

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 118.00

EFFECTIVE DATE: 21 May 2024

SUBJECT: JAIL PER DIEM COSTS

POLICY DIRECTIVE

PURPOSE:

To provide guidelines related to per diem jail costs in accordance with statutory provisions.

REFERENCE:

WV Code §15A-3-16.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 118.00, dated 02 August 2023.

APPLICABILITY:

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

DEFINITIONS:

None.

POLICY:

- I. The West Virginia Division of Corrections and Rehabilitation (DCR) has established an operational cost per day for inmates incarcerated in jail units in accordance with statutory provisions.
- II. User agencies are required to make payment to maintain inmates incarcerated therein. The user agency shall pay into the special revenue fund administered by the Commissioner of the Division of Corrections and Rehabilitation (previously administered by the Regional

Jail and Correctional Facility Authority) the established cost per day for each incarcerated inmate in accordance with the following.

- A. The county (or municipality if the incarceration is a municipal violation) is responsible for inmates who are pretrial and convicted misdemeanants and shall pay the cost per day as set forth in WV Code §15A-3-16.
 - B. The DCR is responsible for the costs of felony convicted inmates beginning on the day following the day of **conviction** (as of 01 July 2019).
 - C. The county is responsible for the cost of inmates, who are incarcerated and awaiting transportation to a state correctional facility for a presentence diagnostic sixty (60) day evaluation.
 - D. The cost for inmates housed and maintained for federal government agencies (federal detainees) including U.S. Marshals Service (USMS); U.S. Immigration and Customs Enforcement (ICE); and Bureau of Prisons (BOP) shall be set by contractual agreement with the federal agency.
 - E. The cost for housing and maintaining offenders for private transportation companies shall be equal to the per diem as specified in the contractual agreement with the USMS.
 - 1. When a private transportation company delivers an offender to a DCR facility to be housed on a short-term basis, the transporting agent will fill in the names of the offenders on a Temporary Custody Form (**Attachment #1**) at the time of drop off and complete the form upon pickup. Payment no longer needs to be collected upon admission; an invoice will be provided during normal billing cycles.
 - 2. Completed forms will be provided to the billing clerk of the facility for processing. The billing clerk will ensure a copy is provided to Division of Administrative Services (DAS) Accounts Receivable.
- III. Each responsible entity shall not be charged for a second day of incarceration for an individual inmate until that inmate has remained incarcerated for more than twenty-four (24) hours. After that, in cases of continuous incarceration, subsequent per diem charges shall be made only as subsequent intervals of twenty-four (24) hours pass from the original time of incarceration.

ATTACHMENT(S):

#1 Transport Agency/Company Temporary Custody Form

APPROVED SIGNATURE: William K. Marshall III May 21, 2024
William K. Marshall III, Commissioner Date

TRANSPORT AGENCY/COMPANY TEMPORARY CUSTODY FORM

This form is to be completed by the transporting agent for any offender(s) being housed short-term in a WVDCR Facility. The current daily rate is \$70 per offender.

Facility: _____ Transporting Agency/Company: _____

PRINT OFFENDER'S FIRST NAME	PRINT OFFENDER'S LAST NAME
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

DROP OFF DATE/TIME: _____

Transporting Agent: _____
Print Name/Signature

WVDCR Employee: _____
Print Name/Signature

PICKUP DATE/TIME: _____

Transporting Agent: _____
Print Name/Signature

WVDCR Employee: _____
Print Name/Signature