STATE OF WEST VIRGINIA

DIVISION OF CORRECTIONS

POLICY DIRECTIVE

NUMBER: 454.01

DATE: 01 September 2008

SUBJECT: Parole Release Plan

AUTHORITY: WV Code 25-1-5, 62-13-2,

62-13-4, and 28-6-1; <u>Rowe v. W.Va. Dept. of</u> <u>Corrections</u>, 170 W.Va. 230, 292 S.E.2d 650 (1982); ACA Standard 4-4446

I. POLICY: It is the policy of the West Virginia Division of Corrections to

maintain a mechanism that ensures offenders are provided with the opportunity to develop a home plan prior to their parole interview.

II. CANCELLATION: Policy Directive 454.01, dated 01 April 2008

III. DEFINITIONS:

Board: Unless otherwise specified, Board shall mean the West Virginia Parole Board.

<u>Case Supervisor</u>: The DOC staff member assigned to manage the caseload of a particular offender or group of offenders (i.e. Corrections Case Manager, Parole Officer, Corrections Program Specialist, and Corrections Counselor).

<u>Habitable</u>: When referring to a residence, habitable shall mean that it is safe and can be occupied in reasonable comfort. Although the standard may vary on a case by case basis, the premises should be closed in against the weather, provide running water, access to decent toilets and bathing facilities, heating, and electricity. Particularly in multi-dwelling buildings, reasonable freedom from noxious smells, noise, and garbage are included in this standard.

In-State Plan: Within the boundaries of the State of West Virginia.

<u>Out-of-State Plan</u>: Plan to another state or territory of the United States through the Interstate Compact for the supervision of Parolees and Probationers or Interstate Compact for Adult Offender Supervision.

Release Plan: A satisfactory release plan is one which shows that a habitable residence is available, confirmed by a field investigation conducted by a parole officer or other designee of the Commissioner, which is sufficient to meet the living needs of the offender or sufficient financial resources or assistance is available to enable the offender

to secure adequate living conditions. Any proposed release plan must comply with all terms and conditions of parole placed upon the offender by the Board or by the Division of Corrections.

Sponsor: Shall mean any person or organization providing substantial financial assistance to an offender to aid in establishing a release plan or any person or organization providing a residence to an offender.

IV. APPLICABILITY: All units within the Division of Corrections

V. PROCEDURE:

- A. An In-State Parole Release Plan shall be developed by the offender's assigned Case Supervisor, in conjunction with the offender and Parole Officer from the paroling community, and be included in the Pre-Parole Report. In order to aid in the development of an offender's plan, the assigned Case Supervisor will make mail and telephone service available to the offender. The Central Office Inmate Movement Coordinator will designate prison staff to complete home plans for parole eligible offenders in jails within the time limits and directions of this policy.
 - 1. Proposed In-State Plans for offenders, including those paroled to a detainer, are to be completed by the offender and his/her assigned Case Supervisor or Institutional Parole Officer, whichever applies specific to the institution/facility/center.
 - a. The Case Supervisor or Institutional Parole Officer will submit the home plan via IMIS to the appropriate community Parole Officer for investigation no less than forty (40) and no more than sixty (60) days prior to the offender's parole hearing.
 - b. The institution/facility/center housing the offender on the 60th day before his parole hearing will be responsible for submittal of the initial home plan and may not transfer the offender until the home plan is submitted in IMIS without the permission of the Central Office Inmate Movement Coordinator.
 - c. The Central Office Inmate Movement Coordinator will be responsible for the initial home plan submittal for offenders that are in jails on the 60th day before a scheduled parole hearing through IMIS, as stipulated in Section V-A of this Policy Directive.

