

Appendix E

West Virginia Community Corrections Act and Title 149 Legislative Rule



WEST VIRGINIA CODE
CHAPTER 62. CRIMINAL PROCEDURE.
ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT

§62-11C-1. Legislative intent.

(a) The Legislature hereby declares that the purpose of this article is to enable any county or Class I or II municipality or any combination of counties and Class I or II municipalities to develop, establish and maintain community-based corrections programs to provide the judicial system with sentencing alternatives for those offenders who may require less than institutional custody.

(b) The goals of developing community-based corrections programs include:

- (1) Allowing individual counties or combinations of a county or counties and a Class I or II municipality greater flexibility and involvement in responding to the problem of crime in their communities;
- (2) Providing more effective protection of society and promoting efficiency and economy in the delivery of correctional services;
- (3) Providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement;
- (4) Permitting counties or combinations of a county or counties and a Class I or II municipality to operate programs specifically designed to meet the rehabilitative needs of offenders;
- (5) Providing appropriate sentencing alternatives with the goal of reducing the incidence of repeat offenders;
- (6) Permitting counties or combinations of a county or counties and a Class I or II municipality to designate community-based programs to address local criminal justice needs;
- (7) Diverting offenders from the state regional jail or correctional facilities by punishing them with community-based sanctions, thereby reserving state regional jail or correctional facilities for those offenders who are deemed to be most dangerous to the community; and
- (8) Promoting accountability of offenders to their community.

§62-11C-2. Community corrections subcommittee.

(a) A community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction is hereby created and assigned responsibility for screening community corrections programs submitted by community criminal justice boards or from other entities authorized by the provisions of this article to do so for approval for funding by the Governor's Committee and for making recommendations as to the disbursement of funds for approved community corrections programs. The subcommittee is to be comprised of fifteen members of the Governor's Committee including: A representative of the Division of Corrections, a representative of the Regional Jail and Correctional Facility Authority, a person representing the interests of victims of crime, an attorney employed by a public defender corporation, an attorney who practices criminal law, a prosecutor and a representative of the West Virginia Coalition Against Domestic Violence. At the discretion of the West Virginia Supreme Court of Appeals, the Administrator of the Supreme Court of Appeals, a probation officer and a circuit judge may serve on the subcommittee as ex officio, nonvoting members.

(b) The subcommittee shall elect a chairperson and a vice chairperson. The subcommittee shall meet

quarterly. Special meetings may be held upon the call of the chairperson, vice chairperson or a majority of the members of the subcommittee. A majority of the members of the subcommittee constitute a quorum.

§62-11C-3. Duties of the governor's committee and the community corrections subcommittee.

(a) Upon recommendation of the community corrections subcommittee, the governor's committee shall propose for legislative promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code, emergency and legislative rules to:

- (1) Establish standards for approval of community corrections programs submitted by community criminal justice boards or other entities authorized by the provisions of this article to do so;
- (2) Establish minimum standards for community corrections programs to be funded, including requiring annual program evaluations;
- (3) Make any necessary adjustments to the fees established in section four of this article;
- (4) Establish reporting requirements for community corrections programs; and
- (5) Carry out the purpose and intent of this article.

(b) Upon recommendation of the community corrections subcommittee, the governor's committee shall:

- (1) Maintain records of community corrections programs including the corresponding community criminal justice board or other entity contact information and annual program evaluations, when available;
- (2) Seek funding for approved community corrections programs from sources other than the fees collected pursuant to section four of this article; and
- (3) Provide funding for approved community corrections programs, as available.

(c) The governor's committee shall submit, on or before the thirtieth day of September of each year, to the governor, the speaker of the House of Delegates, the president of the Senate and, upon request, to any individual member of the Legislature a report on its activities during the previous year and an accounting of funds paid into and disbursed from the special revenue account established pursuant to section four of this article.

§62-11C-4. Special revenue account.

(a) There is hereby created in the State Treasury a special revenue account to be known as the West Virginia Community Corrections Fund. Expenditures from the fund are for the purposes set forth in subsection (e) of this section and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter five-a of this code. The West Virginia Community Corrections Fund may receive any gifts, grants, contributions or other money from any source which is specifically designated for deposit in the fund.

