



# Virginia Department of Corrections

## Inmate Management and Programs

### Operating Procedure 820.2

#### *Inmate Re-entry Planning*

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**Content**

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**REVIEW**

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

**COMPLIANCE**

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

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## DEFINITIONS

**Case Management Review** - An action taken to document the specific processes completed during an inmate's annual review.

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

**Community Release Unit (CRU)** - A section of Offender Management Services whose function is to release all eligible inmates, probationers, and parolees in a timely and legal manner; the CRU coordinates and facilitates release planning between DOC facilities, Probation and Parole Offices, and service providers.

**Community Residential Program** - Any group home, halfway house, or other physically unrestricting facility used for the housing, treatment, or care of adult probationers/parolees 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.

**Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)** - The DOC approved risk/needs assessment, which consists of different versions for community corrections and institutions. COMPAS is a support system for supervision and case-management decisions, a database used in combination with VACORIS, a tool that assesses two critical risks, violence and recidivism, and a tool for determining the criminogenic needs that are used to develop case plans and set programming.

**Discharge (Facility Release)** - The release of an inmate or probationer/parolee from a facility due to satisfying the requirements for release from that facility; discharge may be due to parole, good time release, pardon, court order, completion of Community Corrections Alternative Program or other reasons. Discharge may be to the community with or without probation/parole/post-release obligations or discharge may be to law enforcement authorities for other legal obligations or deportation.

**Employment Plan** - The physical address and contact information for the job the inmate or probationer/parolee intends to secure upon release or the Workforce Center that is nearest to their home.

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

**High Risk Sexual Aggressor (HRSA)** - As identified by the Classification Assessment and Mental Health Clinician assessment, any inmate/probationer/parolee at high risk of being sexually abusive.

**High Risk Sexual Victim (HRSV)** - As identified by the Classification Assessment and Mental Health Clinician assessment, any inmate/probationer/parolee confirmed as a sexual victim or identified as being at high risk of being sexually victimized.

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

**Home Plan** - The physical address at which the inmate, probationer, or parolee will reside upon release, including residential programs or private residences.

**Homeless Inmate** - Any inmate released from a DOC institution who lacks a stable, permanent home plan.

**ICA Hearing** - An inmate case review conducted by the Institutional Classification Authority or Multi-disciplinary Team; these hearings may be either formal due process or informal hearings depending on the purpose of the review.

**Identification Documents** - Documents that satisfy the requirements of the U. S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) or the identification requirements of the Virginia Department of Motor Vehicles for driver's license or identification card; examples include passport, residency card, visa, driver's license, photo ID card issued by a government agency, Social Security card, birth certificate, etc.



**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**Institutional Program Manager (IPM)** - The position at an institution that coordinates program activities, monitors VACORIS for accurate data entry, and ensures programs are being offered with fidelity.

**Intensive Re-entry Program (IRP)** - A cognitive community program that inmates with a moderate or high risk of general recidivism participate in during their last seven months of incarceration; participating inmates are transferred to the IRP closest to the locality of their release plan.

**Interstate Compact Offender Tracking System (ICOTS)** - The web-based system used by all states and U.S. Territories to transfer and monitor the supervision of probationers and parolees while under Interstate Compact for Adult Offender Supervision.

**Interstate Compact Unit (ICU)** - A section of Offender Management Services whose function is to provide oversight of the transfer and supervision of probationers and parolees in and out of the Commonwealth of Virginia via the Interstate Compact for Adult Offender Supervision (ICAOS).

**Mental Health Classification Code** - A numeric code assigned to an inmate by a Mental Health Clinician that reflects the inmate's current mental health status and mental health and wellness service needs; the coding system is hierarchical, ranging from MH-0 representing no current need for mental health and wellness services to MH-4S representing the greatest need for mental health and wellness services.

**Mental Health Clinician** - An individual with at least a master's degree in psychology, social work, or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders, which may include a Psychiatric Provider, Social Worker, or Registered Nurse.

**P&P Officer** - Any Chief P&P Officer, Deputy Chief P&P Officer, Senior P&P Officer, or P&P Officer authorized by a Circuit Court Judge.

**Problematic Release Plan Type** - Release plans that require extra coordination to facilitate the release of an inmate with or without a supervision obligation, such as an inmate who is homeless or has current or ongoing medical or mental health issues.

**Re-entry Case Plan** - A case plan that outlines short term and long-term program needs based on an assessment of the inmate's individual criminogenic factors.

**Re-entry Counselor** - The institutional Counselor with responsibility for assisting the inmate to prepare for re-entry into the community; may be either a general Counselor dealing with inmates on an assigned caseload or a specialist Counselor dealing primarily with re-entry issues.

**Re-entry Timeline** - A plan developed for each inmate within the first 180 days of entering a DOC institution and updated at their annual review to ensure that the appropriate EBP and skills development programs are provided so that the treatment needs of the inmate are addressed in chronological order and completed prior to release.

**Regular Release Plan Type** - Release plans that have a home plan address and no identified issues such as medical or mental health needs or offense history to complicate the release.

**Release Tracks** - A track that an inmate is projected to be on at the time of release, which can and may change throughout their incarceration.

**Transition Team** - An interdisciplinary team which may consist of Counselors, Clinical Social Workers/Supervisors, Workforce Development Specialists, Mental Health and Wellness Services staff, Medical staff, Re-entry P&P Officers, and other staff who assist inmates by providing re-entry planning services; the Counselor is designated as the primary coordinator for re-entry planning.

**Women's Risk/Needs Assessment (WRNA)** - The risk/needs assessment tool sanctioned by DOC for institutions and community corrections that includes gender-neutral risk/needs information, but also is inclusive of gender-specific factors such as mental health, child/adult abuse and/or victimization, relationship dysfunction, parental stress, and housing safety. Areas of strength such as self-efficacy, parental involvement, family support, and education are also assessed. The WRNA is used to develop gender-responsive case plans and identify programming needs designed to reduce recidivism of female inmates.



**Workforce Development Specialist** - A position that facilitates workforce development experiences to prepare incarcerated inmates, probationers, and parolees for re-entry employment.



## PURPOSE

This operating procedure provides for the planning and provision of transitional and re-entry services for inmates housed in a Department of Corrections (DOC) institution. These services provide a system for inmates to successfully transition into their communities upon release from an institution and for improving opportunities for treatment, employment, and housing while on community supervision.

## PROCEDURE

### I. Re-entry Planning

- A. Re-entry planning and the sharing of formal and informal information between institution and community corrections staff is critical for the effective transition of inmates from incarceration to the community in a manner that supports law-abiding behavior.
  - 1. Institution staff will communicate with P&P Officers and other resources, as needed, to assist the inmate in preparing for their re-entry into the community upon their release.
  - 2. The use of a multi-discipline team in formal information sharing sessions to review and address an inmate's program activities, behavior, bed management, and disciplinary issues is encouraged.
    - a. A core group comprised of the following staff should hold sessions monthly:
      - i. Chief of Housing and Programs
      - ii. Unit Manager
      - iii. Cognitive Counselor
      - iv. Counselor
      - v. Treatment Officer
      - vi. Senior Re-entry P&P Officer
      - vii. Workforce Development Specialist.
    - b. Mental Health and Wellness Services, Medical, Treatment, Correctional Educational staff, and the inmate's work supervisor must participate in sessions, when appropriate.
- B. Re-entry services and programs are most effective when combined with proper release preparation. Re-entry and transition planning: (5-ACI-5F-01; 2-CO-4G-01)
  - 1. Begins the day of the inmate's first contact with the DOC and continues throughout their incarceration until completion of community supervision.
  - 2. Provides an initial and an ongoing assessment of the inmate's individual risks and needs, a development of treatment plans to address the identified criminogenic needs, and timely referrals to Evidenced Based Practices (EBP) and skills development programs.
  - 3. Progresses to the development, documentation, and updating of the inmate's home and employment plans as well as addressing any post-incarceration.
  - 4. Provides a graduated release from incarceration to participate in a re-entry, community work, or work release program for eligible inmates. (5-ACI-5F-03; 4-ACRS-5A-14 [I]; 4-APPFS-2C-04)
- C. Staff should provide inmates with an overview of the DOC-re-entry process viewing the *Prison Re-entry Program (Video for Offenders)* which is available online or by request to the Re-entry and Programs Unit for a recorded copy.
- D. Re-entry planning and the provision of transitional and re-entry services for CCAP probationers and parolees is addressed in Operating Procedure 940.4, *Community Corrections Alternative Program*.

