



West Virginia can turn the corner

*Personal testimonies and policy recommendations from the
West Virginia Criminal Justice Listening Project.*



**American Friends
Service Committee**

PREPARED BY

Lida Shepherd, West Virginia Economic Justice Project

ABOUT AFSC

The American Friends Service Committee (AFSC) is a Quaker organization that promotes lasting peace with justice, as a practical expression of faith in action. Drawing on continuing spiritual insights and working with people of many backgrounds, we nurture the seeds of change and respect for human life that transform social relations and systems.



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Introduction

Throughout the country the call for criminal justice reform has been getting louder and more widespread. West Virginia could be a leader in the movement away from a costly system that focuses mostly on punishment, towards a justice system that focuses on healing. With West Virginia at the epicenter of the substance abuse and overdose epidemic, policymakers and the public believe more and more that we cannot afford to primarily rely on the blunt instrument of incarceration anymore.

This report seeks to put a human face on the social and economic consequences of the current criminal justice system in West Virginia. We want to inform the public and policymakers of both the problems and the solutions from the perspective of those who know better than anyone what is and isn't working in the system today.

As one lawmaker said in House Judiciary Committee in February 2019, “We cannot incarcerate our way out of our problems.”

In her seminal book “The New Jim Crow: Mass Incarceration in the Age of Colorblindness,” Michelle Alexander echos this sentiment when she writes, “The nature of the criminal justice system has changed. It is no longer primarily concerned with the prevention and punishment of crime, but rather with the management and control of the dispossessed.” People dispossessed by poverty, unemployment, mental illness, addiction, and racism.

From January to September of 2018, the West Virginia Criminal Justice Listening Project collected stories about the criminal justice system from over two hundred people around the state. The majority of those interviewed had been in prison or had family members behind bars. Others shared their observations as pastors, volunteers, attorneys, correctional officers, and staff of community re-entry programs. We heard stories of:

- People who spent time behind bars and in solitary confinement.
- Mothers and fathers struggling to reconnect with their children after leaving prison.
- Men and women with felony convictions desperately looking for a job.
- People who have lost children, parents, and friends to overdose.
- People who are frustrated by recidivism rates that could be reduced if we addressed the basic needs of ex-offenders re-entering communities.

Their words throughout these pages reinforce the urgent need to create a justice system that understands the traumatic effects of poverty, adverse childhood experiences, and addiction. As one person we interviewed said, “We have people in prison who deserve a fighting chance.”

While this report makes no claim of having all the answers to the vexing problem of over-criminalization and incarceration, these individuals’ testimony and stories must be heard. A leadership team of people affected are not only engaged in policy change right now but will continue to lead efforts with communities and lawmakers around this question: **What can we do to create a system that is safe, fair, and more beneficial to individuals and society?**

Already their leadership has led to tremendous victories as evidenced by four crucial pieces of legislation that passed the 2019 legislative session. Needed policy changes that were mentioned by dozens of interviewees are now law, including:

- House Bill 2459 which reversed the federal ban on Supplemental Nutrition Assistance Program (SNAP- formerly known as food stamps) for people with drug felony convictions.
- Senate Bill 152 which allows people with certain qualifying nonviolent felonies to petition to have their record expunged after five years of serving their sentence, and additionally removes the age restriction on expungement of misdemeanors.
- House Bill 2083 which allows people within 90 days after leaving prison to use their prison identification card to obtain an official state identification card from the Department of Motor Vehicles.
- House Bill 118 which eases the restrictions on dozens of professional licenses—including social work, real estate, and occupational therapy—for people with criminal convictions.

These legislative victories are the start of more changes to come. We encourage you to join these courageous individuals who are leading the charge.

