

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED
Aug 9 12 15 PM '94
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

CITE AUTHORITY: WV Code §31-20-5(v) and §29A-1-3(c)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____


TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 5

TITLE OF RULE BEING ADOPTED: _____

Handbook of Inmate Rules and Procedures

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 8, 1994


Authorized Signature

STATE OF WEST VIRGINIA

REGIONAL JAIL and CORRECTIONAL FACILITY AUTHORITY

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GASTON CAPERTON
Governor

August 9, 1994

JACK J. ROOP
Executive Director

Ms. Judy Cooper
Director of Administrative Law
Office of Secretary of State
Building 1, Suite 157K
State Capitol
Charleston, West Virginia 25305

Dear Ms. Cooper:

I have enclosed the Filing of the 94CSR5, the Handbook of Inmate Rules and Procedures for the West Virginia Regional Jail and Correctional Facility Authority. This Handbook of Inmate Rules and Procedures was approved by the Secretary of Military Affairs and Public Safety, Joseph J. Skaff, on August 9, 1994.

If there is additional information needed or you have any questions, please feel free to contact Frank G. Shumaker at 558-2110. I certainly appreciate your helpful assistance in the preparation of these rules.

Sincerely,


Jack Roop
Executive Director

Enclosures:

Approved J. Skaff 9 Aug 94

Rule Title: 94CSR5 Handbook of Inmate Rules and Procedures

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Not determined

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

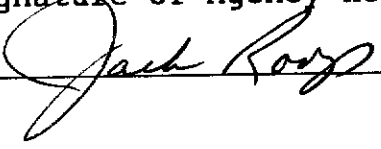
Not determined

C. Economic Impact on Citizens/Public at Large.

Not determined

Date: August 9, 1994

Signature of Agency Head or Authorized Representative



94 CSR 5

TITLE 94
LEGISLATIVE RULE
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

SERIES 5

HANDBOOK OF INMATE RULES AND PROCEDURES

§94-5-1. General.

1.1. Scope. - Chapter 31, article 20, section 5, subsection (v), of the West Virginia Code of 1931, as amended, authorizes the West Virginia Regional Jail and Correctional Facility Authority to operate regional jails. The Authority has, for the internal management of such facilities, developed a Handbook of Inmate Rules and Procedures which is used throughout the regional jails to specify permitted and proscribed behaviors for inmates and to specify consequences for violations of the rules of inmate behavior.

1.2. Authority. - WV Code §31-20-5(v) and §29A-1-3(c).

1.3. Filing Date: August 9, 1994

1.4. Effective Date: October 8, 1994

1.5. Repeal of former rule: This filing represents the initial filing of this Handbook of Inmates Rules and Procedures.

§94-5-2. Adoption By Reference.

2.1. The Handbook of Inmate Rules and Procedures was published in June, 1994 and serves as the basis for internal discipline in the regional jails.

WV REGIONAL JAIL AND CORRECTIONAL FACILITY

AUTHORITY



Handbook of Inmate Rules and Procedures

JUNE 1994

WV REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Handbook of Inmate Rules and Procedures

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I. Admissions:

1. No person shall be confined in a Regional Jail without a lawful order.
2. Upon admission to the facility for confinement, the following minimum steps will be taken:
 - a. The inmate will provide personal information to the booking officer to enable completion of the booking process;
 - b. A preliminary medical screening process will be conducted;
 - c. The inmate will be searched, required to shower, and shall receive an issue of clothing, personal hygiene articles and linen;
 - d. The inmate will be fingerprinted and, if required, photographed;
 - e. The inmate will receive a receipt for all personal property taken from him and retained by the facility;
 - f. The inmate will be classified and assigned to a housing unit in accordance with the classification section of this manual;
 - g. A Handbook of Inmate Rules and Procedures will be provided to each inmate;
 - h. Each newly committed inmate is entitled to three (3) collect telephone calls.
 - i. The Authority reserves the right to monitor inmate telephone calls.

II. Classification

The Regional Jail uses a system which classifies inmates by the nature of their commitment level of custody required, housing assignment and participation in programming. The segregation of inmates based upon race, color, creed or national origin is prohibited.

The following, minimum housing separations will be maintained:

- a. male inmates from female inmates;
- b. pre-trial inmates from convicted inmates;

Separate housing will be provided for the following purposes;

- a. Administrative Segregation;
- b. Protective Custody;
- c. Disciplinary Detention;
- d. Community Custody.

The Shift Supervisor shall make an initial classification of all incoming inmates; the classification of inmates shall be based upon specific, objective criteria.

Inmates may be subject to reclassification at any time; reclassification decisions may be based upon changes in legal status, additional information, inmate behavior or other relevant information.

An inmate may appeal his classification to the Administrator by filing a written complaint.

III. Rules of Conduct

The following rules are not to be violated by inmates detained in a Regional Jail. Any inmate, who is accused of a rule violation, will be given written notice of the alleged violation. The disciplinary procedures shall apply to all allegations of violations of the inmate rules and inmates found guilty of violating the rules will receive discipline as outlined in the disciplinary procedures.

Violations of rules of conduct are classified by the severity of the offense; class one violations are the most serious and class three violations are of lesser severity.

Class One Violations

1. Class One Violations: Any behavior which threatens life or limb, constitutes a felony or misdemeanor, or seriously breaches institutional security shall be considered a class one violation.

