

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 454.01

EFFECTIVE DATE: 17 April 2024

SUBJECT: PAROLE RELEASE PLAN

POLICY DIRECTIVE

PURPOSE:

To provide policy and procedure that ensure offenders are provided with the opportunity to develop a parole release plan prior to their parole interview or release on mandatory supervision, conditional release, or nonviolent offense parole program; and to establish guidelines for the investigation of proposed release plans.

REFERENCE:

WV Code §§ 28-7-1 *et.seq.*, 62-12-13 and 62-13-2; and ACA Expected Practice 4-APPFS-2C-02.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 454.01, dated 09 February 2024.

APPLICABILITY:

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

DEFINITIONS:

Case Supervisor: The DCR staff member assigned to manage the caseload of a particular offender or group of offenders (e.g., Corrections Case Manager, Reentry Coordinator, Corrections Program Specialist, and Correctional Counselor).

Interstate Compact Offender Tracking System (ICOTS): A web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another.

Recovery Residence: A single-family, drug-free, and alcohol-free residential dwelling unit, or other form of group housing, that is offered or advertised by any person or entity as a residence that provides a drug-free and alcohol-free living environment for the purposes of promoting sustained, long-term recovery from substance use disorder.

Sponsor: Shall mean any person or organization providing a residence or means to obtain a residence for an offender.

POLICY:

- I. A parole release plan shall be developed by the offender's assigned Case Supervisor, in conjunction with the offender, and be included in the Pre-Parole Report. In order to aid in the development of a suitable plan, the assigned Case Supervisor will work with the offender and provide adequate resources (including mail and telephone service) to the offender to contact potential sponsors.
 - A. The Case Supervisor will submit the in-state parole release plan via the Offender Information System (OIS) to:
 1. Parole Officer assigned to the release plan area.
 2. Parole Regional Director and Office Assistant; for investigation, no less than forty (40) and no more than ninety (90) days prior to the offender's parole hearing, or release on mandatory supervision, conditional release, or nonviolent offense parole program.
 - B. The Reentry Coordinator will submit an out-of-state parole release plan to ICOTS one-hundred and twenty (120) days prior to parole interview or release on mandatory supervision, conditional release, or nonviolent offense parole program. The Reentry Coordinator will enter the out-of-state information in OIS.
 - C. If an offender has a detainer that is less than eighteen (18) months, the Case Supervisor will follow this policy.
 - D. If information of a pending parole hearing date is received during or after the ninety (90) day, forty (40) day time limits, the Case Supervisor upon notification, will prepare a parole release plan for OIS and submit as soon as possible, making every effort to ensure a release plan is available for possible release prior to the potential release date.
 - E. Information from an investigated parole release plan designated as confidential should never be shared with an offender for any reason.

- F. All offenders will have their parole release plans submitted according to this policy regardless of offense.
- II. Parole release plans to Recovery Residences that have not received a “certificate of compliance” from the WV Alliance of Recovery Residences (WVARR) will not be considered or approved. Therefore, referrals shall not be made to any recovery residence not holding a valid certificate of compliance. A listing of current WVARR Certified Recovery Residences is available from the DCR Housing Coordinator.
- III. In-state release plans are those within the boundaries of the State of West Virginia which shall be investigated by Parole Officers as required in their parole manual. The Parole Officer shall submit a report via OIS within thirty (30) days from the OIS submittal date. The report should be as complete and factual as possible.
- A. Approved release plans will be effective for one hundred and twenty (120) days from the approval date unless changes occur that would affect the approval of the release plan.
- B. The investigating Parole Officer must review the home to determine if the release plan meets the definition of a satisfactory release plan.
1. For the purposes of this Policy, a satisfactory release plan is one which shows that a habitable residence is available confirmed by a field investigation conducted by a Parole Officer or other designee of the Commissioner, which is sufficient to meet the living needs of the offender or sufficient financial resources, or assistance is available to enable the offender to secure adequate living conditions. Any proposed release plan must comply with all terms and conditions of parole placed upon the offender by the WV Parole Board or the Division of Corrections and Rehabilitation.
 2. For the purposes of this Policy, when referring to a residence, habitable shall mean the proposed plan involves a residence where it is agreed the offender can reside by the current occupants/sponsors or owners. Habitable reflects if the physical presence of the offender at the proposed residence would not be in violation of any state, federal or local laws or ordinances to include regulations of parole or probation.
 3. The investigating Parole Officer will consider the following:
 - a. Whether the proposed release plan, if approved, would place the offender in violation of the terms and conditions of his/her parole or any state or federal law.
 - b. Whether there are firearms in the proposed residence or property that the sponsor refuses to remove.

- c. Whether there are unsafe conditions including, but not limited to, uncontrolled vicious animals, that the sponsor refuses to correct.
 - d. Whether the occupants/sponsors have or do not have strong ties with the offender that pre-dates his/her current incarceration.
 - e. Convicted felons residing in the home shall be considered on a case-by-case basis with regard to the effect it would have on the offender's successful reentry. Aggravating factors include, but are not limited to, codefendants residing in home, the nature and gravity of offense(s), length of time since conviction(s), and sentence(s) imposed of any convicted felons residing the home. Mitigating factors include, but are not limited to, convicted felons who are family members of the offender residing in the home. This will be discussed with the Regional Director prior to submission and the Regional Director will make a determination as to whether to deny or approve the plan.
 - f. Proximity of any victims of the offender to the release plan.
- C. Parole release plans that remain denied after review by the Regional Director shall be forwarded to the appropriate District Supervisor for review. The District Supervisor may over-ride the denied release plan and approve the residence. In the event the District Supervisor approves a release plan that has been recommended for denial by parole services staff, the District Supervisor will notify the appropriate Regional Director and assigned Parole Officer.
- D. District Supervisors after conferring with the Director of Parole Services may deny a proposed parole release plan based on potential threats to public safety or high risk for criminal activity.
- E. If an offender chooses to withdraw a parole release plan, the assigned Case Supervisor is responsible for withdrawing the release plan on OIS. If it is an out-of-state release plan, withdrawing on ICOTS and OIS.
- F. Under most circumstances only one (1) parole release plan will be submitted at a time with Case Supervisors having the discretion to submit an additional plan if circumstances support (e.g., extended wait on ICOTS plans).
- 1. Under most circumstances a new parole release plan will not be submitted until a disposition is recorded in OIS.
 - 2. Upon denial of a parole release plan, the offender and the assigned Case Supervisor will work together to identify alternative plans. The alternate plan shall be submitted as soon as possible.
- IV. Out-of-State Parole Release Plans: ICOTS approvals or denials are received via email by the Reentry Coordinator, who is responsible for entering the information into OIS.

- V. The Reentry Coordinator, or designated staff member will have parole release documents prepared and signed by the Parole Board members when an offender is interviewed and granted parole.
- VI. Upon approval of the parole release plan of a previously granted offender, the WV Parole Board staff will prepare necessary release documents for signature by members of the Parole Board. These documents will be sent to the Reentry Coordinator or assigned staff at the facility where the offender is housed for out-processing to parole supervision.
- VII. An offender will be released in accordance with all release guidelines as contained in DCR Policy Directive 457.02 and out-processing to parole supervision guidelines as contained in DCR Policy Directive 454.12 and can be released any day of the week including non-business days.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: William K. Marshall III 04/17/2024
William K. Marshall III, Commissioner Date