One big prison yard

West Virginia, like many other states, has experienced a dramatic increase in the prison population over the last few decades. These upward trends have resulted in the stark fact that while the U.S. has five percent of the world’s population, our country accounts for nearly 25 percent of the world’s incarcerated population. ¹

The rate of incarceration in the United States is more than five times higher than most other countries in the world, even though our level of crime is comparative to other relatively stable, industrialized nations. ²

Women are the fastest growing incarcerated population in the United States. In 1980 there were about 26,000 women incarcerated in the United States. Fast forward to 2016 and there were nearly 214,000 women locked behind bars in prisons and jails, a 700 per cent increase.³

People of color continue to be vastly overrepresented at all points of the criminal justice system, with racial discrimination showing up in rates of arrest, conviction, excessive sentencing, paroling, and in lack of access to employment and housing post-incarceration.

West Virginia is no exception to these trends, with the prison population having increased 470 percent between 1980 and 2016.⁴

How did this happen?

The explosion of the prison population is largely due to the increased penalties and prohibitions of the war on drugs which began in the 1980s. Now, with an addiction epidemic taking an unfathomable toll on our communities, the drug sentencing laws mean more and more people are getting caught up in already overcrowded jails and prisons, and more people are committing crimes to fuel their addiction.

Overcrowding has also resulted in a backlog, where people are incarcerated past their parole date. Harsh and largely outdated sentencing laws mean that people are incarcerated for longer periods of time.

On the back end of incarceration, people post-release experience prejudice and policies that discriminate against them based on their criminal history—notably in employment and housing, trapping people in a vicious cycle.

Also the number of people admitted to West Virginia prisons for violating their parole increased 24 percent between 2007 and 2017.⁵ In 2017, nearly one in five (17 percent) admissions to prison in West Virginia were for parole violations, with the vast majority (83 percent) for technical violations like missing a parole date or failing a drug screen.⁶

Justice Reinvestment Act revisited

In West Virginia there was a concerted effort to reverse the trend and reduce prison overcrowding with the passage of the Justice Reinvestment Act in 2013. Senate Bill 371, signed into law in May 2013 by then Governor Earl Ray Tomblin, was a bi-partisan collaboration between court officials, the West Virginia Department of Corrections, Pew Charitable Trusts, the U.S. Department of Justice's Bureau of Justice Assistance, and the Council of State Governments Justice Center (CSG). The key provisions of the bill included the use of risk assessments to better focus supervision practices on higher risk individuals, increase accountability in correctional system processes to reduce parole delays, and invest in substance abuse treatment in prisons and in communities.⁷

While the Justice Reinvestment Act was a good first step, according to the CSG Justice Center report, “SB 371, as enacted, reflects a compromise that will limit growth in the prison population while maintaining public safety, but the prison population is still projected to increase by 800 people higher than it was in 2012 by 2018. To achieve further reductions, West Virginia policymakers may need to adopt additional measures in future legislative sessions.”⁸

Their prediction of further prison population growth was correct. By 2017 there were 7,042 people imprisoned in the state. The state’s jail population has also grown in recent years. In June 2017, there was an average of 4,929 people in regional jails in West Virginia on any given day.¹¹

The cost to the state is \$191 million a year, or 4.5 percent of the state’s general fund. General fund spending on corrections increased more than four-fold (307 percent increase) between 1986 and 2017, forcing tradeoffs in other state spending priorities like education. As an example of these skewed priorities, higher education general fund spending decreased 14 percent over the same time period.¹²

While there is no single contributing factor, some key drivers of increased incarceration and prison costs are: mandatory minimum sentencing laws; lack of alternative sentencing; lack of accountability in the system to reduce parole delays; and barriers to employment, housing, and drug treatment after incarceration, all of which drive up the recidivism rate.

This report seeks to tell human stories behind the trends so that lawmakers and the public have a clearer picture of the impact incarceration is having on families and children in West Virginia. Finally the report highlights key policy recommendations that emerged from the interviews conducted by the listening project.

Key themes

A lot of the people we interviewed shared experiences of...

