

STATE OF WEST VIRGINIA



WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

David Farmer
Executive Director

P.O. Box 50285
1900 Kanawha Blvd. East
Charleston, WV 25305
(304) 558-2036
FAX: (304) 558-2115

Jeff Sandy CFE, CAMS
Cabinet Secretary

Governor's Office
Attn: Manda Bickoff

Re: Regulatory Reform Executive Order 3-18 Report

Dear Ms. Bickoff:

As the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority ("WVRJCFA"), I submit the following report based on the letter dated February 12, 2018 pertaining to the Governor's Executive Orders on Regulatory Reform. I have listed all six (6) legislative rules promulgated either by the WVRJCFA or the Jail and Correctional Facility Standards Commission. As directed, each of the responses regarding the legislative rules will address the following:

- (1) a description of each rule, including the date of first promulgation and any subsequent modifications;
- (2) recommendations of whether the rule should be unchanged, modified or repealed; and
- (3) the reason(s) for the recommendation.

Title 94, Series 4, "Regulations establishing criteria for identifying and evaluating potential sites for private prisons and providing for public hearings to allow reasonable participation in the selection process by the citizens of the area to be affected by the construction and operation of a private prison facility"

Description: This rule establishes the procedure for the WVRJCFA to conduct public hearings prior to the establishment of private prisons in the State of West Virginia. Authority: W. Va. Code §25-5-10a.

Date of First Promulgation: 3/9/1991

Subsequent Modifications: None

RECOMMENDATION: Modify

Reasons for Recommendation: Modification for conformity with the newly-established Division of Corrections and Rehabilitation.

Title 94, Series 5, "Handbook of inmate rules and procedures"

Description: This rule adopts the WVRJCFA inmate rules and procedures handbook by reference. Authority: WV Code §31-20-5v.

Date of First Promulgation: 10/8/1994

Subsequent Modifications: None

RECOMMENDATION: Modify

Reasons for Recommendation: Modification for conformity with the newly-established Division of Corrections and Rehabilitation.

Title 94, Series 6, "Furlough program for regional jails"

Description: This rule establishes the furlough program for inmates under the custody and control of the WVRJCFA. Authority: W. Va. Code §31-20-29.

Date of First Promulgation: 6/28/2006

Subsequent Modifications: 3/5/2008

RECOMMENDATION: Modify

Reasons for Recommendation: Modification for conformity with the newly-established Division of Corrections and Rehabilitation.

Title 94, Series 7, "Criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority"

Description: This rule requires the WVRJCFA to develop an operational cost per day for inmates incarcerated in regional jails, and it allocates resources and services necessary to protect the public safety by properly funding the regional jail system. Authority: W. Va. Code §31-20-10(h).

Date of First Promulgation: 3/5/2007

Subsequent Modifications: 4/8/2009; 3/5/2014

RECOMMENDATION: Repeal

Reasons for Recommendation: Per diem costs are now established in code thus obviating the need for this rule.

Title 94, Series 8, "Work program for regional jail inmates"

Description: This rule establishes a work program for qualified inmates under the custody and control of the WVRJCFA. Authority: West Virginia Code §31-20-31.

Date of First Promulgation: 3/5/2008

Subsequent Modifications: None

RECOMMENDATION: Modify

Reasons for Recommendation: Modification for conformity with the newly-established Division of Corrections and Rehabilitation.

Title 95, Series 1, "WV minimum standards for construction, operation, and maintenance of jails"

Description: This rule establishes the minimum standards and procedures for jail facilities in West Virginia. The standards as developed for construction, operation, and maintenance of jail facilities only apply to jail facilities completed after April 5, 1988 but shall serve as guidelines for jail facilities in operation before that date. Authority: W. Va. Code §31-20-9.

Date of First Promulgation: 3/27/1996

Subsequent Modifications: None

RECOMMENDATION: Modify

Reasons for Recommendation: Modification for conformity with the newly-established Division of Corrections and Rehabilitation.

If you have any questions or concerns relative to this report, please do not hesitate to contact me.

Respectfully submitted,

David A. Farmer
Executive Director

Recommendations:

Jeff S. Sandy, CFE, CAMS
Cabinet Secretary, DMAPS

