When an offender requests release or refuses assignment, the [Protective Custody Release and Refusal](#)

830_F7 must be completed and attached to the ICA in VACORIS.

- iv. All institutional recommendations will be escalated to Central Classification Services via VACORIS for a final decision.
 - v. If approved, the offender will be assigned to an appropriate security level and institution.
12. Keep separates within the Protective Custody Unit
- a. Offenders who claim keep separates within the Protective Custody Unit must report and identify these keep separates in accordance with Operating Procedure 830.6, *Offender Keep Separate Management*.
 - b. Keep separate claims should be evaluated for validity by CCS. This requirement is an additional precaution that applies only to Protective Custody Units.
 - c. The Protective Custody Unit should take reasonable steps to separate keep separates pending CCS decision.

K. Security Level S Transfers

1. Security Level S is a type of housing reserved for special purpose bed assignment which is utilized by institutions under proper administrative process for the protective care and management of offenders.
2. To initiate a transfer to Red Onion State Prison (ROSP) for assignment to Security Level S, the institution currently housing the eligible offender should conduct an ICA Hearing in accordance with Operating Procedure 830.1, *Facility Classification Management*, and Operating Procedure 830.2, *Security Level Classification*, documenting the offender's eligibility and recommending assignment.
3. Central Classification Services (CCS) will review each assignment and, in VACORIS, escalate eligible offenders for review to the Facility Unit Head or their designee and the Regional Operations Chief.

L. Steps to Achieve Reintegration (STAR) Program Transfers

1. Offenders in segregation or restrictive housing who refuse assignment to general population due to fear, threat, violent or aggressive behavior, or legitimate protective custody needs should be reviewed by the institution for transfer to the *Steps to Achieve Reintegration (STAR) Program*.
2. Security level W through 4 offenders shall be considered for the *Star Program* at Keen Mountain Correctional Center (KMCC) and Security Level 5 offenders and offenders not eligible for placement at KMCC shall be considered for the High Security Level *STAR Program* at Wallens Ridge State Prison (WRSP).
3. To recommend a transfer to either *STAR Program*, institutional staff shall prepare the [Offender Case Analysis for Steps to Achieve Reintegration \(STAR\) Program](#) 830_F5 for review and approval by the Facility Unit Head or designee.
4. The staff member preparing the *Offender Case Analysis* must notify an institution QMHP who will complete the [Steps to Achieve Reintegration \(STAR\) Program - Mental Health Review](#) 830_F6.
 - a. The [Steps to Achieve Reintegration \(STAR\) Program - Mental Health Review](#) 830_F6 must be sent directly to the Keen Mountain Correctional Center (KMCC) or the Wallens Ridge State Prison (WRSP) senior QMHP for review.
 - b. Failure to submit the *Mental Health Review* to KMCC or WRSP will result in CCS disapproval of the offender for participation in the *STAR Program*.
 - c. The [Steps to Achieve Reintegration \(STAR\) Program - Mental Health Review](#) 830_F6 shall not be uploaded into VACORIS.
5. A formal ICA Hearing shall be conducted in accordance with Operating Procedure 830.1, *Facility Classification Management* and submitted via VACORIS to CCS for review.
 - a. Confirmation that the [Steps to Achieve Reintegration \(STAR\) Program - Mental Health Review](#) 830_F6 was completed and submitted to KMCC or WRSP must be documented on the *Institutional Classification Authority Hearing Notification*.

- b. The completed *Offender Case Analysis* must be uploaded as an external document and forwarded with the ICA recommendation for assignment to the *STAR Program*.
6. CCS will review each assignment to the *STAR Program*, and in VACORIS, escalate eligible offenders for review by the Facility Unit Head or designee of the designated *STAR Program* institution and the Regional Operations Chief.
7. The Facility Unit Head or designee and the Regional Operations Chief must approve the offender's admission into the *STAR Program* and will coordinate with Central Transportation to arrange transfer, as needed for offenders accepted into the program.
8. Offenders disapproved for assignment to the STAR Program should be re-evaluated for alternative options i.e. release to general population and/ or transfer.

