



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 830.7

Work Release Programs

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Incarcerated Offender

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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.

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

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.

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 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

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*

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 will include: *Detainers* for arraignment or prosecution of untried charges; *Judgment & Commitment Orders* for an un-served sentence; *Non-Detainer Holds* to serve the balance of a sentence subsequent to escape, or revocation of parole/probation; or any form of *Notify or Hold Request* filed by the U.S. Immigration & Customs Enforcement (ICE).

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.

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

Institutional Classification Authority (ICA) - The institutional employee designated to conduct offender case review hearings

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

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.

PURPOSE

This operating procedure establishes the eligibility and suitability criteria for incarcerated offender assignment to work release and governs offender requests for and the management of offender transfers to a designated Department of Corrections (DOC) institution, or a local or regional jail, for program participation.

PROCEDURE

- I. Work Release Review Criteria
 - A. 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 the offender may be administratively reviewed at the discretion of the institution based upon pending date of release, provided the offender meets all other criteria. (5-ACI-5F-03; 4-ACRS-5A-14 [I]; 4-APPFS-2C-04)
 - B. Sheriff/Jail Requested Work Release - DOC offenders housed in local or regional jails, a Sheriff/Jail Administrator may request in writing that a state responsible offender be assigned to their jail for the jail's work release program.
 - C. The Institutional Classification Authority (ICA) reviews offender for assignment in accordance with *Eligibility Criteria* and *Suitability Criteria* below:
 1. 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. Abduction/Kidnapping; see COV §18.2-47, *Abduction and kidnapping defined; punishment*
 - ii. Carjacking; see COV §18.2-58.1, *Carjacking; penalty*
 - iii. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming; see COV §18.2-51 *Shooting, stabbing, etc., with intent to maim, kill, etc.* The offender cannot have a conviction for a felonious assault, unlawful wounding, malicious wounding or maiming within the last 15 years or more than two convictions in the last 25 years.
 - iv. Homicide/Murder; see COV §18.2-30, *Murder and manslaughter declared felonies*
 - v. Mob related offenses; see COV §18.2-38, *"Mob" defined*
 - vi. Robbery; see COV §18.2-58, *How punished.* The offender cannot have a conviction for robbery within the last 15 years or more than two convictions in the last 25 years.
 - vii. Sex Related Crimes; see COV §18.2-61, *Rape*
 - 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 16 months of their Good Time Release Date (GTRD) or Mandatory Release Date (MPRD) with a minimum of ten 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 that 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 15 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 (CCS) staff, during administrative reviews, may waive this criterion if an offender is assigned to Good Time Class Level II and meets all other eligibility and suitability criteria.
- f. Institutional Adjustment - Offenders should not have a recent pattern of institutional disciplinary infractions and should have favorable progress reviews from their counselors and work supervisors.
 - g. Medical/Mental Health
 - i. 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.
 - ii. Offenders on maintenance medication for chronic health issues, such as; high blood pressure, epilepsy, diabetes, etc. may be considered after consultation with medical staff to determine an offender's ability to function in a work setting away from immediate medical services.
 - h. Detainer - Offenders should have no active detainers or pending charges.
 - i. 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, *When ineligible for work release*.
 - j. Offenders removed from a court ordered community program or a Community Corrections Alternative Program (CCAP) are not eligible for sheriff and jail requested work release programs if they are serving a probation violation sentence as a result of their removal.
 - k. Must be eligible to work in the United States
 - l. Offenders must be currently assigned to work outside the security perimeter under unarmed supervision, and must have worked in this capacity for at least the last six months.
 - i. All work release recommendations by the ICA will indicate that the applicant has successfully completed six months of outside work under unarmed supervision.
 - ii. Preferential consideration for work release will be given for offenders who are assigned to a Work Center.
2. 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; a 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; some 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 to include 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. Any significant adverse public sentiment to the offender's presence in the community should be considered; this may be gauged by specific objections 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
 - j. Pattern or history of firearm convictions

II. Work Release Assignment Process and Transfer

A. Offender Requests

1. Offenders who meet the eligibility criteria may request DOC Jail Contract Work Release through their institutional counselor during their annual review; see Operating Procedure 830.1, *Institution Classification Management*.
2. Work Release requests may be considered outside the annual review at the discretion of designated institution staff, particularly in cases where the offender's release date precludes any future annual review.
3. 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.
4. The *Work Release Quick Reference* that lists participating jails and any special criteria is available for institutional staff to discuss with offenders; contact CCS.

