



# Operating Procedure

<b>Effective Date</b>	June 1, 2017	<b>Number</b>	940.1
<b>Amended</b>	7/1/19	<b>Operating Level</b>	Department
<b>Supersedes</b> Operating Procedure 940.1 (10/1/13)			
<b>Authority</b> COV §53.1-10, §53.1-67.2 et seq., §53.1-136, §53.1-145 BOC 6VAC15-70			
<b>ACA/PREA Standards</b> 4-APPFS-2C-04, 4-APPFS-2C-05; 2-CO-1A-14; §115.12, §115.212			
<b>Office of Primary Responsibility</b> Chief of Corrections Operations			

**Subject**  
**COMMUNITY RESIDENTIAL PROGRAMS**

<b>Incarcerated Offender Access</b>	<b>Public Access</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<b>Attachments</b>	Yes <input checked="" type="checkbox"/> #1 No <input type="checkbox"/>

## I. PURPOSE

This operating procedure will inform and guide Department of Corrections personnel and service providers in the process by which offenders are to be selected, screened, treated, and monitored when they are admitted into the Community Residential Program (CRP).

## 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

**Community Residential Program** - Any group home, halfway house, or other physically unrestricting facility used for the housing, treatment, or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions, or privately operated agency within the Commonwealth.

**Offender** - An inmate, probationer, parolee or post release supervisee or other person placed under the supervision (conditional release) or investigation of the Department of Corrections

**Pass** - A written approval that allows a resident to leave the facility for a period of time, other than overnight with documented approval from the Program Director/designee. Passes may not exceed 4 hours.

**Transition Visit** - An authorized overnight absence from the Program intended to provide the offender an opportunity to connect with family and community resources in support of their reentry plan. The Transition Visit must have documented approval from the Program Director or designee and Chief P&P Officer or designee. Transition Visits must not exceed 72 hours.

## IV. PROCEDURE

### A. Community Residential Programs

1. All Community Residential Programs shall comply with the [Standards for Community Confinement Facilities](#) section of the Federal Prison Rape Elimination Standards (PREA).
2. Through contracts and Board of Corrections operating standards, facilities that contract for the confinement of Department of Corrections (DOC) offenders shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards. (§115.12[a], §115.212[a])
  - a. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. (§115.12[b], §115.212[b])
  - b. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, will the DOC enter into a contract with any entity that fails to comply with these standards. In such a case, all unsuccessful attempts to

find an entity in compliance with standards must be documented. (§115.212[c])

3. The Department of Corrections will establish procedures for the operation of Community Residential Programs (CRP) for offenders.
  - a. These procedures represent the official position of the Department of Corrections and compliance with the instructions contained herein is required.
  - b. Designated DOC staff meets at least annually with the contractor to review the program. (2-CO-1B-10)
4. The Probation and Parole Office which serves the Program's locality will be designated to assist offenders with transition and community-based services and coordinate with the supervising P&P Office if the actual case supervision is assigned elsewhere.
5. Any offender who is required to register with the Sex Offender and Crimes Against Minors Registry must be assisted as needed with the requirements by the local P&P Office's Sex Offender Supervision Specialist and or Virginia State Police. (see Operating Procedure 735.1, *Sex Offender and Crimes Against Minors Registration*)
6. The Department of Corrections may purchase bed space from approved vendors to house offenders. The bed space is for offenders needing residential placement or inpatient substance abuse treatment. Admittance is monitored by the appropriate Regional Administrator or designee.

#### B. Eligibility for Community Residential Programs

1. Community Residential Programs may be used for any inmate, probationer, parolee or post release supervisee, or other person placed under the supervision (conditional release) or investigation of the Department of Corrections as needed for graduated release, program participation, or to resolve crisis situations. (4-APPFS-2C-04, 4-APPFS-2C-05) A supervising P&P Office will be designated.
2. Felony offenders who are pending sentencing, clemency, or sanctioning by Courts of competent jurisdiction, the Governor of Virginia, or the Virginia Parole Board may be referred for participation.

#### C. Offender Referral Process

1. Subject to a signed release of information from the prospective offender, the referring P&P Office shall provide criminal history, medical, psychological, substance abuse, and any other criminal or social history information required by the Community Residential Program to facilitate an acceptance decision. A current photo should be provided by the supervising P&P Office or facility that is assigned in VACORIS.
2. Acceptance in the program must occur in advance of program participation.
3. An *Agreement to Participate* (see Attachment 1) must be executed by each offender.
4. The reasons for non-acceptance of a referred offender must be returned in writing to the referring P&P Office.
5. Upon request, the Regional Administrator or designee may review referrals which are not accepted.
6. Transportation to the Community Residential Program will be coordinated between the Program and the sending DOC Unit. The Program shall assist in transport to and from common carrier stations.

