

GENERAL DISTRIBUTION

WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION

NUMBER: 325.08

DATE: 01 September 2021

SUBJECT: **UNIT BEHAVIOR**
MANAGEMENT PROCESS

POLICY DIRECTIVE

PURPOSE:

To provide a means for staff and inmates to manage certain inmate behaviors in a manner that does not have an adverse impact on the inmate's eligibility for release through parole or discharge or his/her programming.

REFERENCE:

WV Code §15A-4-17.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject, including DOC Commissioner's Instruction #16-06, dated 01 May 2016; and DOC Commissioner's Instruction #16-08, dated 31 May 2016.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR) that have custody of adult inmates. This Policy is available for general distribution and is to be made available for inmate review.

DEFINITIONS:

Unit Team: For the purposes of this Policy, staff that are assigned to a facility or specific inmate housing unit that are responsible to oversee/manage the daily needs of inmates and ensure that all agency security and program requirements are followed and met. These staff play a vital role in a successful reentry program through programming, management,

and supervision so inmates have the tools necessary to reenter society. Members of the “unit team” typically consist of unit managers, case managers, substance abuse therapists, and correctional counselors.

POLICY:

- I. The Chief of Security may take any of three actions with incident reports alleging Class II or Class III disciplinary rule violations. As deemed warranted, the matter may be 1) referred to the Correctional Hearing Officer; 2) referred to the Unit Behavior Management Team; or 3) dismissed entirely.

- II. Any violation referred to the Unit Behavior Management Team shall be processed as follows.
 - A. Once the Unit Manager/designee receives a Charging Report, he or she shall ensure the inmate is served with a copy of the Charging Report and Disposition Form, which shall serve as the notice of the review.

 - B. The Unit Manager/designee shall also ensure a review of the charge with the inmate within seven (7) business days by at least one (1) permanent employee status member of the inmate’s Unit Team who has completed basic training, or another permanent status employee approved by the Superintendent/designee and who was not a witness or the reporting employee of the alleged violation. Inmates may waive their appearance at the review. Inmate representatives are not permitted to participate in the Unit Behavior Management process. If there is some evidence presented as to the guilt of the inmate, the verdict may be guilty. Upon any finding of guilt, the Unit Manager/designee shall have the authority to impose any of the following sanctions, either individually or in combination.
 1. Order the loss of all or some privileges for not more than sixty (60) days. Privileges to be lost shall be limited to:
 - a. Loss of telephone privileges, except for calls to and from attorneys.
 - b. Loss of reading library privileges. Legal/law library privileges may not be taken.
 - c. Restriction of recreation privileges to one (1) hour outdoor exercise per day.
 - d. Loss of access to the Commissary, except for purchases of personal hygiene items and writing materials (limited to writing tablets, pens, pencils, envelopes, and stamps).
 - e. Restriction from weekly draw for change for vending machines.
 - f. Loss of access to arts and crafts and music room areas.

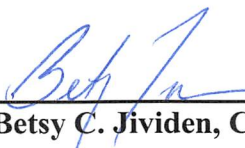
- g. Restriction from use of personal radio, television, tablet, stereo and/or other electronic devices, or access to television viewing.
 - h. Loss of pass or furlough privileges.
 - i. Loss of visitation privileges.
 - j. Restriction from use of personal clothing.
 - k. Restriction to housing unit, not to exceed thirty (30) days.
 - l. Restriction of mail privileges, except for mail to and from the following: immediate family members, as approved by the Superintendent; courts; counsel; officials of DCR; state and local chief executive officers; the Superintendent/designee of the Inmate Grievance System; and the West Virginia Parole Board.
- 2. Confinement to the cell, room, or housing unit for a period not to exceed fourteen (14) days; such confinement shall not be for more than twenty-one (21) hours per day, and shall not prevent the inmate from attending meals, religious services, medical appointments, or at least one (1) hour of daily outdoor recreation.
 - 3. Assignment of up to eighty (80) hours of extra unpaid work.
 - 4. Change or loss of work assignment.
 - 5. Referral for programs, therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the behavior.
 - 6. Suspension of prescribed sanctions (probation) for a specified period of time, not to exceed ninety (90) days.
 - 7. Written warning.
 - 8. In the case of Young Adult Offenders committed to the Anthony Correctional Center, recommendation to the Superintendent that the Young Adult Offender be returned to their committing court as unfit to remain at the facility.
- C. The Unit Manager or designee will issue a written decision to the inmate within seven (7) days of the review. The written decision shall minimally include the inmate's name and OID number, the date and title of the rule(s) allegedly violated, the date of the review, the name and signature of the person(s) conducting the review, the findings (guilty or not guilty), and the type and duration of any sanctions imposed.
 - D. The Superintendent/designee shall regularly review the individual results of all such reviews to ensure conformity with this Policy.

- E. Inmates may appeal the decision of any such disciplinary review to the Superintendent or designee, and it must be submitted in writing within fifteen (15) days of the inmate's receipt of the decision. The Superintendent or designee shall provide his/her written decision of the appeal to the inmate within thirty (30) days of receipt of the appeal, and shall have the authority to:
1. Uphold or reverse the decision;
 2. Reduce the sanctions imposed; or
 3. Remand the decision to the Unit Manager/designee for re-review.
- III. Nothing in this policy is meant to restrict the ability of a Superintendent/designee from addressing an inmate's behavior in response to minor housing-related violations, which do not threaten the security of the facility, with the use of warning logs or removal of specific privileges for a short period of time.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner


Date