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“Closest to the Problem”: A Vision for Reentry from the People Who Live It

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Overview

“I don’t know how much time each of you has served, but if you served one day in a correctional facility, you have something to say, and somebody ought to hear it.”¹ Darrin Lester addressed a group of formerly incarcerated people in Logan County, West Virginia this past summer, part of a session called “Be Heard and Take a Stand.”

For years, Race Matters has worked closely with Black West Virginians and other communities of color in southern West Virginia to address economic inequality, health disparities, and civic engagement. The West Virginia Center on Budget and Policy (WVCBP) crafts criminal legal policies, advocating for fewer people in jail, reduced sentences, and fairer policies for people leaving prison. The organizations teamed up to learn more about what people needed when they left prison, and what policies could address those needs. To do this, they turned to people who had been to prison and come home.

Over the summer of 2022, Race Matters and the WVCBP conducted one-on-one interviews and hosted two listening sessions. In all, 92 formerly incarcerated people lent their experience to the project. They talked about the obstacles that stood (and stand) between them and reliable housing and meaningful work. They talked about the people and policies that can shrink those obstacles. Again and again, they returned to their mostly unmet hopes for financial security and acceptance in their communities.

This reentry experience plays out thousands of times each year across West Virginia. From 2019 to 2021, an average of 3,415 men and women were released from West Virginia prisons each year.² They face hundreds of collateral consequences — that is, punishments that last after a person has finished their sentence and that get in the way of finding good jobs, securing a place to live, and connecting with loved ones. The return home is further complicated by the stigma attached to people who have been through the criminal system.

Most returning citizens who manage to overcome these barriers are still not in the clear. That’s because 76 percent of people leaving prison are released to parole for a period of community supervision.³ And yet, parole supervision is often a path back to prison. In Fiscal Year 2021, one out of five people entering a West Virginia prison was admitted because of a *technical* violation of parole — meaning a violation for behavior that *does not involve a new crime*, such as a positive drug screen or missing a parole appointment.⁴ West Virginia was “one of only four states to increase revocations for supervision violations during the pandemic, with a 25 percent increase from 2019 to 2020 alone — the highest increase in the nation.”⁵

1 “Be Heard and Take a Stand Listening Session,” Logan County Community Resource Center, Logan, WV, June 30, 2022, Transcript 3:4-7.

2 “FY 2021 Annual Report WV Division of Corrections and Rehabilitation” (Charleston, WV: Division of Corrections and Rehabilitation, December 2021), 31; “FY 2020 Annual Report WV Division of Corrections and Rehabilitation” (Charleston, WV: Division of Corrections and Rehabilitation, January 2021), 31; “FY 2019 Annual Report WV Division of Corrections and Rehabilitation” (Charleston, WV: Division of Corrections and Rehabilitation, January 2020), 35.

3 “FY 2021 DCR Annual Report,” 31; “FY 2020 DCR Annual Report,” 31; “FY 2019 DCR Annual Report,” 35.

4 “FY 2021 DCR Annual Report,” 31.

5 Brian Elderbroom, “Improving Community Supervision to Safely Reduce Incarceration in West Virginia” (Charleston, WV: West Virginia Center on Budget and Policy, January 2022), 5, <https://wvpolicy.org/wp-content/uploads/2022/01/WVCBP-Community-Supervision-Issue-Brief-Final.pdf> (accessed April 5, 2022).

People in West Virginia prisons suffer physically and mentally. They have much higher rates of chronic physical conditions and infectious disease than the general population.⁶ Incarceration is also associated with a 45 percent increase in the chance of lifetime major depression — a risk that increases in prisons that are overcrowded and punitive,⁷ as are those in West Virginia. Further, prison takes years off one’s life. A study of New York parole data found that each additional year behind bars translated to a two-year decline in life expectancy for people on parole.⁸

Prison harms people outside the walls, too. Four out of five people we interviewed were parents, and most of the parents (64.5 percent) had one or more children under 18 years of age.⁹ Having a parent behind bars is linked to illnesses like asthma, depression, and anxiety; acting out; economic hardship; and poorer physical and mental health in adulthood.¹⁰ Plus, incarceration strains relationships and frequently contributes to divorce.¹¹