#### D. Accountability for Offender Movement

1. Except for time while on Transition Visits or Passes, time out of the Program must be limited to authorized absences such as fulfilling program obligations, i.e., employment, community service, treatment, counseling appointments, job interviews, or medical appointments. These must be verified prior to the offender leaving the program.
2. The Program shall have a sign in, sign out system that includes destination and phone number, reason for signing out, time and date out, expected time of return, offender's signature at time of departure, staff signature or initials at time of departure, date and time of return, offender's signature at time of

return and staff signature or initials at time of return.

3. As required in the contract, random telephone or on-site checks shall be made to ensure the offender is where they are supposed to be.
4. Approved electronic monitoring program may be used.
5. Offender Curfews
  - a. Weekday (Sunday - Thursday) 10:00 p.m. to 5:00 a.m.
  - b. Weekend (Friday - Saturday) 11:00 p.m. to 5:00 a.m.
  - c. The Program Director may grant an exception to the curfew for an offender who is participating in a pass, transitional visit, treatment program, or employment which extends after or before curfew. Exceptions must be documented and note that the offender was instructed to return promptly by the alternative curfew time.

#### E. Serious Incident Reports

1. Unauthorized Absence - In the event of an unauthorized absence from the Community Residential Program, staff must:
  - a. Notify the supervising P&P Office staff and Regional Administrator or designee within one hour upon determining the offender is missing.
  - b. Written reports must be submitted, via e-mail or fax to the Supervising P&P Officer and Regional Administrator or designee by the day after the incident occurred.
  - c. The supervising P&P Office staff should submit the applicable incident report in accordance with Operating Procedure 038.1 *Reporting Serious or Unusual Incidents*.
2. Other Serious Incidents - All other serious incidents must be:
  - a. Reported within one hour to the supervising P&P Officer and Regional Administrator or designee
  - b. P&P Office staff should submit the applicable incident report in accordance with Operating Procedure 038.1 *Reporting Serious or Unusual Incidents*.

#### F. Medical Expenses

1. Offenders are responsible for their own medical and/or health care expenses. The “purchase of services” monies may be used in instances of dire need as defined and authorized by the Chief P&P Officer of the applicable P&P District.
2. Such authorization as may be required will be obtained prior to any commitment of funds. The Chief P&P Officer will exercise sole authority over this decision.

#### G. Bed Utilization, Monthly Progress, and Transition Reports

1. A [Bed Utilization Report](#) 940\_F8 is due every alternate Tuesday to the applicable DOC Regional Office.
2. Upon request, progress reports will be prepared by the Program Director/designee and sent to the Supervising P&P Office responsible for the offender’s supervision.
3. The progress report will be due by the tenth working day of the month following the calendar month covered by the Report. Progress reports should include results of any new reports for alcohol and other drug testing conducted since the previous report, changes or efforts toward the development of reentry plans, and family reintegration.
4. A [Community Residential Program Re-entry Plan](#) 940\_F6 addressing proposed residence, employment, and other services shall be developed in coordination with the supervising P&P Office and receiving P&P Office. The proposed *Plan* should be submitted to both P&P Offices no later than 45 business days before the scheduled end date. The final *Plan* shall be submitted to both P&P Offices no later than 10 business days before the scheduled end date. The proposed *Plan* shall be developed and submitted to both P&P Offices within 10 business days of the intake date if the proposed release

plan is out-of-state.

#### H. Financial Records

1. All offenders shall turn over to the Program any funds in their possession upon entry and received thereafter. The Program Director/designee will maintain a financial record for each offender using generally accepted accounting principles which document all funds received and disbursed. Electronic deposits of incoming funds may be used.
2. Program staff shall provide each offender a monthly statement indicating deposits, withdrawals, and balance.
3. A certified public accounting firm or a government auditing agency shall perform an annual independent financial audit of the Community Residential Program.

#### I. Compensation to the Commonwealth

1. Offenders in Community Residential Programs who are employed 40 or more hours a week will pay \$25.00 per week (Monday-Sunday) to defray the cost of their care.
2. Offenders who are working less than 40 hours a week will pay \$5.00 for every eight hours worked not to exceed \$25.00 a week.
3. Compensation will be deducted from the offender's account weekly and will be reflected on a monthly statement of account.
4. The Program Director shall submit by check the total amount collected monthly to the Regional Administrator for Community Corrections. See *Method of Payment* section of this operating procedure, for required reports and payment procedures.