B. Referral Process

1. Institution staff, the Virginia Parole Board, a Sheriff or Jail Administrator, Pre-Release Program staff, or CCS staff can refer an offender to be reviewed for assignment to DOC Jail Contract Work Release.
2. Institution staff may refer offenders for review and assignment to DOC Jail Contract Work Release through established procedures and review of the offender's eligibility and suitability.
 - a. Institution administrators may refer offenders for review outside their annual review.
 - b. Institutional recommendations are forwarded to CCS for final review and should include:
 - i. Offenders release plan location
 - ii. Name and phone number of the prospective employer, if it is determined to be necessary
 - iii. Current progress report
3. Sheriff/Jail Administrator referrals are written requests to the Director of Offender Management Services.
 - a. A Sheriff/Jail Administrator or designee may request that state offenders, housed in a jail or a DOC institution be assigned to the jail for the purpose of work release.
 - b. Offender Management Services staff will administratively review the case with the final decision resting with the Director of Offender Management Services.
4. Parole Board referrals for DOC Jail Contract Work Release are made by letter to 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.
5. 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 institutional staff.

C. Work Release assignment requests and referrals will be submitted, via VACORIS, to CCS staff for review and final decision.

D. Work Release Agreements

1. The current Sheriff or Jail Administrator should sign DOC/Jail Work Release Agreements for Sheriff Requested placements.
2. 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.

E. Pre-Program Placement Counseling

1. Offenders approved for Work Release should be given individual counseling at the current location prior to transfer.
2. Offenders should be notified of the following:

- a. Offenders are governed by jail rules and regulations, not DOC operating procedures.
 - b. Offenders are responsible for paying their own medical costs while on work release.
 - c. 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.
 - d. Offenders may be returned to a higher security institution if removed from Work Release by jail staff.
 - e. The offender's time will continue to be computed by DOC.
3. 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*.
 4. Counselors should assist the offender in obtaining necessary documents for employment, to include a valid Social Security Card and Birth Certificate; see Operating Procedure 820.2, *Re-entry Planning*.
 - a. Institutional staff must ensure that the *Offender Information Form* is completed. The *Offender Information 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.
 - b. Under no circumstances, will an offender, who is ineligible to work in the United States, be transferred to Work Release.
 5. 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.

F. Notifications

1. In accordance with COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*, CCS staff will send a 15 day written notification to the Sheriff, Chief of Police and Commonwealth's Attorney of the jurisdiction in which the Work Release facility is located.
2. If an offender is transferred to another Work Release site, CCS will reissue the 15-day notification to the new locality.
3. Notifications must also be made to the DOC Victim Services Unit who will initiate victim notifications.
4. Offenders approved for Work Release may be transferred any time after CCS approval; however, offenders should not be permitted to work in the community until 15 calendar days have elapsed from the postmark of such notice.

G. Offender Records - Institution and medical "dummy" files will be prepared in accordance with Operating Procedure 050.3, *Facility Release of Offenders*

H. Transfer Processing

1. All transfers to jail Work Release programs are coordinated through the Central Transportation Services.
2. Prior to transfer to a Work Release assignment, institutional staff should ensure the following:
 - a. Dummy Files - The "dummy" files are complete per Operating Procedure 050.3, *Facility Release of Offenders*; see the [Dummy File Checklist](#) 050_F1.
 - b. Medications - Medical staff will provide a supply of medications in accordance with Operating Procedure 720.5, *Pharmacy Services*.
 - c. Property - Only property on the jail's 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*.
3. Transfer Clothing Operating Procedure 050.3, *Facility Release of Offenders*

- a. Male offenders will transfer in the standard khaki discharge clothing to include work boots or shoes appropriate for a work environment or standard “blue” clothing with the khakis packed in their property as directed by the jail.
 - b. Female offenders will transfer in the standard “blue” clothing; female offenders may be released with personal tennis/athletic shoes.
 - c. All offenders will be provided a jacket for transfers occurring October 15 through April 14.
4. Offender Funds - Offenders will be provided all funds credited to their Trust Account, see Operating Procedure 050.3, *Facility Release of Offenders*.
- a. Since offenders are not being released from incarceration, institutions do not need to supplement offender funds to meet the \$25.00 discharge allowance.
 - b. 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.
 - c. Any additional funds posted after the offender’s release should be forwarded to the appropriate jail upon closure of the Trust Account.

