



# GENERAL ORDER

Loudoun County Sheriff's Office

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<b>Chapter:</b> Correctional Services	<b>Section:</b> 509.13	
<b>Subject:</b> Community Custody Program Operations	<b>Topic:</b> Program Removal	
<b>Accreditation:</b> 6VAC15-40-220		
	<b>Revised:</b> 09/23/2016	<b>Reaffirmed:</b>
<b>Enacted:</b> 08/02/2010	<b>Last Review:</b>	<b>Review:</b>

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## I. PURPOSE

The purpose of this General Order is to establish procedures for reviewing all removals from the Community Custody program.

## II. POLICY

It shall be the policy of the Corrections/Court Services Division to have an impartial Hearing Board review the case file and all applicable documentation of inmates who may be removed from a Community Custody program. This review shall be done for inmates that are authorized or court ordered to any of the above mentioned programs. This is to ensure the impartiality, fairness and appropriateness of the removal and to allow all inmates access to an appeal process once their case has been reviewed. An explanation of the removal process shall be conducted and explained during the orientation process and can be found in the Community Custody Program Contract.

## III. PROCEDURE

- A. Any inmate removed from a program shall have his/her case reviewed by an impartial Hearing Board within four (4) days of his/her removal, excluding weekends and holidays. If the case is still under investigation, the review shall take place within four (4) days immediately following the completion of the investigation.
  1. The deputy that removed the inmate from the Community Custody program shall submit and present all applicable documentation and evidence to the impartial Hearing Board. The documentation shall include, but shall not be limited to:
    - a. Acknowledgement of the Program Rules and Regulations
    - b. Community Custody Participant Evaluations
    - c. Inmate Counseling Sheets
    - d. Inmate Time Sheets
    - e. In-House Reports

2. After the deputy presents all evidence and documentation to the Hearing Board, the Community Custody inmate shall have the opportunity to present his/her argument for reinstatement.
  3. Once all evidence and arguments are presented to the Board, the members shall determine if the inmate was removed from the program for program violations. Should the Hearing Board find there is no violation or other reason for removal, the Board shall direct that the inmate be returned to full program participation.
  4. At the completion of the hearing review, a letter shall be sent to the inmate outlining the Board's decision.
- B. Any inmate removed from a Community Custody program shall be permitted to file a written appeal to the Division Commander within five (5) calendar days after the decision of the Review Board.
1. Appeals received later than five (5) days after the hearing shall not be considered.
  2. The appeal must contain the inmate's reason for disagreeing with the original removal and final decision of the Hearing Board.
  3. Within nine (9) working days of receiving the written appeal, the Division Commander or his/her designee shall respond in writing to the inmate. This decision shall be final.
  4. All program inmates shall be informed of this process at the time they are assigned to the program, and shall acknowledge this fact in writing on the Work Release Contract.
- C. Any inmate removed from a Work Force Program due to poor work performance, Community Custody Program rule or procedural violations, or criminal violations, may not appeal the removal. The opportunity to work is a privilege and not a right.
- D. Any inmate removed from a Community Custody Program shall be searched and handcuffed. The inmate shall remain under the direct supervision of a Community Custody deputy until escorted to intake.
- E. Once the inmate is secured, the Community Custody deputy shall:
1. Notify the Shift Supervisor.
  2. Ensure that all of the inmate's personal belongings are secured, inventoried and packed. All allowable items shall be placed in the inmate property.
  3. Write an incident report and distribute copies to all appropriate personnel.

IV. DOC STANDARD #

6VAC15-40-220: Removing Participants from Program

Written procedures shall establish the criteria and process for removing a participant from the program.

1. Procedures shall include provisions for an impartial hearing for the participants
2. Procedures shall include provisions for the appeal of the removal
3. Documentation shall reflect that this information was explained to all participants when they were assigned to the program.

Compliance Documentation:

- All 3 elements must be included in the policy
- Review procedures for removal
- Review documentation of removal/court order
- Interview staff/inmates

Removal from the program must ensure all due process rights have been afforded the inmate. Removal by court order is sufficient to meet the requirements of this standard.

This General Order becomes effective September 23, 2016, and rescinds all previous rules and regulations pertaining to the subject.