1.1. Violation of State Law: Committing or attempting to commit any act or acts which are defined as a felony or misdemeanor by the laws of the State of West Virginia.

1.2. Escape: Escaping, attempting to escape, or assisting another inmate in escaping or attempting to escape from the custody of the jail or its employees.

1.3. Assault: Assault or attempting to assault any person, either with or without a weapon. Assault shall include the throwing of any item or substance at or in the direction of another person.

1.4. Sexual Assault: Forcing or attempting to force another person to submit to or perform any sexual act, or threatening another person with violence in order to compel or coerce him or her to commit a sexual act.

1.5. Riot: Rioting, mutiny, or attempting to riot or mutiny, or plan with other persons to riot, mutiny or prevent any employee from performing their duties or from entering, leaving or moving about any part of the institution by force or threat of force.

1.6. Arson: Causing or attempting to cause a fire or explosion, or damaging, marring, defacing or destroying any property belonging to the State of West Virginia or any person by fire or with an incendiary or explosive device.

1.7. Hostage Taking: Taking or attempting to take an employee, another inmate, or any person as a hostage, or kidnapping any person.

1.8. Possession of Weapons: Possessing any weapon, or manufacturing, assembling, or making any knife, weapon, tool or instrument, which can be used as a weapon, or attempting to manufacture, assemble or make any weapon.

1.9. Introduction of Weapon: Smuggling, or attempting to smuggle any weapon into the institution, or arranging or attempting to arrange for any person to smuggle or introduce any weapon into the institution.

1.10. Extortion: Extorting or blackmailing any person.

1.11. Tampering with Locks: Tampering with, removing, damaging, destroying, jamming, or in any way making any lock, door, security device, or fire safety equipment operate in a manner other than intended by the builder, or attempting to tamper with, remove, damage, destroy, jam or make any such item fail to operate as intended.

1.12. **Destruction of Property:** Damaging, marring, defacing or destroying any property belonging to any person or institution.

1.13. **Trafficking:** Selling, transferring or manufacturing any narcotic drug, prescription drug, alcohol, marijuana or any intoxicant as defined in Rule 2.15, or bringing, or arranging, or attempting to bring or arrange for a person to bring any such item into the institution.

1.14. **Accessory:** Aiding or abetting any other inmate in the commission of any class one violation. No inmate found guilty of aiding or abetting shall be punished more severely than the principal.

1.15. **Cumulative Class Two Violations:** The Hearing Officer may impose Class One disciplinary actions upon any inmate who has been found guilty of the commission of a third, Class Two violation within a period of thirty-one consecutive days.

1.16. **Alteration of food or drink is not permitted.** No inmate shall introduce or attempt to introduce poison or unsanitary items or substances into any food or drink.

Class Two Violations

2. **Class Two Violations:** Violations which tend to disrupt the normal operation of the institution or which subvert institutional systems of control.

2.1. **Insubordination:** Refusing to obey any order, instruction or assignment given by an institutional staff member.

2.2. **Demonstration:** Organizing or participating in a group demonstration, protest, sitdown strike, sickout, or work stoppage.

2.3. **Threats:** Threatening any person, whether staff member, inmate or any other person, with violence, malice or revenge by word, written correspondence or deed.

2.4. **Refusal to Work:** Refusing a work detail or assignment, or refusing to carry out required assignments, work orders or instructions, or leaving a place of assignment without permission from the person in charge, or being absent from work without authorization.

2.5. **Missing or Confusing Count:** Missing count or taking any action which creates confusion or error in the count of inmates.

2.6. **Fighting:** Fighting or wrestling with any other person.

2.7. **Sexual Acts:** Engaging or attempting to engage in any sexual act, including kissing or fondling, with any other person.

2.8. **Self-mutilation:** Deliberately causing injury to oneself, giving oneself a tattoo, or permitting others to cause injury or to give oneself a tattoo.

2.9. **Contraband:** Possessing any contraband. Contraband shall include any item or substance not specifically permitted to inmate property by institutional rules.

2.10. **Possession of Money:** Inmates are not allowed to possess any money. Any money found in an inmate's possession shall be confiscated and deposited in the Inmate Benefit Fund for the use of the general inmate population.

- 2.11. **Trading and Selling:** Trading, bartering, selling or offering for sale, barter, trade, or purchase any item, goods, service of any nature, other than through an approved system established by the jail.
- 2.12. **Gambling:** Gambling for money, services, item, or any other thing of value, or organizing, operating or participating in a gambling operation or betting pool.
- 2.13. **Theft of Property:** Stealing, or attempting to steal property belonging to the institution or to any person. Possession of stolen property. The taking or borrowing of the property of another and refusing to return the property shall be considered to be theft.
- 2.14. **Fraudulent Representation:** Representing oneself to any person, firm, institution, corporation or business, as a person other than who one is, or as a representative of any association, corporation, business or organization.
- 2.15. **Drugs and Intoxicants:** Possessing any intoxicants, consuming or being under the influence of intoxicants, except as prescribed and provided by authorized medical personnel. The term intoxicants shall include the following:
- a. Gasoline, kerosene, paint, turpentine, cleaning fluid or any substance which may be sniffed, "huffed", or inhaled;
 - b. Any drug described in Chapter 60A of the West Virginia Code and defined therein as a controlled substance, including marijuana;
 - c. Any beverage which contains alcohol, or which is in the process of fermentation; and,
 - d. Any drug which was given to the inmate for immediate ingestion, which the inmate failed to ingest.
- 2.16. **Forgery:** Forging any institutional document, pass, court order or the signature of any person.
- 2.17. **Misuse of Correspondence Regulations:** The misuse or violation, or attempt to misuse or violate the mail or telephone regulations and policies of the institution.
- 2.18. **Accessory:** Aiding or abetting any other inmate in the commission of a Class Two Violation. No inmate found guilty of aiding or abetting shall be disciplined more severely than the principal.
- 2.19. **Falsification of Information:** Intentionally providing false, incorrect or incomplete information to a staff member.
- 2.20. No inmate is allowed, at anytime, to be in another inmate's cell.
- 2.21. **Cumulative Class Three Violations:** The Hearing Officer may impose Class Two disciplinary actions upon any inmate who has been found guilty of the commission of a third Class Three Violation within a period of thirty-one consecutive days.

