

# **WEST VIRGINIA DIVISION OF CORRECTIONS AND REHABILITATION**

"The mission of the West Virginia Division of Corrections and Rehabilitation is to enhance public safety, promote offender accountability, and successfully reintegrate offenders into society."

## **Jail Units INMATE HANDBOOK**

This handbook provides useful information for your stay in a WVDCR facility. Please make yourself familiar with its contents. Some information you will want to share with your family and friends. Assistance is available to inmates who need help reviewing the *Handbook* and/or have questions.

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## **1. ADMISSION / INTAKE / BOOKING:**

A. No person shall be confined to a Division of Corrections and Rehabilitation (DCR) facility without a lawful order.

B. Upon admission to the facility, the following steps are taken:

1. The inmate provides personal information to staff to enable completion of the booking process.
2. A medical screening is conducted.
3. Each inmate is searched, and body scans are conducted checking for contraband.
4. Inmates are showered and deloused (unless pregnant) and receive an issue of clothing, personal hygiene articles, linens, and a plastic cup.
5. Temporary commitments remain in their civilian clothing after a thorough clothed body search is conducted. A strip search, shower, delousing and issuance of items are not performed for temporary committed inmates. A temporary inmate may be strip-searched if there is reasonable suspicion, he/she is concealing contraband. Also, during the medical screening process of a temporary committed inmate, if an active case of vermin is detected, the temporary inmate is deloused (unless pregnant) and showered to prevent from contaminating other inmates.
6. Temporary committed inmates are also provided information on the video arraignment process.
7. Each inmate is provided the Supreme Court of Appeals of West Virginia; Affidavit: Eligibility for Appointed or Public Defender Counsel to be used at the inmate's discretion.
8. The inmate is fingerprinted, photographed and issued an identification (ID) card.
9. Each inmate is drug tested using an instant result screening test. The sole purpose of this test is to ensure appropriate medical care is rendered and the test is not used for disciplinary purposes or as the basis of a new criminal charge.
10. Each inmate's property is searched and inventoried. He or she may retain the following items after they are searched:
  - 2 pair corrective eyeglasses
  - 1 pair & case contact lenses
  - 1 wedding band/ring with no stones (if legally married)
  - Legal materials (active case(s) only, reasonable quantities, not to exceed 2" in depth)All other items are placed in storage and the inmate is not permitted to possess those items at any time during his/her incarceration. The inmate signs and receives a copy of the inventory form.
11. Each inmate is provided a copy of the *Notice of Inmate/Resident Rights Under the Americans with Disabilities Act* which informs inmates of their right to non-discrimination on the basis of disability and the procedure they must follow for requesting a reasonable accommodation.
12. The inmate is assigned to housing based on various factors including the inmate's initial classification, gender, court status, severity of charges, and prior institutional behavioral/disciplinary history. Staff also complete a screening to assess for risk of being sexually abusive or sexually victimized.

13. A copy of this *Inmate Handbook* is provided to each inmate. Inmates are responsible for reviewing and becoming familiar with the contents of the *Handbook*. Assistance is available to an inmate who needs help reviewing the *Handbook* and/or has questions about the *Handbook*.
14. Each inmate is provided a copy of DCR Policy Directive 325.00 Discipline of Inmates containing the rules of inmate conduct.
15. Each inmate receives information explaining the DCR's zero-tolerance policy regarding sexual abuse and sexual harassment and information on how to report incidents or suspicions of sexual abuse or sexual harassment.
16. Each newly committed inmate is entitled to 3 completed local or long distance collect telephone calls to secure counsel, arrange bond, or to contact family or friends.

## **2. ACCESS TO COUNSEL AND THE COURTS:**

- A. Attorneys may meet with their inmate clients at any time during the hours of 7:30 and 11:00 am; 12:00 and 5:30 pm; and 6:00 and 9:00 pm. Requests for visitation during other times should be made to the Shift Supervisor. Such requests require an explanation of the extenuating circumstances justifying visitation such as signing court documents requiring fast action; and first-time attorney contact following initial incarceration.
- B. Provisions for private visits with the attorney are made. Conversations are not monitored but may be visually observed for security reasons.
- C. Attorney-client mail which is written mail to or from an inmate with his/her attorney of record must clearly state "legal mail" on the envelope or clearly indicate it is from the inmate's attorney of record. Legal mail is inspected for contraband but is not opened outside the presence of the inmate.
- D. Telephone calls to or from an attorney are not monitored, intercepted, recorded, or disclosed in any manner.
- E. Inmates wishing to utilize the facility law library should submit a written request to counseling staff. Law library materials may be used only within the library. Sufficient paper and supplies for the preparation of legal documents are made available.
- F. Notarization of documents is available to inmates.
- G. Foreign nationals (inmates whose citizenship lies outside of the United States) may request to have their consular officers notified of their arrest and have their communications to their consular officers forwarded without delay. Some countries require notification of the arrest of a foreign national even if not requested by the inmate. Consular officers are entitled to communicate with and have access to their nationals and to provide assistance to them.

## **3. CLASSIFICATION:**

- A. Classification is a process for determining the needs and requirements of those for whom confinement has

been ordered and for assigning them to housing units and programs according to their needs and existing resources. Inmates are initially classified to a custody level based on their court status and other objective criteria.

- B. 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.
- C. An inmate may appeal his classification to the Superintendent.

