

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 451.01

EFFECTIVE DATE: 07 October 2022

**SUBJECT: PRESENTENCE DIAGNOSTIC
PROCESS**

POLICY DIRECTIVE

PURPOSE:

To provide standardized guidelines for presentence diagnosis and classification units within Division of Corrections and Rehabilitation adult facilities.

REFERENCE:

WV Code §§15A-4-4 and 62-12-7a.

RESPONSIBILITY:

The Director of Offender Services is responsible for the issuance of a Field Guide that describes assessment and evaluation procedures.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 451.01, dated 01 May 2014.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR) that operate diagnostic units for adult presentence inmates. This Policy is available for general distribution.

DEFINITIONS:

None.

POLICY:

- I. The Commissioner is authorized by WV Code §15A-4-4 to continue or establish diagnostic and classification units within the Division of Corrections and Rehabilitation (DCR).

- II. Diagnostic units will only admit an inmate when a court order committing the offender for a diagnostic evaluation and a pre-sentence investigation (PSI) report has been completed and received by the designated facility.
 - A. Upon receipt of a court order committing an offender, designated agency staff will contact the sentencing Judge to communicate the anticipated timeframe for admission to a diagnostic unit. This contact will be documented.
 - B. Offenders will be received into a diagnostic unit in a timely manner and in an order that is consistent with the date on the court order, and the date the court order and PSI was received.
- III. Inmates committed for presentence diagnosis and classification shall undergo assessments of their criminogenic risk and need factors and a mental health preliminary screen with a full evaluation if indicated. Specific details concerning the assessments and evaluations, including procedures and timelines for completion, are contained in the Offender Services Field Guide.
- IV. Diagnostic evaluations will be completed in order to return the inmate to the sending facility or prior status within sixty (60) days of arrival in a diagnostic unit. A final written report containing the results, findings, conclusions and recommendations (**Attachment #1**) shall be submitted to the respective Judge within ten (10) days of the departure of the inmate from the diagnostic unit and/or when all required records are received. Copies of the report will be uploaded to the Offender Information System (OIS) Document Management. Required time frames will be adhered to and documented to ensure compliance.
- V. The following conditions of confinement shall apply to all diagnostic inmates:
 - A. Diagnostic inmates are to be personally observed by a staff member at least every thirty (30) minutes, on an irregular schedule. Inmates who are violent, mentally disabled, or who demonstrate unusual or bizarre behavior will receive more frequent observation. Suicidal inmates require special precautions and constant observation, as determined by the medical/mental health provider's clinical judgement. DCR Policy Directive 410.18 contains suicide prevention and intervention directives.
 - B. Program staff should be available to diagnostic inmates on a daily basis.
 - C. Diagnostic inmates will have the opportunity to request to be seen by a qualified health care professional at least three (3) times per week. Diagnostic inmates will be provided the opportunity to request any medical, dental, or mental health care needs. Arrangements should be made, as necessary, to provide triage, examination, and treatment in an appropriate clinical setting. Diagnostic inmates will be provided prescription and non-prescription medications as authorized by the facility medical authority.

- D. Mental health services will be offered, and the sessions can be tailored to meet the needs of the inmate. These services will be handled on an individual basis.
- E. There will be no contact between diagnostic inmates and any other population of inmates to include special management, punitive/administrative segregation, and/or general population. Diagnostic inmates will not be permitted unescorted in areas where other inmates are present.
- F. Diagnostic inmates will be provided clothing and bedding, which they will be able to exchange, on the same basis as general population inmates. Laundry services must be available to diagnostic inmates on the same basis as general population inmates. Exceptions to this will be permitted only when found necessary by the Superintendent/designee, and any exception must be justified in writing.
- G. Each facility housing a diagnostic unit will ensure that diagnostic inmates are provided a list of allowable property. Commissary purchases must meet the guidelines set forth in this list.
- H. Diagnostic inmates will be permitted to correspond with any person, who is not committed to any DCR facility. Diagnostic inmates will not be permitted any subscriptions, and may not receive packages, unless approved by the Superintendent/designee. Legal mail, or mail to or from attorneys and of courts of law will be handled in accordance with Policy.
- I. Diagnostic inmates are to be served the same meals as general population inmates. However, alternative meal service may be provided to diagnostic inmates who use food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service will be on an individual basis, based on health or safety considerations only, meet basic nutritional requirements, and will occur with written approval of the Superintendent/designee and responsible health authority. The substitution period shall not exceed seven (7) days.
- J. Diagnostic inmates will have the opportunity to shower and shave daily. Basic hygiene items will be provided to diagnostic inmates as needed.
- K. Diagnostic inmates will receive a minimum of one (1) hour of exercise per day outside their cells/rooms, five (5) days per week, unless security or safety considerations dictate otherwise. Diagnostic inmates may participate in exercise outside of their cell/room on the same basis as general population inmates if weather and security reasons permit.
- L. Diagnostic inmates will have access to both personal legal materials and available legal reference materials. Additionally, diagnostic inmates will be provided access to the facility's library services.
- M. Diagnostic inmates will be allowed telephone privileges seven (7) days a week.

- N. Diagnostic inmates will **not** be provided visitation privileges unless a special visit is approved by the Superintendent/designee.
- O. Diagnostic inmates will have access to programs and services that include, but are not limited to the following, community services, religious services, and recreational programs.

ATTACHMENT(S):

#1 Cover Letter to Judge

APPROVED SIGNATURE: _____


Brad Douglas, Acting Commissioner


Date

(Agency or Facility Letterhead)

Date

The Honorable Judge
County Courthouse

RE: Inmate Name and OID #

Dear Judge :

(Inmate's name, OID #) was received at (name of facility) on (date) for the purpose of undergoing a sixty-day presentence evaluation.

Please find enclosed the evaluation report, which we hope will be a helpful addition to the information available to you. We have tried to present a meaningful and objective description of this matter, and to convey some of the external and internal factors, which affect (inmate's name) behavior in context of probation or incarceration.

We would strongly urge the Court to honor the confidential nature of these evaluative reports. State and federal agencies release information to us with the understanding that such information will be kept confidential.

We appreciate having the opportunity of participating in this presentence evaluation. Please inform us if we can be of further assistance.

Respectfully,

Superintendent

Enclosure: Evaluation Summary