- **Trauma.** The majority of the people interviewed experienced trauma as children, and then many experienced more trauma while incarcerated either as a juvenile or as an adult.
- **Social Stigma and Prejudice.** Many people talked about the stigma and prejudice they experience around addiction and/or their criminal conviction. They felt this stigma in the attitude of judges, landlords, employers, and correctional officers.
- **Personal Transformation.** People shared a solemn wish to be judged for the multifaceted person that they are, instead of through the lens of the crime they committed. They want to be treated like human beings who are worthy of respect.
- **Determination to help others.** Many people see themselves as uniquely qualified to help people who are preparing for life outside prison or are currently struggling with the collateral consequences of their conviction post-incarceration. Many interviewees expressed a desire to be a part of the solution to our over-reliance on incarceration and punishment, and the reforms they see as desperately needed.

Adverse Childhood Experiences, Addiction, and Poverty

The landmark Adverse Childhood Experiences (ACEs) study found that traumatic experiences in childhood are a huge contributing factor to life outcomes as an adult, including substance abuse and incarceration. Adverse childhood experiences include sexual, emotional or physical abuse; emotional neglect; domestic violence; substance abuse in the household; incarceration or death of a parent; and parental separation.

Although interviewers did not explicitly ask people to disclose trauma, nonetheless a lot of people shared traumatic experiences they had in childhood. Many of them pointed to these adverse events leading them at an early age to using alcohol and drugs to ease their emotional pain.

Generational trauma is all too evident in the stories we heard. Many of the people we interviewed experienced trauma as kids, and then grew into adulthood struggling with addiction, incarceration, or domestic violence. Now as parents they desperately worry about the impacts their incarceration, addiction, or conviction status is having on their children.

Here is what we heard:

"I was molested by a neighbor before kindergarten, and did not tell anyone about this until I was 36, after I went to prison for the first time."

"At 11 years old, my brother who I had never met, come to live with us and he started molesting me. He took my virginity at 11. So I ran away from home."

"I was 11 or 12 when my dad started drinking, he became a mean drunk. He and my mom had verbal arguments and knock-down drag out fights. Things got worse and worse and eventually my mom got fed up and left. The guidance counselor at school saw bruises and marks on me—so my brother and me got put in foster care. In my 20's I started smoking crack cocaine."

"I was sexually assaulted by my father when I was 11. My life took a nose dive after that. I smoked marijuana and drank to ease the pain. I started lying and manipulating. Before I was an adult my addictions started making decisions for me."

"Mom was on drugs very bad. When I was 3, my mom was very poor and her mother tried to care for me but she was an alcoholic. My mom passed me around to try to take care of me when she couldn't. I went through the whole molestation thing and beatings. I started drinking at 15. By the time I was 29, addiction had taken place. It was hard to break the habit, to work, to be a father. I wanted those things, but didn't know how to do it or enough people to teach me."

"My mother committed suicide when I was 21 years old. Me and my brother found her. I regret that she doesn't get to see me sober or doesn't see her grandchildren."

"By 16, I was running away, experimenting with drugs, just trying to find my way without parental figures. My mom was in and out of incarceration. My dad was out of the picture—he was an alcoholic and drug user. I remember being little and running to neighbors because my mom was on the floor bleeding from her head; being in the back seat of some random stranger's car and watching my mother and him walk behind a tree somewhere knowing what they were doing; turning a trick with some random person."

"My real dad, before he passed away, he done prison time himself. My mom got busted once for selling marijuana, they gave her some community service. She'd drop us off at the pool, I'd see her around the park picking up trash and stuff. But my mom worked her butt off, waiting tables, keeping all the girls together. I remember coming home and the house would be a wreck and her face being bloodied and stuff. Mom just trying to be mom with a black eye."

"I was going to Piedmont Elementary. In fourth grade I stole a candy bar, I was hungry. I was taken to the police station and the police were called. They called my mom to come and pick me up. She said she was not coming for me. She didn't want me."

When asked what got them or their children involved in the criminal justice system in the first place, many interviewees talked about a struggle with addiction.

