



Virginia Department of Corrections

Authority, Inspection, and Auditing

Operating Procedure 038.1

Reporting Serious or Unusual Incidents

Authority:

Directive 038, *Incident Reporting*

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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.

Table of Contents

DEFINITIONS	3
PURPOSE	6
PROCEDURE	6
I. Incident Reporting	6
II. Video Recording of Incidents	7
III. Notifications	7
IV. Reporting of Employee, Volunteer, and Intern Misconduct	8
V. Reporting Alleged Inmate and Probationer/Parolee Abuse, Neglect, or Exploitation.....	9
VI. Reporting of Threats	10
VII. Internal Incident Reports	11
VIII. Incident Reports	12
IX. Class I Incidents	12
X. Class II Incidents	13
XI. Drug and Alcohol Related Class II <i>CORIS Incident Reports</i>	13
XII. Incidents Reviews	14
REFERENCES	16
ATTACHMENTS	16
FORM CITATIONS	16



DEFINITIONS

Administrative Duty Officer (ADO) - A member of the senior management team of a facility or P&P Office assigned on a rotating basis to remain in contact with on-duty staff at the unit.

Assault (Incident Reporting) - Intentional, unlawful touching, or attempted touching of another without their consent; this includes touching or attempted touching with objects including, but not limited to, weapons, liquids, rocks, etc. In Simple Assault, the victim does not suffer serious injury; in Serious Assault, the victim does suffer serious injury.

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*.

Corrections Crisis Intervention Team (CCIT) - Corrections employees, mental health providers, and mental health advocates learning and working together through specialized training to develop more effective methods to manage an inmate or CCAP probationer/parolee experiencing a mental health crisis.

Corrections Crisis Intervention Team (CCIT) Member - A DOC employee who has received specialized training in recognizing symptoms of mental illness, identifying persons who are in crisis, and using communication skills to assist in de-escalating potentially dangerous situations.

Department of Corrections (DOC) Headquarters - The building located at 6900 Atmore Drive, Richmond, Virginia that serves as the Central Office and Administrative Headquarters of the Virginia Department of Corrections.

Drug Alert - Any action indicating the possible presence of drugs or associated paraphernalia that precedes seizing drugs or drug paraphernalia.

Escape - Flight from confinement or lawful control of an officer even when on a status such as work release or furlough.

Evacuation - The process of moving individuals from one area to a safer location during a hazardous event. Evacuations can be necessary in response to natural disasters, fires or other emergencies.

Hostage - Any person held against their will.

Illegal Drugs - Any drug or substance found in Code of Virginia §54.1-3401, *Definitions* and Schedules I through VI of §54.1-3446 through §54.1-3456, or Section 202 of the *Controlled Substances Act* (21 U.S.C. 812, *Schedules of controlled substances*); this also includes illegal or unprescribed use of controlled substances to include prescription drugs, marijuana, cannabis oil, and related products.

In Common Area - For purposes of this operating procedure, a drug, drug paraphernalia, or cell phone seizure occurs in a "common area" if the suspected drug, drug paraphernalia, or cell phone cannot be linked specifically to any clearly identifiable person who has possessed the object.

Incident - An actual or threatened event or occurrence outside the ordinary routine that involves:

- The life, health and safety of employees, contractors, volunteers, guests, inmates, or probationers/parolees.
- Damage to state property.
- Disruption or threats to security, good order, and discipline of a facility or organizational unit.

Incident Review Team - A team consisting of at least two DOC employees, one of which must be an Administrative Duty Officer, appointed by the Organizational Unit Head to review critical incidents and develop an action plan to limit future incidents.

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.

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

Major Fire - A fire that cannot be contained and controlled at its point of origin and which poses a serious threat to life, limb, and property.



Office of Law Enforcement Services (OLES) - DOC sworn law enforcement staff conducting criminal and administrative investigations.

Operations and Logistics Unit (OLU) Operations Center - The portion of the Special Operations Unit that is staffed at all times to serve as the main repository and clearing house for all DOC incident notifications and intelligence.

Organizational Unit Head - The person occupying the highest position in a DOC organizational unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Infrastructure and Environmental Management Unit, Agribusiness Unit, and individual Headquarters units, e.g., Human Resources, Offender Management, Internal Audit.

Probationer/Parolee - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

Recent Sexual Assault - A sexual assault that is alleged to have occurred within the previous 120 hours.

Riot - A violent incident committed by three or more inmates assembled together with a common intent to cause property damage, injury to others, or escape and may include one or more criminal acts such as arson, assault, hostage taking, etc.

Senior Leadership - Senior Leadership includes the Director, the Chief Deputy Director, the Senior Deputy Director, the Deputy Director for Institutions, the Deputy Director for Community Corrections, the Deputy Director for Health Services, the Deputy Director of Programs, Education, and Reentry, and the Chief of Staff.