#### **4. COMMISSARY:**

- A. Each facility provides a commissary through which inmates can purchase approved products such as hygiene items, snacks and beverages, writing materials, etc. A list of products is available to all inmates.
- B. Procedures for ordering items and the schedule for ordering and delivery is listed in the “facility-specific information” at the end of this *Handbook*.
- C. An inmate must have the necessary funds on his/her trustee account to orders items.

#### **5. DRUG AND ALCOHOL TESTING:**

The DCR maintains a “zero” tolerance for the use and/or possession of illegal drugs and alcoholic beverages by inmates.

- A. Inmates are subject to testing for the use of illegal drugs, other intoxicants and alcoholic beverages and may have to provide more than 1 sample per month for testing.
- B. Generally, urine is the test sample medium for drugs and other intoxicants. An inmate is permitted no more than 2 hours to give a sample. A maximum of 16 fluid ounces of water may be provided to the inmate during that 2-hour period. A 2-step testing program is used.

Step 1/Field Testing – if test is negative, the sample is discarded, and no further action is required. If the test is positive, then testing proceeds to confirmation testing.

Step 2/Confirmation Testing – the presumptive positive sample is sent to an agency designated approved laboratory for a confirmed analytical result.

- C. Alcohol abuse testing is conducted using an evidential breath testing (EBT) device. A 2-step testing program is used for inmates and suspect liquids.

Step 1/Initial Alcohol Testing – if test is negative, no further action is required. If the test is positive, testing proceeds to confirmation testing.

Step 2/Confirmation Alcohol Testing – a second alcohol test with an EBT device is conducted 15 minutes after the initial test to confirm the presence of alcohol. A reading of 0.01 or higher is considered positive.



- D. Confirmed positive tests for drugs and/or alcohol result in disciplinary action. An inmate who refuses to participate in the testing process by word or action, tampers with any testing process or fails to produce a sample sufficient for testing also results in disciplinary action.

## **6. EDUCATION CLASSES:**

Adult education classes are available in each facility that assist inmates with preparing to test for the High School Equivalency diploma (formerly known as GED). Career Development Courses are also available. All class enrollment is handled through the request process to the Education Department.

## **7. FIRE SAFETY:**

In case of fire, or during a fire drill, inmates are evacuated via designated evacuation routes as posted in the facility. Inmates are required to evacuate as quickly as possible, in an orderly fashion so as to prevent confusion and chaos.

## **8. FOOD SERVICE:**

- A. Food service prepares and serves 3 meals in each 24-time period. Beverages are provided with each meal. The schedule for meals is included in the "facility-specific information" at the end of this *Handbook*.
- B. Facilities do not use food as a disciplinary measure. Food is never withheld, nor is the standard menu varied, as a disciplinary sanction.
- C. All menus are reviewed and certified by a registered dietitian. Menus to meet all special dietary needs, including medically approved diets and religious diets are provided.
  - 1. Food service provides medical diets as directed by the medical provider in writing.
  - 2. Food service provides bagged snacks as medically ordered for inmates identified by medical to receive an evening snack.
  - 3. Religious diets are provided as outlined in DCR Policy Directive 510.00.

## **9. GOOD TIME CREDIT:**

- A. Inmates in DCR custody pursuant to a term of court-ordered incarceration for a misdemeanor or felony (except young adult offenders and those serving a life sentence) are granted 1-day (good time for each day he or she is incarcerated, including any and all days in jail awaiting sentence which are credited by the sentencing court to his or her sentence).
- B. Good time is deducted from the maximum term of indeterminate sentences, the fixed term of determinate sentences, or from the aggregate term (when the maximum terms of the consecutive sentences are added together) of consecutive sentences.
- C. An inmate does not receive good time for time served either on parole or bond or in any other status when

he or she is not physically incarcerated. Also, inmates do not receive day-for-day good time for parole/mandatory supervision/conditional release sanctions; probation/home confinement sanctions; drug court sanctions; civil contempt/family court; bond revocation/pre-trial diversion; criminal contempt; federal sentences; fugitives; and out-of-state parolees/probationers supervised by Parole Services.

- D. In order to grant day-for-day good time to inmates sentenced to serve their sentence on weekends, the number of weekends are divided in half.
- E. An eligible inmate serving a felony sentence may be eligible to receive up to 90 additional days of good time for successfully completing after 30 May 2022 an approved, but not required, academic or vocational program, which is not part of the inmate's required individualized reentry programming plan.
- F. Good time may be forfeited and revoked by the facility Superintendent according to the rules of discipline. The amount of good time forfeited may only be the amount of good time earned up to the date of the violation.
  - 1. An inmate may apply for the restoration of forfeited good time by using the *Inmate Application for the Restoration of Forfeited Good Time* available from counseling staff.
  - 2. The inmate must be free of disciplinary violations and probation/parole revocations for 1 year in order to be evaluated for restoration of good time. There is a thorough evaluation of the inmate's overall institutional record and the circumstances surrounding the rule violation for which the inmate lost the good time.

## **10. GRIEVANCE PROCEDURE:**

The grievance procedure may be used by inmates to resolve most problems they may experience during their incarceration. There shall be no reprisal or disciplinary action taken against an inmate who properly uses the grievance procedure.

