# Criminal Justice and the Church

OCTOBER 3, 2016

# The Era of Mass Incarceration

## U.S. State and Federal Prison Population, 1925-2014
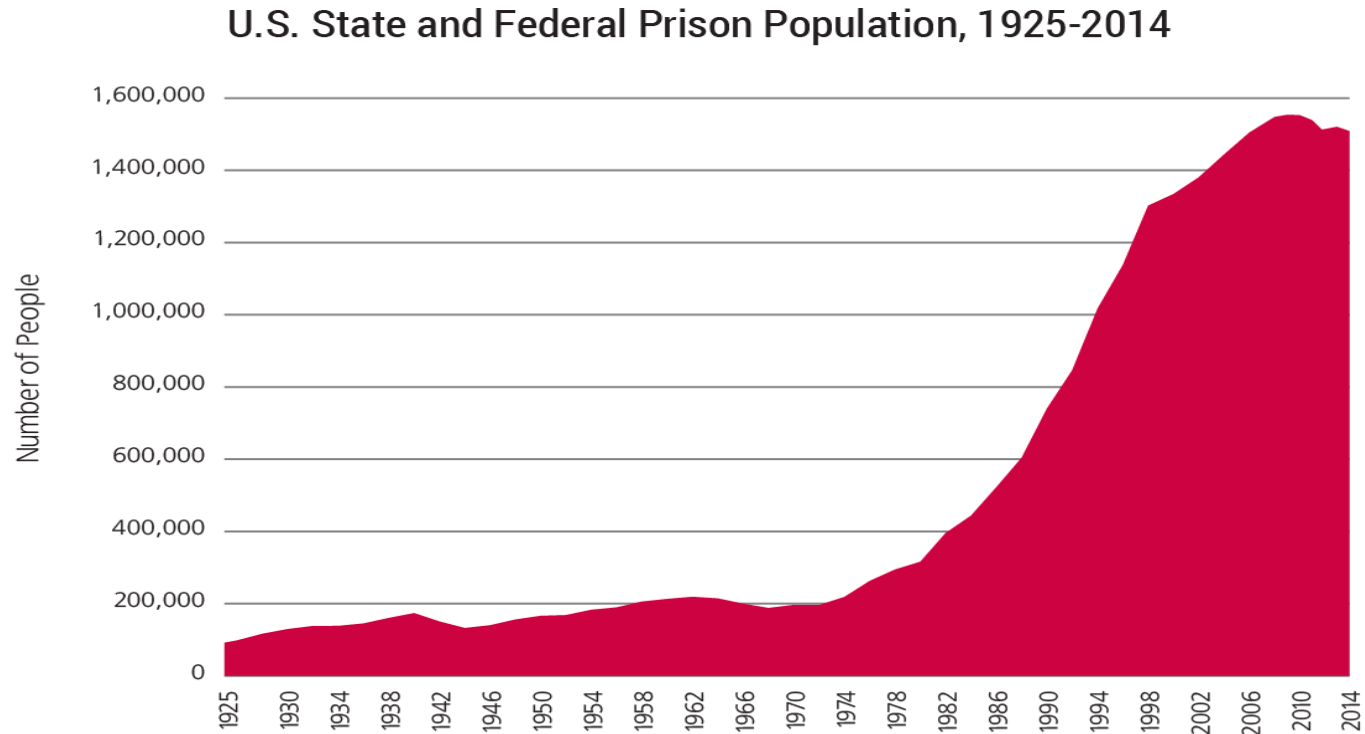


Source: Bureau of Justice Statistics *Prisoners Series*.
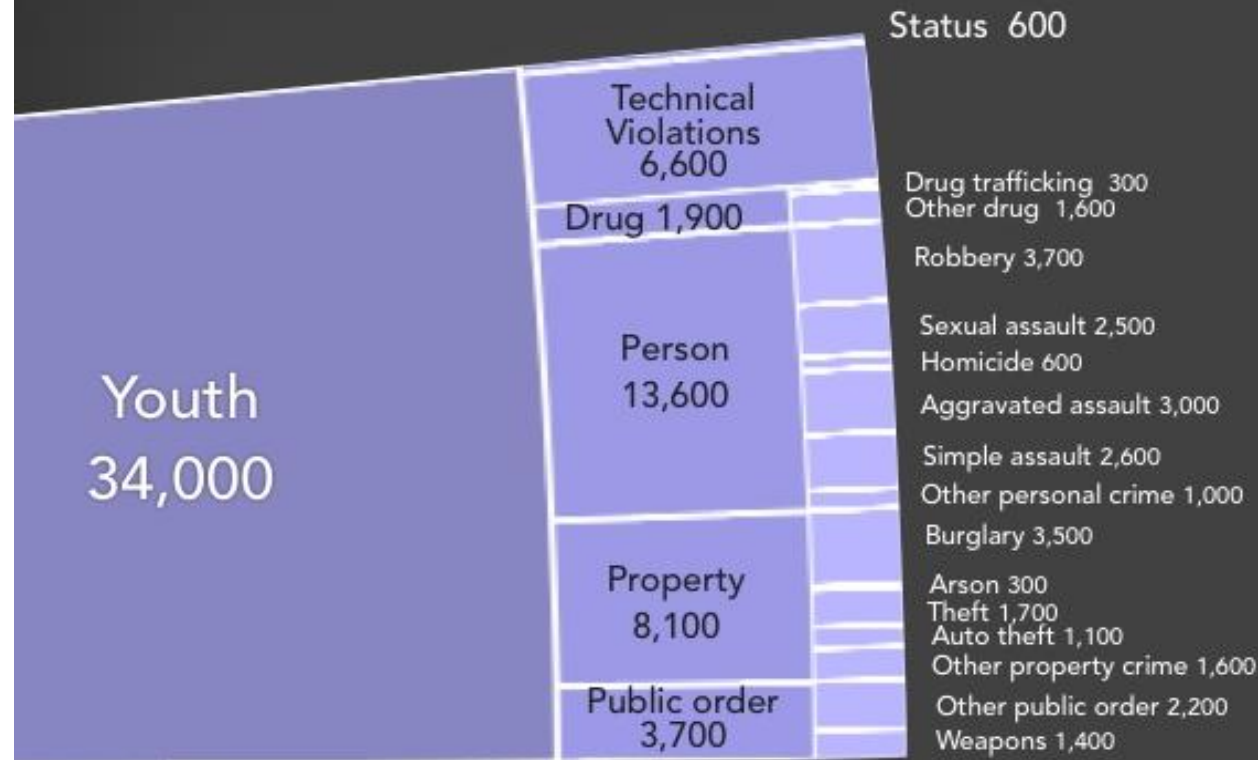
THE SENTENCING PROJECT

# How many people are locked up in the United States?

The United States locks up more people, per capita, than any other nation. But grappling with why requires us to first consider the many types of correctional facilities and the reasons that 2.3 million people are confined there.



**State Prisons 1,351,000**

- Public Order 149,000
  - Driving Under the Influence 26,000
  - Other Public Order 71,000
  - Weapons 52,000
- Drug 212,000
  - Drug possession 48,000
  - Other drugs 164,000
- Property 261,000
  - Fraud 28,000
  - Burglary 142,000
  - Theft 51,000
  - Car theft 11,000
  - Other property 29,000
- Violent 718,000
  - Other violent 42,000
  - Assault 135,000
  - Robbery 185,000
  - Rape/sexual assault 169,000
  - Manslaughter 18,000
  - Murder 169,000
- Other 10,000

**Local Jails 646,000**
- Not Convicted 451,000
  - Violent 142,000
  - Property 112,000
  - Drug 115,000