“We ain’t really bad people but when you give us drugs we make bad choices. That’s part of being an addict. We mess up.”

“People are thrown in jail for diseases, when treatment is more effective and humane than prison.”

“I graduated high school and went to WV Tech, I majored in print management with a minor in graphic design. As you can see, there are no printing jobs here (laughter). I had a lot of student loans. I worked two jobs. Then I started selling drugs. It was the easiest quickest money I ever made. Then me and my boyfriend got started on meth and so we started selling it.”

“If it hadn’t of been for the drugs, it wouldn’t have ended up like this. I had a good life. Got hurt, had an injury, got hooked on pills and that was the downfall. And that’s how I got my burglary, trying to get someone’s pills. I shouldn’t of done what I done but I wouldn’t have done it if I wasn’t on the drugs.”

“I would steal, rob people, steal checks out of friends’ purses. I did almost anything to get money for drugs and alcohol.”

“I don’t know anyone who hasn’t been affected by the opioid crisis. There’s a drug market here because we have all these hurting people.”

Emerging themes pre-incarceration

People shared frustration that the punishment did not fit the crime or address underlying issues of addiction, poverty, or joblessness, and that sentences are handed out unequally depending on your financial ability to either post bail or hire a private attorney. People with financial means believed that they were able to navigate the system better than others without.

“I don’t feel like I needed to be in a maximum security prison for writing bad checks and violating my probation due to my addiction. It was terrifying and did not stop me from future drug use and incarceration.”

“Burglary should be 1 to 5 not no 1 to 15. That’s way too big of a variance there.”

“I don’t think anyone in their right mind should have to do as much time because I done drugs for 8 months. It was an 8-month crack spree and I done 10 years and 2 months for it.”

“The judges have a lot of power to help people get clean. When you give an addict a second chance or a third chance, hold them accountable, and give them access to long-term treatment, that’s the success rate I’ve seen. Two years of treatment is needed. 30 and 60 days doesn’t work.”

“Courts could sentence someone to five years of rehabilitation versus prison. Problem is what if a person relapses, does the judge understand that that may be part of his normal recovery? It’s not just that he didn’t follow orders. Most of the people that have long-term recoveries have had multiple relapses.”

“People in rehab know that their brains are not working—judicial system doesn’t quite understand that.”

“My bail was \$50,000 cash bond for a first-time nonviolent offense with no criminal history.”

“I was held on \$50,000.00 cash bond. That’s against the rights of a U.S. person—they’re not supposed to set a bond so high it’s unreasonable.”

“My mom took it upon herself to try to pay a lawyer. She couldn’t afford it, you know, them lawyers is expensive man.”

“I was given favorable treatment because I knew people, because I was a lawyer. And because I had the means and the sophistication to negotiate, hire a lawyer—Probably paid \$20,000 for lawyer fees, etc. —financial means definitely helped.”

“If I had been able to afford a private attorney, I would not have spent time in prison. I saw other incarcerated women, who had private attorneys, get accepted for a reconsideration process where they got sent instead to treatment. My public defender didn’t advocate for me, and didn’t communicate with me before the sentencing.”

“I wasn’t represented well by my attorney. He proved me guilty like everyone else. I was just a file. All you had to do, is sit down and talk to me and at some point, not tell me to sign those pleas.”

“Start handing out some alternative sentences to keep having to go into overcrowded jails.”

Emerging themes of experiences with incarceration

When asked about their time spent incarcerated in either jail or prison, people shared experiences of overcrowding, violence, sexual assault, and a lack of access to health care or hygiene. A common frustration was serving a lot of their sentence in a regional jail awaiting transfer to a prison where they could access classes they needed to make parole, or a feeling of “getting lost” in the system. People also said again and again that because of their addiction, they needed treatment and recovery more than anything.

Another clear theme that emerged was an appreciation for the classes and programs offered behind bars, and the individuals in authority who treated them like human beings.

