I. PURPOSE

This operating procedure provides guidelines for the safe and reliable release of offenders from Department of Corrections (DOC) facilities and describes the facility notification requirements for each type of offender release, the verification process to confirm the notification, the authorization for the release, and proper documentation of the authorization and release. Release may be to society when the offender has satisfied the Court-ordered term of incarceration or the release may be to DOC employees or other law enforcement authorities for transportation outside the facility.

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

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

Court Order (for offender appearance) - An order issued by a State or Federal Court requiring an offender to appear in that Court

Discharge - The release of an offender from a facility due to satisfying the requirements for incarceration at that facility; discharge may be due to parole, good time release, pardon, court order, completion of Community Corrections program or other reasons. Discharge may be to society with or without probation/parole/post-release obligations or discharge may be to law enforcement authorities for other legal obligations or deportation.

Facility Folder - A two part folder established at reception for each new offender received into the DOC on or after August 1, 2015 for the storage of the Property Envelope and facility specific information not uploaded to VACORIS

Historical Hardcopy Record - The original offender criminal record, established at reception for each offender in an institution prior to August 1, 2015, containing all original incarceration documents

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

Local Jail Work Release - A program operated by local and regional jails under contract with the Department of Corrections to provide work release opportunities for state offenders in the locality where they will be released after incarceration.

Offender Re-Entry Program - A program developed by the Department of Corrections to provide transition services to offenders being released from incarceration in the following phases: educational, work release
(for eligible offenders), and post-release after care services.

**Property Envelope** - A 6” by 9” brown envelope established at initial intake to store offender identification documents and educational documents (i.e. original certificates, diplomas, and certification cards), to be transferred with the offender to each new institution and provided to the offender upon release

IV. RELEASE PROCESS

A. It is the responsibility of the DOC to maintain custody of offenders in DOC facilities for the period they were sentenced to incarceration.

B. An offender will be released from DOC custody upon satisfying their Court imposed sentence or an offender may be released into the custody of other appropriate authorities to be transported outside the facility. The persons authorized to transport offenders are listed with each type of offender release.

C. Each release from facility custody must be under proper authority and control through the following process:

1. Notification - The facility must be notified that the release of the offender is needed
2. Verification - The facility must verify that the need for offender release is valid
3. Authorization - The appropriate DOC authority as established in this operating procedure or other appropriate authority of the Commonwealth of Virginia must authorize the release of the offender from the facility
4. Release Documentation - The facility must prepare and maintain documentation of why, where, when, and to whom the offender is released
5. Transportation - The facility must coordinate with transportation providers to ensure safe and secure transportation of offenders. Transportation of offenders by DOC staff is governed by Operating Procedure 411.1, *Offender Transportation.*

D. Any authority taking custody of an offender must maintain proper control of the offender until custody of the offender is transferred to other authorities, or the offender is returned to the original facility or another DOC facility.

V. DISCHARGE RELEASES (4-4446, 4-ACRS-6A-13)

A. Notification - Facility Records staff will become aware of a pending offender discharge by the following mechanisms:

1. Community Corrections offenders - Facility records and Facility Review Committee approval for the offender’s completion of the Community Corrections Alternative Program
2. Institutional offenders
   a. VACORIS report of pending mandatory parole or good time releases
   b. Parole Board letter granting discretionary parole

B. Verification

1. Community Corrections offenders - Facility staff shall confirm that the Facility Review Committee and the Facility Unit Head have approved the offender for completion of the program requirements.
2. Institutional offenders - Facility Records staff must verify that the offender is ready for discharge.
   a. Conduct a final review of the offender’s VACORIS record and the Historical Hardcopy Record or Facility Folder to find:
      i. Unsatisfied warrants/detainers/orders for continued custody
      ii. Classification or disciplinary actions that may affect release date
      iii. Uncalculated sentences
   b. Verify the posted discharge date on the discharge/release documents with the VACORIS record.
Should any doubt exist as to the computed release date, Records staff shall confer with the Court and Legal Services Unit to authenticate the release.

c. Verify the presence or absence of detainers with the Detainer Unit.
   i. If the offender is being discharged to a criminal detainer, Records staff will coordinate with the jurisdiction that issued the detainer to finalize arrangements for them to assume custody of the offender.
   ii. Verify the presence or absence of any civil hold related to the Sexually Violent Predators Act or other civil matters in which the offender is held. Records staff must confer with the Sex Offender Screening and Assessment unit and the Detainer unit for clearance before release from physical custody.

3. If an offender is being released per a Court order with or without bond, Records staff shall immediately, upon notification and prior to release, confirm this action with the Court and Legal Services Unit. Community Corrections facilities should confirm the Court order directly with the issuing Court and the appropriate P&P Office.

C. Authorization

   1. Community Corrections offenders - The Facility Unit Head may authorize the discharge of offenders from the program.

   2. Institutional offenders - The Community Release Unit shall direct a copy of the discharge/release documents to facility Records staff when an offender has been granted discretionary parole, satisfied mandatory parole release, satisfied good time release, or is to be otherwise discharged.

D. Preparation for release

   1. Facility Records staff should:
      a. Confirm the offender has provided a DNA sample or ensure that the offender provides a DNA sample before release. (see the DNA Sampling of Offenders, Attachment 4, to Operating Procedure 920.1, Community Case Opening, Supervision, and Transfer)
      b. Notify appropriate departments, such as Business, Personal Property, Security, Medical, Grievance, Mailroom, and Treatment, of the offender’s pending discharge to ensure proper completion of any pending action, such as grievances or claims for damages or lost possessions, medical screenings, and arrangements for community follow-up.
      c. Determine if the offender desires public transportation upon release and confirm approved locality within the state.
      d. Prepare the Property Envelope, if applicable
         i. Birth Certificates, Social Security Cards, and DMV Identification Cards received by the institution shall be placed in the offender’s Property Envelope by Records staff; these identification documents shall not be uploaded into VACORIS.
         ii. Records staff will confirm on the demographics screen in VACORIS that the offender’s Birth Certificate, Social Security and DMV Identification Card has been received and are on file at the facility.
         iii. Offenders will be provided the contents of their Property Envelope, upon release in accordance with Code of Virginia §53.1-10 which requires that all discharging offenders be provided with identification documentation and given the opportunity to secure their Social Security Card.
         iv. Records staff will document in the Notes Section of VACORIS that the offender’s Birth Certificate, Social Security Card, and DMV Identification Card were provided to the offender and upload a copy of the signed Personal Property Envelope as an external document to the corresponding Note.
         v. Documents received after the offender is released will be forwarded within 30 days of receipt in accordance with Operating Procedure 050.1, Offender Records Management.
      e. Prepare a Selective Service Form, if applicable
f. Provide a three notarized *Certifications of Incarceration Period* (Form DC-366) covering the current period of incarceration to each offender prior to their release date.

