

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 100.00

DATE: 15 March 2019

SUBJECT: WRITTEN INSTRUCTIONS

POLICY DIRECTIVE

PURPOSE:

To establish a coordinated system of written instructions through which the Division of Corrections and Rehabilitation communicates its management philosophy, intent, and expectations to employees, inmates/residents, and the public.

REFERENCE:

WV Code 15A-3-4.

RESPONSIBILITY:

Superintendents shall be responsible for enacting Operational Procedures and Post Orders to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instructions on this subject including Commissioner's Instruction #DCR 18-02, dated 01 August 2018; DOC Policy Directive 101, dated 01 January 2016; DOC Director's Protocol 001, dated 01 January 2016; RJA Policy 1002, dated 14 January 2013; RJA Policy 9024, dated 24 November 2015; DJS Policy 105.00, dated 01 January 2016; and DJS Policy 105.01, dated 01 January 2018.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation. Until individual written instructions are replaced or repealed, all written instructions currently in place, including those of the former Division of Corrections, Regional Jail Authority and Division of Juvenile Services shall remain in full force and effect, despite not falling into the guidelines as established by this policy. This Policy is available for general distribution and is not exempt from Freedom of Information Act requests.

DEFINITIONS:

Distribution Point: Areas within and without facilities and work units wherein copies of written instructions are available.

Employee: Any person who works at DCR Central Office, a correctional facility, or other work unit within the West Virginia Division of Corrections and Rehabilitation. Includes, but is not limited to: full-time, part-time, temporary, provisional, probationary, and permanent status employees of the State of West Virginia; contractors and their employees; and volunteers.

General Distribution: A document that may be shared with any person or entity without posing a threat to the safety and security of the public, employees, or inmates/residents.

Restricted Access: A document that, if shared with anyone other than employees, could pose a direct threat to the public, employees, or inmates/residents; documents so designated **ARE NOT** to be shared with anyone other than employees without the authorization of the Commissioner or designee.

Work Unit: refers to an office or work site, other than Central Office or a correctional facility, at which Division of Corrections and Rehabilitation employees (e.g. Parole Offices, etc.) are stationed.

POLICY:

I. Distribution and Access

- A. Superintendents, directors and work unit supervisors shall be responsible for ensuring written instructions are maintained appropriately and for ensuring all employees within their operational units acknowledge their review and understanding of all written instructions by signing a Certificate of Understanding (attachment #1). Each Superintendent, director or work unit supervisor shall designate an employee at their facility or work unit who will be responsible for maintaining completed Certificates of Understanding for archival purposes.
- B. Superintendents, directors and work unit supervisors will distribute written instructions as follows:
 1. Written instructions marked **GENERAL DISTRIBUTION** will be placed in all localized distribution points to be readily available to employees, inmates/residents, and the public.
 2. Written instructions marked **RESTRICTED ACCESS** will be placed in distribution points that are only available to employees.
 3. Written instructions designated as being available for inmate/resident review are to be made available in all inmate/resident housing areas and law libraries.

4. Superintendents, directors and work unit supervisors are to keep a copy of all written instructions in their office.
5. Superintendents, directors and work unit supervisors are to provide written direction to employees and inmates/residents under their supervision as to where the distribution points in each facility or work unit are located.

II. Commissioner's Instructions

- A. A temporary written instruction issued in memorandum format and signed by the Commissioner, a Deputy Commissioner, Assistant Commissioner, or Chief of Staff.
- B. May be developed at the direction of the Commissioner, a Deputy Commissioner, Assistant Commissioner, Chief of Staff, or at the request of an agency-level Director and shall be used to immediately address critical or urgent issues within the Division of Corrections and Rehabilitation when there is not adequate time to develop a Policy Directive.