  - Public order 79,000
  - Other 2,000
- Convicted 195,000
  - Violent 42,000
  - Property 48,000
  - Drug 45,000
  - Public order 59,000
  - Other 1,000

**Federal Prisons 211,000**
- Public Order 76,000
  - Immigration 19,000
  - Weapons 33,000
  - Other public order 23,000
- Violent 15,000
- Property 13,000
- Drug 105,000
- Other 1,000

**Youth 34,000**
- Technical Violations 6,600
- Status 600
- Drug 1,900
  - Drug trafficking 300
  - Other drug 1,600
- Person 13,600
  - Robbery 3,700
  - Sexual assault 2,500
  - Homicide 600
  - Aggravated assault 3,000
  - Simple assault 2,600
  - Other personal crime 1,000
- Property 8,100
  - Burglary 3,500
  - Arson 300
  - Theft 1,700
  - Auto theft 1,100
  - Other property crime 1,600
- Public order 3,700
  - Other public order 2,200
  - Weapons 1,400

**Territorial Prisons 14,000**

**Immigration Detention 33,000**

Civil Commitment 5,500
Indian Country 2,400
Military 1,400

PRISON
POLICY INITIATIVE

Sources and data notes: See http://www.prisonpolicy.org/reports/pie2016.html

# Most incarcerated youth are locked up for nonviolent offenses

And for 7,200 youth, they are locked up for "offenses" that aren't even crimes.

