



# Operating Procedure

<b>Effective Date</b> December 1, 2018	<b>Number</b> 851.2
<b>Amended</b>	<b>Operating Level</b> Department
<b>Supersedes</b> Operating Procedure 851.2 (10/1/15)	
<b>Authority</b> COV §53.1-10, §53.1-25, §53.1-37	
<b>Subject</b> <b>BEREAVEMENT VISITS</b>	
<b>ACA/PREA Standards</b> 5-5F-4445, 5-7D-4500-1; 4-4445, 4-4500-1, 4-ACRS-5A-18-1	
<b>Incarcerated Offender Access</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Public Access</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Attachments</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Office of Primary Responsibility</b> Director of Security and Correctional Enforcement	

## I. PURPOSE

This operating procedure establishes guidelines for the request, approval, and supervision of offenders housed in Department of Corrections facilities to attend in person or by video deathbed visits, funeral visits, and private visitation for members of their immediate families.

## II. COMPLIANCE

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

## III. DEFINITIONS

**Bereavement Visit** - Deathbed visit, funeral attendance (Community Corrections Facilities only), or private visitation

**Community Corrections Facility** - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

**Deathbed Visit** - Presence of an offender at a hospital for a visit with an immediate family member who is not expected to live due to terminal illness or injury and for whom death appears imminent, as determined by the attending physician.

**Electronic Control Belt** - A belt that incorporates a portable, non-lethal, electronic immobilization package that can be remotely activated and will temporarily stun the wearer when activated

**Facility** - Any institution or Community Corrections facility

**Full Transportation Restraints** - Security restraints used for offender transportation consisting of handcuffs, cuff cover (black box), waist chain, and leg irons

**Funeral Attendance** - Presence of an offender at a church, funeral home, graveside service, or memorial service for an immediate family member (available at Community Corrections facilities only)

**Immediate Family** - Offenders' parents, step parents, grandparents, lawful spouse, biological, step or legally adopted children, and biological, half, step, or legally adopted siblings, appeals regarding an individual's status as immediate family will be decided by the Facility Unit Head

**Institution** - A prison facility operated by the Department of Corrections - includes major institutions, field units, and work centers

**Private Visitation** - Presence of an offender at a funeral home for an immediate family member; no private residence may be visited (available at institutions in lieu of funeral visits)

**Visit Expenses** - Costs incurred by the Department of Corrections in providing funeral attendance (Community Corrections only), private visitation, or a deathbed visit for an offender, including but not limited to correctional escort salary, transportation, and tolls.

#### IV. PROCEDURE

##### A. Timely notification of verifiable critical illness or death of an offender's immediate family member: (5-7D-4500-1; 4-4500-1, 4-ACRS-5A-18-1)

1. When a staff member is notified of the critical illness or death of an offender's immediate family member, verification and timely notification (normally within four hours) to the offender must be made.
2. When available, treatment staff should notify the offender; at other times, the Shift Commander should ensure that the offender is notified.
3. Staff must document when they are first notified of the death or critical illness of an offender's immediate family member and when they notify the offender. Counselors should document this information in the *Facility Notes* section of VACORIS and security supervisors should document it on the *Supervisor's Daily Activity Report*.

##### B. Bereavement Visit Attendance

1. Bereavement visits are intended to provide offenders and their family the opportunity to gather and support one another during the critical illness or death of the offender's immediate family member.
  - a. The offender and the offender's family should be encouraged to consider if attendance at a bereavement visit is in the best interest of all individuals involved, with regard to financial expenses, family sentiment, public sentiment, etc.
  - b. If the body will be present, then a private visit at the funeral home may be considered in accordance with this operating procedure.
  - c. If there is no body then a video bereavement visit or a special visit at the institution is recommended.
2. When a bereavement visit is requested, the staff member responsible for the case will:
  - a. Notify the family of the option to participate in a video bereavement visit in lieu of the offender's attendance and advise them that a video bereavement visit does not incur the expenses required for staff escort and mileage.
  - b. Meet with the offender to determine if the offender wants to attend and encourage the offender to consider a video bereavement visit. The offender may decide not to attend the bereavement visit.
3. If approved, eligible offenders in institutions may attend deathbed visits or private visitations. (5-5F-4445, 5-7D-4500-1; 4-4445, 4-4500-1; 4-ACRS-5A-18-1)
  - a. Institutional offenders may not attend funeral or memorial services.
  - b. Institutional offenders cannot participate in both a deathbed visit and private visitation for the same person.
4. If approved, eligible offenders in Community Corrections facilities may participate in deathbed visits, funeral visits, and private visitations. Community Corrections offenders may be allowed to participate in both a deathbed visit and a funeral/private visitation; however, separate requests and separate approvals are required for the deathbed visit and the funeral/private visitation. (4-ACRS-5A-18-1)
5. When the family requests the offender's attendance at the bereavement visit, the staff member responsible for the case will review the offender's record to determine eligibility and suitability:
  - a. Eligibility Criteria
    - i. Institutions eligibility for consideration for bereavement visit attendance:
      - (a) Male offenders who are assigned to Security Levels W, 1, 2, or 3 and female offenders who are assigned to Security Levels W, 1, & 2 are routinely eligible for consideration.
      - (b) Female offenders assigned to Security Level 3 may be given special consideration and may be approved on a case by case basis, provided the circumstances warrant and the Facility Unit Head believes that proper security can be maintained.