g. Provide the offender with a copy of the Internal Revenue Service’s Form 8850, *Pre-Screening Notice and Certification Request for the Work Opportunity Credit*

h. Ensure the State Identification (SID) number has a confirmation date from the Virginia State Police, if the SID number is not confirmed ensure the offender’s fingerprints are scanned using the facility’s Live Scan equipment.

2. Treatment Department responsibilities:
   a. Confirm the offender’s home plan, if applicable
   b. Ensure the offender has obtained their Birth Certificate and Social Security Card in order to facilitate the offender’s employment upon release in accordance with Operating Procedure 820.2, *Re-entry Planning*.
      i. Each month, Records staff or designee should provide Re-entry staff with a list of offenders scheduled for release within 120 days so the offender can apply for a copy of their Social Security Card.
      ii. Treatment staff will return the list of offenders to the Records Office within two weeks of receipt, with the completed Social Security applications attached for processing.
   c. Assist offender in obtaining DMV Identification Card through *DMV Connect* and review loss of civil rights due to felony convictions, the requirements for restoration of civil rights, and provide a copy of *Restoration of Civil Rights Information* (see Operating Procedure 820.2, *Re-entry Planning*).
   d. Assist offenders who are applying to have the Court waive the interest charges for fines and costs accrued during their incarceration by providing the offender with three *Certifications of Incarceration Period* (Form DC-366) when requested in accordance with Operating Procedure 820.2, *Re-entry Planning*.

3. Business Office responsibilities:
   a. An offender released from confinement by action other than to meet a detainer will be provided all funds credited to that offender’s account. If the funds do not total $25.00, sufficient money will be added to reach that amount. This does not apply to offenders released from Community Corrections facilities.
   b. An offender who is discharged or paroled to another criminal justice agency to meet a detainer will be provided all funds accumulated to that offender’s account.
   c. Prepare a receipt to confirm funds paid to the offender. A representative of the Business Office should review the account balance with the offender and have the offender sign the receipt.
   d. Any offender pay, GTL Debit Account balances, or other funds not posted to the offender’s account at the time of the offender’s release will be forwarded to that offender within five working days of the posting of the funds to the offender’s account in accordance with Operating Procedure 802.2, *Offender Finances*.
   e. Arrange for bus transportation, if needed
   f. Facilities will charge the cost for discharge funds, discharge clothing, and public transportation to appropriate, authorized accounts according to established fiscal procedures.

4. Medical Department responsibilities:
   a. Medical staff shall monitor the facility population through VACORIS to identify offenders who are within 180 days of release so that medical pre-release preparation can begin.
   b. Medical staff shall prepare the offender for discharge in accordance with Operating Procedure 720.3, *Health Maintenance Program*. Preparation shall include providing any necessary medications.

5. Personal Property responsibilities:
   a. Offender personal property will be handled in accordance with Operating Procedure 802.1,
b. At least two weeks before discharge, determine the need for and, if necessary, obtain discharge clothing
   i. No offender will be discharged in state-issued offender clothing, except for approved discharge clothing.
   ii. Offenders may be discharged wearing personal clothing acquired while incarcerated.
   iii. Offenders who desire to do so, may make arrangements, with the approval of the Facility Unit Head, to have one set of civilian clothing delivered or mailed to the institution no sooner than two weeks prior to the offender’s scheduled discharge date. This clothing will be provided to the offender only on the day of discharge.
   iv. Female offenders may order discharge clothing through the commissary or approved vendor no sooner than one month prior to discharge. The facility shall store the discharge clothing to be issued only on the day of discharge.
   v. If the offender does not have personal clothing to wear on discharge, the facility may provide the following at facility expense. Items should be purchased from Virginia Correctional Enterprises (VCE) if possible or obtained locally using appropriate state procurement procedures. VCE does not stock discharge clothing for female offenders

(a) **Male offenders – personal items should be worn instead of state-issued wherever possible**
   - 1 pair khaki slacks
   - 1 shirt
   - 1 jacket (*October 15 to April 14 only*)
   - 1 pair underwear
   - 1 pair socks
   - 1 belt
   - 1 pair shoes

(b) **Female offenders - personal items should be worn instead of state-issued wherever possible**
   - 1 pair jeans/slacks
   - 1 light blue chambray shirt
   - 1 jacket (*optional depending on the weather*)
   - 1 pair underwear
   - 1 bra
   - 1 pair socks
   - 1 pair shoes

6. The unit drug testing coordinator will ensure the offender is drug tested in accordance with the Operating Procedure 841.5, *Offender Alcohol and Other Drug Testing and Treatment Services*.

7. Mailroom staff should record the offenders discharge address to forward mail in accordance with Operating Procedure 803.1, *Offender Correspondence*.

E. Release Documentation

1. Records staff shall:
   a. Verify the offender’s identity via VACORIS and offender picture identification card.
   b. When necessary, prepare the *Offender Information Form* using VACORIS for issue to the offender. Note that the *Offender Information Form* is to be printed on plain paper.
   c. Offenders may take the facility provided *Offender Information Form* to the local P&P Office to be issued an *Offender Information Form* printed on watermark paper. This includes offenders with and without supervision.