### II. Inmate Assessment and Identification of Special Needs (2-CO-4B-01)

#### A. Risk/Needs Assessment

- 1. A Counselor must conduct a COMPAS or WRNA on each inmate at the time of the inmate's reception



into the DOC; see Operating Procedure 820.1, *Inmate Case Management*.

2. A Counselor must conduct a COMPAS or WRNA every other year for inmates with more than five years to serve and annually for inmates who have one to five years until release.

#### B. Classification Assessment

1. A staff member must assess each inmate for their risk of being sexually abused or sexually abusive in accordance with Operating Procedure 810.1, *Inmate Reception and Classification*, and Operating Procedure 810.2, *Transferred Inmate Receiving and Orientation*.
2. Staff must refer HRSA and HRSV inmates to a Mental Health Clinician for follow-up, see Operating Procedure 730.2, *Mental Health and Wellness Services: Screening, Assessment, and Classification*.

### III. Treatment Planning

- A. The timely development of a thorough and viable re-entry plan that addresses the results of an inmate's COMPAS or WRNA and that supports a successful transition from incarceration to the community is critical for public safety.
- B. Counselors will develop and periodically update each inmate's *Re-entry Timeline* and *Re-entry Case Plan* throughout the inmate's incarceration; see Operating Procedure 820.1, *Inmate Case Management*.
  1. The *Re-entry Timeline* includes the inmate's forecasted release track, specifically addresses the inmate's criminal risks, and identified treatment needs by ensuring EBP and skills development programs are completed in chronological order.
  2. The *Re-entry Case Plan* is based on the inmate's criminogenic needs and is developed to decrease the risk for recidivism and violence, and to ensure the appropriate and efficient use of agency resources. The *Re-entry Case Plan* includes:
    - a. Identification of initial program needs.
    - b. A statement of the long term and annual needs and objectives.
    - c. Program assignments; see Operating Procedure 841.1, *Inmate Programs*.
    - d. Expected behavior and accomplishments.
- C. Counselors, as part the inmate's Annual Review, will document *Re-entry Timeline* and *Re-entry Case Plan* completion on the *Case Management Review Checklist* located in the *Facility Supervision* section of VACORIS.

### IV. Re-entry Programming (5-ACI-5F-01; 2-CO-4G-01)

- A. All inmates must enroll in re-entry programming prior to release into the community.
- B. Staff at Security Level 2-3 institutions will screen inmates, who score moderate or high on the COMPAS or WRNA *General Risk of Recidivism* scale, at 24-36 months prior to the inmate's release for assignment to an intensive re-entry site that covers their home plan location; see Attachment 1, *Intensive Re-entry Program Locations*.
  1. Inmates who score moderate or high on the COMPAS or WRNA *General Risk of Recidivism* scale will be placed in an IRP for the last seven months of their incarceration.
  2. Inmates who score low on the COMPAS or WRNA *General Risk of Recidivism* scale will receive re-entry programming and services at their current location to address their identified needs such as education, *Thinking for a Change*, *Cognitive Behavioral Interventions for Substance Abuse*, etc. Prior to release, the inmate will be provided the:
    - a. *Reentry Planning* interactive journal.
    - b. *Citizenship* interactive journal.
    - c. Money Smart video.





d. *Bonding Eligibility Letter.*

3. The Virginia Parole Board may require an inmate granted parole or pardoned to complete an IRP as a condition of their release, regardless of the inmate's score on the COMPAS or WRNA *General Risk of Recidivism* scale.
4. Inmates scheduled for deportation upon completion of their state sentence or who have an Immigration and Customs Enforcement (ICE) detainer are not eligible for intensive re-entry services.

C. Staff will provide re-entry programming and services to female inmates at designated female institutions.

D. Staff will provide male inmates with re-entry programming and services as follows:

1. Work center and field unit staff, Roving Cognitive Counselors, and Workforce Development Specialists will provide re-entry programming and services to inmates at their current location.
2. Staff at Security Level 4 and higher institutions will provide re-entry programming and services to inmates at their current location as required in Operating Procedure 841.1, *Inmate Programs*.
3. Staff will provide inmates with serious medical and mental health needs re-entry programming and services at an appropriate institution.
4. Staff will provide inmates with detainers re-entry programming and services at their current institution.
5. Staff will provide inmates with less than nine months to release re-entry programming and services at their current institution.

E. Staff should transfer inmates with out of state home plans to the institution closest to their sentencing jurisdiction.

V. Employment Plan Development (4-ACRS-5A-20[I])

- A. Inmates are primarily responsible for employment plan development through contact with relatives and community resources.
- B. Counselors should guide inmates in developing an employment plan that support law-abiding behavior, refer inmates to community resources such as Community Residential Programs (CRP), and provide follow-up contacts, when needed; see Operating Procedure 940.1, *Community Residential Programs*.
- C. The Workforce Development Specialist teaches employability, money management, and career advancement skills and ensures each participant prepares a *Re-entry Employment Portfolio*, prior to program completion to assist inmates in finding and maintaining employment upon release; see Operating Procedure 841.1, *Inmate Programs*.

VI. Home Plan Development and Confirmation

- A. A proposed *Home Plan* must be developed and entered in the *Address-Phone* module of VACORIS within 15 calendar days of an inmate's reception into the DOC.
  1. The inmate's proposed home plan must include:
    - a. The full address
    - b. The telephone number.
    - c. The releasing jurisdiction
    - d. The appropriate P&P District determined by VACORIS.
  2. Counselors must review and, when necessary, update the inmate's *Home Plan* at each annual review and will document their review on the *Case Management Review Checklist* in VACORIS.
  3. Staff will determine the proper jurisdiction for the home plan address using the USPS button on the address page of VACORIS and to confirm the address is a proper postal address.
- B. The inmate is primarily responsible for exploring home plans through contact with relatives and





community resources.

1. Counselors or a transition team member, when applicable, should guide inmates in developing a home plan that support law abiding behavior, refer them to community resources such as CRPs, and provide follow-up contacts if needed. (4-ACRS-5A-13[I])
2. Staff utilize 2-1-1 Virginia as a directory of current community agencies. (4-ACRS-5A-12[I]; 4-APPFS-2D-01)


#### C. Home Plan Confirmation

1. The Counselor, six months before the inmate's anticipated release date, must telephone or send a letter to the proposed home plan address to confirm the address and phone number are valid and determine if the resident will provide a home for the inmate; see Attachment 2, *Home Plan Confirmation*.
2. The Counselor should question the resident to determine home plan suitability and whether appropriate provisions are available to address the special needs of a disabled or chronically ill inmate. Questions may include the following:
  - a. Is the residence in Section 8 or public housing?
  - b. Are there any lease restrictions regarding the inmate living in the residence?
  - c. Are there minor children living in the home? Sex Offender specific.
  - d. How close is the nearest school or day care? Sex Offender specific.
  - e. Are there any concerns with listing the address on the Sex Offender Registry, if applicable? Sex Offender specific.
3. The Counselor should enter the following into VACORIS:
  - a. *Reported Date* - Date staff called or sent a letter to validate the proposed address.
  - b. *Verified Date* - Date staff received a reply validating the proposed address. The verified date must be within six months of the inmate's anticipated release date.
4. When the Counselor is unable to verify the inmate's proposed home plan address, the Counselor should request additional information from the inmate or, when necessary, request a new proposed home plan address to include any potential out-of-state home plans.
5. Once the Counselor has verified the proposed home plan address or determined there is not a viable home plan available, the Counselor, no more than six months before the inmate's anticipated release date, must: (4-APPFS-2C-01)
  - a. Enter the *Release Plan Type* in VACORIS
  - b. Request a *Home Plan Investigation* for a Virginia home plan or an *Interstate Pre-Release Forms* investigation for an out of state home plan.

#### D. Home Plan Development for Homeless Inmates

1. For purposes of re-entry planning, an inmate is homeless when it is likely that the inmate will return to one or more of the following housing situations upon their release.
  - a. Unsheltered environment such as a tent, abandoned building, outdoor area, or vehicle.
  - b. Halfway house or community residential placement with no permanent address.
  - c. Unstable living arrangements with other individuals.
  - d. Emergency or domestic violence shelter with no permanent address.
  - e. DOC funded temporary housing with no permanent address.
  - f. Residential substance abuse, mental health program, or facility with no permanent address.
  - g. Local community agency funded temporary housing.
2. When an inmate is homeless, the Counselor must document the inmate's proposed home plan as homeless in VACORIS.