M. Shared Allied Management (SAM) Unit Transfers

1. The purpose of the SAM Unit is to promote safety within institutions by avoiding the use of Special and Restrictive Housing to manage offenders that typically require a high level of services from security, mental health, and/ or medical staff.
2. Three specific offender populations are eligible for assignment to the *Shared Allied Management (SAM) Unit*.
 - a. Mental Health Population: Mentally ill or seriously mentally ill (SMI) offenders who are at a greater risk to cycle in and out of Special or Restrictive Housing and/ or Mental Health Units for disruptive behavior related to their mental health diagnoses and symptoms to include:
 - i. Offenders with a Mental Health Code 2 or 2S, who are housed in SHU/ RHU with a history of repeated misbehavior due to their mental illness
 - ii. Offenders recently released from an Acute Care Unit or other Mental Health Units
 - iii. Offenders who had suicidal/ self-harm incidents and/ or thoughts in the last three months
 - iv. Offenders who are having a difficult time adapting to the basic demands of their current housing status due to the symptoms of their mental health diagnosis but do not meet the criteria for a Mental Health Unit
 - b. Medical Population: Medically infirmed offenders requiring intensive medical attention but not requiring admission to the infirmary
 - c. Vulnerable Population: Offenders who are at a greater risk for victimization or being bullied in general population due to characteristics such as cognitive challenge, age (seniors and youthful), small in stature or timid personalities
3. SMI offenders requiring special housing or restrictive housing for longer than 28 days, offenders with a history of repeated or recent predatory behavior, and offenders attempting to manipulate their housing due to debt, threat, other social factors, or personal gain are not eligible for assignment to a *SAM Unit*.
4. In order to recommend an offender for assignment to a *SAM Unit*, designated institutional staff must prepare the [Shared Allied Management \(SAM\) Unit Admission Screening](#) 830_F8 for review and approval by the Chief of Housing and Programs (CHAP)
 - a. In order to assign an offender to the *SAM Unit* at their current institution, an informal ICA hearing is required and designated institutional staff must prepare the [Shared Allied Management \(SAM\) Unit Admission Screening](#) 830_F8 for review and approval by institution's CHAP.
 - i. Offenders must first be referred and reviewed for placement in the SAM Unit at their current institution.
 - ii. Submission of the Shared Allied Management (SAM) Unit Admission Screening 830 F8 to DOCSAM for internal assignments is not required.
 - b. When the offender's assignment to a *SAM Unit* requires an institutional transfer, a formal ICA Hearing ~~shall~~ will be conducted in accordance with Operating Procedure 830.1, *Facility Classification Management*, and submitted via VACORIS to the Psychology Associate Senior at

CCS or designee for review.

- i. The offender's security level score and status must be reviewed to determine if the current security level is appropriate. When the offender's behavior or other factors indicate that the current security level assignment may not be appropriate, the offender's security level must be updated in VACORIS in accordance with Operating Procedure 830.2, *Security Level Classification*.
 - ii. The ICA recommendation should include a transfer request to a *SAM Unit* at an appropriate institution listed on Attachment 3, *Shared Allied Management (SAM) Unit Institutional Criteria*.
 - iii. Upon conclusion of the ICA and recommendation of offender assignment to a *SAM Unit*, the CHAP or their designee will forward the completed [Shared Allied Management \(SAM\) Unit Admission Screening 830_F8](#) by email to DOCSAM.
 - iv. The Psychology Associate Senior at CCS or designee will review each recommended assignment and, taking into consideration bed availability, will make a determination on the appropriate institutional *SAM Unit* assignment.
 - v. The Psychology Associate Senior at CCS or designee will forward the *SAM Admission Screening* to the CHAP at the receiving *SAM Unit* for review and approval.
 - (a) Within 3 working days, the CHAP or their designee must make email notification to the Psychology Associate Senior at CCS or designee of their decision to either accept, accept with waitlist, or deny an offender's assignment to the SAM Unit.
 - (b) If the offender is accepted, the Psychology Associate Senior at CCS or designee will approve the offender's admission into the SAM Unit and finalize the ICA's recommendation for transfer in VACORIS.
 - (c) If the offender accepted with waitlist, the Psychology Associate Senior or designee will add the offender to the statewide wait list for SAM Unit beds.
 - (d) If the offender is denied for admission, the CHAP or their designee must clearly document the reason for denial on the Shared Allied Management (SAM) Unit Admission Screening 830_F8. Denial of a SAM Unit referral is limited to legitimate operational or security reasons i.e. validated enemies, inappropriate classification, bottom bunk availability, etc.
 - vi. When an inappropriate referral is submitted or an offender's admission into a *SAM Unit* is denied, the Psychology Associate Senior at CCS or their designee will consult with the Serious Mental Illness (SMI) Coordinator.
 - (a) The SMI Coordinator will make the final determination on the appropriateness of these referrals and on an offender's institutional *SAM Unit* assignment.
 - (b) The Psychology Associate Senior or their designee will approve or disapprove an offender's admission into a *SAM Unit* on behalf of the SMI Coordinator, finalize the ICA's recommendation for transfer in VACORIS, and notify appropriate staff of the decision.
5. All offenders should sign the [Shared Allied Management \(SAM\) Unit Contract 830_F9](#) as a condition of their assignment to the institution's *SAM Unit*. An offender's refusal to sign the *Contract* will be documented on the Contract and may result in removal from the *Unit*.

N. Secure Diversionary Treatment Program (SDTP) Transfer

1. The *Secure Diversionary Treatment Program (SDTP)* is designed to provide treatment in a secure setting to offenders with *Serious Mental Illness (SMI)* in Special or Restrictive Housing who will not be released to General Population or moved into SD-1 or SD-2 within 28 days.
2. In order to initiate the SDTP review process, a formal ICA Hearing shall be conducted in accordance with Operating Procedure 830.1, *Facility Classification Management*, and submitted via VACORIS to the Mental Health Clinical Supervisor (MHCS) of the referring region for review and approval. The institution's ICA recommendation must include a transfer request that includes and is limited to Wallens Ridge State Prison, Marion Correctional Treatment Center, and River North Correctional Center.
 - a. Upon conclusion of the ICA and recommendation of offender referral to an SDTP, the Chief of Housing and Programs or designee at the referring facility shall complete the [Assignment to Secure](#)