2. At the time of release, the offender reads, or has read to him by facility staff, the *Order of Release* and the *Conditions of Probation* or *Conditions of Parole*, as applicable. The offender shall then sign his
name, as typed on all documents and date the forms. The staff representative shall also sign and date all release documents, in the space provided, as witness to the offender’s signatures.

a. An offender who refuses to sign the Conditions of Parole for a Discretionary Parole Release shall be placed back into the facility. Facility Records staff shall contact the Facility Unit Head, Administrative Duty Officer, and the Shift Commander immediately. Records staff shall call the Community Release Unit for further instructions. The offender shall be maintained in the facility until the Community Release Unit advises whether the offender is to be released.

b. If an offender refuses to sign the Order of Release for a Mandatory Parole Release, Records staff shall place the words “Refused to Sign” in the space provided for the offender’s signature, and then sign and date as a witness on the space provided. The offender shall be instructed by Records staff to report to the specific P&P Office, if appropriate, as stated on the “Order/Notification of Release”, and that failure to do so shall result in being in violation of parole. The offender shall then be released from the facility.

c. The original Order of Release and the Conditions of Probation or Conditions of Parole, as applicable shall be given to the offender with a copy uploaded into VACORIS, clearly noted as “release paperwork”.

3. If an offender is being released on probation or parole directly to a plan in another state, a Notice of Departure must be completed and submitted by the P&P Officer in ICOTS (Interstate Compact Offender Tracking System) on the date of departure.

a. In VACORIS, the offender should be transferred from the Facility to Interstate Compact Community Supervision when the Order of Release indicates the offender is being released on supervision and is to report directly to another state.

b. If the offender’s Order of Release instructs him to report to a Virginia P&P Office, the VACORIS case should be transferred to the P&P Office.

c. If the offender’s Order of Release indicates he is being released to an out of state detainer, the VACORIS case should be transferred to the P&P Office that the Order of Release instructs the offender to report to upon release from the detainer. The P&P Office will then place the offender in Administrative P&P and monitor the detainer status.

4. Medical Clemency Releases

a. As condition of being released on Medical Clemency (see Operating Procedure 820.2, Re-entry Planning), the offender must agree in writing to have their physician provide information on the offender’s current medical condition to the Department of Corrections (P&P Officer, Health Services, etc.) whenever requested. If the request is not honored, the Medical Clemency Release may be terminated immediately.

b. A Consent for Release of Confidential Health and/or Mental Health Information 701_F8 will be signed by the offender allowing DOC access to the offender's health information from the offender's physician. As a condition of release, the offender must provide the DOC with all contact information for their physician. The offender will give a copy of the Consent to their physician immediately upon release.

c. The DOC Chief Physician or designee shall communicate with the offender's physician as needed to gather medical condition, diagnoses, level of alertness, whether the offender is ambulatory, eating, performing any activities of daily living, and prognoses.

d. The offender's medical report will be shared by the DOC Chief Physician or designee with agents of the Commonwealth of Virginia on a need-to-know basis.

e. A DOC physician on direction from the Health Services Director, if necessary, will be allowed to visit and examine any offender in this status.

5. The registration of sex offenders will be handled in accordance with Operating Procedure 735.1, Sex Offender and Crimes Against Minors Registration.

6. Records staff, in the presence of the offender, shall open the Property Envelope at the time of their
release and give the contents to the offender.

a. The offender shall sign name, number, and date on the space provided, and the Records Office representative shall sign as a witness to the offender’s receipt of personal documents and signature.

b. The signed Property Envelope shall be uploaded into VACORIS Notes and must be retained at the facility for 30 days after an offender’s release and then destroyed.

7. Each offender leaving on parole/discharge, shall be released by 11:59 P. M. on the date of release.

a. During hazardous weather conditions, if the local conditions are such that the Facility Unit Head deems that transportation of the offender to a public transportation location could be dangerous to staff or offenders, or if there is a lack of public transportation, the offender’s release may be reasonably delayed past the scheduled release date.

i. The offender shall be notified about the delay and allowed to make his own arrangements for transportation.

ii. If the offender is able to make his own arrangements for transportation from the institution, the release may proceed as scheduled.

b. When an offender’s release is delayed, Records staff will notify both the Community Release Unit and the Court and Legal Services Unit so that the offender’s release date can be adjusted and a new date scheduled. The offender is not to be released without a new date being set by the Community Release Unit.

8. Facility staff shall obtain the offender’s facility identification card at the time of release, and ensure that it is shredded.

9. For Institutions, the Records Office will prepare an Offender Gate Pass in VACORIS for the Shift Commander’s signature which will authorize the offender’s departure through the designated facility perimeter gate.

10. The Community Release Unit will notify the Victim Services Unit when an offender is released from confinement so that notification can be made to registered victim(s) of a crime prior to the offender’s release (see Operating Procedure 021.1, Victim Services Unit). (4-4447, 4-ACRS-7F-06, 2-CO-4G-02)

F. Transportation

1. Upon being notified of an offender's release date, facility staff will determine the offender's need for transportation. If the offender does not make outside arrangements for transportation, the Facility Unit Head will determine the most economical mode of travel.

2. An offender released on probation or parole supervision will be issued authorization for a public transportation ticket to the place of the offender’s approved home plan within the Commonwealth of Virginia, only.

a. If the approved parole plan is out-of-state, authorization for a public transportation ticket will be to a locality on the transportation route closest to the out-of-state location, but within Virginia’s border. Note: Bristol Virginia/Tennessee and Bluefield Virginia/West Virginia are considered within Virginia’s borders.

b. A paroled or discharged offender who has had a transportation request approved will not be given any state money to pay for the direct purchase of a ticket. The facility will issue a Transportation Confirmation Authorization to cover the purchase of the ticket. The offender will be given this authorization for delivery to the ticket agent in exchange for a ticket. A copy of the Authorization will be returned to the institution by the ticket agency with their invoice for payment.

c. The Shift Commander is to schedule and provide transportation as necessary to the appropriate station for offenders traveling by public transportation.

3. Offenders with convictions for certain offenses may not be allowed to ride public transportation. When necessary, DOC will transport these offenders to the appropriate P&P Office on discharge.

4. An offender released on direct discharge may request a ticket to any locality within the Commonwealth of Virginia.
5. If the offender is being released to a detainer, upon arrival of the law enforcement authorities to pick up the offender, the Records Office is to verify the proper identification of the authorities via picture identification cards and signatures and telephone the jurisdiction for a physical description of the representative(s).

