

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Form #2

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2006 JUN 28 P 4:40  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Regional Jail and Correctional Facility Auth TITLE NUMBER: 94

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code § 31-20-29

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: West Virginia Regional Jail and Correctional Facility Authority  
Furlough Program for Adult Inmates.

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 28, 2006 AT 8:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:


West Virginia Regional Jail and

Correctional Facility Authority

1325 Virginia Street, East

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## **Summary of Proposed Rule**

The Rule Establishes the criteria for an adult inmate furlough program pursuant to W. Va. Code § 31-20-29.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Title 94CSR6: WVRJA- Furlough Program for Adult Inmates.

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Regional Jail and Correctional Facility Authority

Address: 1325 Virginia Street, East  
Charleston, WV 25301

Phone Number: 558-2110 Email: tdavis@wvrja.state.wv.us

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The Rule should have no impact on the costs or revenues of the State.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Rule Title: \_\_\_\_\_

Rule Title: Title 94CSR6: WVRJA- Furlough Program for Adult Inmates.

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

Will not increase or decrease fee for Fiscal Year 2006 or Fiscal Year 2007, as approved by the West Virginia Regional Jail and Correctional Facility Authority.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

The rule will not increase or decrease fees for Fiscal Year 2006 or Fiscal Year 2007, as approved by the West Virginia Regional Jail and Correctional Facility Board in the May 2006 meeting.

Date: June 28, 2006

Signature of Agency Head or Authorized Representative

James W. Spears

**WEST VIRGINIA CODE OF STATE RULES**  
**TITLE 4. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL**  
**FACILITY AUTHORITY**  
**LEGISLATIVE RULE (SER. 6)**  
**SERIES 6. FURLOUGH PROGRAM FOR ADULT INMATES**

§ 94-6-1. General.

1.1. Scope. -- This legislative rule establishes the furlough program for inmates under the custody and control of the West Virginia Regional Jail and Correctional Facility Authority.

1.2. Authority. -- W. Va. Code § 31-20-29

1.3. Filing Date. -- June 28, 2006 .

1.4. Effective Date. -- .

1.5. Repeal and Replace. -- None

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§ 94-6-2. Definitions.

2.1. Classification. - A process for determining the appropriate security placement and special needs of the inmate population in order to provide a safe, secure and humane correctional system for the public, staff and inmates.

2.2. Correctional Classification Profile (CCP). A scientific system for the classification of adult inmates developed in accordance with the American Correctional Association Standards. The CCP is a grid system which incorporates those factors known to be important in determining inmates' institutional assignments, identifying inmates' programmatic and service needs as well as public (security) and institutional (custody) risks. The CCP takes into consideration such things as the current offense, level of violence of the offense, institutional violence, escape history, mental and physical health and disciplinary rule violations.

2.3. Furlough - An authorized unescorted absence from actual confinement within a Regional Jail for a specific purpose, to a specific place, under specific conditions, and for a specific period of time.

2.4. Unescorted absence - An approved absence from the Regional Jail during which the inmate is not accompanied by a Correctional Officer.

**§ 94-3-3. Applicability.**

3.1. This rule is applicable to all Regional Jail Facilities that house adult inmates.

**§ 94-6-4. Eligibility for Furlough Consideration.**

4.1. The Executive Director may grant furloughs when appropriate for medical or psychiatric treatment, funeral or deathbed visitation.

4.2. This rule will normally be applicable to inmates whose overall custody classification is minimum and who pose no risk to the general public.

4.3. Furlough for inmates requires a written recommendation from the Administrator the requesting Regional Jail and specific approval of the Executive Director or his/her designee.

**§ 94-6-5. Restrictions, Conditions and Criteria.**

5.1. An inmate may not be granted a furlough if officials believe that he or she poses a threat to him or herself or others, may become involved in criminal activity while on furlough, poses a risk to the victim of the crime or crimes for which committed or poses a risk to the community in general.

5.2. In order to be eligible for a furlough, an appropriately classified inmate must have served at least thirty (30) days in the Regional Jail and have had no finding of misconduct during the preceding six (6) months.

5.3. Inmates may be approved by the Executive Director for furloughs for medical, psychiatric treatment, funerals or deathbed visits.

5.4. Furlough Requests; Contract; Notification of Counties.

5.4.1. The Administrator of each Regional Jail shall establish the requirements necessary for requesting a furlough, and shall designate a Furlough Officer to review and handle the requests.

5.4.2. Reporting requirements, rules, regulations, and special conditions shall be in the form of a contract. The contract shall inform the inmate that his or her conduct will be monitored by the facility while he or she is on furlough.

5.4.3. Upon receiving the first valid request for a furlough from an eligible inmate, the Furlough Officer shall notify in writing the Prosecuting Attorney, Sheriff, in the original sentencing county, as well as the Sheriff in the county to which furlough is requested, if different, that the inmate may be eligible to receive furlough privileges beginning on a particular date.

**§ 94-6-6. Procedure.**

6.1. The Authority may cancel an inmate's furlough for any violation of the terms and conditions of the furlough.

6.2. The Authority may discipline inmates who violate the terms and conditions of a furlough in accordance with Authority policy

6.3. The Authority shall report to the appropriate law enforcement authority for prosecution under the applicable statute any violation of conditions of a furlough that is a violation of Federal or State Law.

6.4. Violation of Contract Conditions of Furlough: Any inmate who fails to timely return from a furlough, as provided for in the furlough contract or upon the order of a Regional Jail official, shall be considered to have escaped. Regional Jail officials will report the escape to the proper authorities and charge the inmate under the applicable statute.

**§ 94-6-7. Exceptions.**

7.1. The Executive Director may, for good cause shown, grant exceptions to this rule.

7.2. Any special exception that is granted shall not count against the normal duration or frequency criteria for furloughs applicable to that inmate.