The State of Reentry and Barriers for Returning Citizens in West Virginia

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Introduction

Across the United States, citizens returning from prisons and jails face numerous obstacles as they reintegrate into their communities, including finding steady employment and stable housing, obtaining reliable transportation, and navigating the requirements of community supervision. The challenge in overcoming these obstacles is heightened in West Virginia, a rural state with limited access to transportation and living wage jobs, as well as little coordinated reentry support among state and local agencies and nonprofits.

Lack of affordable and secure housing, medical treatment, and access to other vital resources are significant contributors to unsuccessful reentry and high recidivism. Past research in West Virginia found that 62 percent of people who had their parole revoked and were sent back to prison were in need of drug or alcohol treatment. Survey data from the West Virginia Council of Churches – Reentry Councils found that 85 percent of returning citizens seeking assistance list lack of access to substance use treatment as a barrier to their reentry.

To reduce recidivism and to provide returning citizens with the best chances at success, West Virginia should invest taxpayer funding in a coordinated reentry support network. Part 1 of this report focuses on key issues that formerly incarcerated people have long faced in West Virginia and provides recommendations that could improve the reentry process across the state. Part 2 provides a closer look into the lives of people who have or are currently experiencing reentry or who work to make reentry a less daunting task for our state's returning citizens.

Key Findings _____

- Returning citizens identified lack of access to substance use treatment, employment, and transportation as the top barriers to reentry.
- Technical parole and probation violations cost West Virginia an estimated \$2 million in incarceration costs.
- Twenty-two percent of the prison admissions between 2015 and 2019 were for probation or parole technical violations.
- From 2009 to 2019, an average of 3,113 West Virginians exited prison per year.
- Seventy-six percent of the returning citizens requesting assistance from the West Virginia Council of Churches during the study period were parents.

¹ The Council of State Governments Justice Center, "West Virginia's Justice Reinvestment" (June 2014), https://csgjusticecenter.org/wp-content/uploads/2020/02/West-Virginias-Justice-Reinvestment-Summary-Report.pdf.

PART 1

Reentry in the Mountain State: Roadblocks and Recommendations

By Quenton King

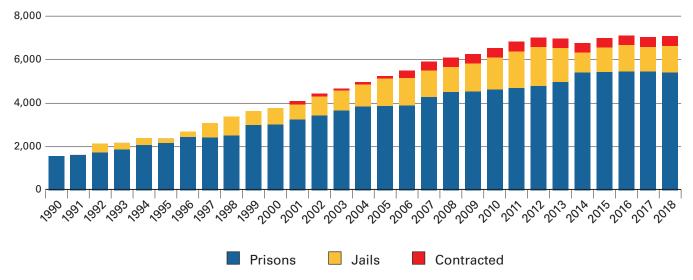
I. Incarceration and Reentry in West Virginia

The nation's prison population exploded over the last quarter century, and West Virginia's incarcerated population rose even faster than the national average. Between 1990 and 2018, West Virginia's prison population grew nearly 350 percent, almost four times the rate of the increase in the national prison population.² Naturally, an increase in the incarcerated population comes with an accompanying increase in the number of people who will eventually leave prison; it is estimated that 95 percent of people incarcerated in prisons ultimately exit prison and return home, often without adequate support and resources that will help them experience a successful transition.

Rise in Prison and Jail Incarceration

The sentenced population grew almost every year between 1990 and 2018, with only three years seeing a decrease in the sentenced population. This increase impacts both the state's prisons and jails as the sentenced population often includes people who are held in regional jail backlogs and in a contracted facility. West Virginia's surging prison population has contributed to dangerous overcrowding in regional jails. The prison system's maximum capacity is 5,437 people, and the average regional jail backlog since 2009 has been 1,333.

Figure 1
Average Sentenced Population, West Virginia, 1990-2018

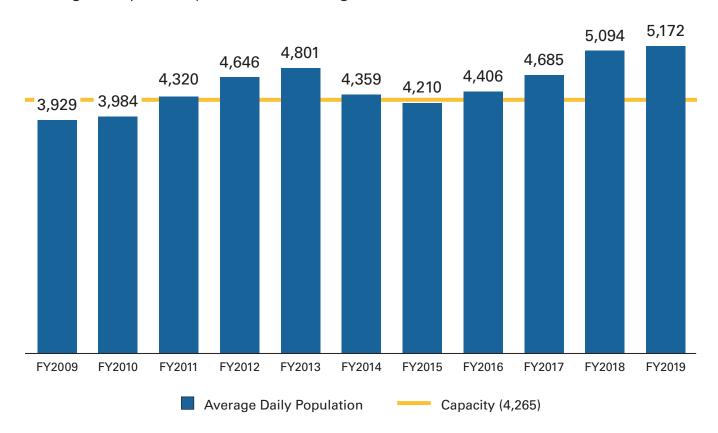


Source: WVCBP analysis of WV Division of Corrections and Rehabilitations data Note: The West Virginia Division of Corrections and Rehabilitation began accounting for prison backlog in jails in 1993.

The Sentencing Project, "Criminal Justice Facts," https://wwpolicy.org/wp-content/uploads/2019/02/WVCBP IncarcerationInfographic FINAL.pdf.

The jail population, which is intended to primarily include people being held pretrial and people convicted of a misdemeanor, has skyrocketed as well. The average daily jail population has increased nearly 32 percent since 2009, and the state was incarcerating beyond its maximum capacity for eight of the last 11 years. Much of the jail overcrowding crisis can be attributed to the previously mentioned prison backlog. In FY 2019, nearly 31 percent of the average daily jail population were people awaiting admission into an empty bed in a state prison.

Figure 2
Average Daily Jail Population, West Virginia, FY 2009 – 2019

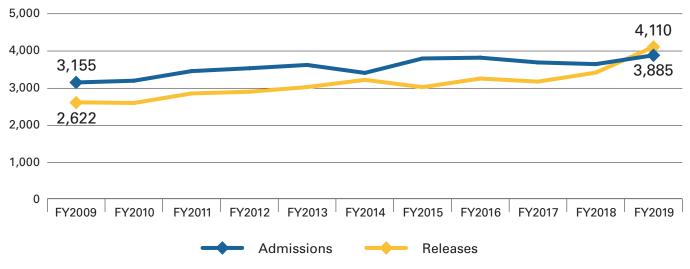


Source: WVCBP analysis of WV Division of Corrections and Rehabilitations data

Admission and Release Trends

An average of 3,567 people were admitted into West Virginia prisons between 2009 and 2019.³ The yearly total increased 23 percent between 2009 and 2019, at 3,155 and 3,885 respectively, despite a decline in the state's general population over the same time period. Releases did not keep pace with admissions for most of the time period until 2019, when a record 4,110 people were released. From 2009 to 2019, an average of 3,113 West Virginians exited prison per year.

Figure 3
Prison Admissions and Releases, West Virginia, FY 2009 - 2019



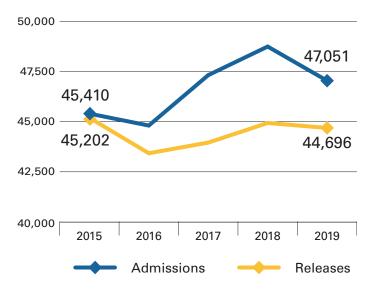
Source: WVCBP analysis of WV Division of Corrections and Rehabilitations data

The state's regional jails have much higher turnover. There were more than 40,000 admissions and releases in West Virginia's regional jails between 2015 and 2019. In 2019 there were 47,051 admissions and 44,696 releases.