Status 600

Technical Violations 6,600

Drug 1,900

Youth 34,000

Person 13,600

Property 8,100

Public order 3,700

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Arson 300
Theft 1,700
Auto theft 1,100
Other property crime 1,600

Other public order 2,200
Weapons 1,400

The 5,200 youth locked up in adult prisons or jails are not reflected here and are instead represented in the adult parts of the graph. Because we did not consider the almost 20,000 youth held by the juvenile justice system in residential facilities away from home to be "incarcerated," they are not currently reflected in any slice of the pie.

PRISON
POLICY INITIATIVE

# Jails and Prisons

JAILS
- Local – vary in size
- Waiting trial, 62% unconvicted
- 38% convicted/serve < 1 year
- May stay less than one month – only a few hours
- Females 13%

PRISONS
- State, Federal, Private
- Different security levels
- In rural areas
- Sentenced
- Ave length of stay 2.5 years
- Females 7%

# Racial and ethnic disparities in prisons and jails

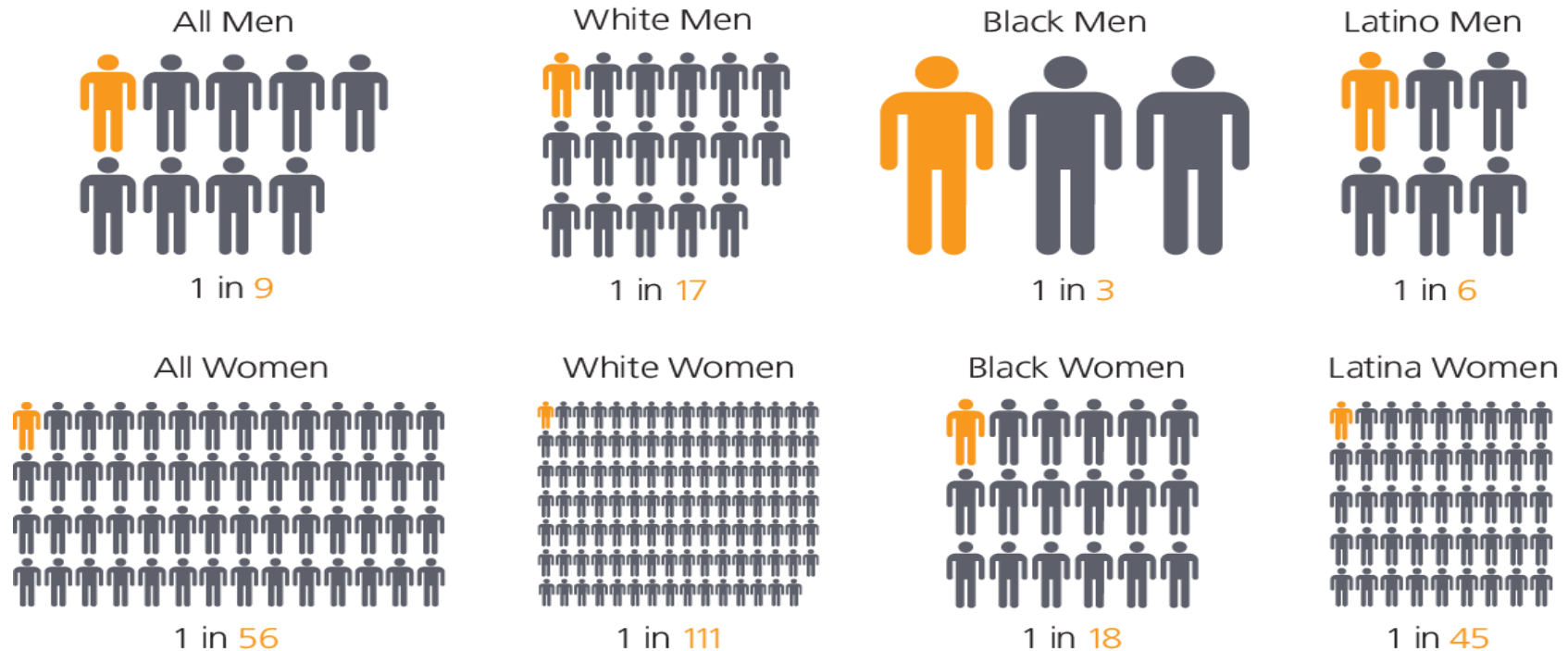Whites are underrepresented in the incarcerated population while Blacks are overrepresented.