#### J. Co-Payments

1. At its discretion, a Community Residential Program may require a co-payment from each offender who becomes employed.
2. The co-payment may not exceed \$5.00 for every eight hours worked nor exceed \$25.00 per Week (Monday-Sunday).
3. Co-payments will be deducted from the offender's account and will be reflected on a monthly statement of account.
4. Co-payments are in addition to and subordinate to payments in the *Compensation to the Commonwealth* section of this operating procedure.

#### K. Maintenance Checks

1. Maintenance checks are designed to provide the individual offender with funds for personal hygiene needs, transportation, and other personal spending needs.
2. Offenders who have sufficient funds in their accounts may receive a weekly maintenance check for a total not to exceed \$80.00. An offender may request maintenance checks of less than \$80.00, if desired. This must be documented in writing from the offender and placed in the offender's Program record.
3. At no time shall the offender receive more than \$80.00 of maintenance funds per week from any source, unless additional funds are approved through a *Special Money Request*.
4. All maintenance checks will be recorded on the offender ledger statement.
5. Under no circumstances should the Program Director or staff withhold an offender's maintenance check as a disciplinary action.
6. Maintenance checks are the only expenditures from the offender account that do not require written approval of a Chief P&P Officer or designee.

#### L. Special Money Request

1. It is recognized that an offender may require additional funds from their account for special purposes. If Court ordered restitution, support, fines, and court costs are required to be paid, the offender will submit a written request to the Program Director to be reviewed and forwarded to the Chief P&P Officer or designee of the supervising P&P District for approval of the expenditure.
2. The approved payment will be forwarded to the appropriate agency/individual by check and a record entered on the offender's monthly statement.
3. The special money request can also be used for purchase of tools for employment purposes, special clothing needs of the offender, and other types of special requests. These requests will be reviewed by the Program staff for validity and approved by the Chief P&P Officer or designee of the supervising P&P District.

#### M. Alcohol and Other Drug (AOD) Testing

1. All offenders who are assigned to a CRP shall be required to submit to random AOD testing in accordance with the *Agreement to Participate* (see Attachment 1).
2. The Department of Corrections specifically requires that AOD testing will be conducted on each offender upon arrival and a minimum of three times per month including returns from authorized absences.
3. Each time an offender is tested; it should be documented in writing in some form of log at the Program and also entered into the offender's Program file. A copy of the test results will be submitted to the supervising DOC Unit Head or designee.
4. Either Department of Corrections or Department of Corrections approved local law enforcement Narcotic Detection Canines will be used to conduct random, unannounced inspections. Other alcohol or other drug detection devices approved by DOC may be employed.

#### N. Passes and Transition Visits

1. Transition Visits and Passes are a privilege and not a right. These are to be earned through positive behavior, good work habits, and demonstrated ability to warrant such a privilege.
2. Pass is defined as an authorized absence from the facility (up to 4 hours) that must have documented approval from the Program Director/designee. Based on suitability, offenders may be granted none or any portion of the stated maximum. There is no provision for the extension of hours allowed for Passes.
3. Transition Visit is defined as an authorized overnight absence from the Program with documented approval from the Program Director or designee and supervising DOC Unit Head or designee. Transition Visits may not exceed 72 hours. There is no provision for the extension of hours allowed for Transition Visits including emergency Transition Visits.
  - a. The purpose of the Transition Visit is intended to provide the offender an opportunity to establish connections with family and community resources that will support their reentry plan (i.e. family ties, employment, treatment service, a suitable residence). Transition Visits shall be directly linked to clearly defined goals and tasks developed by Program staff for the express purpose of enhancing the offender's chances of successful reintegration into the community.
  - b. Transition Visits allow Program staff to gauge, prior to their release into the community, whether or not the offender has changed those behaviors that resulted in the offender's placement in the program. This is accomplished through random telephone checks to the Transition Visit site to ensure offender's compliance with curfews, as well as subjecting the offender to search for contraband and AOD testing upon their return to the program.
  - c. If Program and DOC staff determines the offender has violated any program rules or conditions of the offender's [Transition Visit Application](#) 940\_F2, the offender should be subject to immediate arrest and unsuccessful termination from the Program.
4. The following maximum Transition Visits for which an offender is eligible will govern all offenders

assigned to a Community Residential Program. Based on suitability, offenders may be granted none or any portion of the stated maximum:

Transition Visits:

- 31 - 60 Days in Program = One this period
- 61 - 90 Days in Program = Two this period
- Over 90 Days in Program = Weekly