Another important data category when studying reentry is the number of people who are under community supervision. The most common forms of community supervision are probation and parole. Typically, probation is sentenced in lieu of actual jail or prison time, while parole is the system in which people are released early from prison. While on parole or probation, a person agrees to a number of conditions, including abiding by curfews, obtaining and keeping employment, and attending regular meetings with their case manager.

Figure 4

Regional Jail Admissions and Releases, West Virginia, 2015 - 2019

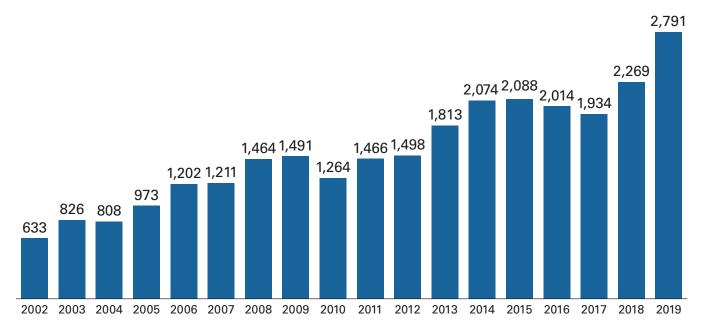


Source: WVCBP analysis of WV Division of Corrections and Rehabilitations data

³ WVCBP analysis of West Virginia Division of Corrections and Rehabilitation reports.

The number of West Virginia residents under parole supervision has increased 341 percent since 2002. There were 2,791 people under parole supervision on June 28, 2019, compared to just 633 at the end of the 2002 fiscal year.⁴

Figure 5
Residents Under Parole Supervision, West Virginia, 2002 - 2019

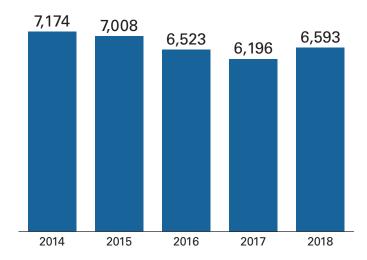


Source: WVCBP analysis of WV Division of Corrections and Rehabilitations data

Parole information is reported directly from the West Virginia Division of Corrections and Rehabilitations (WV DCR). However, probation is operated by the West Virginia Judiciary and data is less readily accessible. The Bureau of Justice Statistics Annual Probation and Parole Survey found that between 2014 and 2018, an average of 6,699 people were under probation supervision on December 31 of each year. This number does not reflect the total count of everyone who was on probation in a given year.

Figure 6

Residents Under Probation Supervision on December 31 of Each Year, West Virginia, 2014 -2018



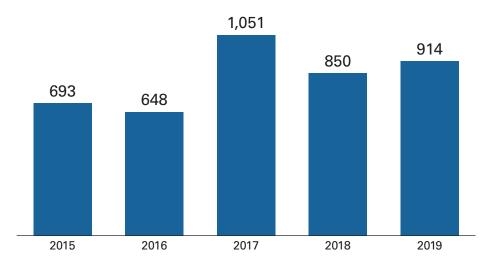
Source: U.S. Bureau of Justice Statistics

⁴ WVCBP analysis of West Virginia Division of Corrections and Rehabilitation reports.

⁵ Probation statistics from the Bureau of Justice Statistics are available at https://www.bjs.gov/index.cfm?ty=pbse&sid=42.

Probation and parole revocations for new offenses and technical violations contribute significantly to jail and prison overcrowding in West Virginia. Technical violations are transgressions that normally would not constitute a criminal offense for someone who was not under community supervision — such as missing an office visit, failing a drug test, or not finding or keeping appointment — but result in reincarceration for an individual under community supervision. Twenty-two percent of the prison admissions between 2015 and 2019 were for probation or parole technical violations.

Figure 7
Prison Commitments Due to Parole and Probation Technical Violations,
West Virginia, 2015 - 2019



Source: WVCBP analysis of WV Division of Corrections and Rehabilitations data

II. Reentry in West Virginia

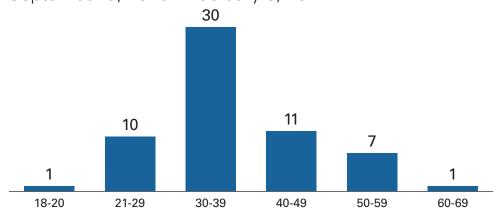
There are few state-coordinated or state-supported resources for returning citizens in West Virginia. The West Virginia Council of Churches (WVCC) is one of the groups that has been trying to fill that gap. Much of their work is referral-based, with people being sent from day report centers or parole and probation officers. But some people find the Reentry Councils through word of mouth. Between September 2020 and February 2021, WVCC's Reentry Councils logged the requests they received for reentry assistance from formerly incarcerated people. In total, 60 intake forms were collected. This is under 2 percent of the people who are released from prisons in West Virginia every year.

Who is Requesting Assistance?

The largest number of people who submitted an assistance form to WVCC were between 30 and 39 years old. The second highest category was 40- to 49-year-olds with 11 people. Only one person who requested assistance fell into the 18- to 20-year-old and 60- to 69-year-old categories, respectively.

Figure 8

Breakdown of People Who Requested WVCC Reentry Assistance by Age, September 3, 2020 – February 5, 2021

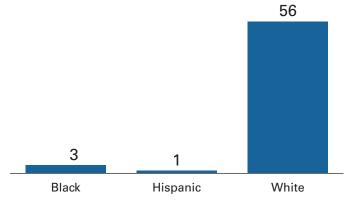


Source: West Virginia Council of Churches — Reentry Councils survey data

Ninety-three percent of those who submitted requests were white, comparable to West Virginia's population. Three Black people and one Hispanic person submitted requests. This does not align with the demographics of people incarcerated in prison. While only five percent of the people who requested assistance from the councils were Black, approximately 13 percent of the people in West Virginia's prisons are Black.

Figure 9

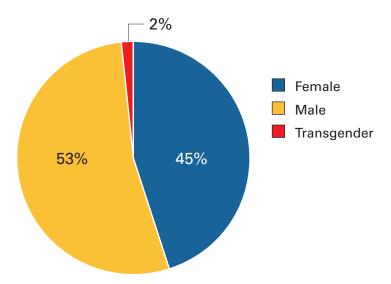
Breakdown of People Who Requested WVCC Reentry Assistance by Race, September 3, 2020 – February 5, 2021



Source: West Virginia Council of Churches — Reentry Councils survey data

Slightly more than half (32) of people who requested assistance were male. Twenty-seven females requested assistance, as well as one transgender person.

