

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 457.11

DATE: 01 December 2020

**SUBJECT: EXTENDED SUPERVISED
RELEASE NOTIFICATION**

POLICY DIRECTIVE

PURPOSE:

To maintain a mechanism that ensures the appropriate notifications and documentation are provided to The Supreme Court of Appeals of West Virginia prior to the discharge of a sex offender/child abuse offender.

REFERENCE:

WV Code §62-12-26.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 457.11, dated 01 January 2014.

APPLICABILITY:

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

DEFINITIONS:

Supervised Release: A period of supervision presided over by The Supreme Court of Appeals of West Virginia – Division of Probation Services beginning upon the expiration of any period of probation, the expiration of any sentence of incarceration or the expiration of any period of parole supervision imposed or required of the offender so convicted, whichever expires later.

POLICY:

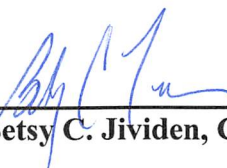
- I. Pursuant to state code, any offender convicted after 01 October 2006 of a violation of the following criminal offenses defined in state code shall, as part of the sentence imposed at final disposition, be required to serve, in addition to any other penalty or condition imposed by the court, a period of supervised release of up to fifty (50) years.
 - A. **Incest** as defined in §61-8-12
 - B. Felony violations of **Sexual Offenses** as defined in §61-8B-1 *et. seq.*
 - C. Felony violations of **Filming of Sexually Explicit Conduct of Minors** as defined in §61-8C-1 *et. seq.*
 - D. Felony violations of **Child Abuse** as defined in §61-8D-1 *et. seq.*
 - E. Provided, that the period of supervised release imposed by the court for an offender convicted after 01 October 2006 of Sexual Assault in the First Degree or Sexual Abuse in the First Degree shall be no less than ten (10) years.
 - F. Provided, that an offender designated after 01 October 2006 as a sexually violent predator pursuant to §15-12-2a shall be subject, in addition to any other penalty or condition imposed by the court, to supervised release for life.
- II. Facility Record Clerks, ninety (90) days prior to the release of an offender convicted of the criminal offenses listed above, shall notify via email the Director of the Division of Probation Services or designee. For facilities without Records Clerks, the Superintendent will designate appropriate staff to fulfill this notification.
 - A. The email shall include the offender's name, sentencing county, date of intended release, where the offender will be residing and the name of the Parole Officer.
 - B. The following documentation shall be attached to the email.
 1. A completed copy of the Extended Release Home Plan for child abuse and sexual offenses (**Attachment #1**).
 2. All disciplinary rule violations including the actual violation report and hearing report.
 3. Subject to receipt of a duly executed inmate release of information authorization form, which will first be sought by DCR through the facility, any reports, records, notes, or other documentation regarding mental or physical health issues of concern for supervised release. If the offender is unwilling to sign the release of information authorization form, the DCR will notify Division of Probation Services, which will then be responsible for securing the necessary authorization or other process allowing release of such records.

4. A copy of all assessments conducted on the offender (the Case Management Manual provides the information on which assessments are appropriate for which offenders).
 5. A copy of a recently conducted LS/CMI assessment (LS/CMI Profile Report). This report should have been completed within three (3) months of the ninety (90) day notification period.
- C. Notification and documentation will be provided to the Director of the Division of Probation Services or designee in a similar manner by DCR Parole Services when an offender previously convicted of the criminal offenses listed above discharges parole supervision. (These procedures are detailed in the Parole Officer Manual.)

ATTACHMENT(S):

- #1 Supreme Court of Appeals – Division of Probation Services, Extended Release Home Plan for child abuse and sexual offenses

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner

11-20-20
Date

SUPREME COURT OF APPEALS of WV - DIVISION OF PROBATION

WVDCR Policy Directive 457.11
01 December 2020
Attachment #1
GENERAL DISTRIBUTION

***EXTENDED RELEASE HOME PLAN
for child abuse and sexual offenses***

Name: _____	OID#: _____	Race: _____	Gender: _____	Facility: _____
Alias: _____	DOB: _____	SSN#: _____		
County Sentenced: _____	County Released To: _____			
Scheduled Release Date: _____	Sentencing Judge: _____			

HOME /RELEASE PLAN

Primary Homeowner/Lessee: _____	Relationship: _____	
Address: _____		
City: _____	State: _____	Zip: _____
Phone: _____	Alternative Phone Number: _____	
Location/Directions to Home: _____		

Who Resides in Home (names and ages): _____		

EMPLOYMENT/EDUCATION PLAN

Proposed Employment: _____	Anticipated Start Date: _____	
Address: _____		
City: _____	State: _____	Zip: _____
Phone: _____	Contact Person: _____	Title: _____
Proposed Educational Plan: _____	Registered? _____	
School Name: _____	Anticipated Start Date: _____	

TO BE FILLED OUT BY DCR STAFF

Any Write-ups While Incarcerated and What Were They? _____	

Is There Any Information About Inmate That Supervising Entity Should Know? _____	

Mental Health and Medications? _____	
Physical Health and Medications? _____	
<i>I have advised the defendant s/he shall not leave the state without prior approval from the Supreme Court of Appeals Probation Department</i>	
Name of DCR Personnel Completing Form: _____	

TO BE FILLED OUT BY INVESTIGATING PROBATION OFFICER

Residence Verified Prior to Release: _____	
Approved: _____	
Denied: Reason: _____	

Probation Officer : _____	Date: _____