When the state fails to respond to the needs of returning citizens, it costs all West Virginians. According to the most recent Division of Corrections and Rehabilitation (DCR) annual report, West Virginia taxpayers spend \$38,788 per year to keep just one person behind bars.¹² As such, our state spends more to lock someone up than the average West Virginian earns in a year (\$30,195).¹³

We wanted to give people the opportunity to imagine a better alternative to the reentry experience they had lived. With a focus on southern West Virginia, which has borne the brunt of the state’s economic decline, we gathered groups of returned citizens in Logan and Mercer counties to tell us what release from prison would look like if the ultimate goal was their success.

When we set out to listen to those who had been to prison, we paid special attention to the experiences of Black West Virginians, who have long been disparately harmed by criminal system policies. Although they comprise 3.7 percent of the state’s population, Black people make up 12.7 percent of the prison population — making them more than three times as likely to be incarcerated.¹⁴ The disparities persist across job earnings, unemployment rates, and the number of people living in poverty. Even before the COVID-19 pandemic, wages were 18 percent lower for Black West Virginians compared to white West Virginians.¹⁵ Black West Virginians earned incomes 27 percent lower than their white counterparts.¹⁶ Black people had an unemployment rate of 11.0 percent compared to the white unemployment rate of 6.8 percent.¹⁷ The poverty rate for Black West Virginians is nearly

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- 6 Leah Wang, “Chronic Punishment: The Unmet Health Needs of People in State Prisons” (Northampton, MA: Prison Policy Initiative, June 2022), <https://www.prisonpolicy.org/reports/chronicpunishment.html> (accessed October 5, 2022).
 - 7 Jason Schnittker, Michael Massoglia, and Christopher Uggen, “Out and Down: Incarceration and Psychiatric Disorders,” *Journal of Health and Social Behavior* 53, no. 4 (2012): 459, <https://doi.org/10.1177/0022146512453928> (accessed October 3, 2022); Timothy G. Edgemon and Jody Clay-Warner, “Inmate Mental Health and the Pains of Imprisonment,” *Society and Mental Health* 9, no. 1 (2019): 44, <https://doi.org/10.1177/2156869318785424> (accessed October 3, 2022).
 - 8 Evelyn J. Patterson, “The Dose-Response of Time Served in Prison on Mortality: New York State, 1989-2003” *American Journal of Public Health* 103, no. 3 (March 2013): 1, <https://doi.org/10.2105/AJPH.2012.301148> (accessed July 27, 2022).
 - 9 WVCBP analysis of *Earn in The South (EITS) Survey* (May – July 2022), conducted by Race Matters and the West Virginia Center on Budget and Policy.
 - 10 Rebecca Vallas et al., “Removing Barriers to Opportunity for Parents with Criminal Records and Their Children: A Two-Generation Approach” (Washington, DC: Center for American Progress, December 2015), 3, <https://americanprogress.org/wp-content/uploads/2015/12/CriminalRecords-report2.pdf> (accessed June 8, 2022); Nazgol Ghandnoosh, Emma Stammen, and Kevin Muhitch, “Parents in Prison” (Washington, DC: The Sentencing Project, February 2021), 1, <https://www.sentencingproject.org/wp-content/uploads/2021/11/Parents-in-Prison.pdf> (accessed June 7, 2022); Murphey and Cooper, “Parents Behind Bars,” 2-3.
 - 11 David Murphey and P. Mae Cooper, “Parents Behind Bars: What Happens to Their Children?” (Bethesda, MD: Child Trends, October 2015), 2, <https://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf> (accessed June 7, 2022).
 - 12 “FY 2021 DCR Annual Report,” 28 (calculation includes “all expenditures \$236,217,178 / Average Population 6090 and includes food/ medical costs”).
 - 13 U.S. Census Bureau, American Community Survey, 2021 American Community Survey 1-Year Estimates, Table S1902: Mean Income in the Past 12 Months, generated by Sara Whitaker, using data.census.gov (accessed October 14, 2022).
 - 14 “FY 2021 DCR Annual Report,” 37; U.S. Census Bureau, Population Estimates, July 1, 2021 (V2021) — West Virginia, Quick Facts, <https://www.census.gov/quickfacts/WV> (accessed June 30, 2022).
 - 15 Sean O’Leary, “State of Working West Virginia 2020: The State of Racial Inequality” Charleston, WV: West Virginia Center on Budget and Policy & American Friends Service Committee, November 2020), 9, <https://wvpolicy.org/wp-content/uploads/2020/11/SWWWV-2020-1109-Final.pdf> (accessed October 3, 2022).
 - 16 O’Leary, “State of Working WV 2020,” 10.
 - 17 *Ibid.*, 11.