(b) Beginning on the first day of July, two thousand six, in addition to the fee required in section nine, article twelve of this chapter, a fee not to exceed thirty-five dollars per month, unless modified by legislative rule as provided in section three of this article, is also to be collected from those persons on probation. This fee is to be based upon the person's ability to pay. The magistrate or circuit judge shall conduct a hearing prior to imposition of probation and make a determination on the record that the

offender is able to pay the fee without undue hardship. The magistrate clerk or circuit clerk shall collect all fees imposed pursuant to this subsection and deposit them in a separate account. Within ten calendar days following the beginning of the calendar month, the magistrate clerk or circuit clerk shall forward the amount deposited to the State Treasurer to be credited to the West Virginia Community Corrections Fund.

(c) Beginning on the first day of July, two thousand seven, in addition to the fee required in section five, article eleven-b of this chapter, a fee of two dollars fifty cents per day is to be collected from those persons on home incarceration. The circuit judge, magistrate or municipal court judge shall consider the person's ability to pay in determining the imposition of the fee. The circuit clerk, magistrate clerk or municipal court clerk shall collect all fees imposed pursuant to this subsection and deposit them in a separate account. Within ten calendar days following the beginning of the calendar month, the circuit clerk or municipal court clerk shall forward the amount deposited to the State Treasurer to be credited to the West Virginia Community Corrections Fund.

(d) Beginning on the first day of July, two thousand six, in addition to the usual court costs in any criminal case taxed against any defendant convicted in a municipal, magistrate or circuit court, excluding municipal parking ordinances, a ten-dollar fee shall be added. The circuit clerk, magistrate clerk or municipal court clerk shall collect all fees imposed pursuant to this subsection and deposit them in a separate account. Within ten calendar days following the beginning of the calendar month, the circuit clerk, magistrate court clerk and the municipal court clerk shall forward the amount deposited to the State Treasurer to be credited to the West Virginia Community Corrections Fund.

(e) The moneys of the West Virginia Community Corrections Fund are to be disbursed by the Governor's Committee on Crime, Delinquency and Correction, upon recommendation by the community corrections subcommittee, for the funding of community corrections programs and to pay expenses of the Governor's committee in administering the provisions of this article, which expenses may not in any fiscal year exceed ten percent of the funds deposited to the special revenue account during that fiscal year.

(f) Any disbursements from the West Virginia Community Corrections Fund allocated for community corrections programs by the Governor's committee may be made contingent upon local appropriations or gifts in money or in kind for the support of the programs. Any county commission of any county or the governing body of a municipality may appropriate and expend money for establishing and maintaining community corrections programs.

(g) Nothing in this article may be construed to mandate funding for the West Virginia Community Corrections Fund or to require any appropriation by the Legislature.

§62-11C-5. Establishment of programs.

(a) Any county or combination of counties or a county or counties and a Class I or II municipality may establish and operate community corrections programs, as provided for in this section, to be used both prior to trial as a condition of bond in circuit and magistrate court, as well as an alternative sentencing option for those offenders sentenced within the jurisdiction of the county or counties which establish and operate the program: *Provided*, That the chief judge must certify that the community corrections facility is available for use in connection with the imposition of pretrial bond conditions.

(b) Any county or combination of counties or a county or counties and a Class I or II municipality that seek to establish programs as authorized in this section shall submit plans and specifications for the programs to be established, including proposed budgets, for review and approval by the community corrections subcommittee established in section three of this article.

(c) Any county or combination of counties or a county or counties and a Class I or II municipality may establish and operate an approved community corrections program to provide alternative sanctioning options for an offender who is convicted of an offense for which he or she may be sentenced to a period of incarceration in a county or regional jail or a state correctional facility and for which probation or home incarceration may be imposed as an alternative to incarceration.

(d) Community corrections programs authorized by subsection (a) of this section may provide, but are not limited to providing, any of the following services:

- (1) Probation supervision programs;
- (2) Day fine programs;
- (3) Community service restitution programs;
- (4) Home incarceration programs;
- (5) Substance abuse treatment programs;
- (6) Sex offender containment programs;
- (7) Licensed domestic violence offender treatment programs;
- (8) Day reporting centers;
- (9) Educational or counseling programs; or
- (10) Drug courts.

(e) A county or combination of counties or a county or counties and a Class I or II municipality which establish and operate community corrections programs as provided for in this section may contract with other counties to provide community corrections services.