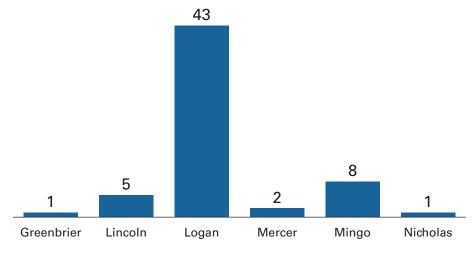
Figure 10
Breakdown of People Who Requested WVCC Reentry Assistance by Sex, September 3, 2020 – February 5, 2021



Source: West Virginia Council of Churches - Reentry Councils survey data

The West Virginia Council of Churches has established Reentry Councils across the state, but most of the survey data for this report comes from the southern councils. Logan was the county with the most requests for assistance.

Figure 11
Breakdown of People Who Requested WVCC Reentry Assistance by County, September 3, 2020 – February 5, 2021



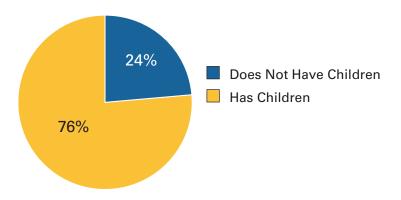
Source: West Virginia Council of Churches - Reentry Councils survey data

Seventy-six percent of the applicants for assistance were parents. Prior national research has indicated that more than half of people incarcerated in state prisons are parents.⁶

Parental incarceration can have a variety of adverse impacts on children. Children of parents who experience intermittent or continual incarceration may be at higher risk of involvement with the criminal justice system themselves. They may also develop antisocial behavior, have lower educational attainment, and may be less likely to have stable housing.⁷ One report estimated that 34,000 children in West Virginia had experienced parental incarceration, an alarming nine percent of the state's total child population.⁸

Figure 12

Breakdown of People Who Requested WVCC Reentry Assistance by Parental Status, September 3, 2020 – February 5, 2021

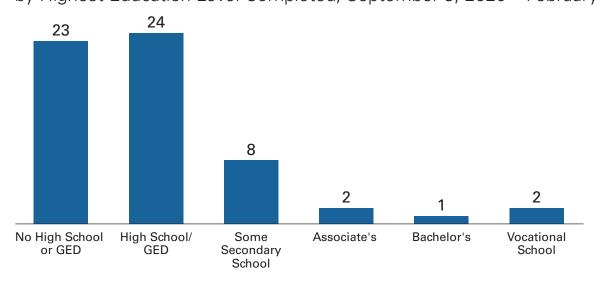


Source: West Virginia Council of Churches — Reentry Councils survey data Note: One person declined to answer this question.

More than half of the formerly incarcerated people who requested assistance have completed high school education/GED or less. Two people have an associate's degree, one person has a bachelor's degree, and two people attended vocational school. According to the Prison Policy Institute, a quarter of formerly incarcerated people do not have a high school diploma or GED, while another 33 percent have a GED.⁹

Figure 13

Breakdown of People Who Requested WVCC Reentry Assistance
by Highest Education Level Completed, September 3, 2020 – February 5, 2021



Source: West Virginia Council of Churches — Reentry Councils survey data

⁶ Christopher Mumola, "Incarcerated Parents and Their Children," Bureau of Justice Statistics, Aug 2000, https://www.bjs.gov/content/pub/pdf/iptc.pdf.

Fric Martin, "Hidden Consequences: The Impact of Incarceration on Dependent Children, National Institute of Justice, March 1, 2017, https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children.

⁸ Kids Count, "A Shared Sentence," April 2016, https://www.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf.

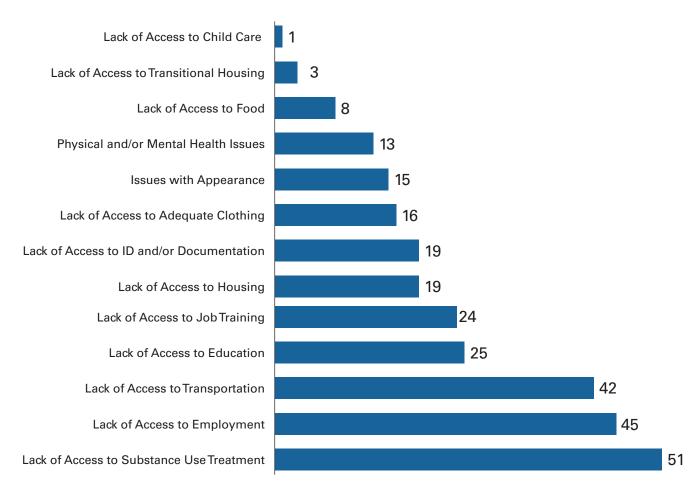
⁹ Lucius Couloute, "Getting Back on Course: Educational exclusion and attainment among formerly incarcerated people," Prison Policy Initiative, Oct. 28 2018, https://www.prisonpolicy.org/reports/education.html.

Biggest Barriers to Reentry in West Virginia

Applicants were asked to identify what they perceived to be their biggest obstacles to successful reentry. The top three barriers identified were lack of access to:

- Substance use treatment (identified by 85 percent of applicants)
- Employment (identified by 75 percent of applicants)
- Transportation (identified by 70 percent of applicants)

Figure 14:
Barriers to Reentry Identified by People Who Requested WVCC Reentry Assistance, September 3, 2020 – February 5, 2021



Source: West Virginia Council of Churches - Reentry Councils survey data

Specific Barriers to Reentry and Accompanying Policy Recommendations

1. Lack of Access to Health Care and Substance Use Treatment

Incarcerated people tend to be less healthy than the general population. An estimated 80 percent of returning citizens have a substance use disorder or chronic medical condition. ¹⁰ Although incarcerated people are constitutionally obligated to receive health care, the quality of care ranges and may not adequately serve individuals' unique needs. ¹¹ And when they return to the community, they may struggle to access health care or substance use treatment, especially in rural areas with limited health care providers.

Fifty-one of the 60 respondents to the WVCC survey listed lack of substance use treatment as a specific barrier to their reentry, but other health-related barriers exist. For example, a person who was receiving treatment or medication for a chronic health condition in a correctional facility would likely need that same treatment when they leave. However, they may have trouble finding a doctor, obtaining or enrolling in

For addicts, we need to treat them as individuals; they should have IEPs [Individualized Education Programs], not just blanket treatment. We can't give up on people here.

-WV returning citizen

health insurance, or paying for the treatment. West Virginia was one of the first states to expand Medicaid under the Affordable Care Act. While incarcerated people are unable to be enrolled in Medicaid while in a correctional facility, state agencies could work together to ensure people are enrolled before they leave prison, as other states do.¹²

West Virginia's Justice Reinvestment Act passed in 2013 and sought to reduce incarceration costs and improve access to community-based treatment for people under supervision with substance use disorders. The legislature expanded drug courts and granted funds to day report centers across the state to offer substance abuse treatment. While the Justice Reinvestment Act likely led to a decrease in incarceration in its initial years, little external research or evaluation has been conducted since. 14

Policy Recommendations

- During the release planning process, WV Division of Corrections and Rehabilitation should work with the Department of Health and Human Resources to ensure that all eligible people are enrolled in Medicaid before leaving correctional facilities.
- The Legislature and the WV Division of Corrections and Rehabilitation should evaluate the effectiveness of the Justice Reinvestment Act and identify ways that it could be improved to ensure substance use treatment and education are accessible and offered at a low-cost to all returning citizens who need it, as well as identify ways to ensure the efficacy of the individual programs.