Serious Injury - An injury, including self-injury that requires urgent and immediate medical treatment and restricts the person's usual activity. Generally, a serious injury involves at least one of the following criteria:

- Broken/Fractured Bones
- 9+ Stitches
- 3rd degree burns (2nd degree is up to discretion)
- Concussion
- Extended stay in outside medical (more than 24 hours)
- Restriction to usual activity (i.e., Officer cannot work due to the injury)

Note: This is not an exhaustive list of all possible injuries that may be considered serious.

Sexual Abuse (§115.6)

- **Sexual abuse of an inmate or CCAP probationer/parolee by another inmate or CCAP probationer/parolee** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
 - Contact between the mouth and the penis, vulva, or anus
 - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
 - Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- **Sexual abuse of an inmate or CCAP probationer/parolee by employees, contractors, or volunteers** includes any of the following acts, with or without consent of the inmate or probationer/parolee:
 - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
 - Contact between the mouth and the penis, vulva, or anus
 - Contact between the mouth and any body part where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
 - Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
 - Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin,



breast, inner thigh, or the buttocks, that is unrelated to official duties or where the employee, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

- Any attempt, threat, or request by employees, contractors, or volunteers to engage in the activities described as sexual abuse in this section
- Any display by employees, contractors, or volunteers of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or CCAP probationer/parolee
- Voyeurism by employees, contractors, or volunteers
- This definition does not include incidental touching during security searches, medical personnel engaged in evidence gathering or legitimate medical treatment, or to health care personnel performing body cavity searches in order to maintain security and safety within a facility.

Sexual Assault - Any sexual touching or contact that is non-consensual, forced, or coerced in any manner, including but not limited to rape, sodomy, or unlawful touching.

Sexual Harassment - (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or CCAP probationer/parolee directed toward another; and (2) Verbal comments or gestures of a sexual nature to an inmate or CCAP probationer/parolee by a staff member, contractor, volunteer, or intern including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures, including but not limited to the intentional or repeated use of a gendered pronoun or form of address that does not reflect the gender identity of the inmate or CCAP probationer/parolee being addressed.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an inmate/probationer/parolee or an employee by an employee, volunteer, contractor, visitor, or agency representative; this includes but is not limited to acts or attempts to commit such acts of sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity, and unreasonable invasion of privacy.

Terrorist Act - The use of force or violence against persons or property in violation of the criminal laws of the United States for purposes of intimidation, coercion or ransom; this includes acts that provide support to any individual, organization or government in conducting terrorist activity.

Use of Force - Any use of force as defined in Operating Procedure 420.1, *Use of Force*, or Operating Procedure 910.2, *Probation and Parole Use of Force*

Voyeurism (by an inmate or CCAP probationer/parolee) - An invasion of privacy of an inmate or CCAP probationer/parolee by another inmate or CCAP probationer/parolee, such as intentionally peering at an inmate or CCAP probationer/parolee who is showering or using a toilet to perform bodily functions; or requiring an inmate or CCAP probationer/parolee to expose their buttocks, genitals, or breasts.

Voyeurism (by employees, contractors, or volunteers) - An invasion of privacy of an inmate or CCAP probationer/parolee by a staff member, contractor, volunteer, or intern for reasons unrelated to official duties, such as peering at an inmate or CCAP probationer/parolee who is using a toilet in their cell to perform bodily functions; requiring an inmate or CCAP probationer/parolee to expose their buttocks, genitals, or breasts; or taking images of all or part of an inmate's or CCAP probationer's/parolee's naked body or of an inmate or CCAP probationer/parolee performing bodily functions.



PURPOSE

This operating procedure governs the reporting of incidents that involve Department of Corrections (DOC) employees, contractors, volunteers, interns, visitors, inmates, probationers/parolees, or physical assets.