- A. Inmates may submit an *Inmate Grievance Form* by US mail, by depositing in a grievance box located in each facility, or by handing the grievance to an employee. Correctional Officers who are involved in an emergency situation, distributing medication, conducting formal count or transporting another inmate are not required to accept grievances.
  - 1. Inmates housed in segregation units are given the opportunity to hand grievances to an employee once a shift.
  - 2. Inmates in medical or mental health units may submit grievances by notifying medical personnel that they wish to file a grievance, the medical personnel will call for a DCR employee to come to the unit to accept the grievance.
- B. The staff member responsible for collecting grievances delivers (or causes to be delivered) a copy of the grievance with the grievance number to the inmate as soon as practicable, but within no more than 12 hours from receipt of the grievance.
- C. If an inmate requires assistance or does not have the capacity to properly fill out a grievance form, another inmate, staff, an attorney, family member, or other individual the inmate chooses may provide assistance. However, the inmate who is grieving must affix his/her own signature or mark to the form.

- D. A grievance must be filed within 15 days of any occurrence that would cause him/her to file a grievance. These forms are available to all inmates. At a minimum, grievance forms are available in all housing units and the law library.
- E. An inmate may grieve only 1 issue or complaint per form and, except for grievances alleging sexual abuse or substantial risk of imminent sexual abuse, the issue must directly pertain to the inmate filing the grievance.
- F. Except in allegations of sexual abuse or substantial risk of imminent sexual abuse, prior to responding to the grievance, the Unit Manager inspects the grievance to determine whether the grievance conforms with policy.
1. Grounds for rejection include:
    - failure to file in a timely manner.
    - filing a grievance on a matter that has been previously submitted in a prior grievance.
    - failure to seek actual relief (filing a grievance that does seek action or ask for an answer to a question).
    - attaching/including excessive pages; submitting writing on multiple sides of the page.
    - grieving more than one issue or complaint per form.
    - Any presence of a foreign substance is also grounds for immediate rejection.
  2. If any of these apply, the Unit Manager rejects the grievance, providing a brief explanation of the grounds for rejection and returns the grievance to the inmate. **Except for grievances rejected due to having been previously addressed in a grievance or those filed beyond the time limits to file a grievance,** the inmate has 10 days to correct the defect and re-file a new grievance. An inmate may appeal a rejection in the same manner as a decision, but the scope of the appeal is limited only to the propriety of the rejection and not to the merits of the grievance. As such, appealing the rejection to the Commissioner does not exhaust administrative remedies on the issue presented in the defective grievance.
- G. The Unit Manager provides an answer to the grievance within 5 days. The Unit Manager is not required to personally answer the grievance, as long as he/she ensures that the grievance is timely addressed. The Unit Manager ensures that the staff member to which the grievance pertains does not answer the grievance.
- H. An inmate may attach to the grievance or include only one (1) 8.5 x 11-inch page with writing on a single side. If staples are utilized, only 1 staple may be used to affix the pages together. The inmate may not tear, fold, or affix tape to the forms, except that the forms may be folded and placed in a number 10 envelope.
- I. If the Unit Manager fails to answer or reject the grievance within the allowable time frame, the inmate treats the non-response as a denial of his/her grievance. The inmate indicates on the form to the Superintendent that the grievance was previously filed without a response from the Unit Manager. If it is determined that the inmate had submitted a grievance without response, the Superintendent requires a response from the Unit Manager. If it is determined that the inmate had either not filed the form with the Unit Manager or had been given a timely response, the Superintendent initiates appropriate disciplinary action upon the inmate.
- J. Should the response at the Unit Manager level not resolve the issue, the inmate may appeal to the Superintendent within 5 days from delivery of the response. The inmate uses the same form as was

submitted to the Unit Manager and signs in the appropriate location. Only the grievance form and Unit Manager's response are to be submitted. Submission of any additional materials beyond the initial grievance and response are grounds to reject the appeal, except in the case of grievances alleging sexual abuse or substantial risk of imminent sexual abuse.

- K. As with the initial level, the inmate is provided a copy of his/her grievance form prior to submission to the Superintendent for his/her records. Only the grievance form including the 1-page attachment submitted to the Unit Manager, if any and the Unit Manager's response is copied.
- L. Prior to responding to the appeal, the Superintendent/designee reviews the grievance to determine whether any grounds for rejection exist as described above. If such exists, the grievance is rejected in the same manner.
- M. The Superintendent/designee responds to the appeal, using the grievance form, within 5 days. The Superintendent/designee may affirm the Unit Manager and deny the grievance; deny the grievance for reasons other than that which is addressed by the Unit Manager; grant the grievance; or remand the grievance back to the Unit Manager for further action. If a grievance has not been properly submitted through any level by an inmate, it is rejected.
- N. Should the inmate believe that the Superintendent's response does not resolve his/her grievance, or the Superintendent fails to respond in the time frames set forth above, the inmate may submit an appeal to the Commissioner within 5 days after he/she receives the Superintendent's response or the time for the response has passed. The appeal is submitted using the same form as was submitted to the Unit Manager and signing the appropriate location. Only the grievance form together with the Unit Manager's and Superintendent's response are submitted. Each grievance appealed to the Commissioner is to be mailed by the inmate to the Commissioner by first class mail. **Only one (1) grievance per envelope shall be permitted.** Except for grievances alleging sexual abuse or substantial risk of imminent sexual abuse, submission of multiple grievances or submission of grievances bound with tape or more than 1 staple or by any other means is grounds for rejection. The inmate may not tear or fold the forms, except that the forms may be folded to place in a number 10 envelope. The grievance is to be appealed to the Commissioner by mailing only the grievance form and a single 8.5-inch page attachment, together with any response from the Unit Manager and Superintendent to the Commissioner at the following address:

WV Division of Corrections & Rehabilitation  
Commissioner's Office  
Attention: Inmate Grievance Review  
1409 Greenbrier Street  
Charleston, WV 25311

- O. As with the initial level and Superintendent's level, the inmate is provided a copy of his/her grievance form prior to submission to the Commissioner for his/her records. Only the grievance form including the 1-page attachment submitted to the Unit Manager, if any and responses are copied.
- P. Prior to responding to the appeal, the Commissioner/designee reviews the grievance to determine whether any grounds for rejection exist in the same manner as described above. If such exists, the grievance is rejected in the same manner.
- Q. The Commissioner/designee responds to the appeal, in writing, within 15 days. The Commissioner/designee may affirm the Superintendent and deny the grievance; deny the grievance for reasons other than that which is addressed by the Superintendent and Unit Manager; grant the grievance;

or remand the grievance back to the Superintendent or Unit Manager for further action. If a grievance has not been properly submitted through any level by an inmate, it is rejected. A rejected grievance does not exhaust the grievance process or that step of the process.

## **11. HEALTH CARE:**

- A. Comprehensive healthcare is provided to all inmates including medical, mental health, dental, optometry, auditory, pharmaceutical, and diagnostic services.
- B. Inmates with chronic conditions such as high blood pressure, diabetes, serious mental illness and other diseases have a treatment plan developed by healthcare staff.
- C. **Emergency** medical issues should be immediately directed to a staff member who immediately notifies healthcare staff.
- D. **Routine** health care is requested by the inmate completing the top (Part A) of a *Health Services Request Form* available from staff and turning into medical staff during medication “pill” pass. These requests are evaluated and prioritized by healthcare staff and for emergency, urgent, or time-sensitive requests, healthcare staff respond immediately. For non-emergent complaints, the inmate is seen as soon as practical but within 48 hours with the exception of weekends, which are seen the next clinic day.
- E. In accordance with state code, inmates serving a sentence may be charged a fee for healthcare services. No inmate may be denied any necessary billable medical service because of inability to pay.
- F. If an inmate has, or comes in contact with, a contagious medical condition, they may be isolated from the other inmates.
- G. Medications are dispensed in compliance with an order from a qualified healthcare provider. Qualified healthcare staff also have the discretion to determine upon an inmate’s admission whether to continue or change his/her prescribed medications. Most medications are consumed in the presence of healthcare and corrections staff and attempts to feign illness or hoard medication result in disciplinary action.
- H. Inmates have the right to refuse treatment by signing a refusal form. Inmates are not allowed to refuse infirmary housing; however, they may refuse medical treatment in the infirmary.
- I. In case of serious illness or injury, facility staff notify the inmate’s emergency contact.

## **12. HOUSEKEEPING AND SANITATION:**

- A. Inmates are responsible for maintaining their housing areas in a clean, sanitary and orderly manner. This includes their individual cells or rooms, dayroom or common areas, and bathing/toilet areas.
- B. Housing units are offered cleaning supplies, including disinfectants, at a minimum of once per day.
- C. General safety and sanitation rules for inmate housing include:
  - Beds are to be made daily.
  - No lights or windows may be covered.



- Trash is to be properly disposed of and not allowed to accumulate.
- No clothes lines may be hung in cells or dayrooms.
- Nothing is to be hung on hand railings or steps.
- There are to be no items impeding the steps.

D. Inspections are conducted by staff with methods to correct discrepancies such as inmates being required to re-clean, disciplinary action or loss of privileges.

### **13. IMMIGRATION DETAINEES:**

Jails housing immigration detainees for U.S. Immigration and Customs Enforcement (ICE) ensure each detainee receives a copy of this handbook upon admission to the jail along with a copy of the *ICE/ERO National Detainee Handbook* and documents receipt of such.

### **14. INMATE COUNTS:**

- At a minimum, 5 scheduled counts are conducted each day. When count is announced, inmates return to their assigned cell where they are to remain quiet until count is cleared. No inmate movement, other activity or talking is tolerated during count.
- Inmates who are approved to be in another location during count such as the kitchen, laundry or class are required to stand in a single line until count is conducted.
- At least 1 count each day is mandatory standing count. All inmates are required to stand at their bedside.
- Inmates who take any deliberate action to cause confusion or error during count will face disciplinary action.

### **15. INMATE SERVICES / COUNSELING:**

- The counseling staff at each facility is available to assist inmates during their incarceration and preparation for release. If an inmate feels he or she has a problem that requires assistance, including personal or family issues, mental health concerns, a desire for self-improvement or assistance with substance abuse, he or she should request assistance from counseling staff through established procedures.
- Each inmate sentenced for a felony or misdemeanor is provided a written statement (time sheet) setting forth the length of his/her sentence and the overall minimum discharge/final release date computed according to state code.

### **16. LIBRARY SERVICES:**

- Each facility provides library services. Staff bring library books to each section at a minimum of twice a month and conduct a book exchange.
- Inmates are responsible for the upkeep of all library books that are placed in the section. Destruction or misuse results in disciplinary action.