¹⁰ Jocelyn Guyer et al., "State Strategies for Establishing Connections to Health Care for Justice-Involved Populations: The Central Role of Medicaid," Commonwealth Fund, Jan. 2019, https://www.commonwealthfund.org/sites/default/files/2019-01/Guyer state strategies justice involved Medicaid ib v2.pdf.

¹¹ Andrew Wilper et al., "The Health and Health Care of US Prisoners: Results of a Nationwide Survey," American Journal of Public Health, April 2009, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2661478/.

¹² Jocelyn Guyer et al., "State Strategies for Establishing Connections to Health Care for Justice-Involved Populations: The Central Role of Medicaid."

¹³ The Council of State Governments Justice Center, "West Virginia's Justice Reinvestment" (June 2014).

^{14 &}quot;Presentation to WV Behavioral Health Planning Council," available at https://wvbhpc.org/wp-content/uploads/2019/02/JRA-Presentation-to-WVBHPC-10.16.14.pdf.

2. Lack of Access to Employment, Education, and Job Training

How can I get this
felony lifted off of me
to where I can get a job?
It's hurting me,
it's hurting me every day,
it's hurting my family.

-WV returning citizen

Obtaining consistent, gainful employment is challenging for returning citizens, but is often a requirement for someone under parole supervision. According to the Urban Institute, challenges that returning citizens face when seeking employment can include low levels of education, limited work experience, and limited vocational skills. Employers also may be reluctant to hire people with criminal records. In addition, many jobs have vague legal restrictions that make ineligible people with felony convictions or people convicted of crimes involving "moral turpitude."

West Virginia has made strides to help returning citizens who struggle with substance use disorders obtain employment. In 2019, Governor Justice and the West Virginia Legislature created the Jobs and Hope program, which offers a transition agent to people who are in treatment for substance use

disorders.¹⁷This transition agent can help the person in recovery navigate the process of finding a job, which can include assistance with getting a driver's license, basic certifications, or a GED. While this initiative is likely to have provided reentry support to many West Virginians in the last two years, program evaluations and statewide impact data have yet to be released. While the focus on returning West Virginians in recovery is incredibly important, there is a lack of support statewide for formerly convicted people who do not have substance use issues. Future expansions of the program could allow broader enrollment.

Policy Recommendations

- The Legislature should provide more incentives to employers to hire people with criminal records, as well as continue to remove barriers to expungements.
- The Legislature should eliminate irrelevant, arbitrary collateral sanctions that prevent people from obtaining a job or license. All blanket bans against hiring people with any felony should be ended.
- The existing Jobs and Hope program should undergo program evaluation and expand its target population.

I was at the top of my class when I finished EMT training that cost \$500 but then I found out that felons can't be EMT workers.

No one told me before my training I wouldn't be able to become an EMT.

-WV returning citizen

¹⁵ Demelza Baer et al., "Understanding the Challenges of Prisoner Reentry," Urban Institute Justice Policy Center, Jan. 2006, https://www.urban.org/sites/default/files/publication/42981/411289-Understanding-the-Challenges-of-Prisoner-Reentry.PDF.

¹⁶ Demelza Baer et al., "Understanding the Challenges of Prisoner Reentry." Devah Pager, "The Mark of a Criminal Record," American Journal of Sociology, March 2003, https://scholar.harvard.edu/files/pager_files/pager_ajs.pdf.

¹⁷ Press release from West Virginia Governor Jim Justice, Oct. 30, 2019, available at https://governor.wv.gov/News/press-releases/2019/Pages/Gov.-Justice-celebrates-Jobs-and-Hope-program-in-southern-West-Virginia.aspx.

3. Lack of Access to Housing

Nationally, obtaining housing has been identified as a significant challenge for people returning from prison or jail. The first month after release has been described as a turbulent time in which the risk of becoming homeless or reoffending is high. Housing can be unaffordable for people who have spent years in prison earning an income of between \$6 to \$81 per month for many of the jobs offered within the facility. As most people do not leave prison with a job offer in their hands, the down payment and rent may be out of reach. According to the National Low Income Housing Coalition, a person receiving the West Virginia minimum wage of \$8.75 per hour would need to work 56 hours a week to afford a one-bedroom at Fair Market Rent. 19

Landlords may also prefer not to rent to someone with a criminal conviction on their record. Thus, returning citizens may have to rely on family members or friends to house them if they are able. For some, this could put returning citizens in challenging predicaments, particularly if they are returning to an environment that increases their likelihood of reoffending.

The only reason I'm as well off as I am is family support. A lot of people get out with nothing. My friend, if I hadn't illegally helped him get a place when he first got out, he'd be in a homeless shelter. I'm not supposed to have any contact with felons because I have five years of parole.

-WV returning citizen

Policy Recommendations

- Stakeholders, including the Legislature, WV Division of Corrections and Rehabilitation, and WV Department of Health and Human Resources, should undertake a Housing First approach that makes providing housing a first priority for returning citizens.²⁰
- Policymakers should enact legislation that prevent landlords from discriminating against people with criminal backgrounds.

4. Other Barriers

Thousands of people in West Virginia are under parole or probation supervision on any given day. o Community supervision has becoming a leading driver of mass incarceration in the United States, particularly due to technical violations resulting in people's reincarceration. Supervision should use the least restrictions necessary to incentivize good behavior and promote public safety.

The Council of State Governments Justice Center created a cost calculator for policymakers to visualize the impact of reducing parole and probation revocations. According to their calculator, if West Virginia reduced revocations by 33 percent, within five years there would be 318 less people in prison with cost savings over \$1.25 million.²¹

¹⁸ Katherine Cortes and Shawn Rogers, "Reentry Housing Options: The Policymakers' Guide," Council of State Governments Justice Center, 2010, http://www.pacenterofexcellence.pitt.edu/documents/Reentry_Housing_Options.pdf.

¹⁹ Prison Policy Initiative, "State and federal wage policies and sourcing information," April 10, 2017, https://www.prisonpolicy.org/reports/wage_policies.html; National Low Income Housing Coalition, "Out of Reach 2020: West Virginia," https://reports.nlihc.org/oor/west-virginia.

²⁰ HUD Exchange, "Housing First in Permanent Supportive Housing Brief," July 2014, https://files.hudexchange.info/resources/documents/Housing-First-Permanent-Supportive-Housing-Brief.pdf.

²¹ The Council of State Governments Justice Center, "Cost Calculator," https://csgjusticecenter.org/projects/cost-calculator/.

Transportation is a big thing for people coming out of the prison systems.

Many people have some kind of strike against their license or lack of funds to have a vehicle.

-WV returning citizen

Lack of access to transportation was the third most-selected barrier to successful reentry identified by the West Virginia Council of Churches' survey participants. Many people have been unable to obtain a driver's license because of outstanding court debt or lack of access to DUI classes and other required treatment. The West Virginia Legislature passed HB 4958 in 2020, which allows people to go on a payment plan for outstanding court debt, thus enabling some people to get their licenses. But even so, obtaining a vehicle may be impossible for many people after they return home, and public transportation is lacking in rural West Virginia.

