

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 457.02

EFFECTIVE DATE: 21 May 2024

SUBJECT: INMATE/RESIDENT RELEASE

POLICY DIRECTIVE

PURPOSE:

To provide procedures ensuring the correct and proper release process for an adult inmate or juvenile resident.

REFERENCE:

ACA Expected Practices 5-ACI-5F-05, 5-ALDF-5F-19, and 3-JDF-5H-02; and National Commission on Correctional Healthcare (NCCHC) §§P-E-10, J-E-10, and Y-E-10.

RESPONSIBILITY:

Superintendents are responsible for enacting facility-specific Operational Procedures and ensuring the requirements of this Policy Directive are included in applicable Post Orders.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 457.02, dated 22 March 2022.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation. This Policy is available for general distribution.

DEFINITIONS:

None.

POLICY:

- I. The adult inmate and juvenile resident release process shall be coordinated by the facility records office in prison facilities, reentry coordinators or case managers in community corrections facilities, case managers in juvenile facilities, and booking departments in jail

facilities. Facility staff and Central Office records office staff shall work together to ensure that all matters relating to the appropriate release of an inmate/resident are completed.

- II. Physical release processing is conducted in a secure area where custody and control can be maintained until all release procedures are verified. If the inmate/resident is at court or the hospital, or otherwise outside of the facility during the release process, staff shall make reasonable efforts to comply with all requirements of this policy.
- III. The formal release process for inmates/residents leaving custody for reasons delineated within this Policy Directive shall include, but not limited to, the following:
 - A. Prior to releasing any inmate/resident for any reason from a facility, the inmate/resident shall be positively identified using file photos, Offender Information System (OIS) photos, inmate/resident ID, date of birth, last four digits of social security number, fingerprints in facilities equipped with a LiveScan, or any other means necessary to assure that positive identification is made.
 - B. Before any inmate/resident is authorized to be released, the releasing staff must possess valid paperwork from the authority with jurisdiction. The release paperwork must be read thoroughly to comprehend all instructions. The name on the releasing paperwork must match the inmate/resident name or court order name in OIS and the name and identification of the inmate/resident. The date the inmate/resident is eligible to be released should also be checked and adhered to. All case numbers and charges on the releasing paperwork must correspond with the case numbers and charges on the committing documents. The Director of Records and Interstate Compact may establish additional verification procedures where necessary.
 - C. Documentation Required by Release Type: (many of these release types are not applicable to Bureau of Juvenile Services [BJS] facilities)
 1. **Discharge/Expiration of a Felony Sentence:** A properly signed and verified Discharge Certificate received from Central Office Records.
 2. **Misdemeanor Sentence Expiration:** A sentence calculation in OIS performed by facility staff and the date listed on the sentence calculation must be reached prior to release.
 3. **Parole:** Properly signed and verified parole release papers from the Parole Board.
 4. **Mandatory Supervision:** Properly signed and verified Order to Release on Mandatory Supervision received from Central Office Records.
 5. **Conditional Release:** Properly signed and verified Order to Release on Conditional Release received from Central Office Records.
 6. **Nonviolent Offense Parole Program:** Properly signed and verified Order to Release on Nonviolent Parole received from Central Office Records.