- [Diversionary Treatment Program](#) 830_F10 and forward the completed form by email to DOCSMI by the end of the following work day.
- b. The senior QMHP at the referring facility will complete the [Mental Health Clinical Supervisor - External Review](#) 830_F11 and a new [Mental Health Serious Mental Illness \(SMI\) Determination](#) 730_F34. Both documents will be submitted to the Mental Health Clinical Supervisor (MHCS) of the referring region for review and approval by the end of the following work day.
 - c. The MHCS will conduct an external review and document their decision on the [Mental Health Clinical Supervisor - External Review](#) 830_F11.
 - i. If approved, the completed [Mental Health Clinical Supervisor - External Review](#) 830_F11 and [Mental Health Serious Mental Illness \(SMI\) Determination](#) 730_F34 will be forwarded by email to DOCSMI.
 - ii. The MHCS will escalate the ICA in VACORIS to the Regional Operations Chief of the Western Region who approves or disapproves the offender's assignment to an SDTP. If approved, the ICA will then be escalated to the Psychology Associate Senior at CCS.
 - d. The Seriously Mentally Illness (SMI) Coordinator will review the [Assignment to Secure Diversionary Treatment Program](#) 830_F10, [Mental Health Clinical Supervisor - External Review](#) 830_F11 and [Mental Health Serious Mental Illness \(SMI\) Determination](#) 730_F34 and verify the documents are complete and accurate. Upon completion of their review, the SMI Coordinator will prepare the documents for further review and approval by the MITT
 - i. The MITT will review the offender and if approved, determine the appropriate SDTP institutional assignment.
 - ii. The Psychology Associate Senior at CCS will approve the offender's transfer in VACORIS to the approved SDTP location on behalf of the MITT.
3. After successful completion of the SDTP, offenders with additional Mental Health needs may be referred to a *Shared Allied Management (SAM) Unit* as outlined in this operating procedure.
- a. In addition to the referral process and ICA hearing requirements as provided in this operating procedure, the referring SDTP site must also forward a copy of the [Shared Allied Management \(SAM\) Unit Admission Screening](#) 830_F8 to the Chief of Housing and Programs at the receiving SAM site, as determined by the Psychology Senior at CCS.
 - b. The QMHP at the referring SDTP site will also prepare and send an [Electronic Notification of Mental Health Offender Transfer](#) 730_F11 to the senior QMHP at the receiving SAM site, as determined by the Psychology Senior at CCS.

O. Substance Abuse Cognitive Therapeutic Community Transfer

1. Offenders may be administratively assigned and required to participate in a Substance Abuse Cognitive Therapeutic Community (CTC) upon determination that such an assignment is appropriate.
 - a. Transfers to CTC will take priority over vocational programming for those offenders who the court has ordered or recommended for TC.
 - b. Transfers to CTC will take priority for those offenders who have been enrolled in a vocational program for 4 months or less at the time the transfer is submitted to CCS.
 - c. Behavioral Correctional Program Offenders (BCP) will be administratively reviewed and assigned to CTC by CCS.
 - d. Offenders may request a CTC transfer at an annual review.
2. Eligible offenders identified on the *Classification Review Screen* in VACORIS or offenders whose COMPAS scores reflect the required rating on the Substance Abuse Scale and Cognitive Behavioral Scale should be reviewed by the ICA for transfer to a CTC at any time after determining the offender's suitability for participation.
3. The institutional ICA will review CTC transfer requests in accordance with the *CTC Eligibility and Suitability Criteria* listed below. Offenders must meet the institution's requirements as listed in the *Institutional Assignment Criteria* which can be found on the Virtual Library

4. CTC Transfer requests should be submitted via VACORIS to CCS for review and a final decision. Requests for Lawrenceville CTC must also be accompanied by the *LVCC New Hope Therapeutic Community Admissions Contract* (see Attachment 1). CCS will determine eligibility and suitability for assignment to the particular institution and will have final authority for approval or disapproval.
 - a. Transfer requests shall be submitted in the *Classification* module of VACORIS designated with an *Action Type of Transfer, Priority 3, Priority Reason of Program Needs, and Transfer Reason of Substance Abuse Program*.
 - b. If approved for participation, CCS will effect the necessary transfer.
 - c. CCS disapproval will be noted on the Institutional Classification Authority Hearing Report.
5. CTC Eligibility and Suitability Criteria
 - a. Indian Creek Correctional Center (ICCC) (males)
 - i. Security Level W, 1 or 2
 - ii. Mental Health Code 0, 1 or 2
 - iii. 16-26 months to projected release
 - iv. No felony detainers
 - v. COMPAS *Substance Abuse Scale* and *Cognitive Behavioral Scale* rating in accordance with Operating Procedure 841.1, *Offender Programs and Services* and/or a documented history of substance abuse at the discretion of CCS
 - vi. Ability to read and write
 - vii. IQ of 75 or higher
 - b. Virginia Correctional Center for Women (VCCW)
 - i. Security Level W, 1 or 2
 - ii. Mental Health Code 0, 1 or 2
 - iii. 16-26 months to projected release date
 - iv. No felony detainers
 - v. COMPAS *Substance Abuse Scale* and *Cognitive Behavioral Scale* rating in accordance with Operating Procedure 841.1, *Offender Programs and Services* and/or a documented history of substance abuse at the discretion of CCS
 - vi. Ability to read and write
 - c. Lawrenceville Correctional Center (LVCC) (males)
 - i. Security Level 3
 - ii. 18 to 36 months to projected release date
 - iii. Documented history of substance abuse
 - iv. Stable adjustment and at least 4 months infraction free
 - v. Ability to read and write
 - vi. Accepts only voluntary referrals
6. Removals from CTC
 - a. Failure to participate will be justification for Class Level IV per COV §53.1-200.
 - b. Offenders who refuse to participate in the CTC program or whose behavior warrants removal from the program as a result of their non-compliant or disruptive behavior will be reviewed by the *Cognitive Community Treatment Team* for removal.
 - c. In accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*, a member of the treatment team shall charge the offender with Offense Code 119e *Refusal to participate in or removal from a residential cognitive community program*.
 - d. Offenders found guilty of Offense Code 119e shall be referred to the Institutional Classification Authority (ICA) for a formal hearing to address the offender's removal from the TC program, assignment to Class Level IV., review of Security Level, and appropriate institutional assignment.
 - e. Offenders determined to be physically or mentally incapable of CTC participation will be referred