double the rate for white West Virginians.¹⁸ We succeeded in reaching Black West Virginians, who represented 54.2 percent of those interviewed.

Returning citizens know exactly what they need when they leave prison. First, they want to know what to expect. People wish they had more information about community resources, provided to them by people who had once been in their shoes. Second, returning citizens want to land on their feet. People wanted an organized transition home that provided them ready-to-work documents like identification cards, plus assistance with affordable housing. Third, returning citizens want a chance to live a full life. They wanted to make a difference in their community — through work that allowed them to support themselves and their loved ones, by voting, and by shedding the stigma attached to their criminal convictions.

The stakes are high. But as Darrin Lester — a social work graduate student and formerly incarcerated person — points out, “Those who are closest to the problem are the ones who have the answer[s].”¹⁹

Key Survey and Interview Findings

- **2 out of 3** survey respondents said transitional housing would make reentry easier.
- **96 percent** of survey respondents had a high school degree or high school equivalency degree, compared with 87.6 percent of the general WV population.
- **61 percent** of survey respondents said they did not have a paying job, despite being six years out of incarceration on average.
- **4 out of 5** survey respondents were parents — and 65 percent of parents had children under 18 years of age.
- **48 percent** of survey respondents said their biggest worry after leaving prison was coping with the social stigma of their conviction and incarceration.
- **1 out of 22** survey respondents with a job said they found their job with the help of their parole officer or a state jobs program. Everyone else who had found work found their job on their own, or with the help of family or friends.

Returning Citizens Need to Know What to Expect

“Sometimes it’s hard because people don’t understand that you, yourself, have done a lot of time and the year you get locked up in, is the year that you come out mentally, and you have to adjust to the times. And if you haven’t seen a cellphone in all your life and then you get out, you’re already overwhelmed, you’re already anxious.”²⁰ Another person described how difficult it is to start over, “[P]eople are coming out of jail with no resources, no clothes, and they feel bad, they get depressed, they get stressed out.”²¹

While some of the people interviewed called for more information through reentry guides and resource lists, others suggested that what they really needed was a person. One who could empathize with the stress of transition. A listening session attendee admitted that during their release process, they “wouldn’t have talked to nobody that [doesn’t] understand what I’m going through.”²² They wanted someone “that has been there, that knows.”²³ A recent study of peer reentry programs underscored the importance of relatability and credibility in reentry mentors. Researchers found that the most important characteristic in a mentor was the lived experience

¹⁸ Ibid, 12.

¹⁹ “Be Heard and Take a Stand Listening Session,” The Faith Center Church, Bluefield, WV, July 14, 2022, Transcript 2:23–24.

²⁰ “Bluefield Listening Session,” 11:16–22.

²¹ “Logan Listening Session,” 10:24 – 11:3.

²² “Logan Listening Session,” 17:23 – 18:1.