- d. The Institutional Parole Officer or Case Supervisor will also ensure that e-mailed notice of home plans submitted in IMIS are forwarded the same day to the appropriate individual(s):
 - (1) Parole Regional Director and Office Assistant
 - (2) Parole District Supervisor and Secretary
 - (3) Re-entry Coordinator and Office Assistant (only Sex Offenders required to register or other designated cases).
- e. If the offender has a VALID detainer for a year or more, the Parole Board will interview without an approved home plan. If the detainer is less than a year or the receiving state/county is not going to honor the detainer, the offender will need an approved home plan before the Board will see the offender.
- 2. If information of a pending parole hearing date is received during or after the sixty (60) day, forty (40) day time limits, institution/facility/center staff will, where the offender is housed, upon notification, prepare a home plan for IMIS and submit as soon as possible.
 - a. Institutional Parole Officers or other relevant staff should review and discuss with their supervisors the content of any investigated home plan that may have public safety repercussions if revealed to an offender.
 - b. No information from an investigated home plan should be given to the offender until it has been approved by a Parole District Supervisor.
- 3. In-State Plans: Parole Officers shall investigate the home plans as required in their parole manual and submit a report via IMIS within thirty (30) days from the IMIS submittal date. The report should be as complete and factual as possible.
 - a. The home plan sponsor should be advised at the time of investigation that any information supplied by them may appear in the home plan investigation report.
 - b. Home plans approved by Parole District Supervisors will be effective ninety (90) days from the IMIS approval date if information contained therein has not changed to a degree that would affect public safety.

- 4. In reviewing the release plan, the Investigating Officer must review the home to determine whether the home plan meets the definition of a satisfactory release plan as set forth in this Policy Directive. In completing the release plan, the Investigating Officer must consider the following:
 - a. Whether the proposed release plan, if approved would place the offender in violation of the terms and conditions of his/her parole.
 - b. Whether there are other convicted felons living in the residence (if the residence is not a charitable shelter).
 - c. Whether there are firearms in the proposed residence.
 - d. Whether the residence is habitable.
 - e. Whether the offender has or will have a sponsor with sufficient resources to maintain the residence and maintain the offender in the residence. For the purposes of this subsection, a charitable shelter may be considered to meet the criteria.
- 5. The completed report shall be submitted to the Regional Director and the District Supervisor for review (Attachment #1).
 - a. The recommended report shall set forth the reasons for approval or for disapproval and should be based upon objective facts which support the grounds for the recommendation.
 - b. The report should set forth such facts as to allow anyone reading the recommendation to understand the basis of the denial.
 - c. The recommended report of the Parole Officer may be approved by the Regional Director, overruled by the Regional Director, or the Regional Director may require the Parole Officer to gather additional facts pertaining to their recommendations.
- 6. In addition to assessing the suitability of the release plan as set forth above, an officer who observes any additional factors which may impact upon public safety or the potential success of the offender on parole (if released to the proposed plan) shall specify in detail any additional noted factors. Such factors shall include:
 - a. sentiment of neighbors or the community
 - b. aspects of the community which may cause the offender to violate parole or re-offend if released

- c. other offenders living in close proximity but not in the same residence
- 7. Once reviewed by Parole District Supervisors, notice via IMIS will be forwarded to the sending institution/facility/center and forwarded to the Director of Parole Services and his/her secretary. The written report shall also be placed in the offender's Central Office file, institution/facility/center file, and tendered to the Parole Board.
- 8. Upon rejection of a Parole Release Plan, the Parole Officer and the offender's assigned Case Supervisor will work together to identify alternative placements.
 - a. An additional Parole Release Plan will be developed by the offender and his/her Case Supervisor. This plan shall be submitted based on procedures outlined in this policy.
 - b. Only one (1) home plan will be submitted at a time. A new home plan cannot be submitted until a disposition is recorded in IMIS for the previous plan. Institution/facility/center staff will be responsible for placing a disposition in IMIS on any uninvestigated plan that may have been cancelled or withdrawn.
- 9. In the event that the West Virginia Parole Board approves parole release to a home plan that has been rejected by Parole Service's staff, the IPO or an appropriate institution/facility/center staff member providing those services at the releasing institution/facility/center will notify the appropriate Parole Regional Director and Supervising Officer.
- 10. The Central Office Records Department will keep a log of the offenders who have been granted parole. Every effort will be made to ensure that an offender is released on parole in a timely manner, according to the mandates of this Policy Directive.
- B. Out-of-State Parole Release Plans will be developed by the offender's assigned Case Supervisor, in conjunction with the offender, and be included in the Pre-Parole Report.
 - 1. The assigned Case Supervisor will make mail and telephone service available to the offender to aid in the development of his/her plan. The Central Office Inmate Movement Coordinator will designate institution/ facility/center staff to complete home plans for parole eligible offenders in jails within the time limits and directions of this Policy Directive.