to the ICA with documentation from the institutional Physician or QMHP for program removal without sanctions.

- f. ICA recommendations for CTC program removal shall be submitted for final review and approval to CCS as a “transfer”.

P. Sex Offender Residential Treatment Program (SORT)

1. Offenders determined as eligible for the Sex Offender Residential Treatment Program may be referred to the Director of the SORT Program by completion of the *Sex Offender Residential Treatment Program Referral* (See Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*).
2. The SORT Treatment Team will review the referral for admission to the program.
3. Transfer arrangements for offenders accepted will be made by a member of the Sort Treatment Team through CCS Psychologist Senior or designee. CCS will have final authority for approval or disapproval of transfer.

Q. Offender Requested Transfer

1. General population offenders (other than Youthful Offenders, Protective Custody offenders, and those sentenced to Death Row) may request a transfer during their annual review to equal security level institution provided the level does not change.
2. Offenders requesting transfers must meet the following criteria:
 - a. Must be assigned to a General Population setting
 - b. Must have been at present assignment for a minimum of one year (not required for an offender administratively transferred for population management)
 - c. Must be currently assigned to Security Level W, 1, 2, 3, or 4
 - d. Must be GCA (Good Conduct Allowance) or ESC (Earned Sentence Credit) I or II; GCA L-1 or L-2, for lifers; GCA V-1 or V-2, or have earned an equivalent point score under the GCT (Good Conduct Time) system
 - e. Must not have been convicted of any institutional infractions within the past twelve months
 - f. Must not have been convicted of an infraction code 100 through 108 or 198 related to any 100-108 codes within the past twenty-four months
3. Offenders, whose security level is reduced as the result of annual review, will usually be transferred to an appropriate institution according to their newly assigned security level.
 - a. Offender preferences for transfer should be noted in *Comments*. The ICA should select the institutional assignment in the Action Type - Transfer section of the classification action in VACORIS and escalate to Central Classification Services (CCS) for review and final decision, if necessary.
 - b. Transfers as the result of security level reviews at the time of annual review do not require due process or a formal review.
 - c. Offender requests for transfer to preferred locations must give way to considerations of space, security, and program availability.

R. Common Fare Diet Transfers -

1. Assignments to the Common Fare Diet shall be managed in accordance with Operating Procedure 841.3, *Offender Religious Programs*.
2. Requests for transfers from facilities that do not offer the Common Fare Diet will be escalated to CCS for assignment to an appropriate institution.
3. Security Level W and 1 offenders who are transferred to a higher security level facility for the Common Fare diet and then voluntarily withdrawal from the diet, will be submitted for an administrative transfer to a facility that houses Security Level W and 1 offenders.

S. Corrections Construction Unit, Environmental Services Unit, and Operational Maintenance Unit

1. The Corrections Construction Unit (CCU), Environmental Services Unit (ESU), or Operational Maintenance Unit (OMU) are considered programs which also provide job skills.
2. Offenders desiring to be assigned to the Corrections Construction Unit (CCU), Environmental Services Unit (ESU), or Operational Maintenance Unit (OMU) should send a letter to the Manager of the CCU, ESU, or OMU listing their name, number, current location, and a brief listing of their training and skills that would be useful in the CCU, ESU, or OMU.

Manager, Corrections Construction Unit
3600 Woods Way, Bld. 74
State Farm, VA 23160

Manager, Environment Services Unit
783 Prison Road
Boydton, VA 23917

Manager, Operational Maintenance Unit
6900 Atmore Drive, Room 3040
Richmond, Virginia 23225