²³ Ibid.

of incarceration.²⁴ For mentees in that study, they most valued guidance from people who had also been subjected to the loss, pain, and trauma of life behind bars.²⁵

One expert on reentry recommends, “[o]ne-stop shops, with staff who are knowledgeable and compassionate about the disorientation that follows incarceration, would smooth the path from prison to community.”²⁶ But what returning citizens in West Virginia emphasized is that these community-based programs must be led by people who have tread that path. A Logan County attendee said, “[E]ach and every person here, sitting in here at this table, has been through a traumatic experience and been through something and knows exactly what it takes to help someone else. People sitting up high and lofty in their offices don’t know exactly how because they’ve never been through it. They can read as many books as they want to but each and every one of us has somebody that we can reach and be able to create discipleships and help send other people out to help others and show them that there’s a way to change.”²⁷

While peer-led programs like this work best outside of the prison system, government funding is a smart investment. A study of the Maryland Reentry Partnership found that for every dollar invested, there was a return of three dollars in net benefits per person in reentry.²⁸

Local Spotlight: The Reachback Reentry Navigator Program

The REACH Initiative, a community-based reentry assistance organization, plans to meet the need for peer mentors. In 2022, the organization launched the Reachback Reentry Navigator — or R2N — program. The program will train people with lived experience to assist newly released West Virginians “navigating the barriers of reentry into the community.” R2N hopes to offer credible assistance, tailored to individual needs and circumstances. This is the only program of its kind with long-term financial support.

Source: The REACH Initiative, <https://wwreentry.org/> (accessed October 3, 2022).

Landing on Their Feet: “Not Set Up for Failure”

Even when people have the support of their peers, returning citizens often lack the basics needed to land on their feet. When survey respondents were asked about what worried them when they left prison, one in three said they worried about not finding work or not being able to financially support themselves or their loved ones.²⁹ One returning citizen summed it up: “I think that they should have somebody come into the jail before you’re released, and have you set up to where you’re not set up for failure. You’ve got somewhere to stay. You’ve got a way to call the [parole officers] and stuff. You’ve got these things to where you’re not going to fail. Because if you don’t have stable housing or money or a phone or transportation, you’re not going to make it.”³⁰

A person cannot be released from a West Virginia prison without an approved place to live, referred to as a home plan.³¹ In some cases, people remain in prison after they have been granted parole because they do not yet have a home to go to, or they are waiting for a home plan to be approved. But as one listening session participant pointed

24 Esther Matthews, “Peer-focused Prison Reentry Programs: Which Peer Characteristics Matter Most?” *Incarceration* 2, 2 (2021): 13, <https://doi.org/10.1177/26326663211019958> (accessed September 27, 2022).

25 Ibid, 12–14.

26 Bruce Western, *Homeward: Life in the Year after Prison* (New York, NY: Russell Sage Foundation, 2018), 183–84.

27 “Logan Listening Session,” 33:22 – 34:9.

28 Quenton King and Rick Wilson, “The State of Reentry and Barriers for Returning Citizens in West Virginia” (Charleston, WV: West Virginia Center on Budget and Policy & American Friends Service Committee, May 2021), 17.

29 “WVCBP analysis of EITS Survey.”

30 “Logan Listening Session,” 6:17–24.

31 W. Va. Code § 62-12-13.

out, “[T]here’s a lot of landlords that don’t rent.”³² Research has shown that public housing authorities and private landlords often reject rental applications from people with criminal records.³³ But even when a person can access an apartment or home despite their record, they may not be able to afford it. A person earning the West Virginia minimum wage of \$8.75 per hour would need to work 57 hours per week — the equivalent of 1.4 full-time jobs — to afford a one-bedroom rental at fair market value.³⁴ For people starting over, with little savings, rent is often too high without help from loved ones.

When asked what would make it easier for people to get back on their feet after prison, two out of three people interviewed named transitional housing — the most common response from our survey.³⁵ In 2021, West Virginia lawmakers introduced legislation to authorize the DCR to create a comprehensive reentry and transitional services program.³⁶ The legislation contemplated a halfway house model in which people nearing their release date would transition to community-based centers with programming, job placement support, and access to community and loved ones through weekend and evening passes. The bill was ultimately winnowed down to a limited expansion of the DCR’s work release centers, which allow people to maintain work in the community surrounding the prison facility.³⁷

