

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 111.07

DATE: 25 September 2020

SUBJECT: JAIL PROCESSING FEE

POLICY DIRECTIVE

PURPOSE:

To maintain a mechanism that complies with state code and ensures the payment of jail processing fees.

REFERENCE:

WV Code §15A-5-8.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including RJA Policy 17001-A, dated 10 April 2007.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation that house inmates committed to be housed in a jail. This Policy is available for general distribution and is to be made available for inmate review.

DEFINITIONS:

Booking: The process of admitting an inmate for confinement into a jail facility. Each time an inmate is admitted and processed into a jail facility is considered a new booking.

Trustee Account: An account established by the DCR to manage inmate personal funds in FDIC insured financial institutions for both checking and savings accounts. Said funds are controlled by generally accepted accounting procedures.

POLICY:

- I. As stipulated in State Code §15A-5-8 a person committed to be housed in jail by order of a magistrate, circuit judge or by temporary commitment order shall, at the time of initial booking into the jail, pay a processing fee of thirty dollars (\$30.00).
 - A. Inmates whose initial admission is at short-term holding facilities within the DCR shall be charged the same processing fee as those who are initially booked into a jail and will not be charged upon their transfer to a jail facility.
 - B. Temporary commitment orders include arrests by law enforcement officers, probation, and parole and DCR Community Corrections and/or Work Release inmates temporarily booked for violations or other administrative reasons than judicial court hearings.
 - C. The following inmates are exempt from the jail processing fee:
 1. Inmates held under contract with the federal government;
 2. In-transit inmates temporarily held for private transport companies;
 3. In-transit inmates temporarily held for other governmental agencies;
 4. Intra-agency inmate transfers moved within the Division of Corrections and Rehabilitation.
- II. At the time of admission, inmates shall be informed of the jail processing fee which is to be paid prior to their release and that failure to do so may result in legal action to collect the fee along with associated court costs, as well as their entitlement to a refund of the fee upon acquittal or dismissal of all charges.
 - A. The Jail Processing Fee Notice (**Attachment #1**) shall be reviewed with the inmate and filled out completely.
 - B. The original shall be maintained in the booking/legal file with copies going to the inmate and the fiscal section.
- III. If the inmate has an amount less than thirty dollars (\$30.00) at the time of booking, the entire amount shall be applied toward payment of the fee and the remaining amount shall be deducted, at a rate of fifty (50) percent, from any new deposits made into the inmate's trust account, throughout their incarceration time at any DCR facility, until the jail processing fee is paid in full.
 - A. Amounts due towards full payment of jail processing fees may be collected through acceptable procedures such as established credit card systems, legal action, or other appropriate means to maximize collection.

- B. Legal action to collect the fee and associated legal/court costs, if the fee is not paid prior to release, may be taken.
 - C. Upon subsequent bookings/intakes into a correctional facility, if an inmate has jail processing fee debt, and the inmate has more than the thirty dollar (\$30.00) at the time of booking, the entire amount shall be applied toward the payment of this debt.
- IV. Each jail shall provide a secure means of maintaining cash collected from inmates at the time of intake.
- A. Cash taken from an inmate at the time of intake will be deposited into the inmate's trustee account and a receipt shall be given to the inmate.
 - B. The receipt will also reflect the deduction of the jail processing fee.
- V. A refund of a fee collected under this Policy shall be made to a person who has paid the fee if the person is not convicted of the offense for which the person was booked and the person provides documentation from the court showing that all charges for which the person was booked were dismissed, accurate current name and address and a valid photographic identification.
- A. In the case of multiple offenses, if the person is convicted of any of the offenses the fee may not be refunded.
 - B. If the person is convicted of a lesser included offense or a related offense, no refund may be made.

ATTACHMENT(S):

#1 Jail Processing Fee Notice

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner

9-14-20
Date

West Virginia Division of Corrections & Rehabilitation Jail Processing Fee Notice

I, (print name) _____, OID# _____, understand that I owe the thirty-dollar (\$30.00) processing fee each time I am booked/admitted, as set forth in WV Code §15A-5-8. If I am unable to pay at the time of booking, I further understand that I should make arrangements to have the fee paid prior to my release and that if I remain in jail, the fee shall be deducted at a rate of fifty percent (50%) from any new deposits made into my trustee account until the fee is paid in full. I also understand that if I fail to pay the fee, the division may take appropriate and/or legal action against me to collect this fee and associated court costs regarding collection of this fee.

I further understand if I am not convicted of the offense, a lesser included offense or a related offense for which I am booked, a refund in the amount collected shall be made to me upon providing documentation from the court showing that all charges have been dismissed, along with my accurate current name and address and a valid photographic identification.

Print Inmate Name

OID #

Inmate Signature

Date

Print Name of Booking Clerk/Officer

Signature of Booking Clerk/Officer

Amount Due: \$30.00

Paid Today: _____

Amount Still Owed: _____

Request for Refund

I hereby request a refund of the jail processing fee in accordance with State Code and the WV Division of Corrections and Rehabilitation policy.

(Return this form and required documentation to the facility where you were booked.)

1. Documentation from the court showing all charges for which I was booked have been dismissed or I was acquitted.
2. Copy of valid photographic ID showing my accurate current name and address.

Print Name

Signature

Date of Request