Class Three Violations

3. **Class Three Violations:** Violations which disturb the normal operation and routine of the institution, or which manifest a personal problem of adjustment.

- 3.1. **Restricted Area:** Being in the area of the institution without proper authorization or specific permission.
- 3.2. **Feigning illness:** Attempting to miss work or avoid any assignment by pretending to be ill.
- 3.3. **Littering:** Disposing, throwing, or dropping any garbage, litter, tobacco product, or any other item or material in an unauthorized or inappropriate manner.
- 3.4. **Sanitation:** Failing to maintain living and sleeping areas in clean and orderly fashion.
- 3.5. **Personal Hygiene:** Failing to shower at least three times per week; failing to maintain personal cleanliness and grooming; failing to wear clean and appropriate clothing.
- 3.6. **Creating a Disturbance:** Engaging in horseplay, using loud, profane, vulgar, obscene or insulting language or gestures, or creating unnecessary loud noise of any form.
- 3.7. **Attentiveness:** Being late in reaching a place of assignment or destination; engaging in poor work habits through failure to attend to duty or sleeping on the job.
- 3.8. **Improper Use of Food:** No inmate shall waste or create a mess with food. No inmate shall take any food from the kitchen, except as part of a job assignment.
- 3.9. **Improper Use of Property:** Misusing equipment or property, or engaging in inappropriate or unauthorized use or possession of tools, machinery, equipment or other property, whether owned by the institution or any person.
- 3.10. **Smoking:** Smoking shall be permitted only in those areas of the institution which have been specifically designated and posted as smoking areas. There shall be **NO SMOKING** in all other areas of the institution.
- 3.11. **Unauthorized Communication:** Conversing, passing notes, or making or attempting to make contact in any way with inmates who are housed in another housing unit. Contacting, or attempting to contact persons outside the institution through doors or windows, or shouting at or attempting to attract the attention of persons passing by the jail.
- 3.12. **Obscene Language:** Using indecent, obscene, profane, or vulgar language in conversation or in response to an order or directive from an employee of the institution.
- 3.13. **Passing or Receiving Items:** Passing or receiving items from one living area or housing unit to another by inmates or other persons is prohibited.
- 3.14. Inmates are not permitted to carry any item such as tobacco, candy, matches, comb, etc. from their section, unless going to court.
- 3.15. Handrails are to be used for their intended purpose only, exercising on them, or hanging clothes and bed linens from them is not permitted.
- 3.16. Inmates are not to obstruct the movement up or down the steps at anytime.

3.17. Windows and lights are not to be obstructed in anyway.

3.18. Inmates are not permitted to put their feet on wall, facility fixtures, doors, etc. They are to keep their feet on the floor.

IV. Sanctions for Violations of Rules of Conduct

Any violation of a rule of conduct which may also constitute a crime under the laws of the State of West Virginia may be separately and concurrently prosecuted in accordance with the Rules of Criminal Procedure.

Any disciplinary sanction which involves the restriction or denial of recreation or visitation must be directly related to an offense involving recreation or visitation.

Corporal punishment shall never be administered as a sanction for rule violation.

Class One Sanctions

1. Upon a finding of guilt, a Class One Violation may be disciplined by one or more of the following:

- a. Revocation of some portion or all good time;
- b. Placement in disciplinary detention for a specific period of time, not to exceed:
 - 1) fifteen days for any one violation; or,
 - 2) thirty days for all violations arising from any one incident.
- c. Loss of privileges for a specific period of time, not to exceed:
 - 1) fifteen days for any one violation; and,
 - 2) thirty days for all violations arising from any one incident.
- d. Change in classification and reassignment of housing unit.
- e. Restitution may be ordered to compensate either another person, business or the State in accordance with the guidelines found in WV Code 61-11A-4. Restitution shall be made by taxing the guilty inmate's trustee account in accordance with a restitution plan established by the Hearing Officer. The plan may establish a reasonable payment schedule, including the amount and frequency of payments to be made from the inmate's account. After the Hearing Officer orders restitution, he or she may make changes in the restitution plan as he or she sees fit to expedite payment.