One man, who had been incarcerated throughout his adult life due to drug use, found that the Beckley Work Release experience helped him break the cycle of incarceration. Not only was he able to save money while building his confidence at work, but he was also able to be discerning about finding a home close to work and away from “people, places, and things” that he associated with his drug use. “When I went to work release, I earned passes to walk around Beckley. I would walk around and look for places to rent. But if you’re at Huttonsville or Mt. Olive, you can’t look for housing.”³⁸ Still, the most recent DCR Annual Report reveals there are fewer than 300 work release beds across the state, representing a small fraction of what is needed for the thousands of West Virginians released each year.³⁹

Many newly released people find out that it is impossible to rent a home, apply for a job, or open a bank account without a state-issued identification card or driver’s license. In 2019, the legislature passed a bill directing the DCR to issue temporary identification cards to people pending release from prison.⁴⁰ The cards, which are valid for 90 days, may be presented at a Division of Motor Vehicles (DMV) office as proof of identity to obtain a state identification card or driver’s license.⁴¹ The same bill urged, but did not require, the DCR to help people within six months of their release get a certified copy of their birth certificate, a Social Security card, and a state-issued driver’s license.⁴² But two years after the law went into effect, one newly released person took his temporary prison identification card to the DMV only to be told, “the DMV doesn’t know what you’re talking about.”

What Returning Citizens Need to Land on Their Feet

- ✓ **Low-barrier, affordable transitional housing**
- ✓ **Ready-to-work documents like a Social Security card and a DMV-issued state identification card or driver’s license provided upon release from prison**

32 “Logan Listening Session,” 14:6.

33 “A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families, and Communities (Baltimore, MD: The Annie E. Casey Foundation, April 2016), 4, <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf> (accessed June 7, 2022).

34 “Out of Reach 2022: The High Cost of Housing” (Washington, DC: National Low Income Housing Coalition, July 2022), WV-271, <https://nlihc.org/oor> (accessed October 5, 2022) (The report calculates the fair market value of a one-bedroom rental at \$653 per month, then determines how much a person would need to work to afford that rent without paying more than 30 percent of their income.)

35 Michael Hartman, “Providing Identification for Those Released from Incarceration,” (Denver, CO: National Conference of State Legislatures, April 2022), 3-4, https://www.ncsl.org/Portals/1/Documents/cj/Identification-Upon-Reentry_f03.pdf (accessed October 5, 2022).

36 Originating H.B. 3304, 2019 Leg., Reg. Sess.

37 H.B. 3304, 2019 Leg., Reg. Sess. (W. Va. 2022).

38 Author phone interview with Austin Moore, July 15, 2022.

39 DCR, “FY 2021 Annual Report,” 14, 18.

40 H.B. 2038, 2019 Leg., Reg. Sess. (W. Va. 2019).

41 *Ibid.*; W. Va. Code § 17B-2-1c.

42 *Ibid.*

Many people we spoke to questioned why West Virginia does not issue permanent identification cards to incarcerated people about to be released — especially since at least a dozen states have made it a requirement of the release process.⁴³ Since 2012, the state of Virginia has brought DMV mobile teams to state prisons to process identification cards for people nearing their release date, providing tens of thousands of cards to soon-to-be released people.⁴⁴

A Full Life

Returning citizens want lives that recognize they are more than the worst they have done. They want permission to work good jobs in their chosen fields. They want a say in the political process. They want to contribute.

One person recalled, “I went every place I could to look for a job. Very respectful, very polite, I presented myself properly. First thing, they asked me, ‘Have you ever been convicted of a felony?’ As soon as I said yes — and you got to be honest because they’re gonna find out anyway — the door gets slammed in my face.”⁴⁵ In his book about the Boston Reentry Study, Bruce Western wrote, “Motivation is often held out as the special ingredient that distinguishes those who do well after release from prison. Among the reentry study sample, motivation was abundant, particularly in the first few months after release. Opportunities for work, however, were distributed unequally...”⁴⁶