- a. The Counselor will select the type of homelessness and provide a description of the housing situation in the *Address Comments* section of the *Address-Phone* module.
  - b. The description should include all relevant information, if this information is available, specific to the inmate's housing situation for further investigation and verification such as the names of possible facilities or locations for temporary placements.
- E. P&P Officers must contact the Victim Services Unit or their Regional Victim Advocate when conducting a home plan investigation on an inmate with a red VACORIS Victim Registered Alert Flag,  *Victim Registered*, to allow input regarding this investigation.

## VII. Inmate Release Plan Types

### A. Regular Release Plan Type

1. Counselors will request a *Home Plan Investigation* no earlier than six months before the inmate's anticipated release date.
2. A P&P Officer from the P&P District responsible for the inmate's supervision has 90 days to complete the *Home Plan Investigation* including supervisor review and approval for inmates who have probation, parole, or post-release supervision unless the anticipated release date requires staff to request an earlier response. (4-APPFS-2C-02)

### B. Problematic Release Plan Type (4-ACRS-5A-13[I])

1. It is important for staff to use the *Problematic Release Plan* type in VACORIS as a tool for resource assignment and release planning.
  2. Staff will submit a completed *Request for Assistance - Problematic Release* 820\_F9 for any known problematic case to the Community Release Unit (CRU).
    - a. Community Re-entry Specialists will assist staff in the development of a release plan for problematic releases in their assigned area; see Attachment 3, *Community Re-entry Specialists Area Assignments*.
    - b. Staff should communicate with Community Re-entry Specialists and submit the *Request for Assistance - Problematic Release* 820\_F9 in *Word* format and any associated medical or mental health documents required for re-entry planning by email to the *Community Release Mailbox*.
    - c. Staff should submit the *Request for Assistance - Problematic Release* 820\_F9, 9 to 12 months prior to the inmate's anticipated release date.
  3. If the inmate has supervision upon release, the Counselor will submit the *Home Plan Investigation* to the P&P District of the home plan address.
    - a. If the inmate is homeless, the Counselor will submit the *Home Plan Investigation* to the sentencing jurisdiction.
    - b. Staff cannot submit a *Home Plan Investigation* request to the P&P District more than six months prior to the inmate's anticipated release date.
  4. All release plan and transportation arrangements for sex offenders will be in accordance with Operating Procedure 050.3, *Facility Release*.
- C. Community Re-entry Specialists may request Court and Legal Services Unit staff remove adjusted discharge days for a reasonable delay in an inmate's release to accommodate entry into a CRP or other approved home plan. (4-APPFS-2C-03)
- D. Release of Information to Outside Agencies for Referrals
1. Staff will only release record information with a signed *Consent for Release of Information* 050\_F14 in accordance with Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*. Unless specifically exempted by the Code of Virginia (COV), Counselors may release information without inmate consent to the following:

- a. Transition team
  - b. P&P staff
  - c. Community Services Boards
2. Staff will only release medical, dental, or mental health record information in accordance with Operating Procedure 701.3, *Health Records*.
    - a. Staff must provide a copy of the health record to the inmate within 30 days of the inmate's release date provided the inmate requested a copy at least 60 days prior to release; see COV §53.1-28, *Authority to fix discharge date; improper release; warrant, arrest and hearing*; see Operating Procedure 701.3, *Health Records*.
    - b. Staff will provide the inmate with the copy of their health record at no cost.
  3. Staff will only release alcohol and drug abuse information upon receipt of a signed *Consent for Release of Alcohol and Drug Abuse Record Information* 050\_F15; see Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*.
  4. Staff will release Human Immunodeficiency Virus (HIV) test results subject to the provisions of COV §32.1-36.1, *Confidentiality of test for human immunodeficiency virus; civil penalty; individual action for damages or penalty* and *Standard Treatment Guideline - HIV/AIDS Care and Discharge Planning* on iDoc.

## VIII. Out of State Home Plan

### A. Counselor Responsibilities

1. Once the Counselor has confirmed the inmate's home plan is to an out of state address, the Counselor will enter the inmate's proposed home plan address in VACORIS and select the appropriate state.
  - a. The inmate should have a prospective Virginia home plan in case the other state denies the transfer, or the transfer is not finalized in time for the inmate's release.
    - i. The Counselor should include information about the inmate's ties or their family's ties to the state on the *Interstate Compact Pre-Release Checklist* 820\_F8.
    - ii. The inmate does not have to live with an immediate family member to be able to transfer supervision out of state.
  - b. Counselors should submit the pre-release interstate compact paperwork for an inmate with a detainer and an out of state release plan as detainers are often lifted or quickly resolved once the inmate is released. The P&P Officer will decide if the paperwork is processed and when to process the *Transfer Request*.
  - c. Inmates who are Sexually Violent Predators (SVP) and subject to civil commitment or a conditional release plan are not eligible for interstate compact transfer.
    - i. Counselors should not submit interstate pre-release paperwork for an SVP.
    - ii. Counselors should submit the pre-release paperwork for an inmate under SVP review in case the inmate is determined not to be an SVP.
2. The Counselor, at six months prior to the inmate's release, will complete the *Interstate Compact Pre-Release Checklist* 820\_F8 and the *Offender's Application for Interstate Compact Transfer* 920\_F17.
  - a. Inmates with a Mental Health Code of 2 or higher
    - i. A Mental Health Clinician will complete the *Mental Health Release Summary to Community* 730\_F9.
    - ii. The Counselor will upload the *Mental Health Release Summary to Community* 730\_F9 to a *Facility Note* in VACORIS.
    - iii. The Counselor can submit the *Interstate Compact Pre-Release Checklist* 820\_F8 and the *Offender's Application for Interstate Compact Transfer* 920\_F17 before the Mental Health Clinician completes the *Mental Health Release Summary to Community* 730\_F9.
  - b. The Counselor will create a *Facility Note* in VACORIS with contact type *Interstate Compact* and



will upload the *Interstate Compact Pre-Release Checklist 820\_F8* and the *Offender's Application for Interstate Compact Transfer* into VACORIS.

- c. The Counselor should upload each document as a separate external document to the same *Facility Note*.
- d. The Counselor will create an *Interstate Pre-Release Forms* investigation in VACORIS and will enter *Interstate Compact – Community Supervision* as the receiving location.

#### B. Interstate Compact Unit (ICU) Staff Responsibilities

1. The ICU staff member assigned to the investigation will review the *Interstate Pre-Release Forms* attached to the *Facility Note* for completeness.
  - a. If the *Facility Note* is complete, the ICU staff member will enter a completion date for the investigation and add a response note to document the outcome of the investigation and the reason for completion.
  - b. Completion of the investigation does not mean that the other state accepted the out of state release plan; completion means the ICU staff member acknowledges receipt of the documentation and the documents were completed properly.
2. An ICU staff member will deny the investigation and note the reason for denial when a new *Interstate Compact Pre-Release Checklist 820\_F8* and *Offender's Application for Interstate Compact Transfer 920\_F17* or a revision to the original *Offender's Application for Interstate Compact Transfer 920\_F17* is needed.
  - a. The Counselor must correct the errors, scan, and upload the corrected *Interstate Compact Pre-Release Checklist 820\_F8* and *Offender's Application for Interstate Compact Transfer 920\_F17* to a new *Facility Note* with "Revised Interstate" added to the title.
  - b. The Counselor will create a new *Interstate Pre-Release Forms* investigation, enter *Interstate Compact – Community Supervision* as the receiving location, and note that they uploaded the corrected documents.
  - c. An ICU staff member will delete the incorrect version of the documents in VACORIS and strike the previous *Facility Note*.
  - d. An ICU staff member will continue to work with the Counselor until the documents are properly completed or it is determined that the inmate's release plan is no longer an interstate plan.
3. When the inmate no longer desires an interstate release plan or there is no viable interstate release plan pursuant to interstate regulations:
  - a. The Counselor may, prior to acceptance or denial of the investigation, cancel the *Interstate Pre-Release Forms* investigation in VACORIS.
  - b. If the Counselor cannot cancel the investigation, the Counselor should email the VA Interstate Compact Unit mailbox.
4. Once the *Interstate Pre-Release Forms* investigation is completed and an ICU staff member determines the documents were accurately completed, the ICU staff member will:
  - a. Create a new investigation with the type of *Interstate ICOTS Entry*.
  - b. Ensure the *Interstate ICOTS Entry* investigation reflects the sentencing P&P District as the receiving location.
  - c. Assign a separate *Interstate ICOTS Entry* investigation to each P&P District when there are multiple sentencing P&P Districts.
  - d. Refer to the *Facility Note*, with the uploaded *Interstate Checklist* and *Interstate Application*, and provide instructions regarding the timeframe for submission.
  - e. If the inmate is in a jail and ICU staff did not receive the *Interstate Pre-Release Forms* from the jail:
    - i. A CRU staff member will notify ICU staff.

