

**GENERAL DISTRIBUTION**

**WEST VIRGINIA  
DIVISION OF CORRECTIONS  
& REHABILITATION**

**NUMBER: 109.04**

**EFFECTIVE DATE: 25 September 2023**

**SUBJECT: EVIDENCE PRESERVATION**

# **POLICY DIRECTIVE**

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**PURPOSE:**

To provide standard procedures for the Division of Corrections and Rehabilitation's actions in response to receipt of Evidence Preservation Notices.

**REFERENCE:**

None.

**RESPONSIBILITY:**

No additional written instructions on this subject are required.

**CANCELLATION:**

Any previous written instruction on the subject.

**APPLICABILITY:**

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution.

**DEFINITIONS:**

**Evidence Preservation Notice:** Also known as a legal hold notice, is a written communication that asks recipients to preserve information that may be relevant to an anticipated or pending legal matter.

**POLICY:**

- I. All Division of Corrections and Rehabilitation (DCR) employees, including employees of contractual providers, shall comply with Evidence Preservation Notices.

- II. In the event the Evidence Preservation Notice includes preservation of electronically stored information such as emails, the office of DCR General Counsel will place a litigation hold on any emails, google chat and Google My Drive content with the State of West Virginia Office of Technology (WVOT).
- A. Information on the litigation hold will also be provided to the DCR Executive Leadership and the DCR Information Technology (DCR-IT) unit.
- B. DCR-IT will request and ensure safe-keeping of any technology-related equipment relative to the litigation hold (e.g., hard-drives, cell phones, etc.) from the applicable facility or work unit.

ATTACHMENT(S):

None.

APPROVED SIGNATURE:    
William K. Marshall III, Commissioner Date