The different public and private agencies that seek to serve vulnerable populations such as returning citizens largely operate in siloes. The 60 people included in the WVCC survey are only a fraction of the thousands of people in the state who need support navigating reentry and post-incarceration life. Returning citizens would benefit from having a comprehensive system in place available to all to help them successfully navigate reentry.

Policy Recommendations

- The Legislature and the WV Division of Corrections and Rehabilitation should reevaluate the Justice Reinvestment Act and identify why the percentage of prison admissions resulting from technical violations remains high.
- The Legislature, WV Division of Corrections and Rehabilitation, and WV Supreme Court of Appeals Division of Probation Services should adopt recommendations put forth by the Pew Charitable Trusts' framework for strengthening community supervision, such as shorter supervision sentences that focus on goals and incentives and devoting more funding for probation agencies to have smaller caseloads per officer.²²

When I first got out,
I had to pay \$220
a month because
of the ankle bracelet.
Now it's \$40 a month.

—WV returning citizen

- Policymakers should consider forgiveness or reductions of fines and fees debt, in addition to eliminating supervision fees.
- The West Virginia Division of Corrections should consider eliminating fees for phone calls and mail between incarcerated people and their children so that a relationship can be maintained and parenting upon release can be made less challenging.
- The West Virginia Legislature should establish a Reentry Commission to convene stakeholders that impact reentry in the state, including returning citizens and people working in the fields of community supervision, anti-homelessness advocacy, substance use prevention and treatment, and education. The goals of this commission should include conducting a statewide reentry needs assessment and exploring the feasibility of a permanent agency that can coordinate reentry efforts across the state.

²² Pew Charitable Trusts, "A Framework to Improve Probation and Parole," April 23, 2020, https://www.pewtrusts.org/-/media/assets/2020/04/policyreform_communitysupervision_report_final.pdf.

III. Conclusion: Investing in Reentry Support Will Save Taxpayer Dollars

By devoting funding to innovative reentry programs and partnerships, policymakers would likely save the state and taxpayers significant dollars down the line. The benefits of these programs and partnerships fall into several measurable categories. First, successful, well-designed reentry programs can reduce recidivism, which in turn reduces the state's prison and other criminal justice-related costs. A study of the Maryland Reentry Partnership Initiative in Baltimore found that for every \$1 invested, there was a return of \$3, or \$21,500 in net benefits per participant over the four-year study period.²³ While it's difficult to compare a program in Baltimore to one that could start in a West Virginia county, any reduction in incarceration and other criminal justice-related costs would be beneficial for West Virginia state and local governments, which have been severely burdened by high regional jail costs in recent years.²⁴

In addition, reentry support that includes increasing access to health care or housing could reduce the likelihood that someone violates community supervision via technical violations, which costs West Virginia \$2 million per year in incarceration costs.²⁵ Other impacts are more difficult to quantify than reduced incarceration spending but would yield fiscal and societal benefits. These include things such as reduced social service spending at the local and state levels, including to pay for health care costs and the costs associated with chronic homelessness in communities.

This brief and its companion piece below underscore both the wide-ranging barriers that returning citizens face when they leave correctional facilities and the work that groups like the West Virginia Council of Churches Reentry Councils are doing to fill the needs gap. But despite the meaningful work of these groups, their reach is limited without more funding and infrastructural support that will allow them to connect with all people leaving a prison or jail who need support.

²³ John Roman et al., "Impact and Cost-Benefit Analysis of the Maryland Reentry Partnership Initiative," Urban Institute, Jan. 2007, http://webarchive.urban.org/UploadedPDF/311421_Maryland_Reentry.pdf.

²⁴ Quenton King, "Overcrowded and Overburdened: West Virginia Counties Struggle to Pay Regional Jail Bills," West Virginia Center on Budget and Policy, Jan. 2021, https://wvpolicy.org/wp-content/uploads/2021/02/WVCBVP-Jail-Cost-Brief-final.pdf.

²⁵ The Council of State Governments Justice Center, "Confined and Costly," https://csgjusticecenter.org/publications/confined-costly/.

In Their Own Words: Reentry, Recovery, and Removing Barriers in West Virginia

By Rick Wilson

I. West Virginia Reentry Councils

The Rev. John Sylvia is a busy man. Aside from pastoring at St. Paul's African Methodist Episcopal (AME) Church in Charleston, he's worked in the West Virginia Legislative Auditor's Office for 26 years. And for the last several years, he's been chair of the Charleston-Kanawha Reentry Council, the first such effort in the state.

A native of Boston, Sylvia earned degrees from the University of Massachusetts and the University of Indiana at Bloomington, including an MA in economics, before moving to West Virginia.

Increasingly drawn to a religious and community service calling, Sylvia was ordained in the AME Church in 2004 and began pastoring at St. Paul's in 2006. Soon he began working with the WV Council of Churches Prison Ministry, holding Bible studies and counseling incarcerated people at Charleston's South Central Regional Jail.

When the Reentry Council started in 2016, Sylvia was asked to be the chair of the new effort, a position he has held ever since. "I thought I might be getting myself a little bit overloaded but didn't know anyone else to take that on. It's become quite a responsibility. We really have expanded now."

Reentry Councils are not intended to be self-standing organizations. Rather, their goal is to convene likeminded organizations and individuals interested in helping formerly incarcerated people, often including people in recovery from Substance Use Disorder (SUD), successfully reconnect with the larger community.

According to their website:

The West Virginia Reentry Councils were established by the West Virginia Council of Churches in an effort to bring concerned citizens and available resources together to assist those rejoining the community after incarceration.

While each community has its own needs and each council has its own goals, these councils focus on issues such as housing, food stamps, employment, transportation, education and stigma.

We invite those affected by incarceration to attend the meetings in their region. Anyone willing to donate their time to this cause is welcome.

According to Sylvia, one of the biggest accomplishments of the Charleston Reentry Council has been getting many different agencies involved, eventually building a mailing list of 120 organizations. On average, 20 to 25 organizations have regularly showed up for council meetings, which have continued virtually via Zoom during the COVID-19 pandemic.

Over the years, the council has participated in many efforts, but a constant has been networking with others to help formerly incarcerated people land on their feet. Some examples include:

- A man incarcerated in McDowell County who was about to be released in Ripley, the site of his arrest and trial, although he had no connections there. A relative in another state reached out to Sylvia, who contacted the prison's reentry coordinator to learn about the individual's needs. With the help of council contacts, he was able to secure Medicaid coverage, SUD treatment, and housing.
- A woman recently released from prison who contacted Sylvia through the local parole office. "She'd just been released and found her way to Charleston. She was a go-getter who wanted to get herself back on solid ground." Her main need was transportation. Sylvia was able to provide her with a few weeks of bus passes so she could look for jobs and get to work. "She wound up calling during one of our meetings to say how helpful it was."
- Another formerly incarcerated person who was having difficulty "going through the hoops" of getting his Social Security card. With some help from the council, he both got the card and a doctor's checkup, where he learned he was a borderline diabetic and was able to access treatment.

For a time, the council had a program encouraging churches to donate backpacks to formerly incarcerated people, "because a lot of people who come out of prison might be homeless or just need something to hold their possessions. And often all their possessions can fit into a backpack."