III. Work Release Program Participation

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 to include job checks, drug screening, transportation to and from work, visitation, recreation, discipline, etc. as directed by jail staff.

1. Offender attendance at funerals or deathbed visits will be in accordance with jail policies and procedures.
2. General care such as food, clothing, and routine health services will be provided in accordance with 6VAC15-40, *Minimum Standards for Jails and Lockups*.

B. Financial Obligations

1. 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; see COV §53.1-131, *Provision for release of prisoner from confinement for employment, educational or other rehabilitative programs; escape; penalty; disposition of earnings*.
2. Offenders will be informed of the fees associated with their financial obligations by jail staff upon transfer to a Work Release program.
3. Payment priorities, amounts to be applied, and methods of payment will be in accordance with local jail policies and procedures.
 - a. Priority 1 - Meet the obligation of any judicial or administrative order to provide support and such funds will be disbursed according to the terms of such order
 - b. Priority 2 - Pay any fines, restitution or costs as ordered by the court
 - c. 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, *Contributions by persons on parole, probation, and work release*.
 - d. Priority 4 - Defray the offender’s room and board
4. The remaining balance will be credited to the offender’s jail account.

C. Medical Services

1. Offenders will be provided with medical care in accordance with jail policies and procedures; offenders will be informed of the jail’s policy upon their arrival at the jail.
2. Routine medical care requires a co-payment. Many jails also require full payment for routine medical costs e.g., doctor’s visits, medications, etc., since offenders are working and receiving wages.

3. 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.

D. Parole Review/Progress Reports

1. 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 MPRD.
 2. 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.
 3. If an offender is denied parole, jail staff should immediately review the offender's suitability for continuation on Work Release.
 - a. Offenders recommended for program removal will receive a due process hearing at the jail prior to return to the DOC.
 - b. Transfer of offenders determined to be unsuitable for continuation in Work Release should be coordinated through Central Transportation Services.
- E. 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.

IV. Program Violations/Removals

- A. Offenders who violate program rules and regulations, or commit a crime while on Work Release, will be removed from the program by the jail staff. Appropriate disciplinary and/or criminal proceedings will be implemented in accordance with established jail rules and regulations.
- B. 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, the offender is not eligible for consideration during their current incarceration per COV §53.1-62, *When ineligible for work release*.
- C. Jails should immediately notify Central Transportation Services of a program violation, so the offender can be scheduled for retake upon completion of any disciplinary hearing conducted by the jail.
- D. Documentation of the inappropriate behavior and any charges, disciplinary and/or criminal, should accompany the offender when returned to the DOC. Jail staff have the authority and are encouraged to reduce good time class levels when appropriate as part of the jail's disciplinary process.
- E. Receiving institution staff will conduct a formal due process review of the offender's institution assignment, security level, and good time class level, based on documentation received from the jail.
- F. Any wages received by the jail after DOC retake will be forwarded to the offender's current DOC institution.

V. Transitional Women's Work Release (TWWR)

- A. The TWWR program for female offenders is a joint collaboration between the Department of Corrections (DOC) and Spectrum Health Systems, Inc. (Spectrum).
 1. The program is located at State Farm Work Center (SFWC) and provides female offenders with the opportunity to work in the community for three to eight months before their release date
 2. An offender's participation in the TWWR program is not limited by an offender's release plan area.
 3. Female offenders with a release plan to the Richmond area are not eligible for DOC Jail Contract Work Release and will be reviewed for Work Release through the TWWR program, only.

B. Eligibility Criteria

1. Offenders must have 12-14 months remaining to serve before their GTRD or MPRD. Those offenders who have completed Phase 2 of TC must have six to eight months remaining to serve.
2. Offenders serving time for, or who have an offense history involving any of the following felony offenses are not eligible for the DOC work release program:
 - a. Abduction/Kidnapping; see COV §18.2-47, *Abduction and kidnapping defined; punishment*
 - b. Mob related offenses; COV §18.2-38, *"Mob" defined*
 - c. Sex Related Crimes; see COV §18.2-61, *Rape*
3. Offenders with the below listed criminal offenses will be evaluated by a review team comprised of the Central Region Operations Chief, Central Region Administrator, Director of Offender Management Services, and Central Classification Services Manager
 - a. Carjacking; see COV §18.2-58.1, *Carjacking; penalty*
 - b. Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming; see COV §18.2-51, *Shooting, stabbing, etc., with intent to maim, kill, etc.*
 - c. Homicide/Murder; see COV §18.2-30, *Murder and manslaughter declared felonies*
 - d. Robbery; see COV §18.2-58, *How punished*. This offense may include present or implied weapon.
4. Offenders with a Mental Health Code of "2" or lower would be eligible provided they have been stable on their medication for a six-month period of observation.
5. Medical classifications other than "A" medical will be evaluated and approved by the medical authority for participation on a case-by-case basis.