(f) For purposes of this section, the phrase "may be sentenced to a period of incarceration" means that the statute defining the offense provides for a period of incarceration as a possible penalty.

(g) No provision of this article may be construed to allow a person participating in or under the supervision of a community corrections program to earn "good time" or any other reduction in sentence.

§62-11C-6. Community criminal justice boards.

(a) Each county or combination of counties or a county or counties and a Class I or II municipality that seek to establish community-based corrections services shall establish a community criminal justice board: *Provided*, That if a county has not established a community criminal justice board by the first day of July, two thousand two, the chief probation officer of such county, with the approval of the chief judge of the circuit, may apply for and receive approval and funding from the governor's committee for such programs as are authorized by the provisions of section five of this article. Any county which chooses to operate without a community criminal justice board shall be subject to the regulations and requirements established by the community corrections subcommittee and the governor's committee.

(b) The community criminal justice board is to consist of no more than fifteen voting members.

(c) All members of the community criminal justice board are to be residents of the county or counties represented.

(d) The community criminal justice board is to consist of the following members:

(1) The sheriff or chief of police or, if the board represents more than one county or municipality, at least one sheriff or chief of police from the counties represented;

(2) The prosecutor or, if the board represents more than one county, at least one prosecutor from the counties represented;

(3) If a public defender corporation exists in the county or counties represented, at least one attorney employed by any public defender corporation existing in the counties represented or, if no public defender office exists, one criminal defense attorney from the counties represented;

(4) One member to be appointed by the local board of education or, if the board represents more than one county, at least one member appointed by a board of education of the counties represented;

(5) One member with a background in mental health care and services to be appointed by the commission or commissions of the county or counties represented by the board;

(6) Two members who can represent organizations or programs advocating for the rights of victims of crimes with preference given to organizations or programs advocating for the rights of victims of the crimes of domestic violence or driving under the influence; and

(7) Three at-large members to be appointed by the commission or commissions of the county or counties represented by the board.

(e) At the discretion of the West Virginia supreme court of appeals, any or all of the following people may serve on a community criminal justice board as ex officio, nonvoting members:

(1) A circuit judge from the county or counties represented;

(2) A magistrate from the county or counties represented; or

(3) A probation officer from the county or counties represented.

(f) Community criminal justice boards may:

(1) Provide for the purchase, development and operation of community corrections services;

(2) Coordinate with local probation departments in establishing and modifying programs and services for offenders;

(3) Evaluate and monitor community corrections programs, services and facilities to determine their impact on offenders; and

(4) Develop and apply for approval of community corrections programs by the governor's committee on crime, delinquency and correction.

(g) If a community criminal justice board represents more than one county, the appointed membership of the board, excluding any ex officio members, shall include an equal number of members from each county, unless the county commission of each county agrees in writing otherwise.

(h) If a community criminal justice board represents more than one county, the board shall, in consultation

with the county commission of each county represented, designate one county commission as the fiscal agent of the board.

(i) Any political subdivision of this state operating a community corrections program shall, regardless of whether or not the program has been approved by the governor's committee on crime, delinquency and correction, provide to the governor's committee required information regarding the program's operations as required by legislative rule.

§62-11C-7. Supervision or participation fee.

(a) A circuit judge, magistrate, municipal court judge or community criminal justice board may require the payment of a supervision or participation fee from any person required to be supervised by or participate in a community corrections program. The circuit judge, magistrate, municipal court judge or community criminal justice board shall consider the person's ability to pay in determining the imposition and amount of the fee.

(b) All fees ordered by the circuit court or community criminal justice board pursuant to this section are to be paid to the circuit clerk, who shall monthly remit the fees to the treasurer of the county designated as the fiscal agent for the board pursuant to section six of this article. All fees ordered by the magistrate court pursuant to this section are to be paid to the magistrate clerk, who shall monthly remit the fees to the treasurer of the county designated as the fiscal agent for the board pursuant to said section. All fees ordered by the municipal court judge pursuant to this section are to be paid to the municipal court clerk who shall monthly remit the fees to the treasurer of the county designated as the fiscal agent for the board pursuant to section six of this article.

§62-11C-8. Local community criminal justice accounts.