Beyond helping individuals with things like jobs, food, health care, SUD treatment, and housing, Sylvia is particularly proud of the role the Reentry Councils have played in advocating for policy changes. Although he personally refrains from lobbying because he works for the legislature, Charleston Reentry Council members — including formerly incarcerated people and those in recovery — have joined in successful efforts over the last several years to end the lifetime ban on SNAP food assistance for people with drug felonies and pass numerous bills, including progressively stronger expungement bills, bail and parole reform, driver's license restoration, ending barriers to certain occupations for formerly incarcerated people, and more.

One seemingly minor legislative victory that has had a major impact on formerly incarcerated people required the state to issue a photo ID upon release "so they're not just on their own with a bunch of catch-22 to get some type of ID. That was a great achievement. I talked to an individual who told me how helpful that was."

Thanks to funding from the Chan Zuckerberg Initiative, impacts like these could be multiplied statewide. Reentry Councils are now up and running or getting started in Beckley, Clarksburg, Elkins, Hampshire County, Huntington, Lewisburg, Logan, Martinsburg, Welch, Princeton, Morgantown, Parkersburg, Petersburg, Point Pleasant, Summersville, Sutton, Webster Springs, Weirton and Wheeling. Two staff members have been hired to help coordinate these efforts.

As Sylvia sums it up, "It's really blossomed."

II. A Core Value

Concern for prison-related issues, ranging from individual advocacy and assistance to public policy, is nothing new for the West Virginia Council of Churches. According to executive director and United Methodist minister Rev. Jeffrey Allen, "It's a core value, going right back to Matthew 25, where Jesus tells us that in feeding the hungry, visiting the sick, and caring for prisoners and others who suffer we're doing the same for him."

The Council is one of the oldest of its kind, tracing its roots to the 1880s as an offshoot of the International Sunday School Association. It currently includes 15 denominations in the state as well as Church Women United, with a combined membership approaching 300,000 people. While it respects the traditions of each denomination, it acts in unison to "carry the message of Christ's church into the public arena."

The Council works through the consensus of denominational leaders in endorsing or opposing public policies, many of which involve major changes to the criminal legal system aimed at reducing the incarceration of adults and juveniles, promoting community alternatives, reforming bail and parole, addressing prevention, and opposing the death penalty.

Reentry became a part of the Council's mission with the arrival of Beverly Sharp, a lay Presbyterian minister with 30 years of experience working in the federal prison system. After "retiring," she stayed active in the field, teaching soft skills and supporting workforce opportunities for formerly convicted people. She also serves as program coordinator for the criminal justice program at the Ashland Community and Technical College.

In the years she worked in the system, she was particularly disturbed by the problem of recidivism - "... seeing the same people come back over and over again. Listening to them say 'it's not designed for us to make it out there. There's too many obstacles.' When you hear something like that a few times, it's like whatever. But when you hear it over and over for 30 years and 1,000 times or more, maybe you think this is it."

Recalling her early days at the Council, she says, "I didn't just want to go to meetings. We had this kind of discussion: we've got to do something. What is that something? We need to start reentry councils. What's a reentry council? I explained the idea. We started in Kanawha, then Huntington, Beckley and Parkersburg." With additional support, Reentry Councils began springing up all over the state.

In 2021, the reentry initiative moved to the next level by successfully advocating for key priorities in the creation of a transitional housing program for formerly incarcerated people, as lack of adequate housing can delay parole and increase recidivism. Another victory was a policy that would allow people otherwise eligible for parole but unable to complete required educational and treatment programs to do so in a community setting.

The combination of immediate assistance with system change is powerful.

III. In Their Own Words

Interviews with formerly incarcerated people reveal a number of barriers impeding post-incarceration success.

The following are some reflections of formerly incarcerated West Virginians on life after prison.

Stigma

- "They didn't look at us as being someone's kids; they looked at us as if we had done something horrible. I would say, 'Listen man, we all make horrible choices. Some us get caught and some of you don't get caught. That's it. That's the only difference between us."
- "They should just have us tattoo felon on our bodies before we leave prison."

Support for Recovery

- "They think addicts are worthless people and their families must be worthless too. Lock 'em up and throw away the key."
- "We have to stop punishing these people; the opposite of addiction is connection, it's not like getting off something. They don't just get off; they have to have a reason."
- "For addicts, we need to treat them as individuals; they should have IEPs [Individualized Educations Programs], not just blanket treatment. We can't give up on people here."

Economic Factors: Jobs, Housing, Transportation, and Poverty

- "I can't get a job. There are so many times when I gotta do a daily inventory and pray because I get so down on myself. There's times I don't even want to look in a mirror because I had a hard day that day."
- "Finding a job has been my biggest challenge since being released. I just don't hear back. They do background checks. Just because you're a felon doesn't mean you can't perform on the job site."
- "I'm a felon, daytime burglary, and I can't find a job. I don't know what's going to happen with me. I'm very talented, I can do a lot of things, but I can't find a job anywhere. Not even at McDonald's. There's places everywhere that say Help Wanted but no one will hire me. It's depressing."
- "How can I get this felony lifted off of me to where I can get a job? It's hurting me, it's hurting me every day, it's hurting my family."
- "I had to put in over 100 applications before I found this one job at Taco Bell."
- "I couldn't get any work. These systems that are built, they're not for Black men. These laws are made for those that are way more fortunate than the less fortunate. If you're fortunate enough to lead a decent life, you don't have to worry about the state laws and the federal laws, you can skate on by in life and keep it moving. Once they get your foot on your throat, they never let up."
- "I'm now applying for disability. It really hurts because I don't want to be disabled. But how am I supposed to live when I can't get a job? I pray and pray. I guess I'm doing everything God wants me to do, but I find it hard to rely on him to pay my bills every month."
- "You can't get no housing help if you're a convicted felon."

- "Transportation is a big thing for people coming out of the prison systems. Many people have some kind of strike against their license or lack of funds to have a vehicle."
- "You fight demons every day. I've been working 2 jobs since I got home the end of 2014 nonstop and you still can't get ahead. You're stuck, you're stuck. People look at you and they judge you."

Occupational Barriers

- "When you're in the regional, they don't have nothing to offer you as far as classes. Once you get into prison, they give you plenty of classes to take, like you can be certified in all kinds of stuff but once you get out of there, most of the time people without that certificate are going to get hired before you, because of the felony."
- "I was at the top of my class when I finished EMT training that cost \$500 but then I found out that felons can't be EMT workers. No one told me before my training I wouldn't be able to become an EMT."

Fines and Fees

- "When I first got out, I had to pay \$220 a month because of the ankle bracelet. Now it's \$40 a month."
- "They are expected to pay parole fees of about \$40 a month. If it was a violent crime, there is an extra \$10 to \$20 a week added on to that for classes and other requirements. If they have "box" attached, those can cost \$300 or \$400 a month. Having a felony makes it even more difficult to get a job."