Nearly everyone we spoke to had graduated high school, attained a high school equivalency degree, or had education beyond high school (96 percent).⁴⁷ This represented a higher percentage of high school graduates and people with education beyond high school than the general West Virginia population (87.6 percent).⁴⁸ Additionally, 33.9 percent of respondents had completed technical or vocational training.⁴⁹

Despite this education and training advantage, 61.0 percent of people interviewed did not have paid work on the day of their interview.⁵⁰ When we asked people who did have paid work how they found their job, 63.6 percent said they found the job on their own.⁵¹ Several cited help from a friend or family member, and only one person said that a state program or parole office had helped them find their job.⁵² When we asked people to reflect on what would have made it easier for them to find work after release, 66.1 percent told us they needed job training, help finding jobs, and access to jobs despite their criminal conviction.

Over the last few years, the Division of Corrections and Rehabilitation has compiled a list of West Virginia employers who will hire people with felony convictions.⁵³ This resource is not posted online where returning citizens and their loved ones can find it but is instead distributed to parole offices and to state programs that provide job assistance. The list, which is broken down by county, features mostly low-wage work at fast food chains, gas stations, grocery stores, and other retailers. But in 14 of the 55 counties there are four or fewer employers. Two counties — Jackson and Mingo — have no employers listed as willing to hire a returning citizen. In Putnam, a county responsible for 1,539 admissions to state prisons over the last 12 years, only one employer is listed.⁵⁴

43 “WVCBP analysis of EITS Survey.”

44 Erin Patterson, “Gov. Northam Announces Expanded Partnership to Offer REAL IDs to Returning Citizens,” 13 News Now, October 2, 2019, <https://www.13newsnow.com/article/news/local/virginia/gov-northam-announces-expanded-partnership-to-offer-real-ids-to-returning-citizens/291-aaaa0cad-5ed9-4cd0-a8da-b9bf5fd7cb11>.

45 “Logan Listening Session,” 15:8-15.

46 Western, *Homeward*, 99.

47 “WVCBP analysis of EITS Survey.”

48 U.S. Census Bureau, Population Estimates, July 1, 2021 (V2021) — West Virginia, Quick Facts, <https://www.census.gov/quickfacts/WV> (accessed September 30, 2022).

49 “WVCBP analysis of EITS Survey.”

50 *Ibid.*

51 *Ibid.*

52 *Ibid.*

53 “WV Division of Corrections & Rehabilitation — Parole Services Employment Options for Parolees,” obtained by author on October 3, 2022.

54 DCR, “FY 2021 Annual Report,” 29.

The lack of opportunity is policy choice. There are 815 provisions of West Virginia law that impose collateral consequences on people convicted of crimes — even after they have finished their sentences.⁵⁵ Seventy-two percent of these provisions create barriers to jobs through restrictions on occupational and business licensing.⁵⁶ Roughly nine in ten employers use criminal background checks in the hiring process.⁵⁷ The result: formerly incarcerated people face an unemployment rate nearly five times higher than that of the general population.⁵⁸

Returning citizens who do find work earn less than the rest of us. Research has shown that formerly incarcerated men earn 40 percent less than people who had not been incarcerated, resulting in a “\$179,000 overall loss by age 50.”⁵⁹ Another study found that “two-thirds of formerly incarcerated men at the bottom of the income ladder in 1986 remained there two decades later.”⁶⁰

The pain is unequally distributed by race and gender. A criminal record was 40 percent more damaging for Black men than white men.⁶¹ In fact, research has shown “that white men with a record are more likely to receive a positive response from an employer than black men without one.”⁶² Similarly, “formerly incarcerated white women were 93% more likely to be contacted by employers for an interview or offered a job than formerly incarcerated African American women.”⁶³ But another study found that while “nearly 60% of men with a prison record would have been called back for a job interview ... only 30% of women would have, with the same record.”⁶⁴

