



# GENERAL ORDER

Loudoun County Sheriff's Office

---

<b>Chapter:</b> Correctional Services	<b>Section:</b> 509.1
<b>Subject:</b> Community Custody Program Operations	<b>Topic:</b> Community Custody Program Eligibility
<b>Accreditation:</b> 6VAC15-40-160; 6VAC15-40-180; 6VAC15-40-190	
<b>Enacted:</b> 08/26/2018	<b>Reaffirmed:</b>
<b>Revised:</b> 7/19/2018	<b>Review:</b>
<b>Last Review:</b>	

---

## I. PURPOSE

The purpose of this General Order is to establish procedures governing an inmate's suitability and eligibility for transfer to the Loudoun County Community Custody Programs: Workforce, Work Release and Home Electronic Monitoring.

## II. POLICY

It shall be the policy of the Corrections/Court Services Division to maintain a Workforce Program pursuant to § [53.1-128](#) of the Code of Virginia, a Work Release Program pursuant to § [53.1-131](#) of the Code of Virginia, and a Home/Electronic Incarceration Program pursuant to § [53.1-131.2](#) of the Code of Virginia. Participation in these Community Custody Programs shall be on a voluntary basis.

## III. DEFINITIONS

- A. Community Custody: The Loudoun County Sheriff's Office's reentry-oriented programs that involve monitoring inmates outside the walls of the adult detention center. This includes Workforce, Work Release, and Home/Electronic Monitoring.
- B. Home/Electronic Incarceration: A program which allows properly authorized inmates to serve their sentence outside of the jail while restricting his or her location to the inmate's residence, place of employment, and place of education and/or rehabilitative programs.
- C. Workforce: A program which allows inmates to work outside of the jail under the direct supervision of a sheriff's deputy on those properties authorized by the Code of Virginia.
- D. Work Release: A program which allows inmates to work for private employers that have signed an agreement for such employment. Inmates participating in this program work under the direct supervision of their private employer. Additionally, participating inmates may be authorized by the court to attend educational or rehabilitative programs to supplement their employment.

## IV. PROCEDURE

- A. Workforce selection criteria: In addition to the criteria established by the Code of Virginia (see § [53.1-128](#)), the following criteria shall apply:

1. Maximum security inmates are ineligible.
  2. Inmates currently incarcerated for any of the following crimes, or convicted of any of the following crimes within the last 10 years, are ineligible: Violent felonies, sexually-oriented felonies, mob related offenses, or escape.
  3. Inmates with active protective orders are ineligible. Note that this restriction does not apply if the applicant is the victim or petitioner of a protective order.
  4. For inmates who otherwise meet the criteria established within this policy, appropriate discretion shall be applied in determining whether an inmate presents a risk to the community with respect to his/her history of mental health issues, escape-related behavior, and violent or sexually-oriented behavior. All available information may be considered, including information from the Offender Management System, VCIN/NCIC, and other law enforcement databases/records. Inmates deemed to present a risk to the community are ineligible for workforce.
  5. An inmate shall submit to a drug screen (urinalysis) prior to being approved for participation in workforce. In the event of a positive result, the Community Custody Supervisor will determine the appropriate course of follow-up action based on the circumstances. Inmates will only be considered for workforce upon receiving a negative result on a drug screen. Exceptions may be made for positive results if sufficient evidence exists to support that the substance detected was lawfully consumed, or otherwise reasonably explained.
  6. An inmate must successfully complete the application process, including an interview administered by the Community Custody Supervisor, in order to be considered for workforce. The inmate's attitude and character are among factors to be considered regarding the placement decision.
  7. An inmate serving a DOC sentence shall not be placed on workforce without written authorization from DOC.
  8. Inmates being held on detainers or pending charges from another jurisdiction(s), are ineligible, unless a court order authorizing participation has been issued by the other jurisdiction(s.)
  9. Inmates with more than three years remaining to serve are ineligible.
- B. Work Release selection criteria: In addition to the criteria established by the Code of Virginia (see § [53.1-131](#)), the following criteria shall apply:
1. Maximum security inmates are ineligible.
  2. Inmates currently incarcerated for any of the following crimes, or convicted of any of the following crimes within the last 10 years, are ineligible: Violent felonies, sexually-oriented felonies, mob related offenses, or escape.