Class Two Sanctions

1. Upon finding of guilt, a Class Two Violation may be disciplined by imposition of one or more of the following sanctions:

- a. Revocation of not more than one-half of all accumulated good time;
- b. Placement in disciplinary detention for a specific period of time, not to exceed:
 - 1) ten days for any one violaton; and,
 - 2) thirty days for all violations arising from one incident;

- c. Loss of privileges for a specific period of time, not to exceed:
 - 1) ten days for any one violation; and,
 - 2) thirty days for all violations arising from one incident;
- d. Change in classification and reassignment of housing unit.
- e. Restitution may be ordered to compensate either another person, business or the State in accordance with the guidelines found in WV Code 61-11A-4. Restitution shall be made by taxing the guilty inmate's trustee account in accordance with restitution plan established by the Hearing Officer. The plan may establish reasonable payment schedule, including the amount and frequency of payments to be made from the inmate's account. After the Hearing Officer orders restitution he or she may make changes in the restitution plan as he or she sees fit to expedite payment.

Class Three Sanctions

- 1. Upon a finding of guilt, a Class Three Violation may be disciplined by imposition one or more of the following:
 - a. Placement in disciplinary detention for a specific period of time, not to exceed
 - 1) five days for any one violation; and,
 - 2) thirty days for all violations arising from any one incident;
 - b. Loss of privileges for a specific period of time, not to exceed:
 - 1) five days for any one violation; and,
 - 2) thirty days for all violations arising from any one incident;
 - c. Change in classification and reassignment of housing unit.

The term "Loss of Privileges", as used in this chapter, shall mean any of the following:

- a. Loss of privilege to purchase any items from the Commissary other than pencils, stamps, paper, envelopes, and basic personal hygiene articles.
- b. Loss of use of the library, except for access to legal library;
- c. Loss of job assignment;
- d. Loss of opportunities to participate in programs and activities;
- e. Loss of use of recreational equipment.

V. Disciplinary Procedures

The following procedures will be followed whenever an inmate is accused of violating a rule. No inmate shall be found guilty of a violation or receive a disciplinary sanction except as provided in these procedures.

Hearing Officer:

The Administrator shall appoint an impartial Hearing Officer who shall hear testimony concerning alleged violations, take evidence, determine guilt or innocence and impose disciplinary sanctions, if appropriate, for all cases in which an inmate is accused of a rule violation. The Hearing Officer may record the hearing manually or through the use of a mechanical recording device.

Reporting Incidents:

Any staff member who has knowledge or suspicion of the violation of a rule by an inmate, is responsible for the preparation of an Incident Report which shall be submitted to the Shift Supervisor.

Any contraband, item, object or material which is evidence of the incident shall be secured by the staff member.

Violation Report:

The Shift Supervisor shall review the Incident Report, conduct such investigation deemed necessary, and decide whether the inmate should be charged with a Rule Violation. Any necessary investigation shall be initiated within forty-eight hours of the receipt of the Incident Report.

If the Shift Supervisor determines that a charge should be made, the staff member who submitted the Incident Report shall be directed to prepare a Rule Violation Report.

The Rule Violations Report shall include the specific charge, including a specific reference to the Rules of Conduct, a statement of the inmate's rights in the disciplinary procedure, and the date and time of the hearing. A copy of the Rule Violation Report shall be served upon the inmate charged with the violation within twenty-four hours of the decision to charge the inmate. The serving staff member shall complete the Record of Service on both the Inmate's copy and the Shift Supervisor's copy.

Pre-Hearing Segregation:

Pre-hearing segregation of inmates charged with a rule violation shall be used only when necessary to ensure the safety of the inmate or the security of the institution.

Setting the Hearing:

The Hearing Officer shall set the date and time for the hearing. A hearing for any violation must be held:

- a. No sooner than twenty-four hours after the Rule Violation Report has been served upon the inmate, unless the inmate has consented, in writing, to an earlier hearing; and
- b. No more than seventy-two hours, excluding weekends and holidays, after the Rule Violation Report has been served upon the inmate. The hearing may be postponed or continued for a reasonable time through a written waiver by the inmate or for documented good cause.

Charges for the same incident against two or more inmates may be heard at the same time.

Conduct of Hearings:

The Rule Violation Hearing shall be conducted as follows:

- a. The Hearing Officer shall read the charges and rights as contained in the Violation Report and ask the accused inmate for a plea;
- b. If the inmate pleads guilty or **nolo contendere**, the Hearing Officer shall determine the appropriate disciplinary sanctions to be imposed;
- c. If the inmate pleads not guilty, the Hearing Officer shall solicit testimony and evidence, including the testimony of witnesses, from the complaining member who submitted the Rule Violation Report;
- d. Evidence obtained from any confidential informant must be presented in the form of a written statement, signed by the staff member who spoke with the informant. The identity of the informant shall not be divulged;
- e. The inmate may give testimony and call witnesses on their behalf at the conclusion of the presentation of evidence and testimony against them;
- f. The Hearing Officer may call witnesses and inquire of any party during the hearing;
- g. The inmate may:
 - 1) have the right to counsel if the State is represented by a lawyer, and other inmates have the right to be assisted by another inmate or staff member.
 - 2) be present during the hearing and to confront his accusers, except for confrontation of confidential informants, where such confrontation could endanger the safety of the informant. If the right to confrontation of accusers is not permitted, the Hearing Officer shall require corroboration of the secret testimony or the detention that the testimony is clear, cogent and convincing before a finding of guilt is rendered. The testimony of confidential sources shall be preserved for a period of five years from the date of its taking.
 - 3) present evidence and witnesses on their behalf. The number of witnesses shall be limited by the Hearing Officer in the interest of safety, security or order of the facility;
 - 4) cross examine all witnesses who testify, except confidential informants.
- h. Inmates, whose behavior or conduct is disruptive or assaultive, may be removed from the hearing. The exclusion of an inmate shall be documented in the hearing record by the Hearing Officer.