PROCEDURE

I. Incident Reporting

- A. Incident reporting is required for any situation or event that involves the life, health, or safety of employees, contractors, volunteers, interns, visitors, inmates, or probationers/parolees; damages to state property; and any situation that has the potential of subjecting the agency to public comment.
- B. The timely and accurate reporting of incidents is essential for an immediate response, investigation, and further action and support in the event of a critical incident involving an employee, contractor, volunteer, intern, visitor, inmate, probationer/parolee, or DOC property. (4-APPFS-3G-04)
 1. Since incident reports are frequently used in litigation proceedings, the importance of writing clear, concise, factual, and complete reports cannot be over emphasized.
 2. Incident Reports:
 - a. Allow DOC Senior Leadership to make decisions concerning directive and operational changes, and to keep other officials informed when necessary.
 - b. Provide the information necessary for informed and timely responses to public and administrative inquiries.
 - c. Provides for a structured communication process that facilitates the timely exchange of information with, and between, all levels of employees.
 3. *Incident Reports* should include all facts as known at the time the report was created.
 - a. Employees should take care that only known facts are reported.
 - b. Follow-up Reports
 - i. Should contain only information that was not included in the original *Incident Report*.
 - ii. Will be reported to the OLU Operations Center by telephone (804-372-4447) or email (docolu@vadoc.virginia.gov).
 - iii. Must be submitted in VACORIS as an *Addendum*.
- C. All incident reports must include the following minimum information as applicable: (4-ACRS-2B-01)
 1. Date and time of incident.
 2. Location of incident.
 3. Events preceding incident when applicable for certain incident natures.
 4. Names and positions of persons involved and a description of their involvement.
 5. Name and position of any person who witnessed the incident.
 6. Synopsis of the incident to include but not be limited to the following as applicable:
 - a. Type of force used.
 - b. Type of weapon and devices used.
 - c. Area of the body impacted.
 - d. Control techniques employed.
 - e. Method of restraint.
 - f. Type of canine used.
 - g. Action taken including discipline of inmate, probationer/parolee, and/or employee.
 7. Any verbal orders given before or during the incident.



8. Whether the incident was recorded on a video camera, “Rapid Eye”, “MAXPRO”, etc.
9. Whether the incident was gang related.
10. Name, title, and organizational unit of person preparing the report.
11. Date of report submission.
12. Type of restraints when applicable; see Operating Procedure 420.2, *Use of Restraints and Management of Inmate Behavior* for restraints ordered by a security employee and Operating Procedure 730.5, *Mental Health and Wellness Services: Behavior Management* for restraints ordered by a medical or mental health employee.
13. Any medical services provided.

D. Incident Report Dissemination

1. All *CORIS Incident Reports* to include *Internal Incident Reports* generated in accordance with this operating procedure are generally exempt from disclosure under the *Virginia Freedom of Information Act COV §2.2-3700 et seq.* (FOIA).
2. Media inquiries concerning an incident at a DOC facility, or any other organizational unit will be referred to the Director’s office in accordance with Operating Procedure 022.1, *News Media Relations*.
3. Inmates and CCAP probationers/parolees are not allowed access to *CORIS Incident Reports*, including *Internal Incident Reports*, for disclosure as documentary evidence at disciplinary hearings. The Hearings Officer is authorized to read a *CORIS Incident Report* into the hearing record if the report is relevant and appropriate

II. Video Recording of Incidents

A. Video recordings that document any of the following actual or threatened events will be stored as evidence in the digital storage folder on the DOC network in accordance with Operating Procedure 030.1, *Evidence Collection and Preservation*.

1. Incidents that involve the life, health, and safety of employees, contractors, volunteers, interns, visitors, inmates, probationers/parolees.
2. Incidents that disrupt or threaten security, good order, and discipline of a DOC organizational unit.
3. Incidents relating to bodily injury of any person or an alleged assault or abuse.

B. Video recordings required by other operating procedures such as those listed below must be retained as required by that operating procedure and in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*, and Operating Procedure 030.1, *Evidence Collection and Preservation*.

1. Operating Procedure 420.1, *Use of Force*,
2. Operating Procedure 420.2, *Use of Restraints and Management of Inmate Behavior*
3. Operating Procedure 430.6, *Body Worn Camera Equipment*

C. The Organizational Unit Head will be responsible for determining if recordings of other incidents will be preserved as evidence.

III. Notifications

A. The Facility Unit Head or designee must immediately notify the OLES of all allegations and incidents of serious employee, volunteer, intern, inmate, and CCAP probationer/parolee misconduct, criminal behavior or involvement in criminal activity directly impacting DOC operations.

B. The Deputy Director for Institutions or, in their absence, Regional Administrator must notify the appropriate State Police Division Captain of the following incidents:

1. Riot



2. Hostage Situation

3. Major fire

4. Evacuation

5. Escape

C. If unable to contact the State Police Division Captain, the Deputy Director for Institutions or, in their absence, Regional Administrator will notify the State Police Field Lieutenant or an appropriate State Police Division Headquarters employee.

D. After notifying the State Police, the Deputy Director for Institutions or Regional Administrator will report State Police notification to the Operations and Logistics Unit (OLU) Operations Center where an OLU employee will document the notification on a daily briefing report; see Operating Procedure 435.1, *Special Operations Unit*.

E. If it is determined that an inmate has escaped while outside the security perimeter:

1. The following must be immediately notified:

a. Security, if applicable

b. Local police

c. Institution where the inmate is housed (Agency Leadership and Facility Unit Head)

d. Local and regional jails in the jurisdiction where the escape occurred

2. The following individuals must be notified as soon as practicable:

a. Local Sheriff where the inmate's assigned institution is located

b. Local representatives from the House of Delegates and the Senate

F. A card with the institution-specific contact numbers needed in the event of an escape outside of the security perimeter must be available in each vehicle used for inmate transportation.