VI. TRANSFER TO LOCAL JAIL WORK RELEASE OR OFFENDER RE-ENTRY PROGRAMS

A. Notification, Verification, Authorization - Facilities will be notified and transfers to Offender Re-Entry, VASAVOR, and jail work release programs will be authorized by a manifest generated in VACORIS.

B. Preparation for Transfer

1. Facility Records staff should:
   a. Confirm the offender has provided a DNA sample or ensure that the offender provides a DNA sample before release. (see the DNA Sampling of Offenders, Attachment 4, to Operating Procedure 920.1, Community Case Opening, Supervision, and Transfer)
   b. Prepare an institutional “dummy” file (see Dummy File Checklist 050_F1) to accompany the offender transferred to a local or regional jail for work release or pre-release. The “dummy” files, created by the sending institution should contain the most recent issuance of the listed documents and any other documents that would be beneficial to jail staff in determining appropriate classification and employment.
   c. Offender Information Form
      i. For work release, the facility shall prepare the Offender Information Form on watermark paper to be placed inside the “dummy” file, but it should not be hole-punched.
      ii. For Offender Re-Entry, the facility should not prepare the Offender Information Form, it will be provided by the Transition Coordinator at the jail.
   d. The original offender Historical Hardcopy Record or Facility Folder and Health Record shall be managed in accordance with Operating Procedure 050.1, Offender Records Management and Operating Procedure 701.3, Health Records.
   e. Notify appropriate departments, such as Business, Personal Property, Security, Medical, Grievance, Mailroom, and Treatment, of the offender’s pending transfer to ensure proper completion of any pending action, such as grievances or claims for damages or lost possessions, medical screenings and arrangements for community follow-up.
   f. Prepare the Property Envelope, if applicable
   g. Prepare a Selective Service Form, if applicable
   h. Provide the offender with a copy of the Internal Revenue Service’s Form 8850, Pre-Screening Notice and Certification Request for the Work Opportunity Credit
      i. Ensure the State Identification (SID) number has a confirmation date from the Virginia State Police, if the SID number is not confirmed ensure the offender’s fingerprints are scanned using the facility’s Live Scan equipment
      j. The Transportation Coordinator, Offender Management Services shall schedule the transfer and location change in VACORIS.

2. The Treatment Department should assist the offender to obtain copies of Social Security card, Birth Certificate, DMV Identification Card, and other documents as appropriate.

3. Business Office responsibilities:
   a. Prepare a check to provide all funds credited to the offender’s account.
      i. An offender who is being released to a local or regional jail work release or prerelease program will be provided all funds credited to the offender’s account. Since offenders are not being released from incarceration, facilities DO NOT need to supplement offender funds to meet the $25.00 Discharge Allowance.
      ii. A check, in the amount of funds currently available, will be made out to the offender and
included in the offender’s “dummy” file sent with the transporting officer.

iii. The Business Office should prepare a receipt for the funds and obtain the offender’s signature.

b. Any additional funds posted after the offender’s release should be forwarded to the appropriate jail upon closure of the Offender’s Trust Account.

c. Facilities will charge the cost for discharge clothing to appropriate, authorized accounts according to established fiscal procedures.

4. Medical Department responsibilities:

a. Medical staff shall prepare the offender for program transfer in accordance with Operating Procedure 720.3, *Health Maintenance Program*.

b. Prepare a health “dummy” file (*Dummy File Checklist_ 050_F1*) to accompany the offender transferred to a local or regional jail for work release or pre-release. The “dummy” file, created by the sending facility should contain the most recent issuance of the listed documents and any other documents that would be beneficial to jail staff in determining appropriate classification and employment.

5. Personal Property responsibilities:

a. Only property on the allowable personal property list provided by the Jail may be sent with an offender to the jail. All other property should be disposed of in accordance with Operating Procedure 802.1, *Offender Property*.

b. Male offenders shall be provided with DOC standard khaki discharge clothing, to include work boots or shoes appropriate for a work environment.

i. Male offenders will be transferred wearing the khaki discharge clothing or standard “blue” clothing (with khakis packed in their property) as directed by the jail.

ii. Female offenders shall be transferred in the standard “blue” clothing (offenders may be released with personal tennis/athletic shoes).

iii. Male and Female offenders shall be provided a jacket for transfers occurring October 15 through April 14.

iv. Offenders shall not be transferred in cloth or paper jump suits.

v. It is required that offenders be transferred with a minimum of three pairs of underwear and three pairs of socks (to include the pair the offender is wearing). If the offender does not have three pairs of personal underwear and socks, state clothing will be issued to make up the minimum number.

C. Release documentation and transportation shall be in accordance with the *Permanent Transfer* section of this operating procedure.

VII. RELEASE OF OFFENDERS FROM DOC FACILITIES FOR TRANSPORTATION

A. Release of offenders from DOC facilities for transportation may be due to permanent or temporary transfer to another facility, or a day trip where the offender will be returned to the same facility on the same day.

B. Depending on the offender status, offenders may be released to DOC employees, other law enforcement agencies, or offender friends/family for transportation.

1. Release of Offenders to DOC Non-Security Personnel

a. Institutional offenders will not be released to DOC non-security personnel except with prior written permission of the Facility Unit Head and the Regional Administrator, Regional Operations Chief, or the Chief of Corrections Operations. In an emergency, verbal approval may be granted by the Regional Administrator, Regional Operations Chief, or the Chief of Corrections Operations.

b. Community Corrections offenders may be released to any DOC employee for transportation related to program participation.

2. Release of offenders to DOC security personnel - Facilities may release offenders to DOC security personnel to transport the offender for transfer from one facility to another, for Court appearances, for
medical appointments, and for other valid purposes.