- ii. An ICU staff member will indicate the P&P Officer needs to secure the *Interstate Pre-Release Forms* from the jail in the *Interstate ICOTS Entry* investigation.

#### 5. Parole Obligations

- a. If the inmate is a discretionary or mandatory parole case and has sentences from multiple courts in multiple P&P Districts:
  - i. ICU staff will assign an *Interstate ICOTS Entry* investigation to each sentencing jurisdiction to determine which, if any, of the inmate's sentences owe probation.
  - ii. A P&P Officer in the P&P District with the longest probation Minimum Expiration Date (MED) will add the parole obligation to their *Transfer Request*.
  - iii. If none of the P&P Districts report a probation obligation, a P&P Officer in the last P&P District to supervise the case is responsible for completing the *Transfer Request*.
- b. When there are multiple obligations from different courts in the same P&P District the P&P Officer should submit the obligations on one *Transfer Request*.
- c. When there are multiple obligations from courts in different P&P Districts:
  - i. It is preferred the P&P Officer in each District submit their obligations as a separate *Transfer Request* in ICOTS to allow each P&P Officer to monitor completion of conditions, early release requests, violations, and case closure directly and independently of other jurisdictions.
  - ii. If all involved P&P Districts agree to the submission of one *Transfer Request*, one P&P Officer is responsible to:
    - (a) Monitor the ICOTS case.
    - (b) Report updates to all involved P&P Districts
    - (c) Report decisions back to the receiving state.
    - (d) Document such agreements as a note in VACORIS.
  - iii. CCAP staff should not submit supervision obligations for multiple P&P Districts unless all P&P Districts agree to the submission of one *Transfer Request*.

#### C. P&P Officer Responsibilities

- 1. The P&P Officer assigned to the investigation will:
  - a. Verify the proposed Home Plan and means of support.
  - b. Document their verification as a VACORIS note. P&P Officers should not rely solely on the Counselor's verification.
  - c. Enter the case into ICOTS if the Home Plan is viable.
  - d. Generate specific probation or temporary parole conditions for the *Transfer Request* in VACORIS.
  - e. Send a copy of the probation or temporary parole conditions to the Counselor for inmate signature.
  - f. Delete the obligation and temporary conditions from VACORIS so the Community Re-entry Specialist can create the inmate's final parole conditions in VACORIS with the correct release date, MED, and reporting instructions.
  - g. Complete the *Transfer Request* in ICOTS for eligible inmates.
- 2. Upon successfully updating ICOTS, the P&P Officer will document that the *Interstate ICOTS Entry* investigation was completed; P&P Officers may not enter cases into ICOTS until the inmate is within 120 days of their anticipated release date.
- 3. Completion of the *Interstate ICOTS Entry* investigation does not mean that the other state has accepted the release plan. Completion of the *Interstate ICOTS Entry* investigation means the P&P Officer completed the *Transfer Request* from Virginia to the other state in ICOTS.
- 4. When the state receiving the *Transfer Request* in ICOTS accepts or denies the request, the P&P Officer who entered the case receives a notification in ICOTS.
  - a. Usually only the Institutional Program Manager (IPM) and a designated Counselor have access to ICOTS to check the status of interstate cases and since most institution staff do not have access to





ICOTS, the P&P Officer must enter a *Supervision Note* in VACORIS documenting the results of the *Transfer Request*.

- b. The P&P Officer must send an email regarding the outcome of the *Request* to the inmate's assigned Counselor as identified on the VACORIS *Home Page*.

#### D. Community Release Unit Responsibilities

1. CRU staff will process the inmate's release based on the response from the other state in ICOTS.
2. A CRU staff member will approve the out of state home plan and process the release as a regular release when the receiving state accepts the *Transfer Request* or approves temporary or emergency reporting instructions for direct discharges (non-parole or non-clemency/pardons).
3. CRU staff will not process an inmate's release on emergency reporting instructions for parole, clemency, and pardon cases. The receiving state must approve the *Transfer Request*.
4. A CRU staff member will prepare the release authorization instructing the inmate to report as instructed by the receiving state.

#### E. Pending and Denied Transfer Requests

1. If the *Transfer Request* is still pending two weeks prior to the inmate's release date and the receiving state has not granted emergency permission to proceed:
  - a. The Counselor must discuss alternate Virginia home plan options with the inmate, enter a new home plan in VACORIS and create a new *Home Plan Investigation*.
  - b. The inmate must remain in Virginia to await the outcome of the if the *Transfer Request* is still pending at the time of release. The inmate will release to the supervision of a Virginia P&P District.
2. If the receiving state denies the *Transfer Request*:
  - a. The Counselor, the P&P Officer, and CRU staff work together to quickly process an effective release plan because the inmate will be near their release date.
  - b. The Counselor will need to discuss an alternative home plan with the inmate, enter a new home plan on the address page in VACORIS and create a new *Home Plan Investigation*.

### IX. Identification Documents

- A. Staff will assist inmates to obtain proper identification documentation during their incarceration to aid in the inmate's re-entry.
- B. Counselors must review the inmate's historical hardcopy record or facility folder stored in the Records Office and confirm the identity document requirements are met during the annual review process. Counselors must document their review on the *Case Management Review Checklist* in VACORIS.
- C. Staff must:
  1. Place all inmate identification documents received in the inmate's *Personal Property Envelope* to be delivered to the inmate upon their release; see Operating Procedure 050.3, *Facility Release*.
  2. Document the status and receipt of the birth certificate application, Social Security Card application, and DMV application in VACORIS.
  3. Forward all identification documents received after the inmate's release as required in Operating Procedure 050.1, *Inmate and CCAP Probationer/Parolee Records Management*.
- D. Birth Certificate
  1. A newly classified inmate has 30 calendar days after arrival at their initial institutional assignment, or 90 days if not transferred from the Reception Center, to get an official birth certificate from home.
    - a. When the official birth certificate is not received as required, the inmate will apply to the appropriate state to obtain an official copy of their birth certificate.



- i. The name on the application must be the inmate's name at birth, spelled correctly, and legible, no aliases or nicknames.
    - ii. The inmate is assessed all fees required by the state Office of Vital Records where the request was made.
    - iii. Staff will charge a loan to inmates who have insufficient funds to cover the cost of the application funds to cover the required fee.
  - b. Staff should make a reasonable effort to obtain an official birth certificate and any relevant citizenship or residency documents for foreign-born inmates.
  - c. Inmates required but who refuse to make a reasonable effort to obtain their official birth certificate will be charged with offense code 119c, *Refusal to participate in reentry planning or preparation, or removal from a reentry program*.
  - d. Inmates convicted of the offense receive a mandatory penalty of 90 days loss of accumulated good time and will be referred for a formal ICA hearing to reduce the inmate's good time to a Class Level IV until the inmate complies with the birth certificate requirements.
  - e. Within 30 days of a legal name change, inmates are required to apply and submit a copy of the court order to obtain a birth certificate in the new name.
2. When the inmate or a member of the inmate's family is required to produce an official copy of the inmate's birth certificate, the inmate may request staff release the birth certificate on file to a designated family member. Staff releasing the birth certificate:
  - a. Will only release the birth certificate when there are no other alternatives and the family agrees to return the birth certificate within 90 days; the family member must agree to return the birth certificate 90 days prior to the inmate's release if the inmate's release date is imminent,
  - b. Must make a copy of the birth certificate and place it in the inmate's *Personal Property Envelope*.
3. If the family member does not return the Birth Certificate as required, the inmate will be required to apply for another official copy and pay all required fees.