(a) The treasurer of the county designated as the fiscal agent for the board pursuant to section six of this article shall establish a separate fund designated the community criminal justice fund. He or she shall deposit all fees remitted by the municipal, magistrate and circuit clerks pursuant to section seven of this article and all funds appropriated by a county commission pursuant to section seven, article eleven-b of this chapter, or any other provision of this code and all funds provided by the governor's committee for approved community corrections programs in the community criminal justice fund. Funds in the community criminal justice account are to be expended by order of the designated county's commission upon recommendation of the community criminal justice board in furtherance of the operation of an approved community corrections program.

(b) A county commission representing the same county as a community criminal justice board may require the community criminal justice board to render an accounting, at intervals the county commission may designate, of the use of money, property, goods and services made available to the board by the county commission and to make available at quarterly intervals an itemized statement of receipts and disbursements, and its books, records and accounts during the preceding quarter, for audit and examination pursuant to article nine, chapter six of this code.

§62-11C-9. Use of community corrections programs for those not under court supervision.

(a) Subject to the availability of community corrections programs in the county, a written pretrial diversion

agreement, entered into pursuant to the provisions of section twenty-two, article eleven, chapter sixty-one of this code, may require participation or supervision in a community corrections program as part of the prosecution and resolution of charges.

(b) Any pretrial diversion program for a defendant charged with a violation of the provisions of section twenty-eight, article two, chapter sixty-one of this code, subsection (b) or (c), section nine of said article where the alleged victim is a family or household member or the provisions of section two, article five, chapter seventeen-c of this code is to require the person charged to appear before the presiding judge or magistrate and either acknowledge his or her understanding of the terms of the agreement or tender a plea of guilty or nolo contendere to the charge or charges. Upon the defendant's motion, the court shall continue the matter for the period of time necessary for the person charged to complete the pretrial diversion program. If the person charged successfully completes the pretrial diversion program, the matter is to be resolved pursuant to the terms of the pretrial diversion agreement. If the person charged fails to successfully complete the pretrial diversion program, the matter, if no plea of guilty or nolo contendere has been tendered, is to be returned to the court's docket for resolution. If the person charged has tendered a plea of guilty or nolo contendere and fails to successfully complete the pretrial diversion program, the court shall accept the tendered plea of guilty or nolo contendere and proceed to sentencing.

(c) No provision of this article may be construed to limit the prosecutor's discretion to prosecute an individual who has not fulfilled the terms of a written pretrial diversion agreement by not completing the required supervision or participation in a community corrections program.

(d) Notwithstanding any provision of this code to the contrary, any person whose case is disposed of by entering into a pretrial diversion agreement, pursuant to the provisions of section twenty-two, article eleven of this chapter, shall be liable for any applicable court costs. Payment of the court costs shall be made a condition of the pretrial diversion agreement.

Note: Code updated with legislation passed through the [2008 2nd Extraordinary Session](#)

TITLE 149
LEGISLATIVE RULE
GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION
SERIES 4
COMMUNITY CORRECTIONS STANDARDS

§149-4-1. General.

1.1. Scope. -- This legislative rule establishes minimum standards for community corrections programs. This rule also creates a mechanism for communities to implement and maintain community corrections programs designed to provide the judicial system with sentencing alternatives for those offenders that may require less than institutional custody.

1.2. Authority. -- W. Va. Code §62-11C-3.

1.3. Filing Date. -- June 27, 2003

1.4. Effective Date. -- July 1, 2003

§149-4-2. Definitions.

2.1. "Community Corrections Act" refers to the provisions of West Virginia Code § 62-11C-1 et seq.

2.2. "Community Corrections Program" means the plan or system of diversion services of a unit of government outlined in the Community Corrections Act. A program may be organized by the local community criminal justice board or by application of a local chief probation officer, with the written approval of the chief judge of the circuit, with a showing of local community and local criminal justice system involvement in the program.

2.3. "Community Corrections Subcommittee" means the group, established in West Virginia Code § 62-11C-2, that is charged with developing standards and assisting the Governor's Committee on Crime, Delinquency and Correction in administering the Community Corrections Act.

2.4. "Community Criminal Justice Board" means the board, established by West Virginia Code § 62-11C-6, that is charged with establishing, coordinating, overseeing and maintaining community corrections programs at the local level.