C. Books and other reading materials are also available on the agency provided tablets.

**17. MAIL:**

- A. All incoming and outgoing mail, except attorney-client mail, may be monitored, opened reviewed, copied and disclosed.
- B. Correspondence between inmates and their family and friends is encouraged. Inmates may correspond with any person who is not incarcerated and there is no limit on the number of correspondents an inmate may have.
- C. Inmates must include a return address on the face of the envelope, to include his/her name, OID number, and the name and full address of the facility.
- D. Each facility provides mail receptacles or designated areas for collection of mail and notifies inmates in writing of established collection times.
- E. All incoming general mail from friends, family and acquaintances must be addressed as follows. The sender must also include a full return address with complete first and last name (no initials).

*Inmate's first and last name and OID number*  
*Full name of facility (no abbreviations) and WV*  
**P.O. Box 336**  
**Phoenix, MD 21131**

- 1. This does not include: (these items are to be mailed to the inmate's facility)
  - a. Attorney-client
  - b. Incoming publications (book, booklet, pamphlet, or similar document or a single issue of a magazine, periodical, newsletter, or newspaper).
  - c. Correspondence between incarcerated inmates approved by Superintendents of sending and receiving facilities.
  - d. Government checks, retirement checks, settlement checks, or other legitimate checks of a similar nature.
  - e. Packages containing allowable items as authorized by the Superintendent.
- 2. Incoming mail shall not include photographs. All photographs must be sent via "photo sharing" on the tablets. Mail containing photographs will be returned to sender.
- 3. Upon receipt, the mail will be opened and inspected for contraband. Illegal contraband will be turned over to law enforcement in the jurisdiction of the mail facility.
- 4. The contents of the envelope and the front and back of the envelope will be scanned and sent electronically to the inmate via his/her tablet.

5. Incoming mail not adhering to these procedures will be returned to sender or destroyed if no return address is included.
  6. Inmates are not permitted to receive money orders, cash, checks or other funds from family, friends, or acquaintances by having such funds mailed to them. Mail containing these items will be returned to sender.
- F. Legal mail is inspected for contraband but is not opened outside the presence of the inmate.
- G. Inmates may correspond with other inmates incarcerated in a correctional facility within the state or any other jurisdiction pursuant to the following:
1. Mail with or between inmates in restrictive housing (administrative or punitive segregation or special management) is prohibited.
  2. Inmates must first receive permission from the Superintendent of both the sending and receiving facility.
  3. Letters must be placed in the mail receptacle in an unsealed, stamped envelope, and are subject to be read by designated staff. Letters must not include information that is a threat to the life and safety of others or that can be considered disruptive to the orderly operation of any facility.
- H. Inmates are not permitted to receive private pornography (nude or semi-nude photographs of an inmate's friend, spouse, family member, or another person whom the inmate is or was acquainted).
- I. Inmates may receive hard cover and soft cover publications, magazines, and newspapers only from the publisher or book retailer. The sender's address must be clearly identified on the outside of the package. Publications may only be rejected if it is determined detrimental to the security, good order, or discipline of the facility or if it might facilitate criminal activity. The number of publications retained by an inmate in his/her living area may be limited for fire, sanitation, or house-keeping reasons.
- J. Stamps, envelopes, paper and pens are available for purchase from the commissary.
- K. Indigent inmates are provided a reasonable quantity of pens, pencils, paper and envelopes and 10 postage free letters per calendar month. An inmate who has \$5.00 or more in his/her trustee account at any time during the previous 30 days is not eligible.

## **18. MOVEMENT PROCEDURES:**

- A. All inmates are required to walk in a single file line on the right side of the hallway at all times. There is to be no talking in the hallways, nor shall inmates communicate with other inmates during this time.
- B. Inmates in interview rooms, staff offices, non-contact visitation rooms, classrooms, etc. will remain seated on the stool or chair at all times.
- C. Inmates are required to have their photo ID card on their person at all times when out of their cell and present when requested.

## **19. PERSONAL HYGIENE & GROOMING, CLOTHING AND LINENS:**

### **A. Personal Hygiene & Grooming**

1. Inmates are provided the following basic personal hygiene items by the facility at no expense to the inmate.

Soap\*  
Shampoo\*  
Deodorant  
Toilet Paper  
Toothbrush and toothpaste  
Shaving equipment\*  
Comb  
Both tampons and feminine hygiene pads

\*These may be provided by a combined shower, shave and shampoo product.

2. Hair length is not restricted unless there is a demonstrated security or hygiene purpose.
3. Facial hair is permitted, provided it is kept clean and neat.
4. Replacement articles are issued in accordance with facility procedures and schedule.
5. Inmates are encouraged to shower daily and after strenuous exercise but are required to shower at least 3 times a week. Inmates working in food service are required to shower daily.
6. Scheduled, basic barber services are available for the inmates at no cost.
7. Disciplinary procedures are 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.
8. Additional hygiene items are available for purchase through the commissary.
9. Inmates are required to be fully dressed when entering and exiting the shower area.

### **B. Clothing**

1. Inmates are issued the following institutional clothing that is properly fitted and presentable:
  - 2 uniform shirts
  - 2 uniform pants
  - 3 pair underwear
  - 1 pair sandals
  - 3 pair socks
  - 2 brassieres (as appropriate)
  - 1 laundry bag

2. Inmates are responsible for the clothing issued to them. State-issued items are not to be marked on or altered in any way.
3. Inmate's clothing, including uniforms, undergarments and socks are laundered not less than 2 times per week as scheduled by the facility.
4. Inmates assigned to work in food service and other special details may be provided protective clothing as appropriate.