3. Release of offenders to other law enforcement agencies - The Facility Unit Head or designee shall verify the identification of the transporting officials and make a copy of the picture identification card and badge number.
   i. Even though the law enforcement officer is in uniform, they must be required to produce an acceptable written identification with a picture.
   ii. Verification of identification will also be made by calling the agency which issued the identification, i.e., Sheriff’s Department, police agency, or other law enforcement agency for confirmation.
   iii. The receiving law enforcement official must sign a Receipt for Offender Custody 050_F2 documenting that they are accepting custody of the offender from the DOC.

4. Release of offenders to family or friends - Community Corrections facilities may release offenders to approved family or friends for transportation to Court hearings, funerals, and deathbed visits. Release to family or friends shall be documented using a Travel Permit 050_F3. (4-ACRS-5A-16)

C. Offender Searches and Restraints

1. Prior to release, the offender will be given a full strip search by correctional personnel. Strip search is optional for Community Corrections offenders. If requested by the transporting officers, provision will be made for the offender to be searched again by the transporting officers.

2. The offender shall not be permitted to dress until after the transporting officers have indicated if they wish to search the offender or not.

3. If Department of Corrections staff are transporting the offender, the offender shall be restrained in accordance with Operating Procedure 411.1, Offender Transportation.

4. If the offender is being transported by non-DOC staff, assistance shall be given to the transporting officers, when requested, in placing restraints on the offender. Restraints shall be supplied by the transporting officers. With approval of the Facility Unit Head or designee, the facility may supply restraints if the transporting officers do not have adequate restraints.

D. Offender Attire

1. Unless otherwise specified by Court order, offenders will be transported or released to appropriate transporting officials in newly issued, clean state clothing in good condition.

2. The Facility Unit Head may direct that Community Corrections offenders be transported in personal clothing if appropriate for the trip.

3. If the Court order specifies that the offender be attired in civilian clothing, the facility will provide appropriate state issued civilian attire for this purpose.
   a. Where time allows, the offender may be permitted to have appropriate civilian clothing sent to the facility in advance of the Court appearance.
   b. If the Court appearance is scheduled for the date of release; the offender will be transported in civilian attire.
   c. If the offender is being transported to a jail or other correctional facility to be held for Court appearance at a later date, he will be transported in appropriate offender attire and the required civilian clothing sent with him at the time of his release from a DOC facility for transportation.

E. An Offender Gate Pass generated in VACORIS shall be utilized to release an offender to law enforcement and to DOC transportation officers in order to provide critical security, medical, and behavioral information about the offender to the transporting officer/individual and the receiving authority. Use of the Offender Gate Pass is optional at Community Corrections facilities, but transporting officers should be provided any relevant medical or security information that may be needed.

1. The Offender Gate Pass shall be completed by Records staff and presented to the transporting authority, who in turn shall present it to the recipient facility.
2. **ALL** sections of the *Offender Gate Pass* will be completed. If an area does not apply, the *Gate Pass* will be marked “N/A” in that particular section.

3. Care should be taken to assure the transporting officials are made aware of the *Offender Gate Pass* and the information provided.

4. For institutions (optional for Community Corrections facilities), the *Offender Gate Pass* prepared in VACORIS by the Records Office (or Shift Commander for unplanned transport outside business hours) will serve as documentation to the Corrections Officer posted at the designated facility perimeter gate that the release of an offender from facility custody to transportation officers has been properly authorized.

F. Out to Court to a Virginia Jurisdiction

1. Notification to Offender Management Services (OMS) of Release
   a. The Facility Unit Head or designee shall notify, by telephone, the Transportation Coordinator prior to the release of an offender for Court appearance.
   b. When the release occurs after normal business hours and advance notice cannot be given, the facility shall notify the Transportation Coordinator during the first working day following the release.

2. Notification of Additional Sentences Imposed - In order to maintain accurate and up-to-date release information concerning offenders, the Court and Legal Services Unit must be notified of any additional sentence imposed upon the offender.
   a. A copy of the *Request for Court Disposition 050_F4* will accompany offenders who are returned to Court for trial.
   b. Once the completed *Request for Court Disposition* is received from the Court, a copy will be forwarded by Records staff to the Court and Legal Services Unit.
   c. In the event that the *Request for Court Disposition* is not returned or is returned blank, the Court’s Disposition Notice, if available, and all other court documents are to be forwarded by Records staff to Court and Legal Services in its place.
   d. If the Court does not provide a Disposition Notice with the court documents, the blank *Request for Court Disposition 050_F4* is to be forwarded to Court and Legal Services.

3. Record Keeping and Follow-Up
   a. In-state Transfer - The facility will report the offender’s “Transfer Reason” as “out-to-court” in VACORIS until returned to the facility.
   b. Offenders listed as “out-to-court” shall have their status verified with the agency having custody at least every thirty days by the Facility Unit Head or designee.
   c. The Records Manager or designated Records staff shall maintain a Court Transportation Logbook containing the following documents for each Court Appearance:
      i. Certified Copy of Court Order or Custodial Transportation Order
      ii. Copy of the *Receipt for Offender Custody 050_F2*
      iii. Copy of *Request for Court Disposition 050_F4*
      iv. *Court Appearance Log 050_F5* (If the offender is transferred to a jail for Court appearance, arrival at the jail must be verified within 24 hours of release to non-DOC agents and the offender’s presence at the jail verified each 30 days thereafter until returned to DOC custody).
      v. *Court Transportation Information 050_F6*

G. Out to Court or Other Jurisdiction outside the Commonwealth of Virginia (Does not include Interstate Corrections Compact Facility Offenders)

1. Notification - Writ/Court Order from the out-of-state Court
   a. The Court order must contain the name of the offender, place of destination, purpose of proceeding, date of release, name of Court ordering the release, and an original or attested signature.
b. If the Court Order is received at a facility, the Detainer Unit must be notified immediately or in their absence the Manager of Classification & Records or the Transportation Coordinator must be notified and a copy of the Court Order and/or other documents must be forwarded to the Detainer Unit.

2. Verification
   a. Institutions - The Detainer Unit shall verify by contacting the Court or Agent for the Court to confirm its validity.
   b. Community Corrections - The Facility Unit Head or designee shall call the Court that issued the order to confirm its validity and explain the offender’s current status.