5. All offenders must submit a completed [Transition Visit Application](#) 940\_F2 to the Program Director or designated staff when requesting an overnight stay away from the program.
  - a. Upon approval of the Program Director, the supervising and or receiving P&P Office must be provided with the *Transition Visit Application* 21 days prior to the date of the visit and requested to investigate the proposed Transition Visit site.
  - b. P&P staff should determine if it is a suitable situation for any offender who entered the Program directly from incarceration and who proposes to visit a site other than the home address, or whose home situation is considered unstable.
6. Upon receipt of the *Transition Visit Application*, the investigating P&P Office has ten working days to investigate the Transition Visit site and respond to the Program Director. The response may be faxed or called in and both Program and investigating P&P Office staff shall document the response.
7. Upon approval by the investigating P&P Office, the Program Director may allow the offender to make the Transition Visit.
8. Subsequent Transition Visits to the same address do **not** require any further inquiry by the P&P Office. A Program staff member shall make and document contact with the proposed Transition Visit site to ensure suitability prior to the visit. Monitoring of Transition Visits and Passes is required by contract.
9. All Transition Visit sites must have a land line telephone at the location of the Transition Visit site at which the offender can be reached.
  - a. Program staff must randomly check by telephone or site visit to assure the required monitoring of offenders at least two times per twenty-four hours.
  - b. Curfew for Transition Visits is 11:00 p.m.
  - c. Program staff shall document that a random telephone contact has been initiated and completed at least once during each overnight curfew time.
10. The offender shall not leave the residence until 7:00 a.m. the following day.

O. Funeral and Death Bed Visits

If approved by the Program Director/designee, and in concurrence with the supervising DOC Unit Head or designee, a Funeral or Death Bed visit for a close relative of the offender may be granted.

The circumstances must be verified and documented, and approvals must be documented in writing by the Program staff.

A Funeral or Death Bed visit can be given regardless of the time the offender has been in the residential program.

The maximum limit is 72 hours, but overnight visits are discouraged.

P. Temporary Travel Permits

1. A [Travel Permit-Out of State](#) 920\_F3 is required for any offender in a program services outside of the Commonwealth of Virginia for less than 31 calendar days or who wishes to travel out-of-state for a Transition Visit or Pass.
2. These require approval by the Chief P&P Officer or designee of the originating P&P District. (see Operating Procedure 920.1 *Community Case Opening, Supervision, and Transfer*.)
3. Travel or participation in a Program outside of the Commonwealth of Virginia for more than 31



calendar days requires transfer via the Interstate Compact for Adult Offender Supervision (see 920.4 *Interstate Transfer of Supervision*).

#### Q. Electronic Monitoring

1. Any offender may be placed in one of the DOC approved electronic monitoring programs.
2. Such monitoring shall require the prior approval of the supervising P&P Office and be conducted in accordance with DOC Operating Procedure 435.5 *Electronic Monitoring*.

#### R. Use of Motor Vehicles

1. No offender shall have access to a motor vehicle while residing at the facility.
2. No offender may drive a vehicle to or from the residential program to the job site, or drive any motor vehicle for personal reasons while in residence.
3. This does not preclude the operation of a motor vehicle by a duly licensed offender while at the job site, but only in connection with employment responsibilities. Program staff shall verify an offender's operator's license and that the employer has appropriate insurance on the work vehicle prior to permitting the offender to drive.

#### S. Unsuccessful Terminations

1. Offenders who commit violations while in the CRP may be terminated unsuccessfully.
2. Termination may result from unauthorized absences, serious incidents, disruptive/ non-cooperative behavior, positive drug and alcohol screens, illegal offenses committed while in the Community Residential Program, or for other acts against the rules of the program or the conditions of supervision.
3. In the event of an unsuccessful termination the Program Director shall submit a [Residential Program Termination Report](#) 940\_F5 to the supervising P&P Officer and Regional Administrator or designee one day prior to the offender's departure.
4. The supervising P&P Officer should notify the Chief P&P Officer of the supervising and originating P&P District.
5. If the Program Director and the supervising P&P Officer do not concur, the Chief P&P Officer of the originating and supervising District should be consulted.
6. The release of offenders terminated unsuccessfully shall be coordinated with the Chief P&P Officer or designee of the originating P&P District when the supervising P&P District arranges for transfer or arrest/detention by law enforcement agents if needed. (see Operating Procedure 920.6 *Violation of Supervision Conditions*)

#### T. Retake / Arrest / Return Protocol

1. Each Program Director or designee in coordination with the supervising P&P Officer shall develop and have available a written protocol governing the retake, arrest, or return of an offender to DOC or law enforcement custody.
2. The protocol should include but not be limited to: alerts to officials, physical plant issues, training, and briefing of on-duty staff, handling resistance, information sharing, reporting, and other related issues.

