

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 331.02

DATE: 14 May 2021

**SUBJECT: TRANSFER OF INMATES
UNDER FEDERAL TREATY**

POLICY DIRECTIVE

PURPOSE:

To delineates appropriate guidelines and procedures concerning the Commissioner being authorized by the Governor's authority to consent to transfer of convicted inmates under a federal treaty to the country of which they are citizens or nationals.

REFERENCE:

WV Code §15A-4-18.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject, including DOC Policy Directive 331.02, dated 01 January 2004.

APPLICABILITY:

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

DEFINITIONS:

Treaty: A formally concluded and ratified agreement between countries.

POLICY:

- I. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor of the State of West Virginia may, on behalf of the state and subject to the terms of the treaty and with consent of the offender, authorize the Commissioner of the Division of Corrections and Rehabilitation to consent to the transfer or exchange of an inmates in his or her custody and take any other action necessary to initiate the participation of the State of West Virginia in the treaty.
- II. No transfer may occur pursuant to this policy or applicable state code until the inmate is informed of his or her rights and the procedures involved in his or her native language unless it is determined that the inmate's knowledge of English is sufficient.
- III. Superintendents or designee shall be responsible for carrying out the instructions or directions of the Commissioner in which this policy is utilized.
- IV. Staff designated by the Superintendent shall take appropriate action to ensure the inmate is able to understand any rights and procedures explained to him/her, including the use of interpreter services if appropriate, and complete **Attachment #1** acknowledging such.

ATTACHMENT(S):

#1 Inmate Transfer Under Federal Treaty Acknowledgement

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

4-27-21
Date

WV DIVISION OF CORRECTIONS AND REHABILITATION

**INMATE TRANSFER UNDER FEDERAL TREATY
ACKNOWLEDGEMENT**

Inmate's Name _____ **OID #** _____

I, _____, do hereby acknowledge
that I have had explained to me the rights and procedures and/or have been given
written copies of the rights and procedures dealing with my pending transfer to the
country of which I am a citizen or national.

Inmate's Signature and Date: _____

WITNESSED BY: _____
[Staff's Name] [Job Title]

[Signature] [Date]