- (c) Male offenders who are assigned to Security Levels 4, 5, 6, or S are not eligible to attend a bereavement visit and will not be considered.
  - (d) Under normal circumstances, offenders assigned to a restrictive housing unit, regardless of security level assignment, are not eligible to attend a bereavement visit; however, special consideration may be given to offenders in a restrictive housing unit for reasons other than inappropriate behavior.
  - (e) Offenders who are ineligible to attend a bereavement visit should be considered for a video bereavement visit in accordance with this operating procedure.
  - ii. Community Corrections eligibility for consideration for bereavement visits:
    - (a) The offender has no history of escape from confinement or absconding from custody.
    - (b) The offender has had no violations for substance abuse while assigned to the facility.
  - b. Suitability Criteria
    - i. Offenders who are determined to be eligible must also be suitable before they are recommended and approved to attend a bereavement visit.
    - ii. Suitability criteria include, but are not limited to the following:
      - (a) Degree of risk to the public
      - (b) Community sentiment
      - (c) Family sentiment
      - (d) Offender's behavior
      - (e) Offender's criminal history
      - (f) Number of convictions for violent offenses
      - (g) Escape history
      - (h) Length of remaining sentence
      - (i) Closeness of relationship with the deceased/ill relative
      - (j) Security considerations at the site of the visit
  - c. The patient or deceased must be a member of the offender's immediate family as defined in this operating procedure.
  - d. No offender will be approved to travel outside of the geographical borders of the Commonwealth of Virginia for a bereavement visit.
  - e. Offenders with any conviction requiring registration in the *Sex Offender and Crimes against Minors Registry* will not be allowed to attend a bereavement visit where a minor will be present unless the offender has been granted a sex offender visitation exemption. (See Operating Procedure 851.1, *Visiting Privileges*, for additional information on sex offender visitation exemptions and restrictions on visitation with minors)
  - f. Offenders who are ineligible, unsuitable, or unable (geographical location, security level, housing status, funds, etc.) to attend a deathbed visit, private visitation, or funeral (Community Corrections Facilities only) should be approved for a video bereavement visit.
6. The staff responsible member will:
- a. Verify that funds are available to cover any expenses
    - i. Institutional offender - expenses can be paid by the offender, the offender's family, or an approved organization or individual, if the request is approved.
    - ii. Community Corrections offender - the family can provide appropriate transportation and lodging (if needed) if the request is approved.
  - b. Advise the offender of the conditions of attendance including:
    - i. Institutional offender - costs; restraints that will be worn; method of transportation (security vehicle); clothing to be worn by the offender (state-issue) and the security escorts (officers in uniform).
    - ii. Community Corrections offender - time to be allowed for visit, restrictions on travel and activities, drug/alcohol test to be administered on return.
  - c. Contact members of the immediate family to determine the family's reaction to the possible