100%

75%

64% ● White

50%

█ 40%
█ 39%

25% Black

Latino

16% ● Latino ▉ 19%
13% ●

0.9% ● Native ▉ 1%
0%

U.S. population

Prison/Jail population

PRISON
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Compiled from 2010 Census, Summary File 1.
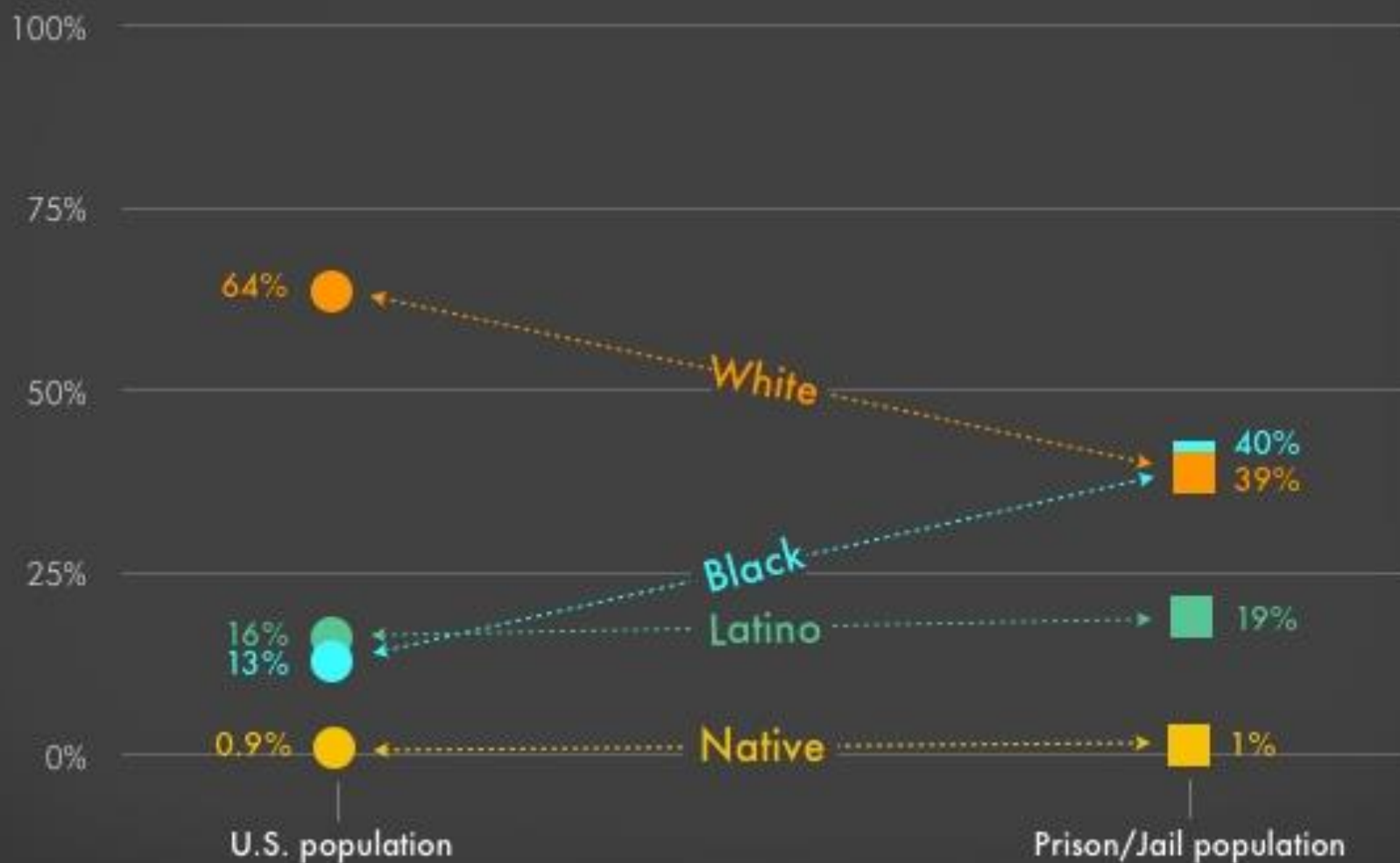
# People Incarcerated by Race and Ethnicity

| Race/Ethnicity | % of US population | % of U.S. incarcerated population | National incarceration rate (per 100,000) |
|---|---|---|---|
| White (non-Hispanic) | 64% | 39% | 450 per 100,000 |
| Hispanic | 16% | 19% | 831 per 100,000 |
| Black | 13% | 40% | 2,306 per 100,000 |

# Lifetime Likelihood of Imprisonment

## Lifetime Likelihood of Imprisonment of U.S. Residents Born in 2001

**All Men**

1 in 9

**White Men**

1 in 17

**Black Men**

1 in 3

**Latino Men**

1 in 6

**All Women**

1 in 56

**White Women**

1 in 111

**Black Women**

1 in 18

**Latina Women**

1 in 45

Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population,*
*1974-2001.* Washington, DC: Bureau of Justice Statistics.