#### E. Social Security Card

1. Staff should submit the inmate's application for a replacement Social Security Card to the Social Security Administration (SSA) 180 days prior to release; there is no cost to the inmate.
2. If the inmate changed their name, since issuance of the last Social Security Card, the SSA requires the inmate to prove the legal name change.
  - a. If the inmate's name is not correct, the inmate may not be able to access Supplemental Security Income (SSI) or other Social Security benefits.
  - b. Staff should contact the local Social Security office on a case-by-case basis as the inmate may be required to appear in person to receive a Social Security Card in a new name.
  - c. Most Court Clerks charge a fee for certified copies of marriage, divorce, or other court-issued name-change documents.
    - i. The inmate should request a money order to pay this fee.
    - ii. When an inmate is indigent as verified by the Counselor, staff will send a check to the Court and charge the inmate's account as a loan.

#### F. Department of Motor Vehicles (DMV) Identification Card

1. All inmates, except those releasing to a detainer, must obtain a DMV Identification Card (ID).
2. The *DMV Connect* program sends staff to institutions to process inmate applications for a DMV ID.
  - a. Inmates should obtain a DMV ID 6 months prior to their release from an institution based on the *DMV Connect* schedule.
  - b. Inmates who do not have an approved *Virginia Home Plan*, to include out of state plans, will use the institution's address to apply for the DMV ID.





- c. Once the inmate establishes a Virginia residence, the inmate will be responsible for submitting a change of address to DMV.
3. The inmate will be assessed any fees required for issuance of the ID; staff will issue indigent inmates and inmates who have insufficient funds a loan charged to their Inmate Trust Account.
4. Inmates who prove they have a valid Virginia DMV ID or a Driver's License from any state that is valid upon their release are exempt from this requirement.
5. Inmates who are required but refuse to obtain a DMV ID will be charged with offense code 119c, *Refusal to participate in re-entry planning or preparation, or removal from a re-entry program*.
  - a. Inmates convicted of this offense are subject a mandatory penalty of 90 days loss of accumulated good time.
  - b. Staff will hold a formal ICA hearing for any inmate convicted of this offense to reduce the inmate's good time class to Class Level IV until the inmate complies with the requirements for a DMV ID.

G. Certificate of Release or Discharge from Active Duty (DD-214)

1. Staff will offer inmate veterans an opportunity to apply for their DD-214, if the inmate does not have a copy, at the time of initial contact with the DOC.
2. Staff will not sanction an inmate for refusing to apply but will document the refusal in VACORIS.
3. Staff must allow inmates to retain their own DD-214, military medical records, and other military documents related to their military service, except for military IDs, while the inmate is incarcerated.

X. Re-entry Resources and Assistance

A. DOC-contracted Community Residential Program (CRP) (4-ACRS-5A-13[I])

1. DOC-contracted CRPs are used to assist inmates without viable home plans transition into the community; see Operating Procedure 940.1, *Community Residential Programs*.
2. Counselors should contact the P&P Office in the sentencing jurisdiction for assistance in finding placement at one of the CRPs.
  - a. The Counselor should request assistance 4 to 6 months prior to the inmate's release.
  - b. When the Counselor refers an inmate to a CRP, the Counselor must submit a *Community Residential Program-Institutional Referral* 940\_F22.
  - c. A listing of CRPs is available on Attachment 2, *Statewide Community Corrections Residential Programs* to Operating Procedure 940.1, *Community Residential Programs*.
3. To facilitate an acceptance decision, the P&P Officer or a P&P staff member must provide criminal history, medical, psychological, substance abuse, and any other criminal or social history information required by the CRP.

B. Public Housing

1. The McKinney-Vento Homeless Assistance Act sets mandatory restrictions on certain convictions that prohibit inmate residency in public housing,
2. Federal law requires Public Housing Agencies (PHA) and providers of Section 8 and other federally assisted housing to deny housing based on Code of Federal Regulations (CFR) §982.553, *Denial of admission and termination of assistance for criminals and alcohol*. Public housing laws permit, but do not require, public housing agencies to deny admission to the following applicants:
  - a. Any household with a member evicted from public, federally assisted, or Section 8 housing for drug-related criminal activity may be deemed ineligible for 3 years from date of eviction. The PHA at their discretion may shorten the 3-year stipulation if the person completes a rehabilitation program approved by the housing provider.
  - b. Any household with a member abusing alcohol or using another drug illegally if the household



member's illegal use or pattern of alcohol abuse or illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. The provider may permit admittance or allow the person to remain, if the person demonstrates they are not currently abusing alcohol or drugs and are either participating in a supervised substance abuse program or have completed a substance abuse program or another form of successful rehabilitation.

- c. Individuals who engaged in any drug-related criminal activity, any violent criminal activity or any other criminal activity that would adversely affect the health, safety or right to peaceful enjoyment of the premises if the criminal activity occurred a "reasonable" time before the person seeks admission. The statute does not address how recent a conviction must be to qualify as a "reasonable" basis to deny housing.

#### C. Veterans Benefits Application Process

1. Incarcerated veterans may apply for veteran's benefits at any time.
2. Staff should refer inmate veterans to the Veteran Program Manager for assistance within 120 days of the inmate's release.

#### D. Affordable Care Act-Health Insurance Enrollment

1. Inmates are exempt from personal health insurance during their incarceration but should sign up for health insurance within 60 days after release.
2. Staff will give inmates a copy of Attachment 4, *Obtaining Healthcare after Incarceration*, at the time of their release.

#### E. Selective Service Registration

1. All male U.S. citizens ages 18 through 25 are required to register with Selective Service.
  - a. Male inmates who have not registered with Selective Service are disqualified from Federal and Virginia State jobs and are not eligible to receive Federal Student Loans or Grants or Federal Workforce Innovation and Opportunity Act Job Training.
  - b. Counselors or other designated staff will verify, at the inmate's initial reception into the DOC, that an inmate aged 18 through 25 is registered and, when applicable, will assist the inmate to register.
    - i. Staff can verify an inmate's registration using the on-line *Selective Service System*, calling Selective Service at 888-655-1825, or assisting the inmate to complete the SSS Form 1M, *Selective Service System Registration Form*; staff should give inmates an opportunity to provide proof of registration.
    - ii. The Counselor or other designated staff should inform unregistered male inmates between the ages of 18 and 25 that selective service registration is required by law and will advise the inmate of the benefits and employment opportunities for which he will be eligible once he registers.
2. The Counselor or other designated staff member should verify the inmate's registration status, 180 days prior to the inmate's release, unless there is documentation verifying the inmate is registered.
3. If the inmate did not register prior to age 26, staff will:
  - a. Provide the inmate with Attachment 8, *Selective Service Registration* information sheet.
  - b. Provide the inmate with a *Request for Status Information Letter*, which is used to establish the inmate's eligibility when applying for Federal student loans, federally funded job training, or any federal or state job.
  - c. Assist the inmate in securing a copy of supporting information to attach to the *Request for Status Information Letter*.
4. Selective Service will send a response stating that the inmate was not required to register if the inmate did not register for Selective Service due to incarceration or other allowable reasons.
5. Staff must place *Selective Service Registration Cards*, *Status Information Letters*, and any registration and verification documents in the inmate's *Personal Property Envelope*.

6. Staff must forward all Selective Service documents received after an inmate's transfer or release by certified mail or staff courier, within 30 days of receipt, to the inmate's current institution or the P&P Office supervising the inmate.
7. Staff should document the inmate's Selective Service status in VACORIS and update as needed.