IV. Reporting of Employee, Volunteer, and Intern Misconduct

A. Incidents of employee, contractor, volunteer, and intern misconduct or criminal activity should not be entered into VACORIS unless the incident involves:

1. A drug or contraband seizure, which must be documented in a *CORIS Incident Report*.

2. An anomaly detected on an employee who was scanned by the full-body security X-ray screening device. The Facility Unit Head or designee must document these incidents on an *Internal Incident Report* marked confidential; see Attachment 1, *Employee Anomaly IIR Narrative*.

3. Employee sexual misconduct with an inmate or probationer/parolee which must be documented on an *Internal Incident Report* with PREA checked in the description field and marked confidential.

B. Employees, Contractors, Volunteers, and Interns:

1. Must immediately report any knowledge, suspicion, or information on the following to their supervisor or the Shift Commander: (§115.61[a], §115.261[a])

a. Any incident of sexual abuse or sexual harassment that occurred in a facility whether the facility is or is not a part of the DOC.

b. Any incident of retaliation against an employee, contractor, volunteer, inmate, or probationer/parolee who reported an incident sexual abuse or sexual harassment; and any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.

2. Must document their knowledge, suspicion, and information by submitting an *Internal Incident Report*, when applicable, with PREA checked in the description field.

C. Employees must accept all reports made verbally, in writing, anonymously, and from third parties must



promptly document all verbal reports of sexual abuse, sexual harassment, and retaliation in VACORIS on an *Internal Incident Report* with PREA checked in the description field. (§115.51[c], §115.251[c])

D. Employees, contractors, volunteers, and interns must not reveal any information related to a report of sexual abuse to anyone other than as required for reporting to supervisors, the Shift Commander or other officials, to the extent necessary, for treatment, investigation, and other security and management decisions and as specified in operating procedures. (§115.61[b], §115.261[b])

E. If a recent sexual assault allegation is made:

1. Notification to the OLU Operations Center will only include the statement “Alleged recent sexual assault at (facility name).” No additional information will be reported.
2. The reporting employee must document the recent sexual assault on a *CORIS Incident Report* with PREA checked in the description field.

F. At the conclusion of a PREA investigation a *PREA Report of Incident Review* 038_F11 may be required. (§115.61[a], §115.261[a])

V. Reporting Alleged Inmate and Probationer/Parolee Abuse, Neglect, or Exploitation

A. Employees, contractors, volunteers, and interns are required to report all allegations including inmate and probationer/parolee self-reports and all incidents of abuse, neglect, or exploitation of an inmate or probationer/parolee to the Organizational Unit Head or Administrative Duty Officer in a timely manner and must fully cooperate with any investigation.

B. The Organizational Unit Head or Administrative Duty Officer will immediately act to protect and, if necessary, secure all physical evidence and to protect the safety and welfare of the inmate or probationer/parolee. Photographs(s) must be taken when indicated.

C. If the allegation or incident involves employee misconduct, the reporting individual must immediately submit a written, signed statement directly to the Organizational Unit Head or Administrative Duty Officer. Do not report through the *VACORIS Incident Module*.

D. The report must describe the incident(s) as fully as possible; giving the names of the persons involved; the time, date, and location of the incident; and the names of any witnesses.

E. Allegations of abuse, neglect, or exploitation of an inmate or probationer/parolee:

1. Must be reported to the OLU Operations Center by telephone (804-372-4447) or email (docolu@vadoc.virginia.gov) as soon as practicable, but no later than four hours following the incident.
2. Must be investigated systematically to protect the inmate or probationer/parolee and the reporting employee or volunteer.

F. If the alleged victim is aged or incapacitated, the Facility Unit Head or designee may be required to report to the Department of Behavioral Health and Developmental Services (DBHDS), Virginia Office for Protection and Advocacy (VOPA), or the Department for Aging and Rehabilitative Services (DARS).

1. An alleged victim is considered aged for reporting purposes if the victim is 60 years of age or older.
2. An alleged victim is considered incapacitated for reporting purposes if the alleged victim is impaired by reason of:
 - a. Mental Illness
 - b. Intellectual Disability
 - c. Physical Illness or Disability
 - d. Advanced Age
 - e. Other Causes (to the extent the inmate or probationer/parolee lacks sufficient understanding or



capacity to make, communicate, or carry out responsible decisions concerning their well-being)

VI. Reporting of Threats

A. All credible threats made to elected officials, political appointees, judges, agency heads, and other public officials to include DOC employees whether the threat is received by letter, email, telephone, in-person, or any other means must be reported to the Virginia Fusion Center (VFC).

