

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 457.00

DATE: 15 September 2021

**SUBJECT: DISCHARGE CERTIFICATES
FOR CONVICTED FELONS**

POLICY DIRECTIVE

PURPOSE:

To ensure a Certificate of Discharge is afforded an offender who is discharging a felony sentence through expiration of time.

REFERENCE:

None.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 457.00, dated 15 August 2017.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR) that have custody of or supervise adult offenders. This Policy is available for general distribution.

DEFINITIONS:

None.

POLICY:

- I. The DCR Director of Records & Interstate Compact or designee will send a monthly list of offenders who are discharging a felony sentence to the Records Clerk at each applicable facility on the first day of the month, preceding the offender's discharge month.
 - A. The list will contain the offender's name, OID number and expiration of sentence date.
 - B. The facility Records Clerk will immediately notify the Director of Records & Interstate Compact if a submitted offender's status changes.
 - C. For offenders who at the discretion of the court are sentenced to an alternate "jail sentence" for a felony offense and are discharging their sentence, the jail Records Clerk will notify the Director of Records & Interstate Compact on the first day of the month, preceding the offender's discharge date by providing the offender's name, OID number, expiration of sentence date and a copy of the sentencing order.

- II. For offenders discharging a felony sentence in a DCR facility, the Director of Records & Interstate Compact or designee shall be responsible for completing the Certificate of Discharge and Final Disposition Report, obtaining the appropriate signatures, uploading to the Offender Information System (OIS), and filing the originals in the offender's Central Office file. This shall be accomplished at least two (2) weeks prior to the offender's release date.
 - A. The Commissioner/designee will sign the Certificate of Discharge and the Director of Records & Interstate Compact or Deputy Commissioner will sign the Final Disposition Report.
 - B. The Director of Records & Interstate Compact/designee will notify the Records Clerk at the facility where the offender is housed (and the legal file facility if applicable) when the Certificate of Discharge has been uploaded to OIS and the facility Records Clerk will distribute copies as follows:
 1. The offender; and
 2. The sentencing county Circuit Clerk and County Clerk (for restoration of voting rights).
 - C. The Director of Records & Interstate Compact/designee will provide the original Final Disposition Report to the WV State Police for processing by the Criminal Identification Bureau (CIB) and the Federal Bureau of Investigation (FBI).

- III. Upon an offender being granted early discharge from parole supervision, WV Parole Board staff will notify the designated Central Office records staff when the Certificate of Discharge has been uploaded to OIS.

- A. Designated Central Office records staff will notify the legal file facility and Central Office Parole Services staff that the Certificate of Discharge has been uploaded to OIS in order to close their files.
- B. The Records Clerk of the legal file facility will provide copies to the sentencing county Circuit Clerk and County Clerk (for restoration of voting rights).
- C. Designated Central Office records staff shall also provide discharge certificates for offenders convicted of felony offenses in West Virginia and supervised through the Interstate Compact for Adult Offender Supervision (ICAOS) to the legal file facility and upload to the Interstate Compact Offender Tracking System (ICOTS).

ATTACHMENT(S):

None.

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner

8-21-21
Date