#### F. Virginia Fidelity Bonding Program

1. The IPM will ensure that all inmates, prior to release, receive information on the Virginia Fidelity Bonding Program, either in the Ready to Work program or as a topical seminar.
  - a. The IPM will ensure staff enroll inmates in the program and accurately record the appropriate inmate completion status in VACORIS.
  - b. The IPM will monitor the program to ensure that all inmates who request a *Program Eligibility Letter* receive the *Letter* prior to release.
2. The Workforce Development Specialist must complete the required Virginia Fidelity Bonding Program facilitator training offered by the Fidelity Bonding Program Coordinator.
  - a. The Workforce Development Specialist will provide inmates with the information on the Virginia Fidelity Bonding Program in the Ready to Work program.
  - b. Inmates not enrolled in a Ready to Work program will get this information in a separate Virginia Fidelity Bonding Program topical seminar or by viewing the Virginia Bonding Program Training Video.
    - i. The Workforce Development Specialist and/or Workforce Development Senior will create and distribute a personalized *Program Eligibility Letter* to each inmate who successfully completes the topical seminar or who views the Virginia Bonding Training Video and requests the letter.
    - ii. Any inmate, within 90 days of release, can watch the Virginia Bonding Program Training Video and request the *Program Eligibility Letter* if the inmate does not already have the letter.
  - c. The Workforce Development Specialist, a Re-entry Counselor, or a topical seminar facilitator will enroll and remove participants in the programs section of VACORIS.
  - d. The Workforce Development Specialist will host Re-entry Resource/Employment Fairs twice per year.
3. The Facility Unit Head will designate sufficient staff to facilitate Virginia Fidelity Bonding Program seminars.
4. Staff may submit questions on training or program specific issues to the Fidelity Bonding Program Coordinator at [Virginia.BondingProgram@vadoc.virginia.gov](mailto:Virginia.BondingProgram@vadoc.virginia.gov).

#### G. Restoration of Civil Rights (Removal of Political Disabilities)

1. Anyone convicted of a felony in Virginia automatically loses the following civil rights:
  - a. The right to vote
  - b. The right to hold public office
  - c. The right to serve on a jury
  - d. The right to serve as a notary public
  - e. The right to possess a firearm
2. Staff should advise inmates on the procedure for the restoration of their civil rights and provide the inmate with a copy of Attachment 5, *Restoration of Civil Rights Information*.
  - a. Staff will give inmates the *Restoration of Rights Form* from the Office of the Secretary of the Commonwealth and have the inmate sign the *Acknowledgement of Restoration of Rights Application Form 820\_F14* to document receipt of the form.
  - b. Staff will witness the inmate's signature and upload a signed copy of the *Acknowledgement of Restoration of Rights Application Form* to VACORIS.



3. The restoration of civil rights does not:
  - a. Restore the right to possess a firearm.
  - b. Expunge a criminal conviction.
  - c. Pardon; persons convicted of a felony must first have their civil rights restored in order to be considered for a pardon.
4. Only the Governor can restore civil rights, not to include the right to possess a firearm. Once an individual's rights have been restored, the individual must contact the local Circuit Court for restoration of their firearm rights.
  - a. Individuals seeking restoration of their civil rights are encouraged to contact the Secretary of the Commonwealth's office <https://www.restore.virginia.gov/>
  - b. All inmates, to include those who request restoration of their rights and inmates identified as potentially eligible, will be thoroughly reviewed by the Secretary of the Commonwealth's office, which include a check of the inmate's record with Virginia State Police, DOC, and other state agencies to ensure the inmate meets the Governor's standards for restoration of rights.
  - c. To be eligible for the restoration of civil rights, an individual must be free from any term of incarceration resulting from felony conviction(s).
  - d. Individuals may check their status on the Secretary of the Commonwealth's website at <https://www.restore.virginia.gov/> .Restoration of Civil Rights (Removal of Political Disabilities)

#### H. Work Opportunity Tax Credit

1. Staff will provide inmates a copy of Attachment 6, *Work Opportunity Tax Credit*, and a copy of the Internal Revenue Service's Form 8850, *Pre-Screening Notice and Certification Request for the Work Opportunity Credit*.
2. P&P staff will provide the inmate with signed documentation of the inmate's conviction and release date for submission to their employers.
3. The employer will be responsible for applying to the Virginia Employment Commission (VEC) for the tax credit.

#### I. Child Support Obligations

1. The Virginia Division of Child Support Enforcement (DCSE) provides information on an inmate's child support obligations in VACORIS; see COV §53.1-31.2, *Notification of child support due by a prisoner*.
2. Inmates may receive registration and payment information from the Virginia Department of Social Service at 1-800-468-8894 or the agency's web site at <https://www.dss.virginia.gov/family/dcse/>.

#### J. Restitution, Fines, and Court Costs

1. Inmates must submit a written request directly to the Clerk of the sentencing court to obtain information on their restitution balances, fines, and court cost obligations.
2. Inmates must submit a waiver using the *Certification of Incarceration Period* (Form DC-366) to each Circuit Court to request the court waive the interest charges accrued for fines and costs incurred while they were incarcerated; see COV §19.2-353.5, *Interest on fines and costs*.
  - a. Inmates requesting a waiver from multiple Courts, must submit an original *Certification of Incarceration Period* to each Court.
  - b. When an inmate mails the *Certification of Incarceration Period*, the inmate should include a stamped, self-addressed envelope and request that the court return the original.
3. Records Office staff will provide each inmate, upon their release, with three notarized *Certifications of Incarceration Period* (Form DC-366) covering their current period of incarceration.
4. Inmates must submit a written request to their Counselor 90 days prior to their release to receive a

*Certification of Incarceration Period* (Form DC-366) for previous incarceration periods.

- a. The inmate will provide their name, date of birth, the last four digits of their social security number, and their DOC number on the *Certification of Incarceration Period* and return it to their Counselor with a note indicating the approximate dates of incarceration.
  - b. The Counselor will forward the *Certification of Incarceration Period* to the Records Manager or designee who will complete the documents and provide three notarized forms to the inmate prior to their release.
5. Inmates must submit a *Certification of Incarceration Period (Form DC-366)* to the appropriate jail to seek a waiver of interest charges accrued during past incarcerations imposed by a court while in a jail or a CCAP. The inmate should then submit the completed form to the applicable Court for instructions regarding their waiver requests for the period(s) of time served in the jail or CCAP.

## XI. Federal and State Benefits

- A. Staff should identify and document inmates receiving or potentially eligible to receive federal, state, or other benefits before conviction.
  1. Staff should refer to the *Pre-Release Benefits Application Guide* for more detailed directions on when and how to assist inmates in the process of pre-release benefit applications.
  2. Federal and state benefits, except for some Veteran's benefits, are not available to inmates.
  3. If staff determine an inmate is eligible for benefits, coverage will begin after the inmate's release.
  4. Staff will complete federal and state benefit application to include Medicaid, Supplemental Security Income (SSI), and Veterans, as applicable, to aid potentially eligible inmates.
- B. Supplemental Security Income (SSI) Application Process
  1. Staff must submit inmate SSI applications to the SSA office aligned with the inmate's assigned institution; see *Memorandum of Agreement - Social Security Administration, Department of Corrections, and Department of Rehabilitative Services*.
    - a. Staff should submit SSI applications for disability-based claims at least 120 days and not less than 30 days prior to the inmate's release. Every effort should be made to submit the application prior to the inmate's release date to ensure an expedited decision from Disability Determination Services (DDS).
    - b. Staff may not submit SSI applications for age-based claims more than 30 days prior to the inmate's release.
  2. Medical staff will generate a list from VACORIS of all inmates within 180 days of their anticipated release date so pre-release preparation may begin; see Operating Procedure 720.3, *Health Maintenance Program*.
    - a. When medical staff identify an inmate on the list who meets the requirements for disability benefits, medical staff will begin the benefit application process with the inmate.
    - b. Medical and mental health services staff will begin gathering medical and mental health documentation and completing the required forms available in the benefit application packet for eligible inmates at least six months prior to the inmate's scheduled release date.
    - c. Medical staff will forward the benefit application packet, at least 120 calendar days prior to the inmate's scheduled release date, to the Counselor who will complete the remainder of the packet and document the application in a VACORIS *Facility Note*.
    - d. Staff must submit all supporting medical and mental health disability documentation with the initial referral packet.
  3. In designated mental health units, the Mental Health Unit Director, or a Mental Health Clinician responsible for discharge planning will identify and document inmates who are within 180 days of release and potentially eligible for benefits.