2.5. "Proposal Application" means the document developed by the Community Corrections Subcommittee to be completed by the applicant. The proposal application conveys appropriate information to review local community corrections programs whether they are seeking approval of the program, or state funding of the program.

2.6. "Special Conditions and Assurances" means those conditions and assurances listed on the proposal application which the applicant certifies it will comply with if approval of the proposal application is granted by the Community Corrections Subcommittee on behalf of the Governor's Committee on Crime, Delinquency and Correction.

2.7. "State Funds" means the funds collected and placed in a special revenue account, established by West Virginia Code § 62-11C-4, that are to be disbursed, as they are available, by the Governor's Committee on Crime, Delinquency and Correction. This term does not apply to local participation fees provided for in the Community Corrections Act.

§149-4-3. Community Corrections Programs Standards.

3.1. The purpose of this section is to establish the minimum standards of a community corrections program for adult offenders. The Community Corrections Subcommittee will utilize these standards as criteria to determine if a community corrections program is eligible for approval and funding.

3.2. Core Elements. -- Community corrections programs shall include the following four (4) core elements.

3.2.a. Intake and Risk and Needs Assessment. -- Community corrections programs shall utilize a research based intake and risk and need assessment tool that addresses the following elements:

- 3.2.a.1. Drug and alcohol screening.
- 3.2.a.2. Criminal history.
- 3.2.a.3. Known associates.
- 3.2.a.4. Community support system.
- 3.2.a.5. Education needs.
- 3.2.a.6. Treatment needs.
- 3.2.a.7. Mental health needs.
- 3.2.a.8. Employment needs.
- 3.2.a.9. Substance abuse history.
- 3.2.a.10. Established criteria to remove an offender from the Community Corrections Program.

3.2.b. Services. -- Based upon community corrections program type, necessity and community availability, community corrections programs shall consider the following services:

- 3.2.b.1. Case management.
- 3.2.b.2. Individual and group treatment.
 - 3.2.b.2.A. Alcohol and drug treatment through a state certified provider(s).
 - 3.2.b.2.B. Domestic violence counseling through a licensed provider(s).
 - 3.2.b.2.C. Sex offender treatment through an educated, experienced and reputable provider(s).
 - 3.2.b.2.D. Anger management counseling.
 - 3.2.b.2.E. Financial management counseling.
- 3.2.b.3. Education.
 - 3.2.b.3.A. General Educational Development preparation.
 - 3.2.b.3.B. College preparation.
 - 3.2.b.3.C. Vocational and technical training.
- 3.2.b.4. Community service and restitution.
- 3.2.b.5. Victim and offender mediation that meets national standards.
- 3.2.b.6. Cognitive restructuring.
- 3.2.b.7. Mental health services that utilizes a community mental health center or a trained mental health services provider.
- 3.2.b.8. Drug and alcohol screening.
- 3.2.b.9. Monitoring of court ordered medications.
- 3.2.b.10. Home-placement services.

3.2.c. Reentry and Aftercare -- Community corrections programs may link with a local workforce investment board or similar entity that provides one or more of the following types of services:

- 3.2.c.1. Job and vocational training.
- 3.2.c.2. Job placement.
- 3.2.c.3. General Educational Development testing.
- 3.2.c.4. Treatment services

3.2.d. Community Corrections Program Evaluation. -- A written plan shall be developed

which measures the success of a community corrections program that includes the following elements:

3.2.d.1. Goals.

3.2.d.2. Objectives.

3.2.d.3. Data to be captured regarding each offender utilizing standardized forms or web based applications to be developed by the Community Corrections Subcommittee to include but not be limited to the following:

3.2.d.3.A. Offender full name and aliases (if applicable).

3.2.d.3.B. Offender date of birth.

3.2.d.3.C. Offender race.

3.2.d.3.D. Offender ethnicity.

3.2.d.3.E. Offender gender.

3.2.d.3.F. Offender home county and state at time of offense.

3.2.d.3.G. Highest grade completed by offender at time of offense.

3.2.d.3.H. Convicted offense(s) of offender.

3.2.d.3.I. Classification of offense(s) (misdemeanor or felony).

3.2.d.3.J. Sentencing county.

3.2.d.3.K. Sentencing court (magistrate or circuit).

3.2.d.3.L. Method of disposition.