Social Support

- "They want you to become a productive member of society. Go to school. Go to work. Pay the bills. Raise your kids. But they don't tell you how. I could never figure out how to make that happen, so I kept getting put in jail over and over and over again."
- "When I got out of prison all I knew was how to fight and how to basically be a criminal I didn't know how I was going to cope with life."
- "The biggest obstacle I can remember that might help anybody to change, it's really hard to get the paperwork necessary to work. It was jumping through a million hoops to get a driver's license. I didn't have a Social Security card. Everything was hard."
- "If you've got a support system you can get through anything. If you don't, you will fail. I can't express to people enough when they say they don't need anybody that you do need somebody."
- "The only reason I'm as well off as I am is family support. A lot of people get out with nothing. My friend, if I hadn't illegally helped him get a place when he first got out, he'd be in a homeless shelter. I'm not supposed to have any contact with felons because I have five years of parole."
- "When you get out, all these things like taxes, relationships, the DMV, all these things feel like I'm not going to be able to do this."
- "The biggest thing coming back to society was learning how to deal with people again. You're in a maximum security prison; you don't like people behind you. Trying to deal with all that. I had my mother tell me, you're not the same loving boy who left. And all I could say is where I was, it was sink or swim."

Fortunately, for all the barriers, there are success stories.

IV. Full Circle

Jeremiah Nelson began attending meetings of the Beckley-Raleigh County Reentry Council around 2018 for the clearest of reasons: he'd been there and done that and wanted to help others.

A mountain of research has shown that children who grew up with Adverse Childhood Experiences face a greater likelihood of health, substance use, and other issues as they get older. Many people in jails or prisons experienced childhood trauma growing up.

Nelson himself got off to a rocky start as the third child of a 17-year-old mother who was pregnant at age 12, had her first child at 13, and her second at 15. His mother married his biological father at age 14 in Florida. Perhaps not surprisingly, the marriage didn't last. He wound up in foster care and was eventually taken in by relatives.

The environment was less than ideal. He keenly felt the lack of involvement of his biological parents, while his guardians struggled to deal with raising children and teenagers. Still, Nelson holds no grudges: "Forgiveness is part of the healing that has to happen in some of those situations."

Always an avid reader, he was the kind of student who tested well but never did homework. As a teenager, he began using alcohol and other drugs. Despite difficulties, he had an aptitude for business. He worked in and eventually owned several businesses, including night clubs, bars, and restaurants, even becoming part owner in two. Money was good, but much of it went to support a drug habit and party lifestyle. He described himself as a functioning addict at the time. Occasionally, he and a partner would acquire a kilo of cocaine not to sell but simply for partying.

Things began to unravel in 2005 with drug charges that would ultimately lead to two concurrent 27-month sentences in federal prison and five years of probation. As he faced losing everything, including freedom, he had what he calls a "Why I believe in God moment."

Depressed and contemplating suicide while sitting in a federal holding cell in Anderson, South Carolina, he recalled his religious upbringing, picked up a Bible and miraculously opened it to Hebrews 12:5-7, which says:

...have you forgotten the exhortation which addresses you as sons?—"My son, do not regard lightly the discipline of the Lord, nor lose courage when you are punished by him. For the Lord disciplines him whom he loves and chastises every son whom he receives." It is for discipline that you have to endure. God is treating you as sons; for what son is there whom his father does not discipline?

He recalls, "No correction seems joyful but after reading that I realized I was being corrected. I kind of turned my viewpoint at that time. I realized I had not been doing what I should have been doing, even though I'd had success."

Another scripture that spoke to him was Matthew 6:14-15: "...if you forgive others their trespasses, your heavenly Father will also forgive you. But if you don't forgive men their trespasses, neither will your Father forgive your trespasses." That passage, he said, "gave me an avenue of hope. Everybody struggles, everybody makes mistakes. We have to accept that."

In prison, Nelson took part in every program he could, learned as much as he could, and read as much as he could, but reentry wasn't easy. After release, he was on probation for five years, working for several years bussing tables at Outback Steakhouse. His record was a barrier for other jobs. "They'd ask about gaps in my employment, then wouldn't hire people with felonies."

He began attending Concord College, majoring in business management and pre-law. He was accepted as a McNair Scholar. Despite good grades and published research projects, he was still denied employment. In one case, he was the top candidate for a job with a national corporation and made it to the last stage of paperwork before being denied on the basis of his record fully 10 years after his conviction.

Despite the many hardships, he didn't give up and meanwhile began working with people in recovery and reentering the larger community after incarceration. It was through the local Reentry Council in Beckley that he learned that a job had opened for a reentry council coordinator for sprouting councils all over southern West Virginia. This time his record was no barrier.

Now he has the chance to help others overcome the barriers he knows so well. "Since I have that little bit of expertise in both reentry and recovery, I feel that my insights can be useful to those coming out. If you haven't walked in those shoes, it's hard to connect with what they're going through."

V. Pass It On

Nelson is the first to admit that the councils may not be able to help everyone, but Ed Lewis can testify that sometimes things work out.

Lewis got out of "a long stretch" in prison in 2016 "after doing 17 straight years for a gun that didn't work."

"The world changed, and I was lost. I violated [parole] once and went back for 18 months. Tried rehab but it didn't work. I got hooked on drugs in prison. I didn't really know what the world was about," he said.

Ironically, a turning point came when a judge sent him back to prison for ten months. "He saw something in me. He told me I had potential. When somebody says you've got potential you better take it. I did."

After being released, Lewis learned about Reentry Councils from a woman in Boone County. He made contact with Nelson, who helped with relocation and finding housing and employment. "He pointed me in the right direction. I think the world of him."

One lesson he learned right away is that reentry often doesn't work if you stay in the same environment with the same people. With the help of Nelson and others, he relocated to Lewisburg. "I'm doing great. Started out homeless, went and got a job and everything. I've been clean from drugs for almost two years."

For Lewis and many other formerly incarcerated people, the transition from prison can be bewildering. "Prison wraps you in a mentality where you do the same thing over and over every day. It starts institutionalizing you. You get a mindset that overwhelms you. You can talk to 100 people and they'll tell you the same thing. Prison life don't work out here."

"I was very institutionalized. Still am in lots of ways. I have to step back now and think where in prison you can't step back and think. Now I can walk away from problems. In prison you can't. You can't bring that mentality to the street. The only place it's going to land you is prison."

The help that the individuals and organizations taking part in Reentry Councils provide can make the difference between recidivism and success. For Lewis, "there's no turning back from what I've got myself into now."

VI. Changing Yourself, Changing the World

Advocacy is nearly always a group effort, and Reentry Councils work in coalition with groups such as the ACLU of West Virginia, the newly formed WV Family of Convicted People, and many others. In the fall of 2020, Kenny Matthews visited the state Capitol in Charleston for the first time in the company of Greg Whittington, who is connected with both groups. A formerly incarcerated person himself, Whittington was no stranger to advocacy and was working to engage more impacted people in such efforts.

While Matthews was new to the game, within a few months, his voice would echo inside and beyond those walls.

Now working as a certified recovery coach and peer support specialist at West Virginia State University, he spent much of his life in prison, most recently in Mount Olive for drug delivery charges. In an interview with *Mountain State Spotlight*, he described a turning point in his life:

It took me standing in the prison yard in Mount Olive, looking around, and realizing I was comfortable there...I had to work on and pinpoint what it was intrinsically about me that made criminal activity be my first response to stress. Once I started dealing with trauma with my past and working through my own personal substance use disorder issues, and working on my recovery, I came to a point where I was like, "No longer is this type of life acceptable."