B. Passive and General Threats

1. The employee receiving the threat must complete a *Threat Assessment 038_F8* and submit it to the Organizational Unit Head or designee who will determine if the threat is credible.
2. The Organizational Unit Head will forward all threats deemed credible to the appropriate authority for administrative review as follows:
 - a. If the threat is credible, the Organizational Unit Head will submit the completed *Threat Assessment 038_F8* with justification as to why the threat is credible with a copy of the *VACORIS Offender Summary Report* to one of the following for review:
 - i. Regional Administrator or designee (Organizational Unit Heads assigned to Operations)
 - ii. Senior Deputy Director (Organizational Unit Heads assigned to Administration)
 - iii. Deputy Director of Programs, Education, and Re-entry or Organizational Unit Heads (Organizational Unit Heads assigned to Programs, Education, and Reentry)
 - b. The Deputy Director, Regional Administrator, or designee will:
 - i. Notify the OLU Operations Center of all credible threats.
 - ii. Provide justification on the *Threat Assessment 038_F8* as to why the threat was determined to be credible.
 - iii. Forward a copy of the *Threat Assessment 038_F8* with the *Offender Summary Report* to the OLU Operations Center and Security Operations and Emergency Preparedness Administrator (OLU) for further review.
 - c. The Security Operations and Emergency Preparedness Administrator (OLU) or designee will:
 - i. Make a final determination on the credibility of a threat and document their decision on the *Threat Assessment 038_F8*.
 - ii. Update the Virginia Fusion Center
 - iii. Notify the OLES, Homeland Security, and local law enforcement as necessary
 - d. The Security Operations and Emergency Preparedness Administrator (OLU) will notify the relevant Deputy Director, as necessary, of all credible threats within 24 hours or less from receipt of the threat.

C. Imminent Threats:

1. If there is an imminent threat, the reporting employee will immediately notify the following:
 - a. Chief Deputy Director, Regional Administrator, or respective Deputy Director
 - b. OLU Operations Center
 - c. OLES
 - d. Local Law Enforcement (if appropriate).
2. The Organizational Unit Head may consult with the Security Operations and Emergency Preparedness Administrator (OLU) and Chief of Investigations when determining if the threat is imminent.
3. The employee receiving the threat must complete a *Threat Assessment 038_F8* and submit it to the Organizational Unit Head.
4. Employee completion of the *Threat Assessment 038_F8* with Organizational Unit Head, Regional Administrator, OLU Operations Center, and Security Operations and Emergency Preparedness Administrator (OLU) review should be completed within 24 hours.



- D. Employees must complete a *Threat Assessment 038_F8* and report all credible threats received at Headquarters to the Senior Deputy Director, Corrections Services Administrator, and Security Operations and Emergency Preparedness Administrator (OLU).
1. The Senior Deputy Director, Corrections Services Administrator, and Security Operations and Emergency Preparedness Administrator will determine if the threat is credible and ensure that necessary notifications are made.
 2. Once approved by the Security Operations and Emergency Preparedness Administrator and Regional Administrator, an OLU employee will send an email to the Fusion Center.

VII. Internal Incident Reports

- A. Any employee, contractor, volunteer or intern that observes or has knowledge of an incident affecting the safe, orderly operation of an organizational unit must report the incident.
1. Persons with a DOC computer account must submit an *Internal Incident Reports* in VACORIS.
 2. Persons without a DOC computer account must verbally report the incident to a responsible employee. The employee receiving the report must document the verbal report on an *Internal Incident Reports* in VACORIS.
- B. Employees will utilize *Internal Incident Reports* as a method of communicating information up the chain of command at the organizational unit. *Internal Incident Reports* are used to accomplish the following:
1. Gather information from all employees, contractors, and volunteers involved in or witness to the incident for use in preparing a *CORIS Incident Report*.
 2. Document incidents that do not require notification otherwise mentioned in this operating procedure.
- C. Employees must submit a written *Internal Incident Report* to the Facility Unit Head or designee no later than the end of the shift when any of the following occur: **(5-ACI-3A-31)**
1. Discharge of a firearm or other weapon (other than training).
 2. Chemical agents used to control inmates or CCAP probationers/parolees. Inmate or CCAP probationer/parolee refusal to decontaminate must be documented in the *Internal Incident Report*.
 3. Force is used to control inmates or CCAP probationers/parolees.
 4. An inmate or CCAP probationer/parolee remains in restraints at the end of the shift.
 5. An inmate is placed in four-point or five-point restraints for any amount of time.
 6. CCIT member intervention.
- D. Employees will submit an *Internal Incident Report* in VACORIS for those incidents listed on Attachment 2, *Internal Incident Natures*.
1. Each person observing an incident should complete an *Internal Incident Report* to document their observations.
 2. Employees are not required to report these incidents to the OLU Operations Center except for the following which must be reported to the OLU Operations Center by telephone or email as soon as practicable, no later than four hours following the incident:
 - a. Fighting between inmates or CCAP probationers/parolees.
 - b. Simple Assault.
 - c. Medical condition resulting in emergency transport for a confirmed or suspected drug or alcohol overdose.
- E. When a *CORIS Incident Report* is required, the information contained in all relevant *Internal Incident Reports* will be combined to prepare the *Incident Report*.