3.2.d.3.M. Sentence.

3.2.d.3.N. Sentencing date.

3.2.d.3.O. Date the offender entered the community corrections program.

3.2.d.3.P. Date the offender failed the community corrections program (if applicable).

3.2.d.3.Q. Date the offender completed the community corrections program (if applicable).

3.2.d.3.R. Services received by the offender.

3.2.d.3.S. Certificates (achievement, completion, etc) obtained by offender.

3.2.d.3.T. Assessment scores received by the offender.

§149-4-4. Administrative Procedures.

4.1. The purpose of this section is to establish the administrative procedures that a community corrections program must follow in order to be considered for approval and funding.

4.2. General Community Corrections Programs Approval. -- Community corrections programs applicants shall adhere to the following guidelines for both community corrections program approval and funding approval:

4.2.a. A community or communities seeking community corrections program approval from the Community Corrections Subcommittee must submit an official community corrections program proposal application and follow all special conditions and assurances in the proposal application. This proposal application must be submitted by those communities seeking funding as well as those communities not seeking funding.

4.2.b. Proposed community corrections programs shall meet the Community Corrections Programs Standards as established in §149-4-3 of this rule.

4.2.c. A county commission shall serve as an applicant for a community corrections program. In those incidences where the county commission is unable to serve as the applicant, the West Virginia Supreme Court of Appeals may serve as the applicant representing chief circuit judges and chief probation officers.

4.2.d. A community corrections program shall be developed by a local community criminal justice board, or a chief probation officer, with approval of the chief circuit judge.

4.2.e. The applicant must demonstrate how the local community and local criminal justice system are involved with the community corrections program development and implementation. Applicants are encouraged to submit letters of support from all individuals involved in the development and implementation process.

4.3. Approval of community corrections program with no request for state funds. -- Should a community corrections program applicant request community corrections program approval from the Community Corrections Subcommittee and not request state funds for the implementation of that community corrections program, the following guidelines shall be applicable:

4.3.a. Proposal applications may be submitted to the Community Corrections Subcommittee at anytime. These proposal applications will be reviewed and considered for approval by the Community Corrections Subcommittee on behalf of the Governor's Committee on Crime, delinquency and Corrections at the next scheduled Community Corrections Subcommittee meeting.

4.3.b. Should a proposal application be approved by the Community Corrections Subcommittee, said approval will remain in effect for a period of three years.

4.3.c. Should a community corrections program be modified following an approval from the Community Corrections Subcommittee yet prior to the end of the established 3-year period, new approval shall be requested from the Community Corrections Subcommittee.

4.3.d. Approved applicants shall submit quarterly progress reports approved by the Community Corrections Subcommittee.

4.3.e. Approved applicants shall submit an annual progress report approved by the Community Corrections Subcommittee.

4.3.f. Approved applicants shall collect and submit quarterly, data pursuant to the requisites of §149-4-3.2.d.3. of this rule.

4.4. Approval of community corrections program with state funding. -- Should a community corrections program applicant request community corrections program approval from the Community Corrections Subcommittee and request state funds for the implementation of that community corrections program, the following guidelines shall be applicable:

4.4.a. The Community Corrections Subcommittee will distribute proposal application information during the months of January – March of each year. The distribution list will include the following:

4.4.a.1. County Commissions;

4.4.a.2. Circuit Judges;

4.4.a.3. Probation Offices;

4.4.a.4. Class I and II Municipalities; and

4.4.a.5 Prosecuting Attorneys.

4.4.b. Proposal application submission deadline will be a set date during the months of April through May. This date will be established each year by the Community Corrections Subcommittee.

4.4.c. Proposal applications approved for funding will begin community corrections program implementation on July 1 and conclude community corrections program implementation June 30 of the following year.

4.4.d. Funding awards will be for a one-year period on a competitive basis.

4.4.e. Funding decisions will be made based on the criteria in the proposal application and applicants may be required to orally present their application to the Community Corrections Subcommittee.

4.4.f. There shall be a minimum 10% local cash match requirement on each funded community corrections program.

4.4.g. State funds will be disbursed to the applicants through a monthly reimbursement of expenses.

4.4.h. During the administration of a proposal application award, applicants shall submit all administrative paperwork approved by the Community Corrections Subcommittee.