- 2. Out-of-State Plans: The completed Interstate Compact Application will be submitted to the Interstate Compact Office (Central Office) by the Institutional Parole Officer/Case Supervisor ninety (90) days prior to the offender's parole hearing to include those paroling to a detainer. Copies of another State's approval/rejection of a West Virginia home plan submittal will be placed in the Central Office parole file upon receipt.
- If an Out-of-State Plan is submitted, the Institutional Parole Officer or Case Supervisor will complete an Interstate Compact Transfer Request in accordance with the Interstate Compact for Adult Offender Supervision Manual of Procedures for Institutional Parole Officers and Case Supervisors.
 - a. The completed packet will be sent to the Interstate Compact Office for processing.
 - b. The plan will be forwarded to the receiving state for processing, investigation, and approval/rejection.
 - c. Should the plan be rejected, the Interstate Compact Office will notify the Institutional Parole Officer/Case Supervisor of the rejection. The Institutional Parole Officer/Case Supervisor will develop another plan with the offender and submit as outlined above for consideration and investigation.
- C. The Institutional Parole Officer/Case Supervisor will have parole release documents prepared and signed by Parole Board Members when an offender is interviewed and granted parole.
- D. Upon approval of the Parole Release Plan of a previously granted offender, Central Office Records Department will prepare the necessary release documents for signature by members of the Parole Board.
 - 1. The documents will be sent to the Institutional Parole Officer/Case Supervisor of the institution/facility/center where the offender is housed for out-processing to parole.
 - 2. Any other arrangements will be by special directive and all parties involved will be notified.
- E. An offender will be released on parole from an institution/facility/center only on a day when the next day is a regular, business work day (the only exception to this will be when an offender is being released on parole to a detainer).

- 1. When an offender is released from an institution/facility/center, the receiving Parole Officer shall be notified by telephone, fax, or e-mail of the offender's name, date, time of release, and reporting instructions.
- 2. Exceptions to this release policy must be approved by the Deputy Commissioner, Director of Parole Services, or the Compact Administrator.
- F. In order to comply with the elements of this Policy Directive, it shall be the responsibility of the Institutional Parole Officer (IPO) and/or other appropriate staff (as delineated within this Policy Directive) to maintain and/or complete all appropriate and necessary paper forms or computer generated documents. (Inquiries concerning any forms or documents should be directed to the IPO/Case Supervisor or, in an emergency, Parole Services.)

APPROVED SIGNATURE:	

STATE OF WEST VIRGINIA DIVISION OF CORRECTIONS

PAROLE RELEASE PLAN INSPECTION REPORT

Name of Offender:			_ DOC#:	
Sponsor:		Telephone:		
Street:	City:		_ State:	Zip:
Parole Region:	Parole Offic	e:	_ Officer:	
Date of Inspection:		Type (Phone	Personal): _	
Type of Residence:	1	Living Quarte	ers:	
Is residence habitable? If	f not, explain: _			
Are there other felons in the residence				
Are there firearms in the residence?	If yes, l	nas sponsor b	een requeste	d to remove?
List any aspect of the residence that w offender's presence in the proposed re				
Does this residence and plan meet the WVDOC Policy Directive 454.01? not	If no, e	xplain in deta		
Attach any documents or photo	ographs which v	vill aid in sup	pporting this	conclusion.
Parole Officer				Date

STATE OF WEST VIRGINIA DIVISION OF CORRECTIONS

PAROLE RELEASE PLAN INSPECTION REPORT

Whether or not the release plan fits the definition of factors, based upon your review of this plan and you the Parole Board should give consideration to prior to If yes, explain in detail below and	r inspection of the residence, that you believe
graphs, records, or other documents which support ye	
In light of the above, what recommendations would y	you make to the Parole Board?
Officer	Date
Regional Director	Date