7. **Parole/Probation Sanction Release:** Properly signed and verified parole/probation Order to Release received from DCR Parole Services or WV Supreme Court Probation Services.
8. **Court Order:** A court order or writ, signed by a WV Circuit Court Judge, Magistrate, Municipal Judge with jurisdiction, or Federal Authority with proper jurisdiction received by facility staff.
9. **Bail:** A bail petition confirming bail has been posted on all charges, received from a court official, or the court with jurisdiction has provided documentation that authorizes release on all active charges.
10. **Found Not Guilty/Charges Dismissed:** Documentation signed by a Judge or Magistrate from the court of jurisdiction verifying the inmate/resident is to be released.
11. **Medical Respite/Conditional Pardon/Executive Clemency:** Properly signed and verified paperwork received from the Governor's Office.
12. **Extradition:** A properly signed and verified order from the committing jurisdiction releasing custody to the demanding jurisdiction OR a waiver of extradition signed by a WV Circuit Court Judge. The proper forms showing release from custody must be signed by the accepting jurisdiction.
13. **Interstate Agreement on Detainers:** A copy of an IAD Form 6 & 7 with the signature of a judge authorizing the custody transfer of the inmate. The form must list the names of the personnel authorized by the judge to take custody of the inmate. The proper forms showing release from custody must be signed by the accepting personnel. (The Interstate Compact for Juveniles has different requirements including a Judge's signature in order to release.)
14. **Governor's Warrant:** A governor's warrant, signed by the Governor of the receiving state and the sending state and specifying the names of the personnel authorized to accept custody of the inmate. The proper forms showing release from custody must be signed by the accepting personnel.
15. **Pre-Signed Waivers:** A copy of a pre-signed waiver from the state that the inmate absconded from, signed by the inmate. (BJS utilizes Interstate Compact for Juveniles.)
16. **Death:** An inmate/resident who has been pronounced dead by a medical professional and proper paperwork has been received.
17. **Furlough while Pretrial:** A court order or writ granting a furlough, signed by a WV Circuit Court Judge, Magistrate, Municipal Judge with jurisdiction, or Federal Authority with proper jurisdiction has been received by facility staff. Furlough

orders for convicted inmates should be sent to the Director of Records and Interstate Compact for handling.

- D. Regardless of the type of release, facility staff must conduct a thorough file review, OIS review, and detainer check to ensure that no detainers, notifications, warrants, capiases, holds, bail piece, charges or orders requiring further incarceration exist. Appropriate action will be taken based on the findings prior to authorizing release. If unclear on the actions to be taken, seek guidance from supervisory or records office staff. A detainer check does NOT require staff to review NCIC reports for charges without disposition.
- E. Facility staff must complete any required release notifications, including notification of parole, victim notification, home confinement, probation, day report, drug court or any other community supervision authorities in the jurisdiction of release, or any other case management concerns.
- F. The release to parole supervision of adult inmates, whether granted parole by the Parole Board or to Mandatory Post-Release Supervision; Conditional Release; or the Nonviolent Offense Parole Program is conducted in accordance with DCR Policy Directive 454.12. This includes uploading all required documents (Reporting Instructions, Rules and Regulations Governing Supervision, and Special Conditions [if applicable]) to OIS Document Management and field testing the inmate for the use of illegal drugs and other intoxicants before being permitted to leave the facility.
- G. Facility staff must complete any required sex offender or child abuse registration forms in accordance with WV State Code, established WV State Police procedures and DCR Policy Directive 457.04.
- H. When an inmate is required to register as a sex offender or is a Registered Sex Offender from a prior conviction from any jurisdiction, a Registered Sex Offender Notification (**Attachment #1**) is completed and emailed or faxed to the US Marshal Service District Office in the district where the inmate is being held.
1. The Northern District of West Virginia (Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, and Wetzel) send to Deputy US Marshal Fred Frederick at USMS Clarksburg Fax: (304) 623-5708 or Wesley.Frederick@usdoj.gov
 2. The Southern District of West Virginia (Boone, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, and Wyoming) send to Deputy US Marshal Mark Waggamon at USMS Charleston Fax: (304) 347-5607 or Mark.Waggamon@usdoj.gov