West Virginia can limit the impact of a criminal record by automatically sealing or expunging the record after a person completes a period of years without another conviction. Since 2019, some felony offenses have qualified for expungement.⁶⁵ But that process, which requires expungement-seekers to collect court documents, pay filing fees, and attend a court hearing, is unnecessarily complicated. A returning citizen remarked, “[The expungement] form is so problematic in that regard that you almost need an attorney to do it because once you mess it up, you just messed it up.”⁶⁶ “Clean Slate” legislation that automates felony expungement without filing fees or court hearings can increase workforce participation and formerly incarcerated people’s earnings. One analysis found that people who had obtained expungements in Michigan saw their wages increase by 22 percent within one year, “driven by unemployed people finding jobs and minimally employed people finding steadier and higher-paying work.”⁶⁷

Today, one in four jobs requires a person to secure an occupational license or certificate.⁶⁸ A 2019 bill took the first step to protect people with criminal convictions who seek this permission to work.⁶⁹ The bill, which does not apply to all licensing boards, imposes a five-year time limit for considering non-violent convictions, prohibits use of the vague “moral turpitude” standard, and bans boards from disqualifying applicants based on a conviction with

55 “West Virginia: Snapshot of Employment-Related Collateral Consequences” (Lexington, KY: Council of State Governments, Justice Center, January 2021), 1, <https://csgjusticecenter.org/wp-content/uploads/2021/02/collateral-consequences-west-virginia.pdf> (accessed June 30, 2022).

56 “WV Employment Collateral Consequences,” 1.

57 Vallas et al., “Removing Barriers to Opportunity,” 4.

58 Sean O’Leary, “Banning the Box in West Virginia: Giving Workers with Criminal Records a Fair Chance” (Charleston, WV: West Virginia Center on Budget and Policy, October 2019), 1, <https://wvpolicy.org/wp-content/uploads/2019/10/WVCBP-Ban-the-Box-final.pdf> (accessed April 5, 2022).

59 Beth Avery, Maurice Emsellem, and Han Lu, “Fair Chance Licensing Reform: Opening Pathways for People with Records to Join Licensed Professions” (New York, NY: National Employment Law Project, December 2019), 5, <https://s27147.pcdn.co/wp-content/uploads/FairChanceLicensing-v4-2019.pdf>, (accessed August 9, 2022).

60 “A Shared Sentence,” 4.

61 Avery, Emsellem, and Lu, “Fair Chance Licensing Reform,” 6.

62 Ibid.

63 Ibid.

64 Ibid.

65 S.B. 152, 2019 Leg., Reg. Sess. (W. Va. 2019).

66 “Logan Listening Session,” 17:14-19.

67 J.J. Prescott and Sonja B. Starr, “Expungement of Criminal Convictions: An Empirical Study,” *Harvard Law Review* 133, no. 8 (2020): 2461, 2467, <https://repository.law.umich.edu/articles/2165/> (accessed October 7, 2022).

68 Avery, Emsellem, and Lu, “Fair Chance Licensing Reform,” 7.

69 H.B. 118, 2019 Leg., 1st Spec. Sess. (W. Va. 2019).

no “rational nexus” to the job.⁷⁰ An improved bill would apply to all felony offenses, make sure that boards only consider convictions “directly related” to the job, and not force people to wait for five years for a chance to work in their chosen profession.

State agencies, county commissions, and cities can lead by example and hire returning citizens. One person at the Bluefield listening session suggested, “[T]he city — they need people to work. So, when people come out of prison, let them work for the city. Let them have opportunity for a job.”⁷¹ Another person pointed to the example of a nonprofit that hires returning citizens to refurbish dilapidated homes in Charleston: “We’ve got this group of talent in our correctional centers and we’re not using them for anything, but they can help ... bring communities back to life at the same time of actually receiving a trade.”⁷²

This is not a radical idea. The state already employs this group of people to do important community jobs. Every day in West Virginia prisons, incarcerated people manufacture the desk chairs and filing cabinets that furnish state agency offices.⁷³ They train service and therapy dogs that will assist people in the community living with PTSD or special needs.⁷⁴ They aid teachers, work in libraries, cut hair, feed large groups of people, and provide hospice care.⁷⁵ Imagine state or local government simply offering people the same job on the outside as they had on the inside.