VIII. Incident Reports

- A. Employees must report serious and unusual incidents as defined in this operating procedure by telephone to the Operations and Logistics Unit (OLU) Operations Center; see Operating Procedure 435.1, *Special Operations Unit*.
 - 1. Incidents, notifications, and actions taken must be documented and submitted on a *CORIS Incident Report* in VACORIS by noon of the next workday following the incident unless directed otherwise in this operating procedure.
 - 2. VACORIS will automatically add information to *Internal Incident Reports* and *CORIS Incident Reports* to identify the organizational unit, time and date of submission, and a unique identifier.
- B. Employees may use the *Vital Information for Telephone Notification of Incident 038_F1* to gather critical facts for the initial telephone report.
- C. OLU Operations Center employees are responsible for additional reporting as appropriate.
- D. Employees will notify outside agencies of critical incidents in accordance with Operating Procedure 075.1, *Emergency Operations Plan*. (4-APPFS-3G-04)
 - 1. Critical incident notifications are to request tactical support that will be under the control of a DOC Administrator or the Incident Commander while inside a DOC facility.
 - 2. At the direction of the Director or Deputy Director for Institutions, employees may request other assistance and resources from external agencies during serious and critical incidents and investigations.

IX. Class I Incidents

- A. Employees will report all Class I incidents by telephone to the OLU Operations Center immediately following an incident or commencement of the incident; see Attachment 3, *Class I Incident Natures*.
- B. For Class IA incidents, OLU Operations Center employees will:
 - 1. Send an immediate text and email message, when applicable, to the designated executive, administrative, and organizational unit employees.
 - 2. Open a conference call. The conference call is utilized to organize information sharing and management decision making.
- C. For other Class I incidents, OLU Operations Center employees in most cases will immediately report via text and email message to the following with follow-up notification made through the daily briefing reports:
 - 1. The Regional Administrator and Regional Duty Officer
 - 2. DOC Headquarters Administrators
 - 3. OLES
 - 4. Other organizational units, as necessary
- D. If circumstances warrant, any employee notified of a Class I incident can request OLU Operations Center employees:
 - 1. Send an immediate message to applicable, designated department, regional, and operating unit level executives and administrators.
 - 2. Open a conference call for employees notified by message.
- E. For ongoing or developing incidents, employees should submit situation reports to the OLU Operations Center by email each hour or when there is a significant change in the situation.



F. Employees must submit a *CORIS Incident Report* in VACORIS by noon on the next working day following telephone notification to the OLU Operations Center.

X. Class II Incidents

A. Employees will report Class II incidents to the OLU Operations Center by telephone or email as soon as practicable, no later than four hours following an incident or commencement of the incident; see Attachment 4, *Class II Incident Natures*.

B. For Class IIA incidents, OLU Operations Center employees will notify the Regional Administrator and the Regional Duty Officer by email.

C. OLU Operations Center employees will notify Senior Leadership of Class II incidents through the daily briefing report.

D. The telephone notification to the OLU Operations Center will be followed by submission of the *Incident Report* in VACORIS by noon on the next working day. Employee criminal activity should not be entered in VACORIS.

XI. Drug and Alcohol Related Class II *CORIS Incident Reports*

A. Employees must report all seizures of drugs or paraphernalia as a Class II incident.

B. Employees must use more than one incident nature in a *CORIS Incident Report* if multiple natures apply, such as follows:

1. An inmate or CCAP probationer/parolee experiences what an employee suspects is an overdose, and the employee finds drugs in the inmate's or CCAP probationer's/parolee's locker. The *CORIS Incident Report* will include the following Class II incidents:

a. *Suspected drug/alcohol overdose*

b. *Seizure of suspected drug: In inmate or CCAP probationer/parolee possession*

2. Employee administers naloxone and seizes a drug from the inmate or CCAP probationer/parolee. The *CORIS Incident Report* will include the following Class II incidents:

a. *Naloxone Administered by trained correctional staff*

b. *Seizure of suspected drug: In inmate or CCAP probationer/parolee possession*

3. Emergency medical transport is utilized for an inmate or CCAP probationer/parolee due to suspected drug or alcohol overdose and employees seize the drugs from the inmate or CCAP probationer/parolee. The *CORIS Incident Report* will include the following Class II incidents:

a. *Suspected Drug/Alcohol Overdose*

b. *Seizure of suspected drug: In inmate or CCAP probationer/parolee possession*

C. An *Internal Incident Report* for medical conditions that result in emergency transport should be written with the *CORIS Incident Report*.