- presence of the offender at the bereavement visit.
- i. Staff should ensure that the family is aware of the conditions of attendance, and the cost of the proposed visit.
  - ii. Bereavement visits will not be approved if family members object.
  - iii. The family contact should also be asked to identify any other offenders that may be requesting to attend the bereavement visit.
- d. Contact the attending physician/funeral home director to verify the patient's condition/death, time, place, and other relevant information for the visit.
  - e. Contact the local police department or sheriff's department to solicit any objections or other information that law enforcement officials may have relative to the offender's visit. Advise the local authorities of the offender's arrival time and as needed request assistance from an officer in the area, if their schedule allows.
  - f. Contact the P&P Office in the jurisdiction where the bereavement visit will occur for information that could impact a decision to approve or disapprove the offender's request for a bereavement visit. Facility and/or P&P staff may wish to contact the P&P Office in the sentencing jurisdiction if it is different from the visit jurisdiction.
  - g. Determine if there are other offenders in the system who will request attendance at the bereavement visit. Contact the Facility Unit Head at that offender's facility to determine if attendance will be approved or denied, and the reasons for approval or denial.
  - h. Determine if there is a victim alert in VACORIS.
7. All relevant information should be gathered by the staff member responsible for the case prior to submitting a written recommendation to the Facility Unit Head.
- a. The [Bereavement Visit Request - Institutions](#) 851\_F7 or [Bereavement Visit Request - Community Corrections Facilities](#) 851\_F8 should be completed using verified information and forwarded to the Facility Unit Head for review.
    - i. In institutions, the responsible staff member will gather all relevant information and complete Part I of the [Bereavement Visit Request - Institutions](#) 851\_F7 for review by the Facility Unit Head.
    - ii. The Facility Unit Head or Administrative Duty Officer will review the *Bereavement Visit Request* Part I and either grant preliminary approval or disapprove the deathbed visit and/or private visitation. If disapproved, the Facility Unit Head should consider if a video bereavement visit is appropriate and approve or disapprove the video visit.
    - iii. If the Facility Unit Head disapproves the *Bereavement Visit Request*, the responsible staff member should notify the offender of the decision, provided the reason(s) for disapproval, and, when applicable, inform the offender of the option to participate in a video bereavement visit.
    - iv. If preliminary approval is granted by the Facility Unit Head, the responsible staff member will complete Part II of the [Bereavement Visit Request - Institutions](#) 851\_F7 and resubmit the *Bereavement Visit Request* for final approval.
  - b. The Facility Unit Head should review the [Bereavement Visit Request - Institutions](#) 851\_F7 (Part I and Part II) or [Bereavement Visit Request - Community Corrections Facilities](#) 851\_F8 and approve or disapprove.
    - i. The Facility Unit Head should carefully consider all available information before making a determination as to the suitability of the offender for a bereavement visit in the community.
    - ii. The Facility Unit Head should only recommend those offenders who, in their opinion, have demonstrated appropriate behavior and are expected to conduct themselves properly during a bereavement visit.
    - iii. If the Facility Unit Head disapproves the *Bereavement Visit Request*, the offender should be advised of the decision and provided the reason(s) for disapproval. No further steps will be taken on a disapproved request and the application will not be referred to the Regional

Administrator.

- iv. If the eligibility/suitability determination is not clear, the Facility Unit Head should consult with appropriate staff for additional input.
- v. If the Facility Unit Head approves the request, any additional security requirements should be indicated.
- vi. For DOC institutions, the completed and signed [Bereavement Visit Request - Institutions 851\\_F7](#), with any other relevant information, will be forwarded to the Regional Administrator for final action. The Regional Administrator will notify the Facility Unit Head of the final decision by returning a copy of the signed request to the facility. The Regional Administrator may include additional instructions at this time.