Harmful reentry policies persist because returning citizens are kept out of the political process. “If we voted and we voted people out of office and put more of us in office, then they wouldn’t be making laws about us without us.”⁷⁶ But in West Virginia, people convicted of felony offenses are not eligible to vote until after they have completed their sentence or parole supervision.⁷⁷ One man, who worked at a substance use treatment center after his release from prison, described the absurdity of watching state legislators debate issues affecting people like him while he had no power to vote for those elected officials: “It’s taxation without representation.”⁷⁸ Research shows

that citizens who keep their right to vote are less likely to be rearrested than those who are disenfranchised.⁷⁹ West Virginia should follow the model of states like Vermont and Maine, whose citizens do not lose their right to vote following a criminal conviction.⁸⁰

What Returning Citizens Need to Live Full Lives

- ✓ Automatic, automated expungement
- ✓ Elimination of licensing barriers that keep returning citizens from accessing good jobs
- ✓ State and local government jobs for returning citizens
- ✓ The right to vote

70 W. Va. Code § 30-1-24.

71 “Bluefield Listening Session,” 15:14–17.

72 “Bluefield Listening Session,” 14:17 – 15:10.

73 *West Virginia Correctional Industries*, accessed October 7, 2022, <https://wvcorrectionalindustries.com/>.

74 Roxy Todd, “Paws4people Teaches Prisoners To Find Compassion and Tolerance,” *West Virginia Public Broadcasting*, March 18, 2015, <https://www.wvpublic.org/news/2015-03-18/paws4people-teaches-prisoners-to-find-compassion-and-tolerance>; Roxy Todd, “Service Dog Series, Part Three: Dog Trained by Prison Inmates Now Helps Boy with Special Needs,” *West Virginia Public Broadcasting*, March 20, 2015, <https://www.wvpublic.org/2015-03-20/service-dog-series-part-three-dog-trained-by-prison-inmates-now-helps-boy-with-special-needs>.

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Conclusion

The criminal system is a closed loop. Poor West Virginians are raised in crisis — surrounded by joblessness, abuse of all kinds, and failing institutions. The criminal system adds more crisis — subhuman conditions, loss of liberty, and severed ties to family and community, to name a few. When a person then returns from prison to their community, they are not “free.” Instead, they face the stigma of a record, new traumas from inside, and even fewer opportunities than before.

We asked returning citizens what they needed to succeed. They want what anybody wants, but what, in many cases, they never had. They want more opportunities to do good and fewer punishments. They want less crisis. One returning citizen reflected that “one of the biggest things that people need are incentives. You know, incentive-based sentencing or incentive-based sentences to where ... if you program, you do certain things, you’re taking schooling, getting your GED, taking vocational programs, that gets you good time.”⁸¹

The American Probation and Parole Association agrees, calling for “positive reinforcements that outnumber sanctions or punishments” in order “to be most effective.”⁸² Currently, West Virginia probation and parole officers have no tool for offering positive reinforcement or incentives for the people they supervise. Originally intended to keep people out of prison, these “community corrections” programs accounted for 44.2 percent of the people sent to DCR prisons in FY 2021.⁸³ Half of these were technical violations of probation and parole, which meant that one out of four people who entered prison that year had not been convicted of a new crime.⁸⁴ West Virginia could adopt rules that allow people on probation and parole to earn sentence credits for enrolling in school or job training, beginning a treatment program, or maintaining employment. This would create positive incentives and reduce supervision periods, while decreasing the likelihood that probation and parole is a path into prison.

West Virginia is addicted to incarceration. For every 100,000 West Virginians, our state cages 613 people at an annual cost greater than most West Virginians earn in a year’s work.⁸⁵ Our state has an incarceration rate that is higher than any other country in the world.⁸⁶ The best reentry policy would be to ensure that fewer people experience the harm of prison in the first place. Barring that, we must approach reentry as an opportunity to lift burdens and heal harms, and that work starts with listening to the people who have been made to carry those burdens and suffer those harms.

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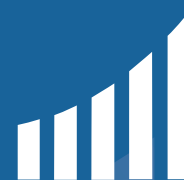
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