- a. In living units not specifically designated as a mental health unit, the Mental Health Clinician Senior or designee will identify releasing inmates.
- b. The Mental Health Unit Director or Mental Health Clinician Senior will:
  - i. Compare the list to the mental health services database to confirm the information is consistent and rectify any discrepancy in the mental health services database.
  - ii. Conduct a preliminary screening within 30 days for each inmate releasing within the next 180 days. At a minimum, the screening will consist of a review of the inmate's assigned Mental Health Classification Code and a review of the mental health information available in the inmate's record.
  - iii. Screen all MH-2 or above inmates for SSI benefit eligibility within 180 days of the inmate's release; see Operating Procedure 730.3, *Mental Health and Wellness Services: Levels of Service*.
    - (a) The screening will consist of a review of all available mental health information to determine if an inmate is potentially eligible for SSI.
    - (b) Issues to consider when screening includes determining if the inmate has a diagnosis identified by the SSA on their *Listing of Impairments*; see *SSA Blue Book Criteria* on the *DOC Intranet*, and the severity of the illness as well as how the disorder impacts the inmate's adaptive functioning and ability to engage in gainful activity.
  - iv. Notify the inmate's Counselor by e-mail within 120 days of an inmate's expected release when a MH-0 or MH-1 inmate may be eligible for disability benefits. MH-0 or MH-1 inmates are not typically eligible for mental health services or related benefits unless the inmate previously received disability benefits or in cases of possible developmental disability.
  - v. Complete the *Mental Health Appraisal for Disability 730\_F42* and consult with medical staff to confirm the inmate's medical problems or physical limitations are included on the document.
- c. The Mental Health Clinician should coordinate completion of the SSI application with the Counselor and submit the completed application to the local SSA office; see *Mental Health Discharge Planning Guide* on the *DOC Intranet*.
- d. If the Mental Health Clinician is not a licensed clinical psychologist or a psychiatrist, a licensed clinical psychologist or psychiatrist must co-sign the *Mental Health Appraisal for Disability 730\_F42*.
- e. The Mental Health Clinician will e-mail the completed *Mental Health Appraisal for Disability 730\_F42* to the inmate's assigned Counselor within 5 months of the inmate's expected release.
- f. At designated mental health units, the Mental Health Clinician may provide the Counselor with information in addition to the *Mental Health Appraisal for Disability 730\_F42*.

#### C. Medicaid Application Process

1. Transition, healthcare, and mental health staff will complete and submit federal and state benefit applications to include Medicaid applications to aid potentially eligible inmates.
2. The inmate's Counselor or other designated staff must provide all inmates, not already approved for Medicaid coverage, who meet the eligibility criteria, an opportunity to apply for Medicaid a minimum of 45 days prior to the inmate's release; see Attachment 7, *Medicaid Enrollment Information*.
  - a. Counselors should check the *Medicaid Module* in VACORIS to determine if the inmate applied or needs to apply for Medicaid.
  - b. Once staff submit the inmate's application, Virginia Department of Medical Assistance Services (DMAS) CoverVA Incarcerated Unit (CVIU) staff will process the application and determine eligibility.
  - c. Counselors must document the submission of all Medicaid applications and renewals in the VACORIS *Medicaid Module* and will create a *Facility Note* identified as *Benefits Type*.

#### D. Medicaid Release Process

1. The inmate's Counselor or a designated employee will complete the *Facility Medicaid Release*



*Document 820\_F16* for all inmates discharging from an institution; see Operating Procedure 050.3, *Facility Release*.

2. Records staff must confirm that the *Facility Medicaid Release Document 820\_F16* was completed, signed, and uploaded to VACORIS with all associated release documentation and must provide a copy of the *Facility Medicaid Release Document 820\_F16* to the inmate at the time of release.

## XII. Conditional Release of Geriatric and Terminally Ill Inmates and Medical Clemency

### A. Conditional Release

#### 1. Geriatric Inmates

- a. Per COV §53.1-40.01, *Conditional release of geriatric prisoners*, the Virginia Parole Board has the authority to grant conditional release to certain inmates in accordance with the Parole Board's policies and procedures.
- b. An inmate is eligible for review if the inmate meets the following criteria:
  - i. The inmate is serving a sentence imposed for a conviction of any felony offense, other than a Class 1 felony.
  - ii. The inmate is age 65 or older and served at least five years of the sentence imposed or is age 60 or older and served at least ten years of the sentence imposed.
- c. The Parole Board will automatically review inmates not eligible for discretionary parole for a geriatric conditional release within a year from the date the inmate first meets the eligibility criteria and annually thereafter. After the initial review, the Parole Board may defer the next review for up to three years.
  - i. Inmates eligible for discretionary parole must submit a *Petition for Geriatric Conditional Release* (Parole Board Form) to the Parole Board for geriatric conditional release consideration.
  - ii. Inmates can submit the *Petition for Geriatric Conditional Release* no earlier than 90 days from the date they meet the minimum requirement of age and time served.
  - iii. Qualified inmates can resubmit their *Petition for Geriatric Conditional Release* annually.

#### 2. Terminally Ill Inmates

- a. The Parole Board can grant a conditional release to terminally ill inmates, i.e., has a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is death within 12 month; see COV § 53.1-40.02, *Conditional release of terminally ill prisoners*.
- b. A terminally ill inmate must submit a *Petition for Conditional Release Based on Terminal Illness* (Parole Board Form) the Parole Board for conditional release consideration.
- c. Inmates serving a sentence for certain offenses are not eligible to petition the Parole Board for conditional release; see COV § 53.1-40.02, *Conditional release of terminally ill prisoners*.

### B. Executive Medical Clemency

1. Only the Governor of Virginia has the power to grant medical clemency to terminally ill inmates; see COV §53.1-229, *Powers vested in Governor*.
2. The inmate must be diagnosed as terminally ill with a life expectancy of 3 months or less in the independent judgment of the treating physician and a second licensed physician, one of which must be a DOC physician, to be eligible for medical clemency consideration.
3. Medical pardons are handled via an expedited process by the Office of the Secretary of the Commonwealth. For information on how to submit a medical clemency petition, please contact the Office of the Secretary of the Commonwealth.
4. As a condition of the inmate's release, the inmate must agree in writing to have their physician provide information on their current medical condition to the DOC whenever requested. If the inmate or physician does not honor a request, medical clemency may be terminated immediately; see Operating Procedure 050.3, *Facility Release*.





- C. Staff, when requested, must provide the Secretary of the Commonwealth and the Parole Board with an updated progress report on the inmate's treatment, programming, work history, educational record, mental and physical health needs, disciplinary record, interactions with staff and offenders, cognitive functioning, proposed home plan, and support system in a timely manner. (2-CO-4B-01)

### XIII. Release Preparation

- A. Designated facility staff will run a VCIN/NCIC check six months prior to the inmate's anticipated release date to check for any outstanding warrants (wanted query). Staff must forward all information indicating an outstanding warrant, any instructions, and contact information to the Director of Offender Management Services, the Manager of the Detainer Unit, and the DetainerUnit@vadoc.virginia.gov mailbox.
- B. CRU staff will create the release authorization and appropriate reporting instructions for the inmate's release status in VACORIS and will upload any release notification details, e.g., Good Time Release Date, special conditions, post release, or medical clemency as external documents to *Facility Notes*. (4-ACRS-5A-15[I])
- C. Facility records staff, based on the release authorization, will enter the transfer information in VACORIS.
1. If the inmate's supervision is approved for transfer through the Interstate Compact for Adult Offender Supervision, records staff must enter the transfer as a transfer type: *DOC Facility to DOC Community*.
    - a. The transfer reason will be either release to supervision or one of the parole options.
    - b. The community location will be *Interstate Compact-Community Supervision*.
  2. If the inmate has an out of state detainer and a supervision obligation with instructions to report to a specific P&P Office, when released from the detainer, records staff must enter the transfer as a transfer type *DOC Facility to DOC Community*.
    - a. The transfer reason will be either release to supervision or one of the parole options.
    - b. The community location will be the designated Virginia P&P District.
  3. If the inmate has reporting instructions for a Virginia P&P District, records office staff will enter the transfer as a transfer type: *DOC Facility to DOC Community*.
    - a. The transfer reason will be either release to supervision or one of the parole options.
    - b. The community location will be the designated Virginia P&P District.
- D. Medical staff will monitor the inmate population using VACORIS so medical pre-release preparation can begin as required in Operating Procedure 720.3, *Health Maintenance Program*.
1. Medical staff will:
    - a. Initiate the benefit application process, when applicable, by completing all medically related information in the application packet (Disability Report (Adult) Form SSA-3368-BK from the Social Security Administration).
    - b. Complete the *Medical Discharge Summary 720\_F5*.
    - c. Assist with referrals and appointments to community healthcare providers for infectious diseases and other serious, chronic health conditions; see *Medical Guidelines* and *Nursing Guidelines* for discharge planning and reporting for HIV infected inmates.
    - d. Obtain a supply of discharge medications and other necessary medical supplies.
    - e. Ensure inmates who need mobility equipment such as wheelchairs, walkers, canes, crutches, etc., have access to such equipment at their release; see Operating Procedure 750.3, *Prostheses*.
  2. The Counselor or other designated staff should:
    - a. Review the *Medical Discharge Summary 720\_F5* for any special needs for inmate release planning to include an application for benefits, special housing assistance, and if the inmate will need special equipment. (4-ACRS-5A-15 [I])