Findings and Disposition:

The decision of the Hearing Officer shall be based upon the greater weight of the evidence regardless of the classification of the alleged rule violation. The decision of the Hearing Officer shall be rendered and recorded in the appropriate section of the Violation Report.

If the Hearing Officer finds the inmate not guilty, all references to the alleged rule violation shall be removed from the inmate's file.

If the Hearing Officer finds the inmate guilty, the Rule Violation Report shall include the following:

- a. a list of all witnesses and a summary of their testimony;
- b. a description of each piece of evidence entered, copies of documents (including Incident Reports) shall be attached to the Hearing Officer's copy of the Rule Violation Report.
- c. a statement of the decision of the Hearing Officer;
- d. the signature of the Hearing Officer;
- e. a statement of the sanctions or discipline imposed.

Once the Rule Violation Report has been completed, a copy, without attachments, shall be given to the inmate. If the verdict is guilty, a copy of the Rule Violation Report, with any attachments, shall be placed in the inmate's file.

Review:

The Administrator or designee shall review the disciplinary hearing procedure and disposition, when completed.

Appeals:

An inmate may appeal a finding of guilt to the Administrator by filing a written appeal within five days after he has been found guilty by the Hearing Officer.

The Administrator shall affirm, reverse, modify or remand the decision within five days of receipt of the appeal.

Procedures Upon Release:

The incarceration of an inmate shall not be prolonged by reason of the imposition of disciplinary sanctions, unless the sanction has included the loss of earned 'good time' credit. An inmate shall be released upon the conclusion of their sentence or as otherwise directed by applicable court order.

VI. Inmate Request and Grievance Procedure

The request and grievance procedure may be used by inmates to resolve most problems they may experience during their incarceration. The procedure may be used to make routine requests or to file more formalized grievances about jail procedures.

There shall be no reprisal or disciplinary action taken against inmates who properly use the Request and Grievance Procedure.

Routine Requests:

Inmates desiring to make routine requests shall use the request forms available in each housing unit. The use of the request form provides accountability for both staff and inmates and verifies timely response to reasonable requests. Request forms will be collected from the housing units and forwarded to the Shift Supervisor on each shift. The Shift Supervisor shall respond to the request or direct the request to the appropriate party for their response. During normal conditions, most requests will receive a response within twenty-four hours.

Grievances:

Any inmate may file a grievance if they believe they have a serious complaint or a significant problem. The following grievance procedure shall be used:

- 1) If an inmate wishes to use the grievance procedure, jail personnel will provide the inmate with an inmate grievance form.
- 2) The inmate shall complete the form, addressed to the Administrator; the form, as completed by the inmate, shall be transmitted to the Administrator's office by jail personnel without being read or altered and within a reasonable time, not later than the end of the shift.
- 3) The Administrator upon receipt of the grievance may reject the grievance if it appears on its face to have been filed in bad faith.
- 4) The Administrator, if the grievance is not rejected pursuant to Paragraph 3, shall provide the inmate an opportunity to be heard before a decision is made on the grievance. The Administrator may assign a staff member to investigate the complaint and report written findings within forty-eight hours and shall inform the inmate of such action.
- 5) The Administrator shall provide a written decision with regard to the grievance to the grieving inmate within twenty-four (24) hours of the receipt of the investigator report. Such written decision shall include a statement of the action taken concerning the grievance, the reasons for such action, and procedures for appeal of the decision.

Appeal of Grievance:

- 1) An inmate, dissatisfied with the Administrator's decision, may appeal such decision to the Executive Director. Such appeal must be filed, in writing, within five days of the receipt of the Administrator's decision and must include a copy of the initial complaint and the Administrator's decision to the inmate within five days of receipt of all information relating to the grievance, excluding weekends and holidays.
- 2) Upon receipt of an appeal by the Executive Director, the Administrator shall forward copies of all information related to the grievance to the Executive Director within forty-eight (48) hours.
- 3) Inmate appeals of grievances shall be mailed in accordance with procedure applying to legal correspondence.
- 4) Reasonable amounts of postage will be provided to indigent inmates who wish to mail a grievance to the Executive Director; whenever possible, such appeals may be included in the Interdepartmental mail sent to the Central Office by the jail.

VII. Special Problems

Any inmate or group of inmates may be subject to special problems which require special procedures. Staff and inmates shall be guided by the following procedures in dealing with special problems.

1) Inmate threats or assaults: If an inmate is threatened or assaulted, the incident should be reported to the staff member at the earliest possible time. Such report may be made orally or in writing. After a report is made, the threatened inmate has a right to be separated from the person who has threatened or assaulted them. The person or persons who have threatened or assaulted him/her will be subject to disciplinary procedures and/or prosecution in the courts.

2) Protective Custody: Any inmate, who believes themselves to be in danger from other inmates, may request placement in protective custody. All such requests shall be in writing. If the danger is substantiated, the inmate shall be placed in protective custody.

3) Family Situations: Any inmate, who is experiencing serious family problems, such as major illness, death or imminent death, may request special visitation for humanitarian reasons from the Administrator. The validity of the circumstances are verified, the Administrator will, if possible and appropriate, attempt to arrange for such special visitation, with the approval of the Executive Director or designee and or court, if applicable.