C. Suitability Criteria

1. Risk assessment factors are a consideration when evaluating an offender's ability to abide by program expectations and level of risk to the public.
2. The following suitability criteria are used in making a final decision for offender assignment to the TWWR program.
 - a. Severity and total number of current and prior criminal convictions; misdemeanor assaults within the prior five years may disqualify an offender from acceptance.
 - b. Program participation and performance during incarceration, e.g., GED
 - c. Institutional work history and employment stability prior to incarceration
 - d. Previous probation/parole supervision adjustment
 - e. Previous adjustment in Work Release or other community release program
 - f. COMPAS Risk/Needs Assessment results
 - g. Any significant adverse public sentiment to the offender's presence in the community should be considered; this may be gauged by specific objections expressed by prosecuting attorneys, courts, local law enforcement officials, victims, or others

D. In order to transfer to SFWC for participation in the TWWR program, the offender must first complete the Cognitive Community Reentry Program or Phase II of the Cognitive Therapeutic Community Program, currently located at Virginia Correctional Center for Women.

E. Offenders who are determined to be eligible and suitable will transfer to SFWC for a 30-day evaluation and orientation by Spectrum.

1. Offenders will participate in Work Release for at least 90 days in the community. An ICA hearing is not required for offender assignment to Work Release
2. Offenders who were approved by the review team for TWWR are automatically approved for assignment to Work Class I. The Facility Unit Head or designee will be responsible for documenting

the offenders outside work class in VACORIS.

3. A completed and signed copy of the [Transitional Work Release Offender Agreement](#) 830_F12, [Transitional Work Release Employer Agreement](#) 830_F13, and [Transitional Work Release Employment Assignment](#) 830_F14 must be maintained on file at the institution.

F. Notifications

1. In accordance with COV §53.1-160, *Notice to be given upon prisoner release, escape, etc.*, institution staff must send a 15-day written notification to the Sheriff, Chief of Police and Commonwealth's Attorney of the jurisdiction in which the Work Release facility is located.
2. Notification must also be made to the Victim Services Unit who will initiate victim notifications
3. Offenders should not be permitted to work in the community until 15 calendar days have elapsed from the postmark of such notice.

VI. Offender Appeals

- A. Offenders may appeal decisions made by institution staff or CCS staff to approve or disapprove their program participation through the established DOC offender grievance process.
- B. Offender appeals on jail operation or supervision issues must be submitted through the jail's established grievance process.

REFERENCES

6VAC15-40, *Minimum Standards for Jails and Lockups*

COV §18.2-30, *Murder and manslaughter declared felonies*

COV §18.2-38, *"Mob" defined*

COV §18.2-47, *Abduction and kidnapping defined; punishment*

COV §18.2-51, *Shooting, stabbing, etc., with intent to maim, kill, etc.*

COV §18.2-58, *How punished*

COV §18.2-58.1, *Carjacking; penalty*

COV §18.2-61, *Rape*

COV §53.1-62, *When ineligible for work release*

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

COV §53.1-131, *Provision for release of prisoner from confinement for employment, educational or other rehabilitative programs; escape; penalty; disposition of earnings*

COV §53.1-150, *Contributions by persons on parole, probation, and work release*

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

Operating Procedure 050.3, *Facility Release of Offenders*

Operating Procedure 720.5, *Pharmacy Services*

Operating Procedure 802.1, *Offender Property*

Operating Procedure 820.2, *Re-entry Planning*

Operating Procedure 830.1, *Institution Classification Management*

ATTACHMENTS

None

FORM CITATIONS

[Dummy File Checklist](#) 050_F1



[Offender Work Release Agreement](#) 830_F2

[Transitional Work Release Offender Agreement](#) 830_F12

[Transitional Work Release Employer Agreement](#) 830_F13

[Transitional Work Release Employment Assignment](#) 830_F14

