Second Look Resentencing in West Virginia

5-year impact in West Virginia

Instituting a second look policy that offers sentence reconsideration for West Virginians who have been incarcerated for at least 15 years could reduce the WV prison population by 190 while generating almost $36 million in prison cost avoidance over the next 5 years.

Projected cumulative prison cost avoidance

<table>
<thead>
<tr>
<th>Yearly cost avoidance</th>
<th>5-year prison cost avoidance</th>
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<tbody>
<tr>
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<tr>
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<td>$0</td>
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This projection assumes a 50% rate of releases to supervision for second look resentencing among eligible people. Impact varies based on different assumed resentencing rates, shown here after 5 years.

Projected life-years gained by second look resentencing

900+
Life years spent out of prison over five years

190
Projected average reduction in WV prison population

Effect on overcrowding in West Virginia prisons

By resentencing individuals who would otherwise continue to spend decades incarcerated within WV correctional facilities, the effect on overcrowding is amplified when compared to detainees with shorter sentences. Over the next ten years, 190 beds vacated by resentencing people with life sentences is the equivalent of vacating approximately 950 beds for detainees with 2 year sentences.

The opportunity

Today, there are roughly 5,800 people incarcerated in West Virginia, where the correctional system continues to experience prison overcrowding and understaffing. In August 2023, three West Virginia inmates, including Thomas Shepheard at Mt. Olive Correctional Complex, filed a lawsuit against Governor Jim Justice, citing inhumane and unconstitutional living conditions within state correctional facilities. Based on our analysis of WV prison data from defendants with life sentences (Life without Mercy, Life with Mercy, Habitual Life) and those sentenced for homicide offenses, there are more than 320 people who have served more than 15 years and would be eligible for resentencing under this second look policy.

134 of these 324 defendants are over the age of 60 and have spent an average of 31 years in prison. In some cases, elderly people in prison over the age of 70 have been denied by the parole board over 20 times. Instead of being considered by the parole board, defendants eligible for second look resentencing would have their case reconsidered by the same judge or court that originally sentenced them to prison. Second look resentencing allows judges to re-evaluate cases while taking into account factors that have changed since the time of the original sentencing, such as defendants’ age and good behavior. Because older defendants have much lower rates of recidivism and substantially higher associated prison costs, resentencing this population to supervision is an especially impactful way to reduce overcrowding and understaffing in WV prisons.

950+ beds effectively vacated when compared to defendants with 2 year sentences over the next decade

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