VIII. Good Time Allowance

Two sections of the West Virginia Code provide for the reduction of court imposed sentences through the accumulation of good time reductions from sentences. The specific provisions of those sections and their application to inmates of regional jails is described as follows:

Chapter 7, Article 8, Section 11:

1) An inmate who is sentenced in jail for a term which exceeds six months is entitled to a deduction of five (5) days for every month of the sentence, provided that the inmate faithfully complies with all rules and regulations of the jail.

2) This good time deduction shall be calculated for eligible inmates upon their admission of the jail;

3) Any or all of this calculated deduction may be revoked by the Hearing Officer as part of the sanction for the violation of inmate rules.

Chapter 17, Article 15, Section 4:

- 1) Inmates, who meet specific criteria and are assigned as trustee or who are required to perform labor for state or local governmental units shall receive a reduction in sentence of not more than twenty-five percent of the original sentence excluding any other statutorily granted good time. Such reduction shall be computed at the rate of one day reduction for every eight hours of approved work.
- 2) Eligible inmates shall be those convicted of a criminal offense and sentenced to confinement in jail, provided that they are at least eighteen years of age, are physically and mentally sound, and have been assigned to minimum security classification.
- 3) Any person, who is being held as a detainee or for contempt, may voluntarily participate if they meet the aforementioned criteria.
- 4) The sentence reduction provided for by this section is not subject to revocation by the Hearing Officer.

IX. Housekeeping

- 1) All areas of the facility are to be maintained in a clean and sanitary manner.
- 2) Inmates are required to maintain the dayroom and their cells at all times, in a clean and neat manner.
- 3) Inmates are responsible for the daily cleaning of their individual living unit including making the bed. Failure to do so will result in disciplinary action.
- 4) Facility staff will make specific assignments to inmates for the cleaning of day rooms, showers, corridors and other areas.
- 5) Adequate cleaning supplies will be made available at approximately 0730 hours daily.
- 6) Individual living units, dayrooms and showers will be inspected by staff at approximately 1000 hours daily.
- 7) If an area fails to pass inspection, the inmate specifically responsible for that area will be required to reclean it.
- 8) Inmates who repeatedly fail to maintain their living unit or other cleaning assignments in an acceptable manner will be charged with violation of the Rules of Conduct.
- 9) A formal inspection of all housing units will be conducted weekly. All beds are to be made, all trash removed and all inmates will be fully dressed and off the bed. A failure of the inspection will result in loss of late night television (TV) privileges for that week.

X. Personal Hygiene, Clothing and Linen

A. Personal Hygiene

1. Upon assignment to a housing unit, each inmate will be issued or made available the following personal hygiene articles:

- | | |
|---|---|
| a. soap | d. toothpaste |
| b. toothbrush | e. comb |
| c. razor (issued daily
and reclaimed after
shaving use) | f. shaving cream |
| | g. feminine hygiene
upon request for
female inmates |

2. Replacement articles will be issued in accordance with a posted schedule. Razors, combs, toothbrushes, toothpaste, and shaving cream will be replaced only upon presentation of, or accounting for, the previously issued item.

3. Inmates are encouraged to shower daily, but are required to shower at least three times per week. Inmates working in the kitchen are required to shower daily.

4. Inmates shall keep their hair and mustaches clean and neatly trimmed.

5. Scheduled, basic barber services will be available for the inmates at no cost.

6. Disciplinary procedures will be initiated against inmates who repeatedly refuse to keep themselves clean, according to minimum standards. If complaints are made concerning an inmate's hygiene, from another inmate or staff member, the inmate will be required to shower, if the complaint is verified by the Shift Supervisor.

7. Additional hygiene items may be available through the commissary.

B. Clothing

1. Upon assignment to a housing unit, each inmate will be issued the following clothing:

- a. 2 - two piece uniforms
- b. 3 - pair briefs
- c. 3 - pair socks
- d. 1 - pair thongs
- e. 1 - laundry bag, identified by room number
- f. 2 - brassieres for females

2. Issued clothing is State property, and the inmate is responsible to account for it at all times.

3. Inmates will wear clean clothing at all times.

4. Special or protective clothing will be issued as required.
5. If an inmate does not have suitable civilian clothing for court appearance arrangements can be made to loan the inmate appropriate dress.
6. Inmate clothing and linen will be laundered on a regular basis by the facility.
7. Issued items will not be marked upon or altered in any way.
8. Damage to State property will result in disciplinary action and may include restitution.
9. Inmates will be fully dressed in the inmate uniform anytime they leave the housing units.

C. Linen

1. Upon assignment to a housing unit, each inmate will be issued the following linen:

- a. 2 - sheets
- b. 1 - pillowcase
- c. 1 - towel
- d. 1 - washcloth
- e. 1 - blanket

2. If any item of issued clothing or linen becomes worn to the point it can no longer be used, it is the responsibility of the inmate to notify the Pod Officer and request replacement.

3. Pillows, blankets, and bed linens are not permitted in the dayroom area.

XI. Trustee Account

1. Upon admission to the facility all money in the possession of an inmate taken by the booking officer and a receipt will be given to the inmate. This money will be deposited in the Trustee Account to the credit of the inmate.

2. Under no circumstances may inmates have money in their possession while detained in the facility.

3. Funds sent to inmates in the mail or left by visitors will be deposited in the Trustee Account to the credit of the inmate.