**C. Linens**

1. Inmates are issued suitable, clean bedding and linens including:
  - 2 sheets
  - 1 pillow and pillowcase
  - 1 mattress
  - 1 blanket
  - 2 towels
  - 2 washcloths
2. Linens, including sheets and pillowcases are exchanged for clean laundered items on a one-for-one basis, once per week as scheduled by the facility. Clean towels and washcloths are exchanged 2 times per week.

**20. PRISON RAPE ELIMINATION ACT (PREA):**

- A. The West Virginia DCR has a **ZERO TOLERANCE** policy for sexual abuse and sexual harassment. This means each inmate has the right to be free from sexual abuse and sexual harassment by anyone at the facility, including another inmate, staff member, volunteer, or contractor.
- B. PREA Education is provided and reviewed with each inmate upon admission that includes procedures for reporting incidents or suspicions of sexual abuse or harassment and the inmate's right to be free from sexual abuse, sexual harassment, and retaliation for reporting such incidents. Each inmate signs an acknowledgement form confirming this training.
- C. Inmates receive additional PREA training once they are assigned to housing.

**21. RECREATION:**

- A. Active recreation (any activity that utilizes large muscle movement such as basketball, ping pong, volleyball, aerobic activity, walking, etc.) is offered at least 1 hour per day with the opportunity for recreation outdoors 5 days a week unless security or weather conditions dictate otherwise.
- B. Inmates are prohibited from throwing articles over the outside wall, yelling, gesturing, or otherwise attempting to communicate with anyone other than those in the recreation yard.

**22. RELIGIOUS SERVICES AND ACTIVITIES:**

Every inmate may practice his or her religion within limitations necessary to maintain security of the facility. Religious services and activities are available to inmates by in-person services, individual counseling, and as available counseling by a faith-specific volunteer. Schedules of all services and activities are made available in each facility.

### **23. RULES OF CONDUCT:**

- A. Each inmate is held personally accountable for his/her behavior, physical actions, communications, and contents of his/her personal living area and workspace.
- B. The rules of conduct describing acts that all inmates in DCR facilities are prohibited from committing, the procedures for charging an inmate with a rule violation and for determining the guilt or innocence of inmates charged with violations and the allowable sanctions or punishments are detailed in DCR Policy Directive 335.00 Discipline of Inmates and is provided to each inmate upon admission.

### **24. SEARCHES OF INMATES AND THE FACILITY:**

- A. Searches are conducted to detect contraband, prevent escapes, maintain sanitary standards and eliminate fire, safety and environmental hazards.
- B. Inmates are subject to clothed body (pat down) searches, unclothed body (strip) searches, and searches of any hand-carried items throughout his/her incarceration.
- C. Staff may search an inmate's housing, work or program area and personal items contained in those areas without notice or prior approval from the inmate and without the inmate's presence.

### **25. SPECIAL PROBLEMS:**

- A. If an inmate is threatened or assaulted, the incident should be reported to a staff member at the earliest possible time. Such report may be made verbally 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 has threatened or assaulted him/her will be subject to disciplinary procedures and/or prosecution in the courts.
- B. Special Management is designed to provide for the safety and security of inmates, who based on verified information would be in jeopardy from another inmate or inmates. An inmate who believes that he/she needs placement in Special Management status, should complete a *Special Management Status Information Sheet* available from staff. Staff will appropriately investigate the asserted safety needs of each inmate requesting Special Management status to determine the validity.

### **26. TABLETS:**

- A. Each inmate is provided a touchscreen tablet for use during his/her stay in a DCR facility. Use of an assigned tablet is a privilege and not a right and usage may be suspended or terminated. Any intentional damage or destruction to the tablet or charging equipment may result in restitution for the cost of replacing the tablet or charging equipment.

- B. All electronic communications on the tablet may be monitored, intercepted, recorded and disclosed. Inmates sign a *Tablet Acknowledgement Form* agreeing to the terms and conditions of the tablet program.
- C. Tablets provide facility information, commissary ordering, educational resources, legal resources, phone calls, video visitation, games, messaging, movies, music and news. Some “apps” are free to the inmate, others cost associated fees.

## **27. TELEPHONE SYSTEM:**

- A. All telephone conversations may be recorded, monitored, intercepted, and disclosed in accordance with applicable law except for attorney/client phone calls. Inmates are responsible for ensuring his/her attorney’s phone number is registered with the facility as belonging to counsel.
- B. All calls are prepaid by either the inmate or friends and family.
- C. Inmates are not permitted incoming calls or to place three-way calls (call forwarding or conferencing) or any other calls of this nature.
- D. Inmates are not permitted to call any other correctional facility or inmates incarcerated in any DCR facility.
- E. Inmates may be prohibited from calling specific numbers upon request from the person at that number.
- F. Inmates are not permitted to call any current or former DCR employee (including contractual employees and volunteers) unless the employee is an immediate family member and then only with written authorization of the Superintendent.
- G. Inmates shall not provide false, alias or fictitious information on any person or telephone number.

