

June 7, 2021

The West Virginia Criminal Law Reform coalition is composed of directly impacted individuals, advocates, experts, and practitioners that seek to empower West Virginians to end the violent cycle of mass incarceration in the Mountain State. As you are aware, the American Rescue Plan Act (ARPA) will bring nearly \$2 billion in federal pandemic recovery funds to West Virginia state and local governments.

We believe that the ARPA presents a significant opportunity for public health programming and infrastructure that can help our communities recover from the pandemic by investing in the solutions that we need to reduce violence and promote safety.

ARPA guidelines allow for a wide range of projects that would align with our coalition's mission to improve public safety and end mass incarceration. We believe that the following five project areas would significantly improve the lives of West Virginians and allow counties and cities to not only recover from the pandemic, but come back stronger than they were before.

- **Expand access to stable and affordable housing.** The role of housing security in reducing involvement in the criminal justice system is well studied. Not only does access to housing reduce the likelihood of criminal justice involvement in the first place, it also can reduce recidivism. Through the Homelessness Assistance and Supportive Services program and the Emergency Housing Voucher program, the ARPA provides pathways for West Virginia's state and local governments to help returning citizens and other vulnerable West Virginians maintain stable housing.¹ State and local governments can also leverage ARPA funds to create permanent affordable housing units.
- **Support victims of crime and address intergenerational and community trauma.** State and local governments can leverage ARPA funding to both break the cycle of harm and support survivors of crime. ARPA allows for local governments to partner with community groups to remove people from vulnerable situations, create prevention and intervention strategies, and expand social service and mental health programs for vulnerable populations.
- **Reduce reliance on criminal legal fees and base fines on ability to pay.**² Fees and fines assessed to criminal penalties have increased in the last 40 years, and low-income people and communities of color bear the burden of funding the system that exploits

¹<https://csgjusticecenter.org/publications/american-rescue-plan/explore-funding-opportunities/expand-access-to-safe-and-stable-housing-and-supports/>

² <https://www.cbpp.org/sites/default/files/Priorities%20for%20spending%20FRF.pdf>

them. Local governments should consider using ARPA funds to discharge all outstanding fines, as well as institute and strictly enforce an ability-to-pay policy for future fines.

- **Create or expand crisis intervention services for behavioral and mental health calls.** Drug overdoses have surged to extremely high levels; according to the CDC, overdoses increased 30% between September 2019 and September 2020. Community mobile crisis intervention teams are one program that governments can utilize to combat drug overdoses and respond to other mental and behavioral health calls. These intervention teams are comprised of qualified professionals who are capable at de-escalating situations with individuals experiencing crisis. The ARPA creates a provision for states to create mobile crisis intervention centers and receive matching state funds, but local governments can also take the initiative and collaborate on regional pilot programs.
- **Integrate social workers into local police departments.** In order to truly improve public safety, localities must stop criminalizing social problems like homelessness and substance abuse, and instead begin creating innovative solutions to these familial and community challenges. To effectuate these goals, in addition to implementing dedicated crisis intervention services, local governments can lead the way on improving policing outcomes and community safety by integrating social workers into their local law enforcement teams. This integration will expand access to social work services and ensure that policing and criminalization are used only as a last resort, as well as reduce mass incarceration, which only serves to drain communities' human and fiscal resources.

On behalf of the West Virginia Criminal Law Reform coalition, we urge you to make these targeted investments with the ARPA fiscal relief funds in communities that have suffered from increases in violence, substance use disorder and overdoses, and homelessness associated with the pandemic. By investing in these proven solutions that provide targeted prevention and recovery to communities in crisis, we can reduce violence and promote safety and long-term well-being of all of our residents.

We welcome the opportunity to discuss these issues with you further and look forward to your response.

Sincerely,

Quenton King, West Virginia Center on Budget and Policy
Rachel Kincaid, Mountain State Justice
Joseph Cohen, American Civil Liberties Union – West Virginia
Greg Whittington, West Virginia Family of Convicted People