3. The CCU Manager, ESU Manager, or OMU Manager will submit a request to Central Classification Services (CCS) with recommendations of appropriate candidates for assignment to CCU, ESU, or OMU. The CCS will review each referral and determine approval/disapproval for CCU, ESU, or OMU.
4. Type I "Unrestricted" Assignment
 - a. Offenders are permanently assigned to CCU, ESU, or OMU.
 - b. Offenders may be transferred as needed by the CCU Manager, ESU Manager, or OMU Manager throughout the State to work sites for the period of time needed.
 - c. The CCU Manager, ESU Manager, or OMU Manager will coordinate with the Central Transportation Section for temporary assignments to other institutions.
 - d. Criteria
 - i. Security Level W
 - ii. Outside Work Classification I, or II
 - iii. "A" Medical, and MH-0 or medically cleared for CCU, ESU, or OMU
 - iv. Not Adult Basic Education Program eligible is preferred, but not required
 - v. Within 7 years of MPRD/GTRD
 - vi. No disciplinary convictions within the last 6 months
 - vii. No violent or assaultive current or prior offenses
5. Type 2 "Restricted" Assignment
 - a. Offenders are permanently assigned to CCU, ESU, or OMU and housed at a designated institution.
 - b. Offenders are restricted to work under armed supervision or only for inside perimeter projects dependent upon the offender's work classification.
6. Offenders approved for the Corrections Construction (CCU), Environmental Services (ESU), and Operational Maintenance Unit (OMU) will complete the journal "Re-entry Planning Workbook" and view the video "Money Smart: Making Cents of Your Finances".
7. CCS must be notified when an offender is no longer eligible or suitable for CCU, ESU, or OMU assignment.
8. Upon notification that an offender is no longer eligible or suitable for CCU, ESU, or OMU assignment, CCS will review for appropriate reassignment.

T. Work Release

1. DOC Jail Contract Work Release - Offenders housed in a DOC institution may request assignment to work release at a local or regional jail at the time of their annual review, or may be administratively reviewed at the discretion of the institution based upon pending date of release, provided the offender meets all other criteria. (4-4444; 4-ACRS-5A-14; 4-APPFS-2C-04)
2. Sheriff/Jail Requested Work Release – For DOC offenders housed in local or regional jails, a Sheriff/Jail Administrator may request in writing that a state responsible offender be assigned to the jail’s work release program.
3. Transitional Women’s Work Release (TWWR) - see Attachment 2 for the eligibility and suitability criteria for the *DOC Women’s Work Release Program*.
 - a. Participation in the *DOC Women’s Work Release Program* will not be limited by an offender’s release plan area.
 - b. Female offenders whose release plan is to the Tidewater area are not eligible for DOC Jail Contract Work Release and will only be considered for work release through the *DOC Women’s Work Release Program*.
4. Transitional Men’s Work Release (TMWR) - See Attachment 4 for eligibility and suitability criteria for the *Transitional Men’s Work Release Program*.
 - a. Participation is limited to offenders who have a release plan to the greater Richmond area to include the cities of Richmond, Petersburg, and Colonial Heights and the counties of Henrico, Chesterfield, Hanover, New Kent, Goochland, Charles City, Amelia, and Powhatan.
 - b. Offender transfer to State Farm Work Center for the purpose of participation in the Transitional Work Release Program does not guarantee assignment to TMWR.
 - i. Offenders will be required to complete a 30 day evaluation/orientation conducted by Spectrum staff and will be assigned to the kitchen for a minimum of 90 days.
 - ii. Offenders working in the State Farm Work Center kitchen for at least 90 days will be referred to the ASD Culinary Arts Program where the offender will work for a minimum period of 6 months and complete Foundations I and II.
 - iii. Offenders will be required to complete the ServSafe program prior to or during their assignment to the TMWR.
 - iv. Upon successful completion of the ASD Culinary Arts Program and ServSafe certification, the offender will be reviewed for participation in the community work release portion of the TMWR Program.
 - c. Institutional recommendations for offender approval to the community work release portion of TMWR will be submitted to CCS for final review.
 - i. The counselor will review the [Transitional Work Release Offender Agreement](#) 830_F12 with the offender; the offender must sign the *Agreement* in order to participate in community work release.
 - ii. The [Employer’s Community Work Release Agreement](#) 830_F13 and [Transitional Work Release Employment Assignment](#) 830_F14 must be completed to document the expectations for the employer and the offender during the community work release phase of TMWR.
5. The institutional ICA will review requests in accordance with *Eligibility Criteria* and *Suitability Criteria* below.
6. Requests will be submitted, via VACORIS, to CCS for review and final decision.
7. Eligibility Criteria - Offenders must meet each of the following criteria to be reviewed for work release participation:
 - a. Criminal Offense History - Offenders serving time for, or who have an offense history involving any of the following felony offenses are not eligible for work release unless otherwise noted:
 - i. Homicide/Murder - §18.2-30