For context on the stories told of abuses experienced at the hands of correctional officers, it’s worth noting the seminal social psychology research of Philip Zimbardo and his Stanford Prison Experiment where “good dispositions were pitted against a bad situation.”

In his book, *The Lucifer Effect: Understanding How Good People Turn Evil*, Zimbardo explores what he calls “situational forces” and that especially in western cultures, “we overemphasize personality in explaining behavior while concurrently underemphasizing situational influences.”¹³

While we should not fall into the trap of what Zimbardo calls “excusology,” Zimbardo’s extensive research instructs us that whether we are talking about inmates or guards, it is worth asking whether it’s better to think less about “bad apples” (individualist explanation) and more about “a bad barrel” (systemic analysis).

“South Central was pretty frightening—as near as you can get as hellish. It almost feels like they throw you to the wolves. You would see fights sometimes that would go on right in front of the observation tower 5-6 minutes and nothing ever happened. It truly felt like you were in a zoo.”

“When I got locked up that’s where I learned how to fight. I had to fight my way through—scratch and claw. That’s how to work the system. I mean that’s what ruined me. The jail system is messed up. They abuse people in there.”

“It’s nothing but concrete. It’s not even a yard. It’s just all concrete. With a fence at the top. You could look up at the sky and get fresh air. I went out sometimes trying to help my depression, but it didn’t really help.”

“They also don’t allow books into the prisons. If it was purchased from Barnes and Noble or Amazon then it was ok. Then when my son was in regional they changed it to where it had to come from the publisher.”

“It would have been nice to actually get to work on what you were in there (jail) for. In regional, you can’t even get a towel. I set in there for three days without even a change of clothes. They treat you like animals and then when you get out, they expect you to know how to act like a normal, civilized person.”

“My worst experience in prison was watching two CO’s (correctional officers) beating up an 80 year old Black man. He was on the phone and they walked into the pod, put us on lock down. The man was trying to get off phone. He was crippled and barely walked. The CO’s hit him right in jaw and knocked him down. They take guys off street 18, 19 years old, never had authority in their life, they may have been beat up and now they have authority.”

“When it comes to being in jail and withdrawing and not really helping you, it’s bad. I’ve watched people in there have seizures withdrawing from Xanax and they act like they are not even there, won’t even come and check on them.”

“South Central jail let me sit there for two months while I had MRSA infection in my leg that kept growing and growing. It got to the point where I couldn’t stand up on my own to walk the 2-3 steps to the bathroom in the cell.”

“I spent two years and nine months at Alderson. People died of bad healthcare. It was horrible for women. They have a juice at regional that they give to make men stay soft and they give it to the women and it gives them a yeast infection. It was the only thing you had to drink—the water fountains didn’t work. I got the worst yeast infection. The bad thing is that you had to have money on your commissary. If you didn’t have money, you didn’t get the cream.”

“A woman asked for sanitary napkins over and over. They never showed up. Finally a guard came into a unit with a bunch of female prisoners and threw the pads on the ground. The women started snatching them off the floor and fighting over them.”

“They take stuff you paid money for. I had this big crochet animal for my daughter and a counselor ripped it apart because it was too big. She was the unit manager and was supposed to be emotional support.”

“There is so much insane stuff that goes on with the guards; I’ve seen inmates having sex with guards. They traded tobacco for sexual favors.”

“Shower show is where someone would hold the shower door open and the guards would be in the tower looking and request you do that. They would bring us cigarettes, bring us drugs, meth and methadone.”

“The toilet is right in the middle of the hall where the men sit and watch. That is probably the worst thing. After my first day I saw the guards watching. I was in the shower. I’ll never forget and I heard a noise and I thought it’s going to be a guy and I watched and we locked eyes and they’re watching and there’s nothing you can do.”

“Correctional Officers don’t have enough training and education; their coping skills are minimal and the way they talk about women is awful—bitches and cunts.”

“People can get lost in the regional jails; that was the scariest point ever.”

“They lost my papers where I was a juvenile and they charged me as an adult. They lost me in the system.”