He said that since his release, "I have focused on being a source of the solution to a lot of problems rather than the cause of the problems." In addition to completing peer recovery coach training, he became active with the Recovery Advocacy Network and made connections with Reentry Councils and other groups working to reduce mass incarceration.

Although he could not vote due to West Virginia's restrictive laws related to people on parole or probation, he found a way to be heard. Early in the 2021 legislative session, he spoke at a press conference on reentry issues, saying in part, "There's not enough programs within the correctional facilities to help deal with the issues that those who offend, and potentially can re-offend, come into...The reason why a lot of people reoffend is because they don't feel like they have a place, have a sense of purpose, within the community, within the state society in general."

His biggest challenge was soon to come. Despite years of bipartisan consensus on criminal justice reform, an extremely regressive bill suddenly appeared on the agenda of the House Judiciary Committee. HB 2257 would have allowed for up to 10 years of extended supervision for people convicted of some drug felonies beginning after they completed their sentences and parole.

Had this passed, people could have been returned to prison years after the offense for which they'd been convicted for reasons as trivial as missing a curfew or a meeting. Among reform advocates, it was seen as crucial that committee members hear from someone who would be directly impacted by the bill. Despite limited access to the legislature due to the COVID-19 pandemic, arrangements were made for Kenny to speak to the group.

"This was definitely my first time speaking to legislators. It was a bittersweet kind of thing. I felt really privileged to have the opportunity to have people who had faith in me and gave me support in going in like that," he said.

He came in prepared to testify, only to learn that the meeting had been postponed to the next day. "I was frustrated. I took time off from work for this. I felt like they were trying to put me off, like maybe they weren't interested in hearing what I had to say."

The delay at least gave him time to dress up for the occasion, which added to his confidence. Still, he didn't know what to expect, although he'd been warned about short attention spans. "I got up and started speaking. I started off being very open and honest about who I was and things I'd done in my past and how

that bill would have an impact on me and several people I know and how it would be more harmful than helpful to the state and to families and communities."

He felt some of the questions asked by legislators were intended to trip him up but said, "I laughed to myself. They had no idea who I was. They probably had all kinds of images and biases of my intelligence level."

In the end, he made quite an impression. Though the measure passed the committee, and later the House, his testimony weakened support for the bill.

Keeping up the pressure, he published an op-ed in the *Charleston Gazette-Mail*, the state's largest newspaper, and gave interviews to the press. In the end, the bill died in the Senate as the legislative clock ran down.

He was encouraged by the support he received both from coalition members and from legislators, including some who voted for the measure. "To have those votes of confidence from people I never met before was really special and unique. It gave me a sense that maybe there is some hope that your voice can really make a difference."

This fight only deepened his determination to stay in the struggle.

"Oh yeah," he said, "This is something that is life or death to me. A lot of times people speak out and do advocacy because they have this ideal. I told people early on that my motivation is life or death. I know if I go back to the way I used to be I'd die, either on the streets or in prison. My motivation is to prevent as many people as I can in this state to keep from dying. It may be a losing battle, but if I can prevent one person from dying in jail or one person in addiction from dying in the streets that's all that matters."

With determination like that, it might not be a losing battle.

VII. Connecting the Dots

Two issues that are distinct but connected are reentry and recovery. Not everyone incarcerated is dealing with addiction — and not everyone dealing with addiction will become incarcerated. It's also true that the state has so far devoted, with the best of intentions, more resources to recovery than reentry, especially where transitional housing is concerned.

Still, there is considerable overlap between the issues and the people who struggle with them. People dealing with either or both face similar issues of stigmatization and punitive policies.

And in 2021, those who stigmatize people in recovery kicked a hornet's nest in the person of JoAnna Vance, a close friend and comrade of Kenny Matthews in the West Virginia Recovery Advocacy Project.

Vance, a native of Boone County, is a person in long-term recovery who managed to avoid felony convictions, although she recalls five days spent in a regional jail as "the worst five days of my life."

Not a partisan of any particular recovery program, Vance found her own way out of addiction but was determined to fight for various ways of accessing recovery. Intellectually curious and tech-savvy, she connected with the national Recovery Advocacy Project and was instrumental in launching the West Virginia effort.

According to Vance, "This year was really my first year being engaged like I was. I've been there a couple years for recovery and reentry days but not so much involved. This year, I wanted to be more involved" in advocacy and in helping to teach others in recovery how to engage in the struggle through long-term relational organizing.

Her efforts began before the 2020 election by working on a Vote Recovery platform, primarily on social media, which emphasized the elements of reform and reentry, harm reduction, reducing stigma, and community inclusion. "Over 500 people signed up" according to Vance, turning in online pictures and quotes saying "I vote recovery because..."

During the 2021 legislative session, she'd wind up challenging bills that damaged harm reduction programs for people living with addiction and imposed arbitrary drug tests on people receiving TANF (traditionally called "welfare" benefits).

As with Matthews, initial contact with the legislative process could be confusing. "When I got my first bill," she said, "I kind of felt illiterate. It threw me for a loop. I was really discouraged at first because I thought, 'Oh man, I can't read this stuff and understand how I'm going to share it with others."

It took several readings to decipher the "harm reduction" bill, a damaging and stigmatizing measure that promised to promote the spread of hepatitis and human immunodeficiency virus rather than recovery.

The TANF proposal was easier to understand. It assumed that people receiving West Virginia's meager TANF benefits, which averaged \$612 per month for a family of four (about five dollars a day per family member), might be spending money on drugs. This measure doubled down on an already failed drug testing pilot program from previous years.

JoAnna and her allies in the Recovery Advocacy Project fought back hard but wound up with two punitive bills. "This was my first time testifying in front of legislators. I've spoken before on the outside, but this was the first time before a committee." Though both bills passed, she took some comfort in the fact that many other groups were facing setbacks in the session. "It made me feel worse for everyone, but it made me feel better that it was happening across the board."

While the session has ended, the fight for change is far from over. It's a safe bet that elected officials haven't heard the last of Vance and her companions.

VIII. Not the Exception

One frustration shared by Vance and Matthews was being told by legislators that they were the "exceptions" in achieving recovery or reentry, as if to imply that while they were worthy of respect, others with backgrounds of incarceration or addiction deserved harsher treatment.

Both strongly disagree. According to Vance, "We're not the exception. While we might have different personal things in our stories there are thousands of stories just like ours of people in recovery doing amazing things, making a difference."

Matthews echoes that response. "That made me so upset. I told people I'm not an exception. Yeah, I may be one of the few that's speaking out but I know hundreds if not more people who have gotten out of prison and have not gone back. They may not be in recovery or advocacy work or showing up at the Capitol, but they're doing their jobs, supporting their families. My duty is to speak out for them, not just for the ones trying to get out or are newly released but the ones who are out there making it."

If West Virginia is going to move in the direction of healing justice, this will require the action and voices of many more "non-exceptional" impacted people and their allies. Fortunately, in a remarkably brief period of time amid a challenging political environment and a global pandemic, individuals and groups that didn't know each other a short time ago have come together to make a difference. These networks and coalitions of Reentry Councils, recovery groups, faith communities, advocacy organizations, and individuals have created the basis for long-term change.

Social support, mutual aid, and solidarity are a powerful combination.











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