## **28. TRUSTEE ACCOUNT:**

- A. Upon admission to the facility all money in the possession of an inmate is taken and a receipt is given to the inmate. This money is deposited in the trustee account to the credit of the inmate. A jail processing fee required by state law is deducted from this money and indicated on the receipt.
- B. Under no circumstances may inmates have money in their possession while detained in the facility.
- C. No checks, cash, certified checks or money orders are accepted at any facility or through the mail. Funds from family and friends may be deposited to an inmate’s trustee account utilizing the kiosk system in the facility lobby or through the current provider’s website. <http://connectnetwork.com/>
- D. Funds in an inmate's trustee account may be used to purchase items from the commissary or to purchase phone time, or apps on the tablet such as games, movies, messaging, and music. An inmate may make these purchases using a free app on the tablets.
- E. At the time of release from the facility, the inmate receives a debit card for the amount of money remaining in his/her trustee account.



- F. Inmates with court-ordered financial obligations, such as child support, victim restitution, and court fees and fines receive notification of money deducted from his/her trustee account. Forms to complete a Petition for Modification of child support are available in the facility.
- G. Inmates with financial obligations to the facility, such as correctional hearing officer ordered restitution, jail processing fees, medical co-payments, and legal copies or postage, will also receive notification of money deducted from his/her trustee account.
- H. Funds may not be transferred from one inmate trustee account to another.

## **29. VISITATION:**

- A. All visitation is non-contact. Visits are 30 minutes in length and must be scheduled in advance of the visitation day. Each visit is limited to 1 adult and 2 minor children or 2 adults. **Each inmate is permitted 1 visit per week.**
- B. All inmate visitors are subject to search prior to being allowed to visit any inmate.
- C. All adult visitors must present a valid government issued photo-identification such as driver's/operator's license, non-driving identification card, U.S. Passport Book or Card or U.S. Military ID. Birth certificates are only acceptable form of identification for minor children. Minor children are only permitted to visit when in the company of a parent, other adult member of immediate family, or legal guardian. Other adult members of the immediate family must present a notarized *Juvenile Visitation Form* from the non-incarcerated parent or legal guardian verifying that they have permission for the minor child to be in the adult's company on facility grounds for the purpose of visiting the inmate.
- D. Visitors must be fully and appropriately dressed. Female visitors must wear bras and are not allowed to wear provocative clothing. Male visitors must wear shirts.
- E. Communication between inmates and visitors is subject to monitoring or recording.
- F. Visitors may be denied entry or have their visitation terminated.
- G. Visitor's personal items should be secured in the visitor's vehicle. If this is not possible, all personal items including purses, containers, hand-carried personal items, pocket items, outerwear, etc. will be secured in lockers provided in the public lobby area prior to entering the visitation area. Any clothing worn when entering the visitation area must not be removed while in the visitation area. No food or drinks are permitted in the visitation area. No articles shall be passed between inmates and visitors.

## **30. VOTING:**

Inmates on pre-trial status and those convicted of a misdemeanor maintain their right to vote in elections. Counseling staff, upon request by the inmate, assist the inmate in obtaining an "application for voting absentee by mail" from the county or municipality where the election is to be held.

## **NOTICE OF INMATE/ RESIDENT RIGHTS UNDER THE AMERICANS WITH DISABILITIES ACT**

### **HOW TO GET HELP**

**If you have a disability and as a result of your disability you need...**

- A modification to a program or activity,
- A change in the way you are communicated with,
- Access to medication or other assistive devices,

Or anything else to give you an equal chance to use the facilities and take part in programs or services, **you can request a change, called a Reasonable Accommodation.**

If you believe you need a reasonable accommodation or modification, you can submit an ***ADA Accommodation Request Form***, that is available from any facility staff member. If you need help filling out the form, facility staff will help you.

If you have a specific request or need additional information, contact your Facility ADA Coordinator. The Facility ADA Coordinator's contact information will be provided to you by the facility staff.

If your request for reasonable accommodation is denied or modified, or if you believe you were discriminated against because of your disability, you have the right to file a grievance under the Grievance Policy and the ADA Policy. You have the right to appeal the grievance through Level 3 of the procedure.

### **QUESTIONS**

If you have a question about the policy or your rights, contact your Facility ADA Coordinator or the Division of Corrections and Rehabilitation ("DCR") ADA Coordinator. The DCR ADA Coordinator can be contacted at **Mr. Dave Farmer, Assistant Commissioner, WV Division of Corrections and Rehabilitation, 1409 Greenbrier Street, Charleston, WV 25311.**

The West Virginia Division of Corrections and Rehabilitation ("DCR") will not discriminate against qualified individuals with disabilities and will provide reasonable accommodations to qualified inmates/residents with disabilities if required under the Americans with Disabilities Act. DCR Policy Directive 450.02 ("ADA Policy") sets forth information regarding ADA compliance and reasonable accommodation requests.

**NOTE: All information you provide will be kept confidential and be used only to help you have an equal opportunity to participate in programming and services.**

## RIGHT TO REPORT

If you, or someone you know, are experiencing sexual abuse or sexual harassment, *West Virginia Division of Corrections and Rehabilitation* wants to know. We want you to report right away! Why?

- We want to keep YOU safe; it is our job! It is your right to be free from sexual abuse and sexual harassment.
- We want to conduct an investigation of the reported incident.
- We want to hold the perpetrator accountable for his/her actions.
- We want to provide YOU with relevant information and support services.