“I think it would’ve made a big difference if it didn’t take so long to get to prison. I would’ve made parole a lot sooner, I think because of overcrowding we have people sitting in regional jails for a lot longer than is necessary.”

“I know people have a hard time getting in touch with their lawyer, they won’t call them back for days.”

“You got people sleeping around toilets.”

“I was scared to death there. I had to sleep on the floor. They had no mats for three days. They just gave me a sheet. I remember being afraid, being cold at night on the floor.”

“They had 21 of us in a booking room in a cell. 21 people for four days. No AC. No air flow whatsoever. None. People laying on top of each other.”

“You got people sleeping around the toilets. It’s just horrible, it’s completely inhumane. If you’re not a little bit loony tune before you go into one of those regional jails, you’re going to be when you come out.”

“I was in South Central jail for 11 months. It was terrible. Terrible. There were 63 women in a pod which was designed for 16. Many people slept on the floor or in the day room. Lots of fights broke out over limited phone access and food.”

“My friends been waiting in regional for 30 months, waiting to go to prison.”

“In some cases in regional jail there were as many as 15 people sleeping on mats on concrete floors.”

“Jail is not treatment.”

“Sticking someone like my son in jail with no real reformative programs in place, what is that doing? It’s just holding off the problem. If you think of these people as your neighbor and being part of your community, then what kind of neighbor do you want them to be? I know programs cost money but how much money does it cost to keep the cycle of crime going?”

“They should definitely make sure that there is someone people can talk to. I don’t care what they say. People need people. They shouldn’t just throw people in jail. That doesn’t help.”

“In jail, it’s a harsh reality and you end up having resentment. In recovery, it’s different. You can tell someone how to do something right, but when you’re showed how every day, you process it deeper than just being told.”

“Jail is not treatment, it doesn’t matter how many times you throw someone in jail, they’re not learning ways to change their behavior.”

“There was no drug rehab program and no classes or skills training in South Central.”

“I’ve been in jail and most time there’s just as much drugs in jail. It’s corrupt and makes you more angry.”

“Addicts need rehabilitation. You only get better with compassion.”

“It’s really lonely.”

Testimonies of people who spent time in solitary confinement.

“You don’t have books, you’re in a room by yourself you don’t know if it’s day, night nothing.”

“Being in the hole, it’s really lonely. I got books because I was lucky because I owned my own books.”

“It’s quiet and loud. You get an hour out in a cage with maybe 7 other people in a big cage. You could see outside. I saw some people who had done 15, 16, 17 years in the hole, and they were pretty messed up.”

“I think classes reduce recidivism.”

We heard about how important educational, vocational, and drug and alcohol treatment classes were to people while incarcerated.

“To go to an NA or an AA meeting, you have to get on a waiting list.”

“We didn’t get our classes like re-entry classes. We were so short-handed we didn’t get to take all our classes.”

“I really liked RSAT. It helped the values, the core things in me to come out. It taught me about myself. Even if I relapsed, afterward I still have those same benefits it’s given me.”

“Was at Mt. Olive until 2010—ten years. The thing that helped me probably more than anything was actually working a real 40-hour job in arts & crafts.”

“I think vocational trainings are really important in order to reduce incarceration rates. People have to know their abilities. Once they figure out their abilities they have to get trained in those areas.”

“They’re complaining that they don’t have enough people to work, help train these people while they’re on the inside. Help prep people to be able to work in your corporation.”

Common challenges post incarceration

We heard about how hard it is to shed the stigma of being a felon once you leave the prison. We heard over and over again how hard it is to have all the proper paperwork like an ID when you’re released, and that finding a job with a felony conviction on your record is a tremendous barrier.

“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 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.”

“They should just have us tattoo felon on our bodies before we leave prison.”

"I can't get a job. There are so many times when I gotta do a daily inventory and pray 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."

"It's really hard to change your life. You don't need to be told that you can't better your life when you are trying so hard. This is like overcoming a mental illness. You should be congratulated for it instead of being punched for it."

