

**GENERAL DISTRIBUTION**

**WEST VIRGINIA  
DIVISION OF CORRECTIONS  
& REHABILITATION**

**NUMBER: 111.07**

**EFFECTIVE DATE: 08 November 2024**

**SUBJECT: JAIL PROCESSING FEE**

# **POLICY DIRECTIVE**

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**PURPOSE:**

To provide policy and procedure ensuring inmates are informed about jail processing fees at the time of their booking and provide a mechanism that ensures the payment of jail processing fees in order to comply with State Code.

**REFERENCE:**

WV Code §15A-5-8; ACA Expected Practices 5-ALDF-2A-25.

**RESPONSIBILITY:**

No additional written instructions on this subject are required.

**CANCELLATION:**

Any previous written instruction on the subject including DCR Policy Directive 111.07, dated 25 September 2020.

**APPLICABILITY:**

All jails and short-term holding facilities within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for inmate review upon the effective date.

**DEFINITIONS:**

**Booking:** A procedure for the admission of a person charged with or convicted of an offense, which includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

**Trustee Account:** An account established by the DCR to manage inmate personal funds in FDIC insured financial institutions for both checking and savings accounts. Said funds are controlled by generally accepted accounting procedures.

**Weekend Jail Program:** A sentencing option authorized by state code, under which an inmate is sentenced to intermittent periods of confinement in the jail (typically weekends, holidays, or other days normally off from work) as specified in the court order. For the purposes of this Policy, the term “weekend” will be interpreted to mean the days specified in the court order the inmate is to serve.

**POLICY:**

- I. As stipulated in State Code §15A-5-8 a person committed to be housed in jail by order of a magistrate, circuit judge or by temporary commitment order shall, at the time of initial booking into the jail, pay a processing fee of thirty dollars (\$30.00).
  - A. Inmates whose initial admission is at short-term holding facilities within the DCR shall be charged the same processing fee as those who are initially booked into a jail and will not be charged upon their transfer to a jail facility.
  - B. Temporary commitment orders include arrests by law enforcement officers, probation, and parole; and community corrections and work release status inmates temporarily booked for violations or other administrative reasons than judicial court hearings.
  - C. An inmate sentenced to the “weekend jail program” is charged a Jail Processing Fee each and every “weekend.”
  - D. The following inmates are exempt from the jail processing fee:
    1. Inmates held under contract with the federal government.
    2. In-transit inmates temporarily held for private transport companies.
    3. In-transit inmates temporarily held for other governmental agencies.
    4. Intra-agency inmate transfers moved within the Division of Corrections and Rehabilitation (DCR).
    5. Inmates transferred to state mental health facilities (e.g., William R. Sharpe, Jr. Hospital) for evaluation or involuntary commitment who are returned to the jail and are not released to the community.
- II. At the time of admission, inmates shall be informed of the jail processing fee which is to be paid prior to their release and that failure to do so may result in legal action to collect the fee along with associated court costs, as well as their entitlement to a refund of the fee upon acquittal or dismissal of all charges.
  - A. The Jail Processing Fee Notice (**Attachment #1**) shall be reviewed with the inmate and filled out completely.

- B. The completed form becomes part of the “*booking packet*” and is uploaded to the inmate’s record in OIS Document Management (See Policy Directive 400.01); and a copy is provided to the inmate and the fiscal section at the jail.
- III. If the inmate has an amount less than thirty dollars (\$30.00) at the time of booking, the entire amount shall be applied toward payment of the fee and the remaining amount shall be deducted, at a rate of fifty (50) percent, from any new deposits made into the inmate’s trust account, throughout their incarceration time at any DCR facility, until the jail processing fee is paid in full.
- A. Amounts due towards full payment of jail processing fees may be collected through acceptable procedures such as established credit card systems, legal action, or other appropriate means to maximize collection.
- B. Legal action to collect the fee and associated legal/court costs, if the fee is not paid prior to release, may be taken.
- C. Upon subsequent bookings/intakes into a correctional facility, if an inmate has jail processing fee debt, and the inmate has more than the thirty dollar (\$30.00) at the time of booking, the entire amount shall be applied toward the payment of this debt.
- IV. Each jail shall provide a secure means of maintaining cash collected from inmates at the time of intake.
- A. Cash taken from an inmate at the time of intake will be deposited into the inmate’s trustee account and a receipt shall be given to the inmate.
- B. The receipt will also reflect the deduction of the jail processing fee.
- V. A refund of a fee collected under this Policy shall be made to a person who has paid the fee if the person is not convicted of the offense for which the person was booked and the person provides documentation from the court showing that all charges for which the person was booked were dismissed, accurate current name and address and a valid photographic identification.
- A. In the case of multiple offenses, if the person is convicted of any of the offenses the fee may not be refunded.
- B. If the person is convicted of a lesser included offense or a related offense, no refund may be made.

ATTACHMENT(S): #1 Jail Processing Fee Notice

APPROVED SIGNATURE:   
William K. Marshall III, Commissioner

11/8/2024  
Date

## West Virginia Division of Corrections & Rehabilitation Jail Processing Fee Notice

I, (print name) \_\_\_\_\_, OID# \_\_\_\_\_, understand that I owe the thirty-dollar (\$30.00) processing fee each time I am booked/admitted, as set forth in WV Code §15A-5-8. If I am unable to pay at the time of booking, I further understand that I should make arrangements to have the fee paid prior to my release and that if I remain in jail, the fee shall be deducted at a rate of fifty percent (50%) from any new deposits made into my trustee account until the fee is paid in full. I also understand that if I fail to pay the fee, the division may take appropriate and/or legal action against me to collect this fee and associated court costs regarding collection of this fee.

I further understand if I am not convicted of the offense, a lesser included offense or a related offense for which I am booked, a refund in the amount collected shall be made to me upon providing documentation from the court showing that all charges have been dismissed, along with my accurate current name and address and a valid photographic identification.

\_\_\_\_\_  
Print Inmate Name

\_\_\_\_\_  
OID #

\_\_\_\_\_  
Inmate Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Booking Clerk/Officer

\_\_\_\_\_  
Signature of Booking Clerk/Officer

Amount Due: \$30.00

Paid Today: \_\_\_\_\_

Amount Still Owed: \_\_\_\_\_

### Request for Refund

I hereby request a refund of the jail processing fee in accordance with State Code and the WV Division of Corrections and Rehabilitation policy.

*(Return this form and required documentation to the facility where you were booked.)*

1. Documentation from the court showing all charges for which I was booked have been dismissed or I was acquitted.
2. Copy of valid photographic ID showing my accurate current name and address.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Request