D. When an employee administers naloxone or suspects a drug overdose, the inmate or CCAP probationer/parolee should be drug tested in accordance with Operating Procedure 841.5, *Substance Use Testing and Treatment Services*.

1. Employees will report the handheld test results and the results of the DCLS testing as separate addendums to the *CORIS Incident Report* for *Naloxone Administered by trained correctional staff* or *Suspected Drug/Alcohol Overdose*.

2. The addendum for handheld drug test results should begin "Handheld Test Results" followed by the types of drug(s) tested and the result of the test for each drug type.

3. The addendum for DCLS testing results should begin "DCLS Results" followed by the types of drug(s) tested and the results for each drug type.



- E. Drug seizures, drug alerts, and non - drug related contraband detected on a suspicious body scan are only reported when the drugs or contraband are found and seized.
 - 1. Do not report false positives from body scanners or canine alerts as drug seizures or drug alerts.
 - 2. If a visitor refuses a search and leaves the premises, do not report it as a drug seizure incident or drug alert.

XII. Incidents Reviews

A. Incidents Requiring a Report of Incident Review

- 1. Designated employees must conduct an incident review for the following incident natures and document their findings on a *Report of Incident Review* 038_F3, *Probation and Parole After Incident Review* 038_F7, or a *PREA Report of Incident Review* 038_F11 as applicable:
 - a. A *Report of Incident Review* 038_F3 is required for the following:
 - i. Escape
 - ii. Serious Assault
 - iii. Any discharge of a lethal firearm
 - iv. Use of force resulting in serious injury or death (4-ACRS-2B-03; 4-APPFS-3G-02)
 - b. A *Probation and Parole After Incident Review* 038_F7 is required for the following:
 - i. Probationer/parolee under community supervision is suspected of committing a felony act or dangerous incident that is likely to attract media attention.
 - ii. Any incident where documentation of appropriate supervision may be needed as determined by the Chief P&P Officer, Regional Administrator, or Deputy Director for Community Corrections.
 - c. A *PREA Report of Incident Review* 038_F11 is required at the conclusion of:
 - i. Every sexual abuse investigation including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. (§115.86[a], §115.286[a])
 - ii. Every investigation into an allegation of sexual harassment where the allegation has been determined to be substantiated.
- 2. An incident review will be conducted for other incidents determined to need a critical review by the Organizational Unit Head, Regional Administrator, Security Operations and Emergency Preparedness Administrator, or relevant Deputy Director with the results documented on the *Report of Incident Review* 038_F3, *Probation and Parole After Incident Review* 038_F7, or a *PREA Report of Incident Review* 038_F11 as applicable.
- 3. The *After Action Report/Improvement Plan* 075_F8 may serve as the report of incident review for critical incidents where the incident Command System is implemented. (4-APPFS-3G-04)

B. Conducting an Incident Review in Facilities (§115.86[d], §115.286[d])

- 1. The Incident Review Team will convene as soon as practical after the incident.
 - a. A *Report of Incident Review* 038_F3 must be submitted within seven working days of the initial *CORIS Incident Report*. Follow-up reports will be submitted if all information is not available within seven working days.
 - b. A *PREA Report of Incident Review* 038_F11 for sexual abuse and sexual harassment must be conducted within 14 days of completion of the investigation. The PREA Compliance Manager will forward the *PREA Report of Incident Review* to the Regional PREA Analyst for review and approval, prior to submission to the Regional Office. (§115.86[b], §115.286[b])
- 2. The Incident Review Team will review the incident for the following elements:
 - a. What happened?
 - b. Where did it happen?