## 8. Security Procedures

### a. DOC Institutions:

- i. Offenders approved for a bereavement visit must be transported in a security vehicle by a minimum of two certified armed senior corrections officers or certified security staff of a higher rank. The Facility Unit Head or Regional Administrator may require additional officers.
- ii. Escorting officers will dress in the Corrections Officer uniform and will be present with the offender throughout the visit.
- iii. Prior to accompanying an offender on a deathbed/ private visitation, security escort officers will be familiar with Operating Procedure 411.1, *Offender Transportation*. Security escort officers will be thoroughly briefed by the Shift Commander, Chief of Security, or Assistant Facility Unit Head/Facility Unit Head prior to departure.
- iv. Offenders transported to a deathbed visit or private visitation will be maintained in full transportation restraints at all times per Operating Procedure 411.1, *Offender Transportation*. Facility Unit Heads may order the use of the electronic control belt in addition to the standard transportation restraints.
- v. Offenders will be given a full strip search and will be required to change into newly issued facility clothing following the search and prior to departure.
  - (a) No offender will be allowed to change clothing after departure from the facility.
  - (b) A full strip search must be conducted upon return to the facility.
- vi. At no time during a deathbed visit or private visitation will an offender enter a private residence or otherwise make any unauthorized contact with members of the public.
- vii. Consideration must be given to allowing reasonable interaction between the offender and their family.
  - (a) A maximum of ten family members (not to include lap size children) or as permitted by the hospital/ funeral home, whichever is less, may be present during the visit.
  - (b) Any exception to exceed ten family members must be approved in advance by the Facility Unit Head.
  - (c) Escort staff may limit the number of persons allowed in the room with the ill or deceased family member and the offender at any one time based on available facilities and space i.e. facility procedures, security concerns, etc.
- viii. Escort staff should be alert to persons crowding around the offender such as for a group photo that would allow contraband to be passed to the offender.
- ix. Private visitations should be scheduled to end at least one hour before the funeral or memorial service starts.
- x. Length of Visit
  - (a) Time permitted for a deathbed visit or private visitation will be determined by the Facility Unit Head, but will not exceed two hours.
  - (b) If an overnight trip is necessary, accommodations for the offender will be made at the nearest suitable correctional facility.
  - (c) Overnight accommodations must be coordinated through the Central Transportation

Supervisor in Central Classification Services.

- xi. Meals, if necessary, will be “bag meals” packed at the facility and carried on the trip. No stops may be made for meals or beverages at restaurants, drive-ins, drive-thrus, convenience stores, etc.

b. Community Corrections:

- i. Family members, or other facility-approved persons, should transport all offenders approved for bereavement visits. Facility staff may provide transportation in a state vehicle, if expenses are paid in accordance with this operating procedure. Staff should dress appropriately for the visit; uniform is not required for security staff.

ii. Clothing:

- (a) For a deathbed visit, the offender will be attired in clothing issued by the facility.
- (b) For a funeral, the offender may wear their own civilian clothing. The family, with authorization of the Facility Unit Head or designee, may bring appropriate clothing to the facility during normal business hours.
- (c) All clothing delivered to the facility will be receipted by the facility staff, will be thoroughly searched, and will not become part of the offenders Personal Property Inventory. All such clothing delivered to the facility will be returned to the family at their next appearance at the facility. If the family does not visit the facility within 30 days from the date of the funeral, the clothing will be mailed home at the offender’s expense. Failure of the offender to have the clothing picked up or mailed out may result in the clothing being destroyed.

iii. Length of Visit:

- (a) A deathbed visit should be limited to no more than two hours and will be in accordance with the hospital’s visitation regulations. Overnight visits may be approved if it is not feasible to complete the visit and travel in one day.
- (b) Time permitted for funeral attendance will be determined by the Facility Unit Head, taking into consideration travel time, but will not generally exceed a total of 72-hours.
- (c) Offenders will be returned to the facility as soon as possible after the funeral or hospital visit.
- (d) The P&P Officer will give the offender written [Travel Permission - Community Corrections](#) 851\_F9 denoting the time the offender is to return to the facility.
- (e) If the offender fails to return to the facility as designated by the written instructions provided on the *Travel Permission*, the CCAP P&P Officer will issue a *PB-15 Arrest Warrant* for absconding and notify the sentencing P & P District(s) for further action in accordance with Operating Procedure 920.6, *Violation of Supervision Conditions*.
- (f) Unusual incidents occurring during a bereavement visit should be reported to the facility and recorded on an *Internal Incident Report* by the staff member receiving the information.

- iv. On return to the facility, the offender may be subject to a strip search and drug/alcohol testing.

9. Visit Expenses

- a. Expenses incurred because of an approved bereavement visit will not be charged against General nor Non-General Funds of the Commonwealth of Virginia. Expenses must be paid by the offender, the offender’s family, or an approved organization or individual.

b. Expenses include:

- i. Salary of escorts - An estimate of the number of hours of staff time will be made based on the length of the trip plus the time needed to prepare the vehicle, load/unload the offender prepare/return equipment, etc. An hourly rate for each escort can be determined by multiplying the beginning annual salary for pay band #3 by 1.5 and dividing this total by 2080.
- ii. Mileage - Estimated miles to be traveled, multiplied by the current state mileage reimbursement rate, plus the exact amount of any tolls to pay.

- c. Payment must be by certified check, cashier’s check, or money order payable to “Treasurer of



Virginia.”