- ii. Abduction/Kidnapping - §18.2-47
 - iii. Sex Related Crimes - §18.2-61
 - iv. Robbery - §18.2-58 (Cannot have a conviction for robbery within the last 15 years or more than 2 convictions in the last 25 years)
 - v. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming - §18.2-51 (Cannot have a conviction for a felonious assault, unlawful wounding, malicious wounding or maiming within the last 15 years or more than 2 convictions in the last 25 years)
 - vi. Carjacking - §18.2-58.1
 - vii. Mob related offenses - §18.2-38
- b. Release Criteria - Release criteria vary depending on whether an offender is reviewed for DOC Jail Contract Work Release or for Sheriff/Jail Requested Work Release.
- i. DOC Jail Contract Work Release criteria
 - (a) Offenders must be within 14 months of their Good Time Release Date or Mandatory Release Date with a minimum of 8 months left to serve on their sentence.
 - (b) Offenders approved for work release will complete the journal “Re-entry Planning Workbook” and view the video “Money Smart: Making Cents of Your Finances”. Work Release is considered a program which provides job skills.
 - ii. Sheriff/Jail Requested Work Release criteria - DOC offenders housed in local jails must be within 24 months of their release date.
- c. Escape History
- i. There should be no history of escape or attempted escape during the last ten years.
 - ii. Offenders who have had two or more escapes, or attempted escapes, within the past ten years are not eligible.
- d. Security Level - Offenders must be assigned to Security Level W or 1.
- e. Good Time Earning Level - Offenders should be assigned to good time Class Level I or the equivalent. Central Classification Services, during administrative reviews, may waive this criterion if an offender meets all other eligibility and suitability criteria.
- f. Medical/Mental Health
- i. Offenders on maintenance medication for high blood pressure, epilepsy, diabetes, etc. may be considered after consultation with institutional medical staff to determine an offender’s ability to function in a work setting away from immediate medical services.
 - ii. Institutional medical staff should review each case to ensure medical codes are correct and that there are no pending appointments, surgeries, or mental health or dental problems that could prevent assignment at that time.
- g. Detainer - Offenders should have no active detainers or pending charges.
- h. Program Violations - Offenders removed from work release due to a program violation will not be eligible to reapply for work release for a period of 12 months after the date of removal. Offenders removed due to a criminal conviction committed while assigned to work release are ineligible to reapply during the remainder of their sentence per COV §53.1-62.
- i. Offenders removed from court ordered community programs or Community Corrections Alternative Programs (CCAP) shall not be eligible for sheriff or jail requested work release programs if they are serving a probation violation sentence as a result of their removal.
- j. Must be eligible to work in the United States
- k. Currently assigned to work under unarmed supervision outside the security perimeter for at least the last six months. All work release recommendations by the ICA shall indicate that the applicant has successfully completed six months of outside work under unarmed supervision. Preferential consideration for work release will be given for offenders who are assigned to a Work Center.
8. Suitability Criteria - The following evaluation criteria should be used when making final decisions for assignment to work release. Consideration should be given to the listed objective risk assessment

- factors when considering ability to abide by program expectations and level of risk to the public.
- a. Severity and total number of current and prior criminal convictions (History of misdemeanor assaults or assaultive behavior may disqualify an offender from acceptance).
 - b. Length of time in minimum security and good time class level
 - c. Drug/alcohol abuse history (several jail programs will not accept offenders with “drug distribution” convictions).
 - d. Program participation and performance during incarceration (e.g. GED, NA)
 - e. Institution work history and employment stability prior to incarceration
 - f. Previous probation/parole supervision adjustment included but not limited to failing to report, moving without permission, removal from or failing to complete treatment programs, and absconding from supervision.
 - g. Previous adjustment in work release or other community release program
 - h. Consideration should be given to any significant adverse public sentiment to the offender’s presence in the community. This may be gauged by specific objections that may be expressed by prosecuting attorneys, courts, local law enforcement officials, victims, or others.
 - i. History of domestic violence including misdemeanor assault and battery charges, stalking, active protective orders or prior protective order violations, and threatening charges
9. Offender Requests - Offenders meeting the eligibility criteria may request DOC Jail Contract Work Release through the institutional counselor during the annual review per Operating Procedure 830.1, *Facility Classification Management*.
- a. Requests may be considered outside the annual review at the discretion of the institution, particularly in cases where the offender’s release date precludes any future annual review.
 - b. Offenders should inform their counselor of a release plan location, so a determination can be made about the availability of a work release program in that locality.
 - c. The *Work Release Quick Reference* that lists participating jails and any special criteria is available for institutional staff to discuss with offenders. (contact CCS)
10. Referral Process - Referrals may be made by institution staff, the Virginia Parole Board, Sheriff, Jail Administrator, through the Pre-Release Program, or administratively by Central Classification Services (CCS).
- a. Institutional referrals for DOC Jail Contract Work Release are made via established review procedures of the offender’s eligibility and suitability. Administrators may refer offenders for review outside the annual review. Institutional recommendations are forwarded to CCS for final review. These recommendations should include:
 - i. Release Plan location
 - ii. Name and phone number of the prospective employer if this is determined to be necessary
 - iii. Current Progress Report
 - b. Sheriff/Jail Administrator referrals are written requests to the Director of Offender Management Services (OMS). Jails may request that state offenders, housed in a jail or a DOC institution, be assigned to the jail for the purpose of work release. OMS staff administratively reviews the case with the final decision resting with the Director of Offender Management Services.
 - c. Parole Board referrals for DOC Jail Contract Work Release are made via letter to the Offender Management Services. CCS staff will administratively review the case and make an appropriate decision. Prior to approval, CCS will obtain a recommendation from the institution.
 - d. Administrative referrals may be made at any time by CCS in order to manage bed space. Prior to final approval, CCS will obtain a recommendation from the institution.
11. Work Release Agreements:
- a. Jails are provided a *Work Release Program Manual* upon initial agreement and as needed when changes occur.