- b. Check with the family or release plan contact to see if the same or equivalent needed mobility equipment will be available to the inmate upon release.
  - c. Notify medical staff 90 days prior to the inmate's release if the inmate does not own such equipment or the equipment is not available through the family or release plan contact.
- 3. Medical staff, prior to the inmate's release, will initiate all home health care referrals, when required so that continuity of medical care can be maintained, and CRU can arrange home health assistance.
- E. The primary Mental Health Clinician working with the inmate and the inmate's Counselor, at least 30 days in advance of an inmate's release date, will make appropriate referrals for any inmate who requires mental health services upon release for appropriate care; see Operating Procedure 730.3, *Mental Health and Wellness Services: Levels of Service*. (4-ACRS-5A-15[I])
  - 1. Additional mental health services release planning requirements for inmates releasing to the community from the Sex Offender Residential Treatment program is addressed in Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*. (4-ACRS-5A-15[I])
  - 2. The Mental Health Clinician must complete a *Mental Health Release Summary to Community 730\_F9* for any MH-2 or higher inmate who proposes an out-of-state release plan and will upload the *Mental Health Release Summary to Community 730\_F9* to a *Facility Note* so the *Summary* is accessible to P&P staff.
- F. Counselors, no less than 30 days prior to a registered sex offenders release to supervision as identified by the red alert flag, will:
  - 1. Ensure the sex offender watches each of the following sex offender re-entry videos and documents their completion on the *Sex Offender Re-entry Video Viewing Confirmation 820\_F15*.
    - a. The Community Corrections Intake Process
    - b. Sex Offender Special Instructions
    - c. Sex Offender Treatment and Polygraph
    - d. Global Positioning System (GPS)
    - e. Sex Offender Registration
  - 2. Document sex offender completion in VACORIS *Facility Notes*.
  - 3. Upload the *Sex Offender Re-entry Video Viewing Confirmation 820\_F15* in VACORIS as an external document.
- G. Staff will provide inmate funds, transportation, and clothing upon the inmate's release in accordance with Operating Procedure 050.3, *Facility Release*.

#### XIV. Inmate Work and Program History (4-ACRS-5A-15[I])

##### A. Inmate Work History

- 1. All inmates, at least 90 days prior their anticipated release, will complete and submit a *Discharge Inmate Work History Report 820\_F10* to their assigned Counselor.
  - a. The inmate will mark with an "X" any work assignments held during their current incarceration.
  - b. The inmate will write in the institutions where they held this work assignment, a brief description of the work duties and responsibilities, and the dates of assignment.
- 2. The Counselor will verify this information, when the information available, note any discrepancies in the VACORIS *Counselor Notes* section of the *Discharge Inmate Work History Report*, and provide the inmate with the completed *Discharge Inmate Work History Report* upon their release from custody.
- 3. Staff will issue inmates employed for at least three months in a stable position a *Job Proficiency Exit Report 820\_F11* that documents employment in the institution and the skills learned. (4-ACRS-5A-20 [I])



- a. The inmate's direct Work Supervisor will complete the *Job Proficiency Exit Report* upon notification that the inmate:
  - i. Is scheduled to be released within 30 days.
  - ii. Has been reassigned to another job at the institution.
  - iii. Is scheduled to be transferred to another institution.
- b. When the Work Supervisor is notified that the inmate was released, reassigned to another job, or transferred to another institution, the Work Supervisor may complete a *Job Proficiency Exit Report* after the inmate's departure. The Work Supervisor will be responsible for:
  - i. Providing the inmate, a signed original of the *Job Proficiency Exit Report*.
  - ii. Uploading the *Job Proficiency Exit Report* into VACORIS attached to a *Facility Note*
  - iii. Notifying the Counselor that the *Job Proficiency Exit Report* is completed and available in VACORIS.

**B. Inmate Program History (4-ACRS-5A-15[I])**

1. Re-entry staff will run the *Course Program Completions and Removals* report from VACORIS to produce a transcript of all counseling services, Correctional Education, and other courses the inmate has taken by unchecking the "Null" check box and entering the inmate's DOC number. When running the report staff should "select all" for the course location.
2. Re-entry staff will run the report 90 days prior to the inmate's release, give the *Course Program Completions and Removals* report to the inmate at their release, and document they gave the report to the inmate in *Facility Notes*.

## REFERENCES

CFR §982.553, *Denial of admission and termination of assistance for criminals and alcohol abusers*

COV §19.2-353.5, *Interest on fines and costs*

COV §32.1-36.1, *Confidentiality of test for human immunodeficiency virus; civil penalty; individual action for damages or penalty*

COV §53.1-28, *Authority to fix discharge date; improper release; warrant, arrest and hearing*

COV §53.1-31.2, *Notification of child support due by a prisoner*

COV §53.1-40.01, *Conditional release of geriatric prisoners*

COV § 53.1-40.02, *Conditional release of terminally ill prisoners*

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

COV §53.1-229, *Powers vested in Governor*

Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*

Operating Procedure 050.3, *Facility Release*

Operating Procedure 701.3, *Health Records*

Operating Procedure 720.3, *Health Maintenance Program*

Operating Procedure 730.2, *Mental Health and Wellness Services: Screening, Assessment, and Classification*

Operating Procedure 730.3, *Mental Health and Wellness Services: Levels of Service*

Operating Procedure 735.2, *Sex Offender Treatment Services (Institutions)*

Operating Procedure 750.3, *Prostheses*

Operating Procedure 810.1, *Inmate Reception and Classification*

Operating Procedure 810.2, *Transferred Inmate Receiving and Orientation*

Operating Procedure 820.1, *Inmate Case Management*

Operating Procedure 841.1, *Inmate Programs*



Operating Procedure 861.1, *Inmate Discipline*

Operating Procedure 920.4, *Interstate Transfer of Supervision*

Operating Procedure 940.1, *Community Residential Programs*

Operating Procedure 940.4, *Community Corrections Alternative Program*

*CommonHelp Medicaid Application User Guide*

*Documenting Submission of a Medicaid Application Guide*

*Memorandum of Agreement - Social Security Administration, Department of Corrections, and Department of Rehabilitative Services*

*Pre-Release Benefits Application Guide*

*Virginia Department of Social Services 2-1-1 Virginia*

## **ATTACHMENTS**

Attachment 1, *Intensive Re-entry Program Locations*

Attachment 2, *Home Plan Confirmation*

Attachment 3, *Community Re-entry Specialists Area Assignments*

Attachment 4, *Obtaining Healthcare after Incarceration*

Attachment 5, *Restoration of Civil Rights Information*

Attachment 6, *Work Opportunity Tax Credit*

Attachment 7, *Medicaid Enrollment Information*

Attachment 8, *Selective Service Registration*

## **FORM CITATIONS**

*Consent for Release of Information 050\_F14*

*Consent for Release of Alcohol and Drug Abuse Record Information 050\_F15*

*Medical Discharge Summary 720\_F5*

*Mental Health Release Summary to Community 730\_F9*

*Mental Health Appraisal for Disability 730\_F42*

*Interstate Compact Pre-Release Checklist 820\_F8*

*Request for Assistance - Problematic Release 820\_F9*

*Discharge Inmate Work History Report 820\_F10*

*Job Proficiency Exit Report 820\_F11*

*Acknowledgement of Restoration of Rights Application Form 820\_F14*

*Sex Offender Re-entry Video Viewing Confirmation 820\_F15*

*Facility Medicaid Release Document 820\_F16*

*Offender's Application for Interstate Compact Transfer 920\_F17*

*Community Residential Program-Institutional Referral 940\_F22*

*Petition for Geriatric Conditional Release (Parole Board Form)*

*Petition for Conditional Release Based on Terminal Illness (Parole Board Form)*

*Restoration of Rights Form (Secretary of the Commonwealth's Office form)*