- I. Facility staff must check OIS for the inmate's DNA record to ensure that DNA samples have been properly obtained for the crimes specified in DCR Policy Directive 410.01 and in accordance with WV State Code §15-2B-1, *et. seq.*
- J. Facility staff must ensure the return of personal property and funds to the inmate/resident and the proper documentation is signed by the inmate/resident. This shall include any identifying documents stored or maintained by the facility including social security cards, birth certificates, driver's licenses and temporary identification (ID) cards issued by the DCR (see DCR Policy Directive 400.02). Inmate/resident funds are returned via cash card. If cash card is not available, funds are mailed to the forwarding address on record. Facility staff will ensure that the inmate/resident is dressed in weather appropriate clothing upon release.
- K. Facility staff must check to see that all facility property (e.g., state-issued clothing, bedding/linens, tablets, etc.) is returned to the facility and documented.
- L. Arrangements for the completion of any pending action, such as grievances or claims for damaged/lost possessions, reporting instructions, or special instructions from the court.
- M. Contact with medical/mental health services to ensure arrangements for community follow up when needed (including appointments) has been made and to arrange for discharge medications as follows:
 - 1. Inmates who have been continuously incarcerated at a jail facility for at least twenty-one (21) days will receive a three (3) day supply of current medications and a prescription for a thirty (30) day supply of the same non-controlled medications.
 - 2. Inmates who were started on a new medication at a jail facility will receive a three (3) day supply and a prescription for a thirty (30) day supply regardless of their incarceration time.
 - 3. Inmates being released from prison or community corrections facilities will receive a fourteen (14) day supply of medication and a prescription for a thirty (30) day supply of non-controlled medications.
 - 4. Juvenile residents who have been continuously incarcerated at a juvenile facility for at least twenty-one (21) days will receive a three (3) day supply of current medications and a prescription for a thirty (30) day supply of the same non-controlled medications.
- N. Confirm and update the inmate's/resident's forwarding address and contact information in OIS.
- O. All adult inmates being released will be issued a box containing two (2) doses of Narcan (Naloxone) if available and requested by the inmate.

- IV. In order to verify that all components of the release process have been completed in a correct and proper manner, each facility shall utilize the Release Checklist (**Attachment #2**). All sections must be completed and properly signed with the date and time. The individual signing each section is verifying that he/she completed that step or verified it was completed by another staff member. The completed Release Checklist is uploaded to OIS Document Management and the original is maintained in the inmate's/resident's legal/booking file.
- A. Prior to the release of the inmate/resident, the checklist will be verified and signed by at least three (3) staff, one being the shift supervisor and at least one other with the rank of Corporal or above. Each staff member signing the release form will independently verify the information.
 - B. Superintendents will ensure that staff with sufficient rank, experience, and expertise sign off on releases as defined in their facility-specific Operational Procedure.
 - C. Once the checklist is verified and signed by the three (3) designated staff, the inmate/resident to be released will be escorted out of the secure area to ensure the correct individual is being released.
 - D. Scheduled releases take place during normal business hours (8:00 a.m. to 5:00 p.m.), including weekends and holidays whenever possible, unless otherwise court ordered.
 - E. Once per business day, all facilities shall conduct an audit of all inmate/resident releases that occurred since the audit conducted the previous day. This audit will be conducted by staff designated by the Superintendent but should not be staff involved with the audited releases.
 - F. If an inmate/resident is found to have been released improperly, staff shall immediately notify the Shift Commander, the Superintendent and the DCR Corrections Emergency Operations Center (CEOC). The Superintendent or designee will immediately notify local law enforcement, the judicial official with jurisdiction, and the Director of Parole Services. The Director of Parole Services will be provided with detailed information regarding the offender and the circumstances of the improper release in order to aid in the resolution of the situation. The Superintendent will notify their Regional Director (if applicable) and Chief of Operations as to the specifics of the improper release and the actions taken upon discovery.

ATTACHMENT(S):

- #1 Registered Sex Offender Notification
- #2 Release Checklist

APPROVED SIGNATURE:*William K. Marshall III***William K. Marshall III, Commissioner***May 21, 2024***Date**

**WV Division of Corrections and Rehabilitation
 Release Checklist**

Inmate/Resident Name _____ OID Number _____

Confirmed Date of Release _____ Type of Release _____

PROCESS	PRINTED NAME	SIGNATURE	DATE & TIME
Verification of identity			
Verification of release papers/authority			
Detainer check conducted & action taken if needed			
Release notifications (parole, victim, etc.) <input type="checkbox"/> N/A			
Drug testing (if releasing to parole supervision) <input type="checkbox"/> N/A			
Sex offender or child abuser forms <input type="checkbox"/> N/A			
Notify USM of registered sex offender <input type="checkbox"/> N/A			
DNA collected if required (check OIS)			
Personal property & funds returned			
State property returned (including tablet)			
Pending action (grievances, reporting instructions, etc.)			
Contact medical/mental health (for community follow up, discharge meds/scripts)			
Update forwarding address in OIS			

FINAL SIGN OFF

	PRINTED NAME	SIGNATURE	DATE & TIME
First sign off			
Second sign off			
Third sign off			

Upload to OIS Document Management
 Original – Legal/Booking File