- b. DOC/Jail Work Release Agreements, for Sheriff Requested placements, should be signed by the current Sheriff or Jail Administrator.
 - c. Offenders approved for DOC Jail Contract Work Release participation must review and sign the [Offender Work Release Agreement](#) 830_F2 prior to transfer to a jail.
12. Pre-Program Placement Counseling - Offenders approved for work release should be given individual counseling at the current location prior to transfer.
- a. Offenders should be notified of the following:
 - i. Offenders are governed by jail rules and regulations, not DOC operating procedures.
 - ii. Offenders are responsible for paying their own medical costs while on work release.
 - iii. Offenders, once placed at a jail, do not have the option to request transfer to a different jail. Transfers between jails will only be made when there is no available employment at the assigned jail or a keep separate situation exists.
 - iv. Offenders may be returned to a higher security institution if removed from work release by the jail.
 - v. Time will continue to be computed by DOC.
 - vi. Offenders should be given a list of allowable personal property items for their assigned jail. Unauthorized property should be disposed of prior to transfer in accordance with Operating Procedure 802.1, *Offender Property*.
 - b. Counselors should assist the offender in obtaining necessary documents for employment, to include a valid Social Security Card ([Social Security Administration forms](#)) and Birth Certificate ([Office of Vital Records forms](#)). **In no case will an offender who is ineligible to work in the United States be transferred to work release.** Institutional staff will ensure that the *Virginia Criminal Justice Agency Offender Information Form* is completed. This form will be accepted by the Virginia Department of Motor Vehicles as a primary proof of residency and as a secondary proof of identity, so that offenders can obtain a DMV identification card.
 - c. The offender must submit to a drug test and test negative prior to transfer. Test results and date taken should be documented in the “Dummy” file.
13. Notifications - In accordance with [COV](#) §53.1-160, Central Classification Services will send a fifteen day written notification to the Sheriff, Chief of Police and Commonwealth’s Attorney of the jurisdiction in which the work release facility is located. If an offender is transferred to another work release site, Central Classification Services will reissue the fifteen day notification to the new locality. Notifications shall also be made to the DOC Victim Services Unit who will initiate victim notifications in accordance with [COV](#) §53.1-160., B., iii. Offenders approved may be transferred any time after CCS approval; however, offenders should not be permitted to work in the community until fifteen calendar days have elapsed from the postmark of such notice.
14. Offender Records - Institution and medical “dummy” files shall be prepared in accordance with Operating Procedure 050.3, *Facility Release of Offenders*
15. Transfer Processing - All transfers to jail work release programs are coordinated through the Central Transportation Section. Prior to transfer to a work release assignment, institutional staff should ensure that:
- a. Property - Only property on the Jails’ Allowable Personal Property list is sent with an offender to the jail. All other property should be disposed of in accordance with Operating Procedure 802.1, *Offender Property*.
 - b. Dummy Files - The “dummy” files are complete per Operating Procedure 050.3, *Facility Release of Offenders*.
 - c. Medications - Medical staff will provide a supply of medications in accordance with Operating Procedure 720.5, *Pharmacy Services*.
 - d. Transfer Clothing - Male offenders will be provided with, and transferred in, DOC standard release clothing, per Operating Procedure 050.3, *Facility Release of Offenders*, to include work boots or

shoes appropriate for a work environment. Female offenders shall be released in the standard "blue" clothing (offenders may be released with personal tennis/athletic shoes or work boots).

- e. Offender Funds - Offenders will be provided all funds credited to their Trust Account, per Operating Procedure 050.3, *Facility Release of Offenders*. Since offenders are not being released from incarceration, institutions DO NOT need to supplement offender funds to meet the \$25.00 Discharge Allowance. A check, in the amount of funds currently available, will be made out to the receiving jail and be included in the offender's dummy file sent with the transporting officer. Any additional funds posted after the offender's release should be forwarded to the appropriate jail upon closure of the Trust Account.
16. Supervision
 - a. Offenders will be supervised by jail work release staff and will be required to abide by all rules, regulations and program criteria of the Jail. This includes job checks, drug screening, transportation to and from work, visitation, recreation, discipline, etc. as directed by jail staff.
 - b. Offender attendance at funerals or deathbed visits will be in accordance with Jail policies and procedures.
 - c. General care such as food, clothing, and routine health services will be provided in accordance with 6VAC15-40, *Minimum Standards for Jails and Lockups*.
 17. Financial Obligations - Offenders participating in work release programs will be responsible for making payments from their work release wages to defray the cost of judicial or administrative support orders; fines, restitution, or costs as ordered by the Court; and expenses associated with work release supervision/programs in accordance with COV §53.1-131:
 - a. Offenders will be informed of fees associated with the above obligations by jail staff upon transfer to a work release program. Payment priorities, amounts to be applied, and methods of payment will be in accordance with local jail policies and procedures.
 - i. Priority 1 - Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order
 - ii. Priority 2 - Pay any fines, restitution or costs as ordered by the court
 - iii. Priority 3 - Pay travel and other such expenses made necessary by the offender's work release employment or participation in educational or rehabilitative programs, including the sums specified in COV §53.1-150
 - iv. Priority 4 - Defray the offender's keep
 - b. The remaining balance will be credited to the offender's jail account.
 18. Medical Services - Offenders will be provided with medical care in accordance with jail policies and procedures.
 - a. Routine medical care requires a co-payment, like in DOC institutions. Since offenders are working and receiving wages, many jails also require full payment for routine medical costs (i.e. doctor's visits, medications, etc.). Offenders will be informed of the jail policy upon arrival at the jail.
 - b. Emergency or critical medical care will be provided by the jail at the time of the occurrence. Jails should immediately notify the DOC Health Services Unit of such situations so that a determination can be made to retake the offender for continued medical care within the DOC and/or to provide reimbursement to the jail for medical costs incurred.
 19. Parole Review/Progress Reports - Work release offenders with a parole eligibility date are subject to review by the Parole Board. Often, a satisfactory adjustment in work release status will result in Discretionary Parole Release prior to the offender's Mandatory Release Date.
 - a. After four full months of satisfactory participation in work release, Jail staff, at their discretion, may submit a progress report to the Virginia Parole Board for review. A progress report to the Parole Board is not necessary for offenders that are not eligible for parole.
 - b. If an offender is denied parole, Jail staff should immediately review the offender's suitability for continuation on work release. Offenders recommended for program removal will receive a due