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

"I can't find a job anywhere. No one will hire me."

"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."

"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 from Greenbrier County; the flood came through and took my house. What am I going to do? I'm stressed out, I'm really, really worried. There's no job there in Greenbrier County so I came to Charleston but this felony thing is keeping me from getting any job."

"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."

"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."

"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."

"I'm working as a peer recovery coach now, so depending on where I go to work I can't be billed by Medicaid because of my felony."

"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."

“How can you get a job without an ID?”

“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.”

“I had no identification no birth certificate, no Social Security card, no photo ID, I had no way to go to the store and purchase anything. Nothing. It was a whole process of trying to rebuild everything.”

“A lot of people get out with nothing.”

“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.”

“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.”

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

“The only thing that would be helpful is like the Second Chance law for your driver’s license.”

“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.”

Treatment for substance use disorder is vital

“I am a poster child for drug court.”

“I am a poster child for drug court. I’m getting drug tests every week. I’ve won my baby back. I have a job. I have a fear of failing so I don’t do drugs.”

“AA has taught me how to live life. It didn’t give me a life; it taught me how to live the life I had.”

“Recovery Point you all the aspects you absolutely need to stay clean. You get a very strong support group. You get to learn about yourself. You are held accountable for your actions and there are consequences for your behaviors. Recovery Point is what saved my life really.”

“There should be efforts to reach out to employers to educate them that if you have an employee in a recovery program like a Suboxone program, they have very rigid guidelines they’re trying to meet, and it would be great if employers could be more flexible and understanding as an employer for people trying to do the right thing and to not penalize them for those demands of the program they’re in.”

Finding the path forward

People we interviewed shared testimony of personal growth and transformation, and a demonstrated commitment to helping others who are also struggling with either incarceration, re-entry, or recovery from drugs.

“I am who I always wanted to be.”

“I’m 18 months sober. My wife and my relationship is better than it’s ever been. I’m a father to my kids, who are 13, 9, 8 and 3 years old. I’m a productive member of society. I pay my child support and my taxes. I am who I always wanted to be.”

“We have a God sized hole that we fill with things. They can be anything that makes me feel better. Life changed when I realized that the only thing that will fill a God sized hole is God.”

“I would love to have that be my job—for me to be a mentor to those who are getting out. People who have been out that knows what it feels like that are doing good help people that haven’t. One little act of kindness can push things in the right direction.”

“You never forget the people that treat you like human beings. You remember them.”

“I just want to learn how to cope with life and to try to help as many people as I can before I die. My main goal is not to leave this place without someone knowing the better me.”

“I want people to know that people do change.”

“What a good way to put these felons out in the workforce. These people will do a complete turnaround with their lives, and they are some of the best people you will ever meet. Everybody makes mistakes, you know. You can turn a felon into one of the kindest people that could save lives. This one person could save many lives.”

“I am really hoping to work with people who are coming directly out of jail and helping them to reestablish their life. Like maybe a reentry program or maybe I’m just meant to be a drug and alcohol counselor. Maybe it’s working with people who haven’t committed offenses yet and helping them get their life sorted out so they don’t have to go through this vicious cycle.”

“What I think would be more helpful would be if someone would sit down with someone in prison who’s getting ready to get out and ask, “What would you really like to do when you get out that will keep you on the right road? What kind of support do you have?” Some people, like me, didn’t have anything or anyone when they got out.”

“You need to have people like me who have been incarcerated and survived to be a team that goes in to work with juvenile and adult offenders.”

“I think West Virginia can turn the corner.”

Recommendations

When asked what people would like to see changed within the current system, we heard a lot about shorter sentences, reinstatement of driver's licenses, more reasonable bail amounts, less racial bias, speedier paroling process, expanded recovery options, training for judges and correctional officers, access to hygiene and books in prison, and fewer barriers post-incarceration.