- d. Staff must verify that payment has been received, or is in the hands of a responsible third party (funeral director, hospital administrator, etc.), before the offender leaves the facility.
- e. Payment from donations by offenders or organizations may be received in accordance with facility procedure and practice.

### C. Video Bereavement Visits

1. All offenders and the offender’s family should be encouraged to participate in a video bereavement visit in lieu of a deathbed visit or private visitation.
  - a. All video bereavement visits will be conducted on a facility Polycom device designated by the Facility Unit Head for this purpose. Under no circumstance will an offender be granted private or unsupervised access to the facility Polycom device.
  - b. In order for the offender’s family to connect with the facility Polycom, the *Polycom Real Presence* application must be downloaded on the receiving device (i.e. computer, smartphone, etc.). Any expenses associated with downloading this application are the responsibility of the offender’s family.
  - c. Technical issues may arise internally or externally in the process of carrying out a video visit. When an issue arises the employee responsible for the case, not the offender’s family, should contact DOC Video NOC for technical assistance.
  - d. Video visits will be monitored and may be recorded.
2. When a video bereavement visit is requested, the employee responsible for the case will:
  - a. Meet with the offender to determine that the offender wants to participate in a video visit.
  - b. Confirm the patient or deceased is a member of the offender’s immediate family as defined in this operating procedure.
  - c. Contact members of the immediate family to determine the family’s reaction to the possible presence of the offender through a video bereavement visit.
    - i. The family contact should also be asked to identify any other offenders that may be requesting to attend the bereavement visit or participate in a video bereavement visit.
    - ii. When other offenders are requesting an in-person or video visit, contact the Facility Unit Head at that offender’s facility to determine if the visit will be approved or denied, and the reasons for the approval or denial
    - iii. A video bereavement visit will not be approved if family members object.
  - d. Contact the attending physician/funeral home director to verify the patient’s condition/death.
  - e. Gather all relevant information and submit their recommendations on the [Bereavement Visit Request - Institutions](#) 851\_F7 (Part I) or [Bereavement Visit Request - Community Corrections Facilities](#) 851\_F8 to the Facility Unit Head for review and approval or disapproval.
3. After careful consideration of all available information, the Facility Unit Head will review the [Bereavement Visit Request - Institutions](#) 851\_F7 (Part I) or [Bereavement Visit Request - Community Corrections Facilities](#) 851\_F8 and approve or disapprove the *Request*. The Facility Unit Head’s decision is final.
  - a. If the Facility Unit Head disapproves the video *Bereavement Visit Request*, the offender should be advised of the decision and provided reason(s) for the disapproval. No further steps will be taken on a disapproved request.
  - b. If the *Bereavement Visit Request* for a video visit is approved, the Facility Unit Head or designee must notify DOC Video NOC by email and provide the date, time, name of the facility Polycom, and the type of receiving device that will be used by the family (android, iPad, iPhone, laptop, etc.).
  - c. The time permitted for a video bereavement visit will be determined by the Facility Unit Head, but should not exceed two hours.

- d. DOC Video NOC will schedule the video bereavement visit through the DOC Polycom system and provide the Facility Unit Head with the information and necessary downloading instructions for the receiving device in order to facilitate the visit.
- e. The Facility Unit Head or designee will forward the information and downloading instructions provided by DOC Video NOC to the offender's family.

#### D. Video Recordings

1. When a video recording (DVD) is available of a funeral/ memorial service of an immediate family member, the Facility Unit Head may approve for the offender to view the recording.
2. The DVD must be sent from the funeral home directly to the facility, care of the chaplain or designated DOC staff.
3. DVDs must be viewed, as soon as possible after receipt at the facility, in the presence of the chaplain or DOC staff and returned to the family or funeral home after viewing.
4. All DVDs must be opened and played on a DVD player/ television. Under no circumstance will a DVD be played on any device connected to or able to be connected to the DOC network.

#### V. REFERENCES

Operating Procedure 411.1, *Offender Transportation*

Operating Procedure 851.1, *Visiting Privileges*

#### VI. FORM CITATIONS

[Bereavement Visit Request - Institutions](#) 851\_F7

[Bereavement Visit Request - Community Corrections Facilities](#) 851\_F8

[Travel Permission - Community Corrections](#) 851\_F9

#### 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.

*Signature Copy on File*

*10/23/18*

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A. David Robinson, Chief of Corrections Operations

Date