process hearing at the jail prior to return to the DOC. Transfer of offenders determined to be unsuitable for continuation in work release should be coordinated through the DOC Central Transportation Section.

20. Program Violations/Removals - Offenders who violate program rules and regulations, or commit a crime while on work release, will be removed from the program by the jail. Appropriate disciplinary and/or criminal proceedings will be implemented in accordance with established jail rules and regulations.
 - a. Offenders removed from work release are not eligible to reapply for twelve months after the date of removal. If removed due to committing a new criminal offense while on work release, an offender is not eligible for consideration during the current incarceration per COV §53.1-62.
 - b. Jails should immediately notify DOC Central Transportation Section of a program violation, so the offender can be scheduled for retake upon completion of any disciplinary hearing conducted by the jail.
 - c. Documentation of the inappropriate behavior and any charges (disciplinary and/or criminal) should accompany the offender when returned to the DOC. Jails have the authority and are encouraged to reduce Class Levels when appropriate as part of the jail's disciplinary process.
 - d. The receiving institution will conduct a formal due process review of assignment, security level, and Class Level, based on documentation received from the jail.
 - e. Any wages received by the Jail after DOC retake will be forwarded to the offender's current DOC institution.
21. Release Processing - Jails will assist offenders who have been granted parole or are being released on a Good Time Release Date with release transportation if requested by the offender.
22. Appeals - Offenders may appeal decisions relating to the institution or Central Classification Services approval or disapproval for program participation through the established DOC offender grievance process. Appeals of Jail operation or supervision issues must be submitted via the Jail's established grievance process.

U. Offender Appeals

1. An offender may appeal any final classification decision through the Offender Grievance Procedure.
2. The ICA recommendation and the final approval are one issue and cannot be grieved separately.

V. REFERENCES

Operating Procedure 050.3, *Facility Release of Offenders*
Operating Procedure 425.4, *Management of Bed and Cell Assignments*
Operating Procedure 425.4RH, *Management of Bed and Cell Assignments*
Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*
Operating Procedure 720.5, *Pharmacy Services*
Operating Procedure 720.7, *Emergency Medical Equipment and Care*
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 802.1, *Offender Property*
Operating Procedure 830.1, *Facility Classification Management*
Operating Procedure 830.2, *Security Level Classification*
Operating Procedure 830.6, *Offender Keep Separate Management*
Operating Procedure 841.1, *Offender Programs and Services*

Operating Procedure 841.3, *Offender Religious Programs*
Operating Procedure 841.4, *Restrictive Housing Units*
Operating Procedure 861.1, *Offender Discipline, Institutions*
Operating Procedure 861.3, *Special Housing*

VI. FORM CITATIONS

[Intra-Regional Transfer Authorization](#) 050_F8
[Interdepartmental Transfer Notice \(CA4\)](#) 050_F9
[Electronic Notification of Mental Health Offender Transfer](#) 730_F11
[Mental Health Serious Mental Illness \(SMI\) Determination](#) 730_F34
[Offender Work Release Agreement](#) 830_F2
[Offender Case Analysis for Steps to Achieve Reintegration \(STAR\) Program](#) 830_F5
[Steps to Achieve Reintegration \(STAR\) Program - Mental Health Review](#) 830_F6
[Protective Custody Release and Refusal](#) 830_F7
[Shared Allied Management \(SAM\) Unit Admission Screening](#) 830_F8
[Shared Allied Management \(SAM\) Unit Contract](#) 830_F9
[Assignment to Secure Diversionary Treatment Program](#) 830_F10
[Mental Health Clinical Supervisor - External Review](#) 830_F11
[Transitional Work Release Offender Agreement](#) 830_F12
[Employer's Community Work Release Agreement](#) 830_F13
[Transitional Work Release Employment Assignment](#) 830_F14

VII. REVIEW DATE

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

The office of primary responsibility reviewed this operating procedure in March 2018 and necessary changes have been made.

The office of primary responsibility reviewed this operating procedure in March 2019 and necessary changes are being drafted.

Signature Copy on File

2/1/17

A. David Robinson, Chief of Corrections Operations

Date