III. Policy Directives

- A. A written direction from the Commissioner of Corrections and Rehabilitation, typically based on US Code, WV Code, Case Law, professional standards, and other applicable regulations, that set forth the long-term guiding principles and expectations for the Division of Corrections and Rehabilitation and drive how the protocols and procedures are to be implemented. Policy Directives are typically generic in nature, in that they must be able to be applied at various facilities and work units.
- B. The Commissioner, Deputy Commissioners, Assistant Commissioners, and Chief of Staff shall have the authority to direct the development of Policy Directives.
- C. Policy Directives will include instructions as to whether a Protocol or Operational Procedure supporting the Policy is necessary.
- D. The Commissioner's office will retain the original, signed copies of all past and current Policy Directives for archival purposes.

IV. Protocols

- A. A written set of technical and/or professional guidelines from a Deputy Commissioner, Assistant Commissioner, or Chief of Staff that sets forth the way Policy Directives or Commissioner's Instructions are to be implemented, within that person's area of authority.

- B. Shall be consistent with existing Policy Directive or Commissioner's Instruction, but not repeat or duplicate information from any Policy Directive or Commissioner's Instruction.
- C. Shall be specific enough to provide the technical or professional requirements necessary, but general enough to be applied at all applicable facilities or work units.
- D. Shall include instructions as to whether an Operational Procedure supporting the Protocol is necessary.
- E. Shall be adhered to and complied with by all facilities and work units within the Division of Corrections and Rehabilitation, unless specified otherwise.
- F. Shall be formatted in accordance with Attachment #2, including the appropriate heading as follows and be numbered (e.g. BTSD - 100).

Deputy Commissioner – Executive Services
Deputy Commissioner – Field Services
Chief of Staff
BIG (Bureau of Inspector General)
BPJ (Bureau of Prisons and Jails)
BCC (Bureau of Community Corrections)
BJS (Bureau of Juvenile Services)
BTSD (Bureau of Training and Staff Development)
BIA (Bureau of Intergovernmental Affairs)

V. Operational Procedures

- A. A written set of instructions from the Superintendent or work unit supervisor that provide the facility-specific or work unit-specific processes that must be executed to ensure that Policy Directives, Commissioner's Instructions and Protocols are fully implemented at each facility, as well as a means for Superintendents to formulate goals with measurable objectives for their facilities at least annually.
- B. Shall be consistent with existing Policy Directives, Commissioner's Instructions, Protocols, but not repeat or duplicate information from any Policy Directive, Commissioner's Instruction, or Protocol.
- C. Shall be formatted in accordance with Attachment #3 and numbered as follows:

100 to 199	Administration & Management
200 to 299	Physical Plant
300 to 399	Security
400 to 499	Operations/Services
500 to 599	Programs

- D. Shall include instructions as to whether Post Orders supporting the Operational Procedure are necessary.

VI. Post Orders

- A. A written set of instructions from the facility's or work unit's department head that provide the detailed and sequential actions that must be executed to ensure that Operational Procedures are fully implemented at each facility.
- B. Shall be developed and authorized by appropriately designated supervisory personnel, as established by the facility's Superintendent or work unit's supervisor, for all posts/positions at the facility or work unit.
- C. Shall be formatted in accordance with the requirements of the facility or work unit. At a minimum, the format shall include the title, a distinctive numbering system, the post(s)/position(s) to which the Post Order applies, the effective date of the Post Order, a detailed narrative, the Operational Procedure(s) it complies with, and the signature of the authorizing staff.
- D. Shall be consistent with existing Policy Directives, Commissioner's Instructions, Protocols, and Operational Procedures, but not repeat or duplicate information from any Policy Directive, Commissioner's Instruction, Protocol, or Operational Procedure.
- E. Once signed, copies shall be distributed to all affected employees at the facility or work unit in a manner to be determined by the Superintendent or work unit supervisor. The Superintendent or work unit supervisor shall also determine whether acknowledgement of the Post Order by employees shall be accomplished by signing a Certificate of Understanding or other method of proof of acknowledgement.

VII. Review Process

- A. All written instructions shall be reviewed at least annually, on the effective date anniversary by the authorizing party/designee. The authorizing party is to ensure necessary revisions are made and enacted in a timely manner.