3. Authorization - Institutions
   a. Except as provided under the Temporary Transfer of Custody under the Interstate Agreement section of this operating procedure, the Governor of Virginia by statute (§53.1-206) must authorize the release of an offender for the purpose of Court appearance in a Court or jurisdiction located outside the Commonwealth of Virginia.
   b. The Detainer Unit will prepare and submit all necessary documents to the Governor’s office for review.
   c. Upon receipt by the facility of authorization for release signed by the Governor (Governor’s Writ), the offender may be released to the appropriate authorities.

4. Notification of Additional Sentences Imposed - In order to maintain accurate and up-to-date release information concerning offenders, the Detainer Unit must be notified of any additional sentence imposed upon the offenders return from any Out of State or Federal Court.
   a. A copy of Request for Court Disposition 050_F4 will accompany offenders who are returned to Court for trial.
   b. Once the completed Request for Court Disposition is received from the Court, a copy will be forwarded by the Records Manager or designated Records staff to the Detainer Unit accompanied by any and all court paperwork.
   c. In the event that the Request for Court Disposition form is not returned or is returned blank, the Court’s Disposition Notice, if available, and all other court documents are to be forwarded by the Records Manager or designated Records staff to the Detainer Unit in its place.
   d. If the Court does not provide a Disposition Notice with the court documents, the blank Request for Court Disposition 050_F4 is to be forwarded to the Detainer Unit.

5. Record Keeping and Follow up
   a. Out-of-State Transfer - The facility will schedule the VACORIS location designation to the “Detainer Unit” in VACORIS.
   b. The Detainer Unit is to be notified to confirm the “transfer out” and will assign the offender to a “Detainer Unit” bed for tracking purposes.

6. Authorization - Community Corrections
   a. The Facility Unit Head may release offenders to out-of-state authorities if a proper Court Order is presented.
   b. Facility staff shall notify the Virginia Court that sentenced the offender to the program.
   c. The sentencing P&P District shall determine if a PB-15, Arrest Authority should be issued as a detainer.
   d. The facility P&P Officer will submit a Violation Report to immediately remove the offender from the program before releasing the offender to another state.

7. Release Documentation for temporary transfer to Court Ordered appearance out-of-state - The facility Records Manager or designated Records staff should prepare:
   a. Offender Gate Pass
Operating Procedure: 050.3
May 1, 2017

8. Transportation - Other law enforcement or Extradition Unit
   a. Out-of-state Court appearances will usually be temporary transfers to a jail or a corrections facility in another state.
   b. Transportation will be provided by the DOC Extradition Unit or non-DOC law enforcement authorities.
      i. Facility DOC staff shall not transport an offender out-of-state.
      ii. Identity of non-DOC law enforcement authorities must be confirmed by picture identification card; a copy of the picture identification card must be made and retained at the facility.
      iii. Verification of identification will also be made by contacting the employing agency that issued the identification.
   c. The Offender Gate Pass will be provided to the Corrections Officer operating the designated facility perimeter gate as authorization to release the offender to the transporting authorities.
   d. The transporting authorities shall sign the Receipt for Offender Custody and will be provided the Offender Gate Pass and the Request for Court Disposition.

H. Temporary Transfer of Custody under the Interstate Agreement on Detainers – Institutions only
   1. Notification - Evidence of Agent’s Authority to Act for Receiving State (Form VI) from the requesting state
   2. Verification
      a. Upon receipt of a Form VI, the Facility Unit Head or designee will notify the Detainer Unit for verification that all necessary procedures have been finalized for temporary transfer and a copy of Form VI must be forwarded to the Detainer Unit
      b. The Detainer Unit will coordinate the process of effecting temporary changes in custody under the provisions of the Interstate Agreement on Detainers.
   3. Authorization - Detainer Unit - The authority to effect the temporary transfer of an offender’s custody under the Interstate Agreement on Detainers is provided in COV §53.1-210. Such transfers do not require the approval of the Governor.
   4. Release Documentation for temporary transfer under the Interstate Agreement on Detainers - The facility Records Manager or designated Records staff should prepare:
      a. Offender Gate Pass
      b. Request for Court Disposition 050_F4
   5. Transportation - Other law enforcement or Extradition Unit
      a. Transportation will be provided by the DOC Extradition Unit or non-DOC law enforcement authorities.
         i. Facility DOC staff may not transport an offender out-of-state.
         ii. Identity of non-DOC law enforcement authorities must be confirmed by picture identification card; a copy of the picture identification card must be made and retained at the facility.
         iii. Verification of identification will also be made by contacting the employing agency that issued the identification.
      b. The Offender Gate Pass will be provided to the Corrections Officer operating the designated facility perimeter gate as authorization to release the offender to the transporting authorities.
      c. The Evidence of Agent’s Authority to Act for Receiving State (Form VI) shall be verified prior to an offender’s release on an out-of-state detainer.
         i. The copy of Form VI presented by the transporting official(s) must contain information identical to that on the copy of Form VI previously received at the facility.
ii. At the time of transfer the transporting official(s) will countersign the document, and the signature(s) will be compared to one(s) on the first-received document.

d. The transporting authorities shall be provided the **Offender Gate Pass** and the **Request for Court Disposition**.

I. Court Order Directing an Offender’s Appearance in a Court or Other Jurisdiction Located Within the Commonwealth of Virginia

1. Notification - Court order
   a. The Court order must contain the name of the offender, place of destination, purpose of proceeding, date of release, name of Court ordering the release, and an original or attested signature. Per the COV §19.2-310 the Clerk of the Court may transmit or make available a copy or copies of the Court order electronically.
   b. When the Court order is received by a facility directly from the Court, the facility will contact the Manager, Classification & Records or the Transportation Coordinator in their absence, for advice and direction if the Court order is not clear or appears questionable. The Transportation Coordinator will investigate and seek a resolution where necessary and advise the facility.
   c. When the Court order is received by the Classification and Records Unit, the Transportation Coordinator will promptly notify the Facility Unit Head and forward the order to the facility.

2. Verification - It will be the responsibility of the Facility Unit Head or designee to verify the authenticity of all Court orders received ordering the release of an offender for a Court appearance by calling the Court that issued the order. If unable to make direct contact with the Court, confirmation that the offender is on the Court docket should be done through the Court’s online website at [www.courts.state.va.us](http://www.courts.state.va.us).