4. Only cash, certified checks or money orders will be accepted for credit to the inmate account. Personal checks will not be accepted.

5. Funds credited to an inmate's account may be used to purchase commissary items, and if approved by the Administrator, make other purchases (i.e. paper mail subscriptions) or send to family.

6. At the time of release from the facility, the inmate will receive a check for the amount of money credited to the inmate.

XII. Commissary

1. The facility operates a commissary for the benefit of inmates. A list of items currently available for sale in the commissary will be posted in all dayrooms and other appropriate areas. Examples of items available are candy bars, coffee, snack foods, stamps, envelopes, writing supplies and personal hygiene articles.
2. Commissary vouchers will be made available to order items from the commissary. These vouchers must be completed by the inmate, and turned in to the Pod Officer no later than the time designated.
3. A staff member will verify that sufficient funds are available for the purchases, fill the order and return it to the inmate with a copy of the completed voucher.
4. If the inmate does not have sufficient funds to make the purchase, the voucher will be returned to the inmate marked not sufficient funds (NSF).
5. Commissary hours and procedures will be posted in each dayroom.

XIII. Access to Counsel and the Courts

1. Attorneys may meet with their inmate clients at anytime during the hours of 7:30 a.m. and 11:30 a.m., 12:30 p.m. and 5:30 p.m., and 6:30 p.m. and 9:00 p.m. Appointments for visits during the times other than those listed should be made with the Shift Supervisor. Such requests for special visitation shall be required to include an explanation of the circumstances which require visitation prior to the next regular attorney visitation period.
2. Rooms that allow private contact for such meetings will be available. No staff member will be in the room, unless called for assistance.
3. Inmates have unrestricted and uncensored correspondence rights with their attorneys and the courts. Sufficient pens, paper and postage will be made available for inmates who have no money to correspond with their attorneys and the courts.
4. Inmates may call their attorneys by utilizing the telephones located in the dayrooms. These conversations will not be monitored.
5. Inmates wishing to utilize the facility law library should submit a written request form to the Counselor. Law library materials may be used only within the library.
6. Sufficient paper and supplies for the preparation of legal documents will be made available through the law library.

XIV. Food Service

1. All meals served at the jail are prepared under the direct supervision of the Food Service Director. The menu is approved by a registered dietician and the meals are nutritionally adequate.
2. Inmates will receive three meals per day, at least two of which will be "hot." There will be no "seconds."
3. The quality or quantity of food shall never be used as a disciplinary action.

4. Meals will be served to the inmates in their dayrooms, except in unusual circumstances, during the following times:

Breakfast	6:30 - 7:30 a.m.
Lunch	11:30 - 12:30 p.m.
Dinner	5:30 - 6:30 p.m.

5. Special diets will be arranged under two specific circumstances:

- a. **Medically Prescribed Diet:** When ordered by a physician, a special diet will be provided for medical reasons.
- b. **Religious Diet:** Religious diets shall be provided only after written request by the inmate and specific written recommendation of the Chaplain, Administrator and approval of the Executive Director or designee.

XV. Health Care

1. Emergency medical, mental health and dental care is available to the inmates twenty-four hour basis.
2. Routine health care requests, either verbal or written, should be directed to Shift Supervisor, through a correctional officer. The Shift Supervisor shall immediately notify the medical unit of such requests. Nursing personnel shall receive medical complaints on a daily basis; comprehensive sick call, with a physician attendance, will be held at least three hours per week.
3. Medications will be dispensed in compliance with the physician's orders. Inmates are required to consume all medications in the presence of the nurse or staff personnel. Inmates are warned not to feign illness or attempt to hoard medication, as either result in disciplinary action.
4. If an inmate has or comes in contact with a contagious medical condition, the inmate shall be isolated from the other inmates.
5. In case of serious illness or injury, staff will notify the person listed by the inmate next of kin.

XVI. Mail

1. The volume of mail sent and received by inmates is not limited, except by overriding security needs.
2. Stamps, envelopes, paper and pens are available for purchase from commissary.
3. Inmates who have no money may be provided supplies and stamps to mail personal letters per week, and sufficient supplies and stamps, to correspond with attorneys, or the courts, or public officials.
4. Outgoing mail will be collected from each housing unit at least once per day; mail is mailed daily, except weekends and holidays.
5. Privileged outgoing mail (letters to attorneys, courts, media or public officials) shall be sealed by the inmate prior to collection.

6. Incoming mail will be delivered to the inmates the same day it is received at the facility.

7. All incoming mail will be opened by staff in the presence of the inmate and checked for contraband. Any certified checks or money orders received will be credited to the inmate in the Trustee Account with a receipt given to the inmate. Personal checks that are not certified will be placed with the inmate's personal property until release. Other contraband found in the mail will be confiscated, and the inmate and sender notified in writing. Contraband that violates a law will be turned over to law enforcement officials.

8. Incoming and outgoing mail may be read and rejected if there is reliable information that there is a threat to facility order and security or that the mail is being used in the furtherance of illegal activity.

9. Magazines, newspapers and periodicals sent to inmates must be mailed directly from the publisher.

10. Any such material will not be permitted if it:

- a. contains instructions for the manufacture of explosives, drugs or other unlawful substances;
- b. advocates violence within the jail;
- c. advocates racial, religious or national hatred in a manner as to create a serious danger of violence in the facility; or
- d. encourages sexual behavior which is criminal and/or in violation of facility rules.