- c. Who was involved?
 - d. How did it happen?
 - e. When did it happen? (time and contributing circumstances)
 - f. What was the response?
 - g. Why did it happen? (causal factors)
3. Review Methodology
- a. Review all *CORIS Incident Reports*, *Internal Incident Reports*, investigation reports, and any other available documentation.
 - b. Interview participants and witnesses.
 - c. Examine any physical evidence.
 - d. Examine the area where the incident allegedly occurred to assess whether physical barriers in the area may have contributed to the incident. (§115.86[d (3)], §115.286[d (3)])
 - e. Review relevant operating procedures, training manuals, equipment operating manuals, safety program guides, etc.
 - f. Solicit input from the PREA Compliance Manager, line supervisors, investigators, and medical and mental health practitioners for all sexual abuse and sexual harassment incident reviews The Incident Review will. (§115.86[c], §115.286[c])
 - g. Develop the organizational unit's action plan to limit future incidents.
- C. Once their review is complete, the Incident Review Team will complete the *Report of Incident Review 038_F3* or *PREA Report of Incident Review 038_F11* which includes: (4-ACRS-2B-03; §115.86[d (6)], §115.286[d (6)])
1. Providing a summary of the incident; clarify the original *CORIS Incident Report* or *Internal Incident Report*, as needed.
 2. Providing an analysis of the causal factors and contributing circumstances.
 - a. Was the incident or allegation motivated by race, ethnicity, gender identity; lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; gang affiliation, or was it motivated or otherwise caused by other group dynamics at the facility. (§115.86[d (2)], §115.286[d (2)])
 - b. Assess the adequacy of staffing in that area during different shifts. (§115.86[d (4)], §115.286[d (4)])
 - c. Assess whether monitoring technology should be deployed or augmented to supplement supervision by employees. (§115.86[d (5)], §115.286[d (5)])
 - d. Indicate the specific inmate or CCAP probationer/parolee behaviors, when applicable, that gave rise to the incident.
 3. Determining what can be done to limit the occurrence or reduce the severity of future incidents; consider whether there was a proper application of current procedure, practice, staffing and/or training; or whether there is a need to revise the current procedure, practice, staffing, and/or training. (§115.86[d (1)], §115.286[d (1)])
 4. Developing an action plan to limit or mitigate similar future incidents. The organizational unit will implement the recommendations for improvement or will document the reasons for not doing so. (§115.86[e], §115.286[e])
- D. A member of the Incident Review Team will:
1. Submit a copy of all *PREA Report of Incident Reviews* for sexual abuse and sexual harassment to the Regional Administrator and the Regional PREA Analyst as directed in Operating Procedure 038.3, *Prison Rape Elimination Act* (PREA). (§115.86[d (6)], §115.286[d (6)])

2. Submit an *Addendum* or upload the *Report of Incident Review 038_F3* as an external document to the original *CORIS Incident Report* in VACORIS, after Regional Administrator review. Employees are prohibited from uploading a *PREA Incident Reviews 038_F11* to VACORIS; a copy will be maintained at the facility.
 3. Submit the *Report of Incident Review 038_F3* or *PREA Report of Incident Review 038_F11* as an email attachment to the Director, Chief Deputy Director, Deputy Director for Institutions or Deputy Director for Community Corrections, as appropriate, and OLU Operations Center.
- E. Follow-up (4-ACRS-2B-03)
1. The Director and Deputy Director will assign employees and designate other resources as appropriate to accomplish action plans.
 2. The Regional Administrators and Special Operations Unit employees will communicate the findings to other organizational units that may be vulnerable to similar incidents so that action plan recommendations may be applied to limit or mitigate similar incidents when appropriate.
- F. Probation and Parole After Incident Review
1. A P&P supervisor will review the case and prepare a *Probation and Parole After Incident Review 038_F7* for submission to the Regional Administrator.
 2. The P&P supervisor should submit the *Probation and Parole After Incident Review 038_F7* with a copy of the *CORIS Incident Report* attached to the Regional Administrator by email within one workday after becoming aware of the incident.

REFERENCES

COV §2.2-3700 et seq., *Virginia Freedom of Information Act (FOIA)*
 COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*
 Operating Procedure 022.1, *News Media Relations*
 Operating Procedure 025.3, *Public Records Retention and Disposition*
 Operating Procedure 030.1, *Evidence Collection and Preservation*
 Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*
 Operating Procedure 075.1, *Emergency Operations Plan*
 Operating Procedure 420.1, *Use of Force*
 Operating Procedure 420.2, *Use of Restraints and Management of Inmate Behavior*
 Operating Procedure 430.6, *Body Worn Camera Equipment*
 Operating Procedure 435.1, *Special Operations Unit*
 Operating Procedure 730.5, *Mental Health and Wellness Services: Behavior Management*
 Operating Procedure 841.5, *Substance Use Testing and Treatment Services*
 Operating Procedure 910.2, *Probation and Parole Use of Force*

ATTACHMENTS

Attachment 1, *Employee Anomaly IIR Narrative*
 Attachment 2, *Internal Incident Natures*
 Attachment 3, *Class I Incident Natures*
 Attachment 4, *Class II Incident Natures*

FORM CITATIONS



Vital Information for Telephone Notification of Incident 038_F1

Report of Incident Review 038_F3

Probation and Parole After Incident Review 038_F7

Threat Assessment 038_F8

PREA Report of Incident Review 038_F11

After Action Report/Improvement Plan 075_F8

Restraints Break Log 420_F27