3. Authorization
   a. For offenders in Community Corrections facilities, the Facility Unit Head may authorize the release of an offender to appropriate authorities on the basis of a Court order for the purpose of Court appearance within the Commonwealth of Virginia. Due to probation status, offenders in Community Corrections facilities may not be held in jail for Court appearances except under warrant or Court order.
   b. For Institutional offenders, the Transportation Coordinator will issue a **Temporary Reclassification** if the offender must stay in a jail or other DOC unit to facilitate the Court appearance.
   c. Offenders may be released to non-DOC law enforcement authorities with prior notification to the facility and confirmed identification of the transporting officers in accordance with this operating procedure.
      i. If a non-DOC law enforcement authority arrives after hours to transport an offender to Court, the Shift Commander in the absence of Records staff will be responsible for confirming identification of the transporting officers, completing Release Documentation, and releasing the offender to the transporting authority.
      ii. If a non-DOC law enforcement authority arrives after hours without prior notification to transport an offender to Court, the Shift Commander shall notify the ADO.
   iii. No offender will be released without prior notification and verification without explicit approval of the Facility Unit Head.

4. Release Documentation for Court Ordered appearance in-state - The facility Records Manager or designated Records staff should prepare:
   a. Offender Gate Pass
   b. **Receipt for Offender Custody** 050_F2 (if transported by non-DOC law enforcement)
   c. **Request for Court Disposition** 050_F4
   d. **Court Appearance Log** 050_F5 - If the offender is transferred to a jail for Court appearance, arrival at the jail must be verified within 24 hours of release to non-DOC agents and the offender’s
presence at the jail verified each 30 days thereafter until returned to DOC custody.

e. **Court Transportation Information** 050_F6
f. **Do Not Release Notification** 050_F16

5. Transportation
   a. Transportation may be provided by DOC security staff or other non-DOC law enforcement authorities.
   b. The **Offender Gate Pass** will be provided to the Corrections Officer operating the designated facility perimeter gate as authorization to release the offender to the transporting authorities.
   c. The Facility Unit Head will ensure the proper identification of the authorities to whom the offender is released prior to the release.
   d. The transporting authorities shall sign the **Receipt for Offender Custody** (if non-DOC law enforcement) and be provided the **Offender Gate Pass** and the **Request for Court Disposition**.
   e. For Community Corrections facilities only, offenders may be released to approved family or friends for Court appearances. The **Travel Permit** 050_F3 will be used instead of **Receipt for Offender Custody** and the **Offender Gate Pass**. The P&P Officer should follow up on offenders "out-to-court overnight" to confirm whereabouts and to track current status. (4-ACRS-2A-11, 4-ACRS-5A-16)

J. Corrections Construction Unit (CCU), Environmental Services Unit (ESU), and Operational Maintenance Unit (OMU) Transfers
   1. Central Classification Services (CCS) and the managers of CCU, ESU, and OMU closely coordinate assignments to and removals from the Corrections Construction Unit, Environmental Services Unit, and Operational Maintenance Unit work crews.
   2. For each offender assigned to CCU, ESU, or OMU, the Transportation Coordinator shall prepare a **Statewide Offender Gate Pass**, which shall be honored as an outside work gate pass at all DOC facilities.
   3. Offenders permanently assigned to CCU, ESU, or OMU may be transferred by the CCU, ESU, or OMU Manager throughout the state as needed to work sites for the period of time needed.
   4. The CCU, ESU, or OMU Manager with the Transportation Coordinator will coordinate temporary assignments to other facilities.

K. Temporary Transfers
   1. Institutional offenders may be temporarily transferred from one DOC institution to another DOC institution for:
      • Security needs
      • Medical treatment
      • Corrections Construction Unit (CCU), Environmental Services Unit (ESU) and Operational Maintenance Unit (OMU) work assignments
      • Community Corrections Alternative Program pickup
      • Parole release/discharge
      • Private visitation/deathbed visits
      • Other reasons as determined by authorized authorities
   2. Notification, Verification
      a. Institutional staff will notify Central Classification Services (during business hours) or the Regional Administrator or Regional Duty Officer (during non-working hours, holidays, and weekends) of the need to temporarily transfer an offender from the institution in accordance with Operating Procedure 830.5, **Transfers, Institution Reassignments**.
      b. The institution will notify Central Classification Services when the need for a temporary transfer has passed and the offender may return to their permanent assignment.
c. Central Classification Services or the CCU, ESU, OMU Manager may notify the institution of the need to temporarily transfer an offender from the institution.

3. Authorization
   a. Central Classification Services may authorize temporary transfers using a Temporary Reclassification or the VACORIS manifest sent to the facility Records Office.
   b. The Regional Administrator or Regional Duty Officer may authorize temporary transfers using Intra-Regional Transfer Authorization 050_F8.
   c. The Managers of CCU, ESU, and OMU may authorize temporary transfers using Interdepartmental Transfer Notice (CA4) 050_F9.
   d. At institutions with Work Centers, the Facility Unit Head may move offenders as needed between the main institution and the Work Center using Intra-Regional Transfer Authorization 050_F8.

4. Release Documentation for temporary transfers to another DOC Institution – The institution Records Manager, designated Records staff, or the Shift Commander, if after hours, should prepare:
   a. Interdepartmental Transfer Notice (CA4) 050_F9 or Intra-Regional Transfer Authorization 050_F8
   b. Offender Gate Pass

5. Transportation
   a. DOC security staff should transport offenders being temporarily transferred to another DOC institution. Custody of an offender may transfer to other DOC security staff at the “bullpen” or other site before the offender reaches the new facility. This transfer should be documented on Interdepartmental Transfer Notice (CA4) 050_F9.
   b. CCU, ESU, and OMU foremen may transport offenders being temporarily transferred to another DOC institution for CCU, ESU, or OMU work assignment. This transfer should be documented on Interdepartmental Transfer Notice (CA4) 050_F9.