3. Inmates with active protective orders are ineligible. Note that this restriction does not apply if the applicant is the victim or petitioner of a protective order.
  4. Appropriate discretion shall be applied in determining whether an inmate presents a risk to the community with respect to his/her history of mental health issues, escape-related behavior, and violent or sexually-oriented behavior. All available information may be considered, including information from the Offender Management System, VCIN/NCIC, and other law enforcement databases/records. Inmates deemed to present a risk to the community are ineligible for work release.
  5. An inmate shall submit to a drug screen (urinalysis) prior to being approved for participation in workforce. In the event of a positive result, the Community Custody Supervisor will determine the appropriate course of follow-up action based on the circumstances. Inmates will only be considered for work release upon receiving a negative result on a drug screen. Exceptions may be made for positive results if sufficient evidence exists to support that the substance detected was lawfully consumed.
  6. An inmate must successfully complete the application process, including an interview administered by the Community Custody Supervisor, in order to be considered for work release. The inmate's attitude and character are among factors to be considered regarding the placement decision.
  7. An inmate serving a DOC sentence shall not be placed on work release without written authorization from DOC.
  8. Inmates being held on detainers, or pending charges from another jurisdiction(s), are ineligible, unless a court order authorizing participation has been issued by the other jurisdiction(s.)
  9. Work release inmates must be legally eligible to work in the United States.
  10. Inmates with more than two years remaining to serve are ineligible.
- C. Home/Electronic Monitoring Criteria: In addition to the criteria established by the Code of Virginia (see § [53.1-131.2](#)), the following criteria shall apply:
1. An inmate serving a DOC sentence shall not be placed on home/electronic monitoring without written authorization from DOC.
  2. Inmates being held on detainers, or pending charges from another jurisdiction(s), are ineligible, unless a court order authorizing participation has been issued by the other jurisdiction(s.)
  3. Inmates with more than two years remaining to serve are ineligible.
  4. Maximum security inmates are ineligible.

- D. In the event a court order is issued mandating that a person be accepted into any of these programs, the court order will supersede the selection criteria established within this policy. If the court order pertains to an individual who otherwise would not meet the criteria, notification shall be made to the division commander, and a representative of the Commonwealth's Attorney's office shall be consulted as soon as practicable.
- E. An inmate is ineligible for ninety (90) days if they were removed from a previous program for violations or poor work habits.

#### 6VAC15-40-160: Written Procedures for Release Program Eligibility Criteria

Written procedures outlining the eligibility criteria for participation in a work release, educational release, electronic monitoring or rehabilitation release program shall be developed by each facility with a work release, educational release, electronic monitoring or rehabilitation program. Offenders shall meet the established eligibility requirements prior to being released to participate in the program.

#### Compliance Documentation:

- Review written eligibility criteria/court order
- Court notification document
- Review work release, educational release, rehabilitation release (Code of Virginia §53.1-131) and electronic monitoring (Code of Virginia §53.1-131.2) case file for compliance with criteria
- Regional Jails must provide documentation of sheriff's delegation of authority for work release assignment/or sheriff approval
- Interview staff

Release to community-based programs provides opportunities for a supervised and gradual reintegration into the community. For non-court order placements, the court or commonwealth attorney shall be notified in writing in accordance with §53.1-131 of the Code of Virginia. "Work Release" means full-time employment or participation in suitable vocational training programs. "Rehabilitation Program" includes an alcohol and drug treatment, mental health program, family counseling, community service or other community program approved by the court having jurisdiction over the offender. "Educational Program" means a program of learning recognized by the State Council of Higher Learning, the State Board of Education or the State Board of Corrections.

#### 6VAC15-40-180: Conditions for Offender Participation in a Work Release Program

Offender participation in a work release program shall conform to the following specific conditions unless ordered otherwise by an appropriate court:

1. Participation by an inmate shall be on a voluntary basis
2. The following conditions shall be met where the employer has a federal contract.

- a. Representatives of local union central bodies or similar labor union organizations shall have been consulted;
- b. Employment shall not result in the displacement of employed workers, or be applied in skills, crafts or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and
- c. Rates of pay and other conditions of employment shall not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.

Compliance Documentation:

- Review documentation to determine whether an employer has a federal contract
- Review court order (if applicable)
- Interview staff/inmates

Many facilities include provisions in #2 within the employer agreement to ensure compliance with this standard.

6VAC15-40-190: Conditions for Offender Participation in Educational Release or Rehabilitative Release Program

Offender participation in an educational release or rehabilitative release program shall conform to the following specific conditions unless ordered otherwise by an appropriate court:

1. Participation by the inmate may be voluntary or court ordered
2. Meetings or classes shall be on a regularly scheduled basis
3. Other conditions shall not be more restrictive on the offender than those required by other participants

Compliance Documentation:

- Review court order, records and/or correspondence
- Review inmate records
- Interview staff

Definitions of requirements for educational or rehabilitative release programs are outlined in §53.1-131 Code of Virginia that states in part, “work release participants may participate in educational or other rehabilitative programs designed to supplement work release employment. The court shall be notified in writing of the location of any educational or rehabilitative program in which the offender participates.”

This General Order becomes effective August 26, 2018, and rescinds all previous rules and regulations pertaining to the subject.