Recommendations to reduce the number of people admitted to prison

- Enhanced alternative sentences.
- Reform the bail system so that people are not held due to inability to pay but are held because they pose an imminent threat to themselves or others.
- Legal education for judges and prosecutors on racial bias.
- Fund the full range of long-term recovery programs statewide (abstinence-based, MAT, Suboxone etc).

Recommendations to reduce prison population and costs

Sentencing reform

According to the 2010 report issued to the legislature by the West Virginia Law Institute: “West Virginia imposes some of the longest sentences in the country, sends to and keeps in prison a much higher percentage of convicted defendants rather than placing them in alternative programs, and maintains various practices that result in more people incarcerated for longer periods of time.”¹⁴ According to one expert's grade of criminal codes in the United States, West Virginia's ranked almost last—fifty-one out of fifty-two.¹⁵ The report's recommendations are worth reviewing in their entirety as they include a comprehensive modernization and rationalization of our state's sentencing laws.

Generally their recommendations are in line with a lot of what listening project participants said, including enhanced alternative sanctions, reductions in lengths of incarceration, allowing people to serve time for multiple charges concurrently instead of consecutively, and no longer allowing revocation of driver's licenses for non-driving related offenses.

Presumptive parole

The West Virginia Parole Board could adopt a policy of “presumptive parole” where parole boards provide adequate justification for denying release when someone is eligible for parole. Research shows that presumptive parole will also reduce recidivism after release

while promoting safety inside of correctional facilities.¹⁶ In addition, more frequent review of people's cases would help ensure people's parole dates don't lapse.

Earned time credit for vocational classes and recovery

Make available earned time credits through participation in educational, vocational, and other opportunities in prison which then count towards sentence reduction. Research shows that enabling more people to obtain college or vocational credits while incarcerated reduces recidivism and increases the safety of everyone behind the prison walls.¹⁷

Recommendations to improve conditions in prison

- Establish a prison review board to conduct independent review of the state's jails and prisons.
- Provide more training for correctional officers on the impacts of adverse childhood experiences, racial bias, and best practices around responses to mental health needs.
- Raise the wages for the labor of incarcerated people.
- Better fund programs in prison including vocational classes, computer classes, as well as classes about how to deal with life outside of prison, such as parenting and interpersonal conflict.
- Guarantee hygiene products and access to books to all prisoners.
- Female guards only in female prisons.

Recommendations to eliminate barriers to re-entry

As noted earlier in this report, the 2019 State Legislature and formerly incarcerated people worked together to see that the following recommendations have already become law:

- Revise The Second Chance for Employment Act from ten to five years and allow pathway for full expungement (Senate Bill 152)
- Make it easier to obtain a state ID (House Bill 2083)
- Remove the ban on SNAP for drug felons (House Bill 2459)
- Remove barriers to professional licenses (House Bill 118)

Further recommendations to assist people pre and post release:

- Educate people about their rights and available services before they're released (including SNAP and Medicaid eligibility, state ID law, the expungement process, their right to vote, and the Jobs and Hope program).
- Support pathways to work like vocational training and entrepreneurial development.
- Continue updating professional licensing code to eliminate employment barriers for people with criminal convictions.
- Expand access to degrees in higher education and college financial aid.
- Educate employers about the benefits of hiring people with criminal convictions, and reduce stigma and discrimination in employment.

Conclusion

We are at an exciting, pivotal moment in our country and in our state. Lawmakers, faith leaders, people in recovery, and the public at large are more than ever reflecting deeply about whether the costs of incarceration are too high, in terms of taxpayer dollars, the lasting effect on children, and the disproportionate impact the criminal justice system has on poor families already struggling.

One of the people interviewed said it best:

“If someone doesn’t stand up for this, it’s just going to continue to happen. If multiple people don’t stand up, then nothing is going to change.”

Methodology

A team of volunteer listeners conducted one-on-one interviews, group interviews, and an online survey. Full transcripts (with names and identifying information deleted) are available upon request.

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The Anchor Project

Step by Step West Virginia

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