VIII. Waiver of Applicability

- A. Unless specified otherwise, all Commissioner's Instructions, Policy Directives, and Protocols are applicable to all facilities and work units within the Division of Corrections and Rehabilitation.
- B. If a Director, Superintendent, or work unit supervisor wishes to be waived from this applicability, the following process shall be followed:
 - 1. The request to be waived shall be submitted in writing to the Commissioner via the requesting party's chain of command; each level shall signify acceptance or

rejection of the request – if rejected at any level, the request shall go no further. The request shall include the written instruction from which a waiver is being requested, the reason for the request, as well as the beginning and end date of the requested waiver.

2. Except in exigent circumstances, waivers will only be approved if:
 - a. The written instruction does not currently apply to the area's operation.
 - b. The requesting area has developed an alternate procedure or process which meets the requirements of the written instruction.
 - c. The requesting area is seeking temporary relief from a requirement for which it does not have sufficient resources to achieve compliance.
- C. Upon receipt, the Commissioner will review and approve or deny the request, and forward the decision to the Deputy Commissioners, Assistant Commissioners, Chief of Staff, and the requesting party.

IX. Employees, related community agencies and other outside entities (such as citizens' groups, volunteers, contractors, etc.) may have the opportunity to suggest, consult, and participate in the formulation, development, revision, and coordinated planning of written instructions. Requests for written instructions to be developed or revised shall be as follows:

The request shall be in writing and clearly describe the purpose, topic, area of responsibility, and requirements for content; the request may include a complete draft, an outline, or general guidelines.

- X. No written instruction shall be interpreted or construed to supersede any applicable federal, state or local law or ordinance; in the case of any inconsistencies, the statutory and regulatory provisions shall prevail.
- XI. The Commissioner or designee shall have the authority to suspend any of these written instructions due to emergencies.

ATTACHMENTS:

- #1 Certificate of Understanding.
- #2 Protocol Format.
- #3 Operational Procedure Format.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

3-8-19
Date

GENERAL DISTRIBUTION/RESTRICTED ACCESS

West Virginia Division of Corrections & Rehabilitation

Bureau of Training and Staff Development

PROTOCOL

NUMBER: BTSD – 100 **DATE:** Effective Date

SUBJECT: Title

PURPOSE:

A brief statement describing the intent of the protocol.

REFERENCE:

US Code; WV Code; Case LAW; PREA Standards; etc.

RESPONSIBILITY:

Whether an Operational Procedure supporting the Protocol is necessary and who is responsible for enacting.

CANCELLATION:

Specific written instruction(s) and effective date which this protocol is cancelling.

DEFINITIONS:

Terms, words, or phrases in the Protocol which require further explanation or definition for purpose of clarity.

APPLICABILITY:

To which facilities or work units the Protocol will apply.

PROTOCOL:

- I. A clear, concise, complete, and accurate description of the expectations and guidelines.
- II. Written in standard “Roman Numeral Outline” format.

ATTACHMENT:

List of documents/forms attached to the Protocol.

APROVED SIGNATURE: _____
Name, Title and Date

GENERAL DISTRIBUTION/RESTRICTED ACCESS

WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION

NUMBER: XXX

(FACILITY OR WORK UNIT NAME)

DATE: Effective Date

OPERATIONAL PROCEDURE

SUBJECT: TITLE

PURPOSE:

A statement describing the intent of the procedure.

REFERENCE:

US Code; WV Code; Case Law; Policy Directive, Protocol, etc.

RESPONSIBILITY:

Who is responsible for enacting Post Orders to ensure compliance with the Operational Procedure.

CANCELLATION:

The most recent version of the Operational Procedure.

APPLICABILITY:

To which departments/areas within the facility the Operational Procedure will apply, as well as if the Operational Procedure is to be made available for inmate/resident review.

DEFINITIONS:

Terms, words, or phrases in the Operational Procedure which require further explanation or definition for purpose of clarity.

PROCEDURE:

- I. A clear, concise, complete, and accurate description of the Superintendent's/Work Unit Supervisor's expectations and guidelines.
- II. Written in standard "Roman Numeral Outline" format

ATTACHMENTS:

List of documents/forms attached to the Operational Procedure.

APPROVED SIGNATURE: _____
(NAME), Superintendent/Work Unit Supervisor Date