### How to Report

*West Virginia Division of Corrections and Rehabilitation* offers multiple ways to report sexual abuse and sexual harassment:

- Report to any staff, volunteer, contractor, or medical or mental health staff.
- Submit a grievance or sick call slip.
- Report to the PREA Coordinator or PREA Compliance Manager.
- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf by calling (304) 558-2036 or by emailing [DCRPREA@wv.gov](mailto:DCRPREA@wv.gov).
- You also can submit a report on someone's behalf, or someone at the facility can report for you using the ways listed here.

### External Reporting Option

You also can make a report using the Inmate Phone System. This resource is located outside of the *West Virginia Division of Corrections and Rehabilitation* and you can remain anonymous upon request.

## IF YOU ARE ABUSED

Support services are available. See your Unit Team or PREA Compliance Manager for a list of local services.

### What to Do If You Have Been Sexually Abused

- Tell a staff member as soon as possible.
- Seek medical attention BEFORE you shower, eat, drink, change clothing, brush your teeth, or use the bathroom.
- Share as much information as possible when answering questions to assist with the investigation.

## NOTICE FOR FAILURE TO REPORT

Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution.

# END THE SILENCE

Zero Tolerance for Sexual Abuse and Sexual Harassment: Prison Rape Elimination Act (PREA)



***West Virginia Division of Corrections and Rehabilitation***

**PREA Office:**  
**(304) 558-2036**

# ZERO TOLERANCE

*West Virginia Division of Corrections and Rehabilitation* has a zero-tolerance policy for sexual abuse and sexual harassment. What does this really mean? It means that YOU have the right to be free from sexual abuse and sexual harassment by anyone at the facility, including an inmate, staff member, volunteer, or contractor. No one has the right to sexually abuse or sexually harass you. No one.

## What Is Sexual Harassment?

- Repeated and unwelcome comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- Repeated and unwelcome sexual advances; requests for sexual favors; or verbal comments, gestures, or actions of a derogatory or offensive sexual nature.

## What Is Sexual Abuse?

- Forced or coerced sexual intercourse or sexual contact when the victim does not consent or is unable to consent or refuse. This may include the use of fear or threat of physical violence, psychological intimidation, bullying, and physical force.
- Sexual abuse also can include incidents of penetration by a foreign object.

## What is staff voyeurism?

An invasion of privacy of an inmate by a staff member, contractor, or volunteer for reasons unrelated to official duties.

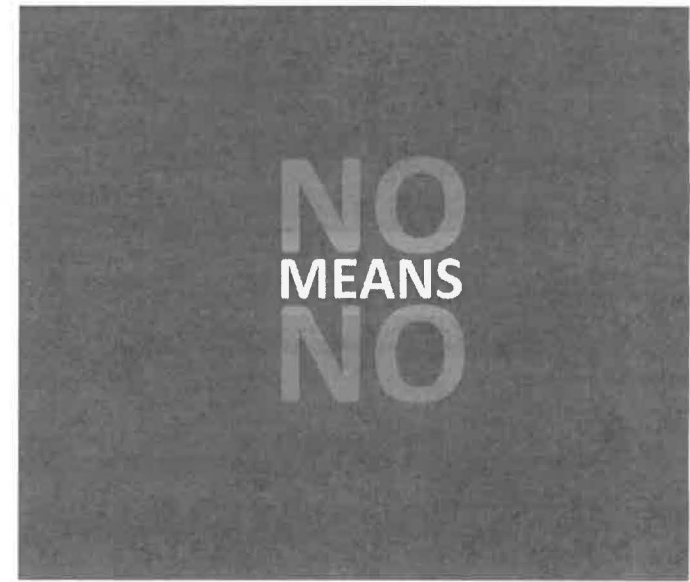
## Examples of Staff Voyeurism

- Watching an inmate use the toilet, shower, or change clothes. *Outside scope of duties.*
- Requiring an inmate to show buttocks, genitals, or breasts. *Outside scope of duties.*
- Taking pictures of an inmate's naked body or toilet use. *Outside scope of duties.*

## Tips for Avoiding Sexual Abuse and Sexual Harassment

A victim is never to blame for being attacked, but these tips may help you lower your risk of sexual abuse or sexual harassment.

- Pay attention to your surroundings.
- Carry yourself in a confident manner at all times.
- Do not accept gifts or favors from others. They usually come with "strings attached" or future paybacks, including sexual favors.
- Do not accept an offer from another resident to be your protector or "friend."
- Find a staff member with whom you feel comfortable discussing your fears and concerns. Confide in him/her if you feel threatened; or see your PREA Compliance Manager for a list of local services.
- Be alert! Do not use contraband such as drugs or alcohol as they will weaken your ability to be alert and make good choices.
- Be direct and firm when others ask you to do things that you do not want to do.
- Do not give mixed messages to others regarding your wishes for sexual activity.
- Choose your acquaintances wisely.



*West Virginia Division of Corrections and Rehabilitation* does not tolerate any form of sexual abuse or sexual harassment. The goal of this facility is the safety of the inmates. The facility will hold accountable any persons found to have committed any form of sexual abuse or sexual harassment against another person.

If any of the information presented here is confusing, or you have questions about something that may be happening to you, ask a staff person you trust; or see your PREA Compliance Manager.

### You also can contact the PREA Coordinator:

West Virginia Division of Corrections and  
Rehabilitation: PREA Department

1409 Greenbrier Street  
Charleston, WV 25301