The paperwork may include, but is not limited to the following:

4.4.h.1. Award contract.

4.4.h.2. Award resolution.

4.4.h.3. Monthly progress reports.

4.4.h.4. Monthly financial reports with supporting documentation.

4.4.h.5. Monthly request for reimbursement documents.

4.4.h.6. Annual progress report.

4.4.h.7. Monthly data pursuant to the requisites of §149-4-3.2.d.3. of this rule.

TITLE 149
LEGISLATIVE RULE
GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION
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§149-4-1. General.

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1.2. Authority. -- W. Va. Code §62-11C-3.

1.3. Filing Date. -- June 27, 2003

1.4. Effective Date. -- July 1, 2003

§149-4-2. Definitions.

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2.6. "Special Conditions and Assurances" means those conditions and assurances listed on the proposal application which the applicant certifies it will comply with if approval of the proposal application is granted by the Community Corrections Subcommittee on behalf of the Governor's Committee on Crime, Delinquency and Correction.

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- 3.2.a.4. Community support system.
- 3.2.a.5. Education needs.
- 3.2.a.6. Treatment needs.
- 3.2.a.7. Mental health needs.
- 3.2.a.8. Employment needs.
- 3.2.a.9. Substance abuse history.
- 3.2.a.10. Established criteria to remove an offender from the Community Corrections Program.

3.2.b. Services. -- Based upon community corrections program type, necessity and community availability, community corrections programs shall consider the following services:

- 3.2.b.1. Case management.
- 3.2.b.2. Individual and group treatment.
 - 3.2.b.2.A. Alcohol and drug treatment through a state certified provider(s).
 - 3.2.b.2.B. Domestic violence counseling through a licensed provider(s).
 - 3.2.b.2.C. Sex offender treatment through an educated, experienced and reputable provider(s).
 - 3.2.b.2.D. Anger management counseling.
 - 3.2.b.2.E. Financial management counseling.
- 3.2.b.3. Education.
 - 3.2.b.3.A. General Educational Development preparation.
 - 3.2.b.3.B. College preparation.
 - 3.2.b.3.C. Vocational and technical training.
- 3.2.b.4. Community service and restitution.
- 3.2.b.5. Victim and offender mediation that meets national standards.
- 3.2.b.6. Cognitive restructuring.
- 3.2.b.7. Mental health services that utilizes a community mental health center or a trained mental health services provider.
- 3.2.b.8. Drug and alcohol screening.
- 3.2.b.9. Monitoring of court ordered medications.
- 3.2.b.10. Home-placement services.

3.2.c. Reentry and Aftercare -- Community corrections programs may link with a local workforce investment board or similar entity that provides one or more of the following types of services:

- 3.2.c.1. Job and vocational training.
- 3.2.c.2. Job placement.
- 3.2.c.3. General Educational Development testing.
- 3.2.c.4. Treatment services

3.2.d. Community Corrections Program Evaluation. -- A written plan shall be developed

which measures the success of a community corrections program that includes the following elements:

3.2.d.1. Goals.

3.2.d.2. Objectives.

3.2.d.3. Data to be captured regarding each offender utilizing standardized forms or web based applications to be developed by the Community Corrections Subcommittee to include but not be limited to the following:

3.2.d.3.A. Offender full name and aliases (if applicable).

3.2.d.3.B. Offender date of birth.

3.2.d.3.C. Offender race.

3.2.d.3.D. Offender ethnicity.

3.2.d.3.E. Offender gender.

3.2.d.3.F. Offender home county and state at time of offense.

3.2.d.3.G. Highest grade completed by offender at time of offense.

3.2.d.3.H. Convicted offense(s) of offender.

3.2.d.3.I. Classification of offense(s) (misdemeanor or felony).

3.2.d.3.J. Sentencing county.

3.2.d.3.K. Sentencing court (magistrate or circuit).

3.2.d.3.L. Method of disposition.

3.2.d.3.M. Sentence.

3.2.d.3.N. Sentencing date.

3.2.d.3.O. Date the offender entered the community corrections program.

3.2.d.3.P. Date the offender failed the community corrections program (if applicable).

3.2.d.3.Q. Date the offender completed the community corrections program (if applicable).

3.2.d.3.R. Services received by the offender.

3.2.d.3.S. Certificates (achievement, completion, etc) obtained by offender.