11. Packages are not permitted.

12. C.O.D. mail will not be accepted.

13. Inmates are not permitted to send or receive mail from inmates in any correctional facilities.

XVII. Exercise and Recreation

1. All inmates will be provided the opportunity for at least one (1) hour of exercise in the outdoor exercise yard per day.

2. Inmates are prohibited from throwing articles over the outside wall, or yelling, gesturing or otherwise attempting to communicate with anyone other than those in the exercise yard.

3. Inmates may use the indoor gymnasium for exercise and recreation. Refer to the schedule published by the facility.

XVIII. Visitation

1. Visitation with family and friends is encouraged.

2. Visitation periods will be scheduled at least four times per week, for a duration of not less than three hours per period. Visitation schedules will be posted in each living unit.

3. Contact visitation is a privilege for all inmates, unless a particular inmate's charges or behavior would create a security risk. In those instances, visitation is non-contact. An individual must be incarcerated for a period of thirty (30) days becoming eligible for contact visits.
4. Contact visitors may embrace and kiss once at the beginning of the visit and at the end.
5. No other physical contact is allowed except as provided in Paragraph 6.
6. Inmates who are parents may hold their small children on their laps or feet during the visit.
7. Inmates shall be clean and fully dressed while in visitation.
8. Visitors must be fully and appropriately dressed while in visitation. Female visitors must wear bras and are not allowed to wear provocative clothing, as determined by the Shift Supervisor.
9. All inmates are subject to search prior to and after each visit.
10. Visitors are subject to a pat-search prior to entering the visitation area.
11. Visitors who refuse to consent to the pat-search will be denied entry to visitation at that time.
12. All visitors must register at the control room and provide identification.
13. Lockers are provided in the public lobby for the visitors' purses and packages; no such item is allowed inside the security area.
14. There shall be no smoking, food or drinks allowed in the visitation area.
15. Visitors who are minors, excluding immediate family members, must be accompanied by an adult.
16. The passing of any item from visitor to inmate or from inmate to visitor is prohibited.
17. An inmate who is denied a visitor shall have the right to challenge the denial in writing, to the Administrator.
18. The Administrator or designee may schedule special visits at times other than established visiting hours, based upon good cause and sufficient notice. Such requests should be requested in writing.
19. A visit may be terminated by staff if the inmate or visitor's conduct warrants termination.

XIX. Fire Safety

1. Inmates are not allowed to smoke in bed.
2. Trash will be disposed of at least twice daily.
3. There will be no hoarding or storing of paper products or other flammable materials in the individual housing units or dayrooms.

4. In case of fire, or during a fire drill, inmates shall be evacuated via designated evacuation routes.

5. Inmates are required to evacuate the premises as quickly as possible, in orderly fashion so as to prevent confusion and chaos.

6. Fire drills will be conducted on different shifts at least once every three months.

XX. Library Services

1. The facility provides a library service for the inmate population.

2. Inmates may borrow two (2) books and two (2) magazines from the library at any one time.

3. Inmates who borrow books or magazines from the library are responsible for their upkeep. Destruction or misuse will result in disciplinary action.

4. The library schedule shall be posted in the dayrooms.

XXI. Religious Services and Programs

1. Every inmate may practice his or her religion within limitations necessary to maintain security of the facility.

2. Weekly religious services, Bible study and counseling programs are available to the inmates.

XXII. Voting

1. Inmates on pre-trial status and those convicted of a misdemeanor maintain their right to vote in elections.

2. Upon written request, eligible inmates will be assisted in exercising this right.

XXIII. Counseling

1. The counseling staff is available to provide counseling to inmates in a variety of areas, including personal or family problems and substance abuse.

2. If an inmate feels he or she has a problem that will require assistance, he or she should complete a written request to see a counselor.

XXIV. Searches of Inmates and the Facility

Jail personnel shall conduct an appropriate search of all inmates upon admission and prior to assignment to a housing unit. Inmates may be required to submit to a search of their person at any time during their detention in a regional jail.

All jail areas and inmates may be subjected to shakedown searches on a regular basis.

Inmates shall be subject to a "pat down" search at any time. Any inmate may be required to submit to a strip search when a correctional officer has a reasonable belief that the inmate may be concealing contraband.

Searches of individual rooms, cells or dayrooms may be conducted by staff at any time and without advance notice.

When an individual cell is searched, the inmate assigned to that cell may be present, unless the inmate's removal is authorized by the Shift Supervisor for cause.

Any inmate found in possession of contraband will be charged with an offense in accordance with the Rules of Conduct.

XXV. Inmate Counts

A scheduled, formal count of all inmates will be conducted after the change of each shift. When the count time is announced, inmates in their cells shall remain in their cells; inmates in the dayroom or shower areas of living units shall immediately return to their cells.

Those inmates working in the kitchen, laundry or other areas of the jail shall be required to stand in a single line until the count is taken.

Inmates shall not move about or talk while count is being taken.

When unscheduled counts are announced or conducted, inmates abide by these rules for behavior during counts.

XXVI. Suspension of Rules

In the event of a disruption at the facility that requires emergency action, any or all parts of these procedures may be temporarily suspended by the Administrator. Any inmate accused of acts which caused, provoked or prolonged the emergency may be detained in segregation without a hearing until the emergency is over.

Upon the restoration of order, all inmates detained shall be accorded all due process, as outlined in these procedures.