L. Permanent Transfer

   1. Notification, Verification, Authorization
      a. Institutional offenders may be permanently transferred from one DOC institution to another, from a DOC institution to jail, or from a jail to a DOC institution.
      b. Permanent transfers are usually made for bed management, placement in work release/prerelease programs, or return from work release/prerelease programs.
      c. Institutions will be notified and permanent transfers authorized by a manifest generated in VACORIS by Central Classification Services.

   2. Release Documentation for permanent transfer - The institution Records Manager or designated Records staff should prepare:
      a. Interdepartmental Transfer Notice (CA4) 050_F9
      b. Offender Gate Pass
      c. These documents should be placed in a clear sheet protector so that they are not damaged during transport.

   3. Transportation
      a. DOC security staff should transport offenders being permanently transferred to another DOC institution. Custody of an offender may transfer to other DOC security staff at the “bullpen” or other site before the offender reaches the new institution. This transfer should be documented on Interdepartmental Transfer Notice (CA4) 050_F9.
      b. DOC security staff and/or jail staff may transport offenders being permanently transferred between DOC institutions and jails. Identification of jail staff should be confirmed by picture identification and, if possible, contact with the jail. Any transfer of offender custody during transportation should
be documented on Interdepartmental Transfer Notice (CA4) 050_F9.

M. Medical Appointment

1. Notification – Records staff should be notified of offender medical appointments by a schedule provided by the Medical Department, usually on a weekly basis.

2. Verification - Records staff should verify with the Medical Department that the appointment is valid and still scheduled.

3. Authorization - The Facility Unit Head or designee will authorize transport of offenders for medical appointments.

4. Release Documentation for medical appointments - The facility Records Manager or designated Records staff should prepare an Offender Gate Pass

5. Transportation
   a. DOC security staff should transport institutional offenders to medical appointments, maintain custody of the offenders, and return the offenders to the institution after the appointment. (4-4445)
   b. Community Corrections offenders may be transported to medical appointments by any DOC staff.
      i. With the approval of the Facility Unit Head and agreement with the medical office, the offender may be left unsupervised and picked up after the appointment.
      ii. With the approval of the Facility Unit Head, offender family and friends may transport Community Corrections offenders to medical appointments and return the offender to the facility after the appointment. The Travel Permit 050_F3 will be used to document the purpose of the trip and when the offender is required to return to the facility. (4-ACRS-5A-16)

N. Medical Emergency

1. Notification - The Medical Department should immediately notify the Shift Commander and the Records Office (if during working hours) when they become aware of the possibility of emergency medical transportation.

2. Verification - Records staff or the Shift Commander (if after hours) should confirm with the Medical Department the need for emergency medical transportation.

3. Authorization - The Facility Unit Head or Administrative Duty Officer may authorize emergency medical transportation

4. Release Documentation - The institution Records Manager, designated Records staff, or the Shift Commander, if after hours, should prepare an Offender Gate Pass

5. Transportation
   a. The Shift Commander and Administrative Duty Officer, on advice of the Medical Department, shall determine whether transportation should be by DOC security vehicle, DOC emergency medical vehicle, or non-DOC emergency medical vehicle.
   b. DOC security staff shall maintain custody of the offender until:
      i. The offender returns to the institution or is transported to another DOC institution either by DOC security vehicle or an emergency medical vehicle.
      ii. The offender is admitted to a security ward and custody is assumed by staff in the security ward.
      iii. Relieved by additional DOC security staff if the offender is admitted to a hospital outside a security ward

O. Bereavement Visit

1. Notification - The offender or the offender’s family should notify facility staff of the need for a bereavement visit. This information should be forwarded to the Administrative Duty Officer immediately to start the verification and authorization process.

2. Verification - The offender’s Counselor or other designated staff should contact the offender’s family
and local officials to determine if the offender is eligible for the visit in accordance with Operating Procedure 851.2, Bereavement Visits.

3. Authorization - The Facility Unit Head or designee and the Regional Administrator or designee may authorize visits for eligible offenders in accordance with Operating Procedure 851.2, Bereavement Visits.

4. Release Documentation - For institutional offenders, the institution Records Manager or designated Records staff should prepare an Offender Gate Pass

5. Transportation
   a. For institutional offenders, DOC security staff shall transport the offender in a DOC security vehicle. (4-4445)
   b. For institutional offenders, if the offender cannot be transported to the visit and returned to the institution in the same day, the offender may be temporarily transferred to an institution closer to the visit site.
   c. Community Corrections offenders will usually be transported by friends or family. The Travel Permit 050_F3 will be used to document the purpose of the trip and when the offender is required to return to the facility. With the approval of the Facility Unit Head, any DOC staff may transport Community Corrections offenders in any state vehicle. (4-ACRS-5A-16)

VIII. REFERENCES
 Operating Procedure 021.1, Victim Services Unit
 Operating Procedure 050.1, Offender Records Management
 Operating Procedure 411.1, Offender Transportation
 Operating Procedure 701.3, Health Records
 Operating Procedure 720.3, Health Maintenance Program
 Operating Procedure 735.1, Sex Offender and Crimes Against Minors Registration
 Operating Procedure 802.1, Offender Property
 Operating Procedure 802.2, Offender Finances
 Operating Procedure 803.1, Offender Correspondence
 Operating Procedure 820.2, Re-entry Planning
 Operating Procedure 830.5, Transfers, Institution Reassignments
 Operating Procedure 841.5, Offender Alcohol and Other Drug Testing and Treatment Services
 Operating Procedure 851.2, Bereavement Visits
 Operating Procedure 920.1, Community Case Opening, Supervision, and Transfer

IX. FORM CITATIONS
 Dummy File Checklist 050_F1
 Receipt for Offender Custody 050_F2
 Travel Permit 050_F3
 Request for Court Disposition 050_F4
 Court Appearance Log 050_F5
 Court Transportation Information 050_F6
 Intra-Regional Transfer Authorization 050_F8
 Interdepartmental Transfer Notice (CA4) 050_F9
 Do Not Release Notification 050_F16
X. 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 May 2018 and no changes are needed at this time.

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

*Signature Copy on File*  
4/9/17

A. David Robinson, Chief of Corrections Operations  
Date