#### U. Requests for Extensions

1. An offender's release may be extended beyond the scheduled release date by the designated Regional Administrator or designee.
2. The Program Director must submit a request for an extension using the [Community Residential Program Extension Request](#) 940\_F12, to the designated Regional Administrator 10 business days prior to the scheduled release date and must note recommendations from the supervising P&P Officer.

#### V. Successful Terminations

1. When the Program Director or designee and the supervising P&P Officer agree on a successful release date, the Program Director or designee will confirm the release date with the supervising P&P Officer on the [Community Residential Program Reentry Plan](#) 940\_F6 ten business days prior to the discharge date.
2. The supervising P&P Officer should notify the Chief P&P Officer of the supervising and originating P&P District(s).
3. If the Program Director and Supervising P&P Officer do not concur, the Chief P&P Officer of the originating and supervising P&P District(s) should be consulted.
4. No offender shall remain in the Community Residential Program more than 90 days without the written approval of the Regional Administrator/designee.
5. A [Residential Program Discharge Summary](#) 940\_F7 will be submitted within three working days of program completion.

#### W. Method of Payment

1. The Community Residential Program will be paid monthly for services rendered the previous month.
2. By the tenth of the month following the month of service, the Program shall submit to the DOC Community Corrections Regional Administrator/designee the following documents:
  - a. [Request for Payment – CRP](#) 940\_F3
  - b. [Contracted Residential Program Population Report](#) 940\_F4
  - c. [Compensation to the Commonwealth \(CRP\)](#) 940\_F1 and accompanying check made payable to the Department of Corrections
    - i. The *Report* shall include name and legal status of offender and dates of service.
    - ii. The payment period shall include the date of arrival and shall exclude the date of departure.
    - iii. Departure and arrival dates must be documented with the designated Regional Office staff using the [Arrival/Departure Notification](#) 940\_F20 and copies provided to P&P Office that the offender plans to return to.
3. Payments will be made in accordance with the Prompt Payment Act of Virginia. Alternative payment arrangements may be requested of and approved by the DOC Chief of Corrections Operations or designee.
4. The Regional Administrator/designee shall then forward these documents and checks to the DOC Chief of Corrections Operations or designee.

#### X. Report Formats

1. All required reports shall be in DOC approved formats.
2. Acceptable equivalents may be approved by the DOC Contract Administrator.

#### Y. Records Management

1. Confidentiality - Contractors will be expected to manage the records of offenders under Department of Corrections supervision in accordance with the *Information Release Process* and *Privacy and Confidentiality of Offender Record Information* sections of Operating Procedure 050.1, *Offender Records Management*.
2. Retention and Destruction - All books, DOC offender case files, financial records, and other documents relative to the provision of services under this operating procedure and related contracts will be maintained until the Department of Corrections provides written authorization to destroy the records. The records must be destroyed by shredding or burning.

#### V. REFERENCES

Board of Corrections Standards for Community Residential Programs 6VAC15-70



[28 CFR Part 115](#), *National Standards To Prevent, Detect, and Respond to Prison Rape*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 050.1, *Offender Records Management*

Operating Procedure 735.1, *Sex Offender and Crimes Against Minors Registration*

Operating Procedure 920.1 *Community Case Opening, Supervision, and Transfer*

Operating Procedure 920.6 *Violation of Supervision Conditions*

Operating Procedure 435.5 *Electronic Monitoring*

#### VI. FORM CITATIONS

[Travel Permit-Out of State](#) 920\_F3

[Compensation to the Commonwealth \(CRP\)](#) 940\_F1

[Transition Visit Application](#) 940\_F2

[Request for Payment – CRP](#) 940\_F3

[Contracted Residential Program Population Report](#) 940\_F4

[Residential Program Termination Report](#) 940\_F5

[Community Residential Program Re-entry Plan](#) 940\_F6

[Residential Program Discharge Summary](#) 940\_F7

[Bed Utilization Report](#) 940\_F8

[Community Residential Program Extension Request](#) 940\_F12

[Arrival/Departure Notification](#) 940\_F20

#### 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 June 2018 and no changes are necessary at this time.*

*The office of primary responsibility reviewed this operating procedure in June 2019 and necessary changes have been made.*

*Signature Copy on File*

*4/24/17*

A. David Robinson, Chief of Corrections Operations

Date