3.2.d.3.T. Assessment scores received by the offender.

§149-4-4. Administrative Procedures.

4.1. The purpose of this section is to establish the administrative procedures that a community corrections program must follow in order to be considered for approval and funding.

4.2. General Community Corrections Programs Approval. -- Community corrections programs applicants shall adhere to the following guidelines for both community corrections program approval and funding approval:

4.2.a. A community or communities seeking community corrections program approval from the Community Corrections Subcommittee must submit an official community corrections program proposal application and follow all special conditions and assurances in the proposal application. This proposal application must be submitted by those communities seeking funding as well as those communities not seeking funding.

4.2.b. Proposed community corrections programs shall meet the Community Corrections Programs Standards as established in §149-4-3 of this rule.

4.2.c. A county commission shall serve as an applicant for a community corrections program. In those incidences where the county commission is unable to serve as the applicant, the West Virginia Supreme Court of Appeals may serve as the applicant representing chief circuit judges and chief probation officers.

4.2.d. A community corrections program shall be developed by a local community criminal justice board, or a chief probation officer, with approval of the chief circuit judge.

4.2.e. The applicant must demonstrate how the local community and local criminal justice system are involved with the community corrections program development and implementation. Applicants are encouraged to submit letters of support from all individuals involved in the development and implementation process.

4.3. Approval of community corrections program with no request for state funds. -- Should a community corrections program applicant request community corrections program approval from the Community Corrections Subcommittee and not request state funds for the implementation of that community corrections program, the following guidelines shall be applicable:

4.3.a. Proposal applications may be submitted to the Community Corrections Subcommittee at anytime. These proposal applications will be reviewed and considered for approval by the Community Corrections Subcommittee on behalf of the Governor's Committee on Crime, delinquency and Corrections at the next scheduled Community Corrections Subcommittee meeting.

4.3.b. Should a proposal application be approved by the Community Corrections Subcommittee, said approval will remain in effect for a period of three years.

4.3.c. Should a community corrections program be modified following an approval from the Community Corrections Subcommittee yet prior to the end of the established 3-year period, new approval shall be requested from the Community Corrections Subcommittee.

4.3.d. Approved applicants shall submit quarterly progress reports approved by the Community Corrections Subcommittee.

4.3.e. Approved applicants shall submit an annual progress report approved by the Community Corrections Subcommittee.

4.3.f. Approved applicants shall collect and submit quarterly, data pursuant to the requisites of §149-4-3.2.d.3. of this rule.

4.4. Approval of community corrections program with state funding. -- Should a community corrections program applicant request community corrections program approval from the Community Corrections Subcommittee and request state funds for the implementation of that community corrections program, the following guidelines shall be applicable:

4.4.a. The Community Corrections Subcommittee will distribute proposal application information during the months of January – March of each year. The distribution list will include the following:

4.4.a.1. County Commissions;

4.4.a.2. Circuit Judges;

4.4.a.3. Probation Offices;

4.4.a.4. Class I and II Municipalities; and

4.4.a.5 Prosecuting Attorneys.

4.4.b. Proposal application submission deadline will be a set date during the months of April through May. This date will be established each year by the Community Corrections Subcommittee.

4.4.c. Proposal applications approved for funding will begin community corrections program implementation on July 1 and conclude community corrections program implementation June 30 of the following year.

4.4.d. Funding awards will be for a one-year period on a competitive basis.

4.4.e. Funding decisions will be made based on the criteria in the proposal application and applicants may be required to orally present their application to the Community Corrections Subcommittee.

4.4.f. There shall be a minimum 10% local cash match requirement on each funded community corrections program.

4.4.g. State funds will be disbursed to the applicants through a monthly reimbursement of expenses.

4.4.h. During the administration of a proposal application award, applicants shall submit all administrative paperwork approved by the Community Corrections Subcommittee.

The paperwork may include, but is not limited to the following:

4.4.h.1. Award contract.

4.4.h.2. Award resolution.

4.4.h.3. Monthly progress reports.

4.4.h.4. Monthly financial reports with supporting documentation.

4.4.h.5. Monthly request for reimbursement documents.

4.4.h.6. Annual progress report.

4.4.h.7. Monthly data pursuant to the requisites of §149-4-3.2.d.3. of this rule.