**THE SENTENCING PROJECT**

# Highest and Lowest State Incarceration Rates per 100,000 (2014)

National rate = 471

Highest Rate
- ◦ Louisiana     816
- ◦ Oklahoma     700
- ◦ Alabama     633
- ◦ Arkansas     599
- ◦ Mississippi     597

Lowest Rate
- ◦ Maine     153
- ◦ Rhoda Island     178
- ◦ Massachusetts     188
- ◦ Minnesota     194
- ◦ North Dakota     214

Source: US Bureau of Justice 2014

# Females

- 7% of prison population

- Fastest growing prison population (760% since 1980)

- More likely to be incarcerated for non-violent offenses - property and drug crimes

# Example of Pathway Women Might Travel into the Criminal Justice System

**Child ABUSE**

Physical

Sexual

Mental Illness

Run Away

Substance Abuse

Prostitution

Offending Behavior

# Children and Families

- 1 in every 50 children have a parent incarcerated in the U.S. (2012)

- 58% of children of prisoners are under the age of 10

# At-Risk Youth

The "criminalized environment" facing Latino and African American children where "like the victims of a crippling or wasting disease, once drawn into the prison pipeline, massive numbers of young people lose their opportunity to live happy, productive lives, not because of festering microbes but because of years spend behind bars."

Marian Wright Edlemen, President of the Children's Defense Fund

# What Fuels the Pipeline?

- Pervasive Poverty
- A culture of punishment rather than prevention
- Inadequate access to health care
- Gaps in early childhood development
- Disparate educational opportunities
- Intolerable abuse and neglect
- Unmet mental and emotional problems
- Rampant Substance abuse
- Overburdened and Ineffective juvenile justice and child welfare systems

# School to Prison Pipeline

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunities of an education.  Such an opportunity, where the state has undertaken to provide it, is a right that must be made available on equal terms.

Chief Justice Earl Warren, Brown v. Board of Education (1954)

# What Fuels the School to Prison Pipeline?

◦ Zero tolerance policies

◦ Standardized testing

◦ Overzealous policing efforts

◦ Inadequate resources

◦ Lack of qualified teachers

◦ Insufficient funding for counselors, special education services, and textbooks

◦ Overcrowding classrooms

# Why Prisons Fail by Judge Challeen

WE WANT THEM TO HAVE SELF-WORTH

So we destroy their self-worth

WE WANT THEM TO BE RESPONSIBLE

So we take away all responsibilities

WE WANT THEM TO BE PART OF OUR COMMUNITY

So we isolate them from our community

WE WANT THEM TO BE KIND AND LOVING PEOPLE

So we subject them to hate and cruelty

# Why Prisons Fail

WE WANT THEM TO QUIT BEING THE TOUGH GUY

So we put them where the tough guy is respected

WE WANT THEM TO QUIT HANGING AROUND LOSERS

So we put all the losers in the state under one roof

WE WANT THEM TO BE POSITIVE AND CONSTRUCTIVE

So we degrade them and make them useless

WE WANT THEM TO BE TRUSTWORTHY

So we put them where there is no trust

# Why Prisons Fail

WE WANT THEM TO BE NON-VIOLENT

So we put them where they exploit each other.

WE WANT THEM TO THINK LIKE NORMAL PEOPLE

So we put them where their fellow inmates think as they do...reinforcing each other's

losing beliefs and life style.

WE WANT THEM TO TAKE CONTROL OF THEIR LIVES, OWN THEIR PROBLEMS AND QUIT BEING PARASITES...

So we make them totally dependent on us.

# Reentry and Recidivism

- Over 95% of all inmates will return to society

- More than 700,000 released each year from prison and 9 million from jails.

- The national recidivism rate is 67.5% within 3 years of release

- A state prison study found 43.3% recidivism rate

# Collateral Consequences – "locked out"

- Housing
- Employment
- Government Assistance
- Voting Rights
- Firearm restrictions

- Education
- Family/domestic rights
- Motor vehicle license
- Political and civic participation
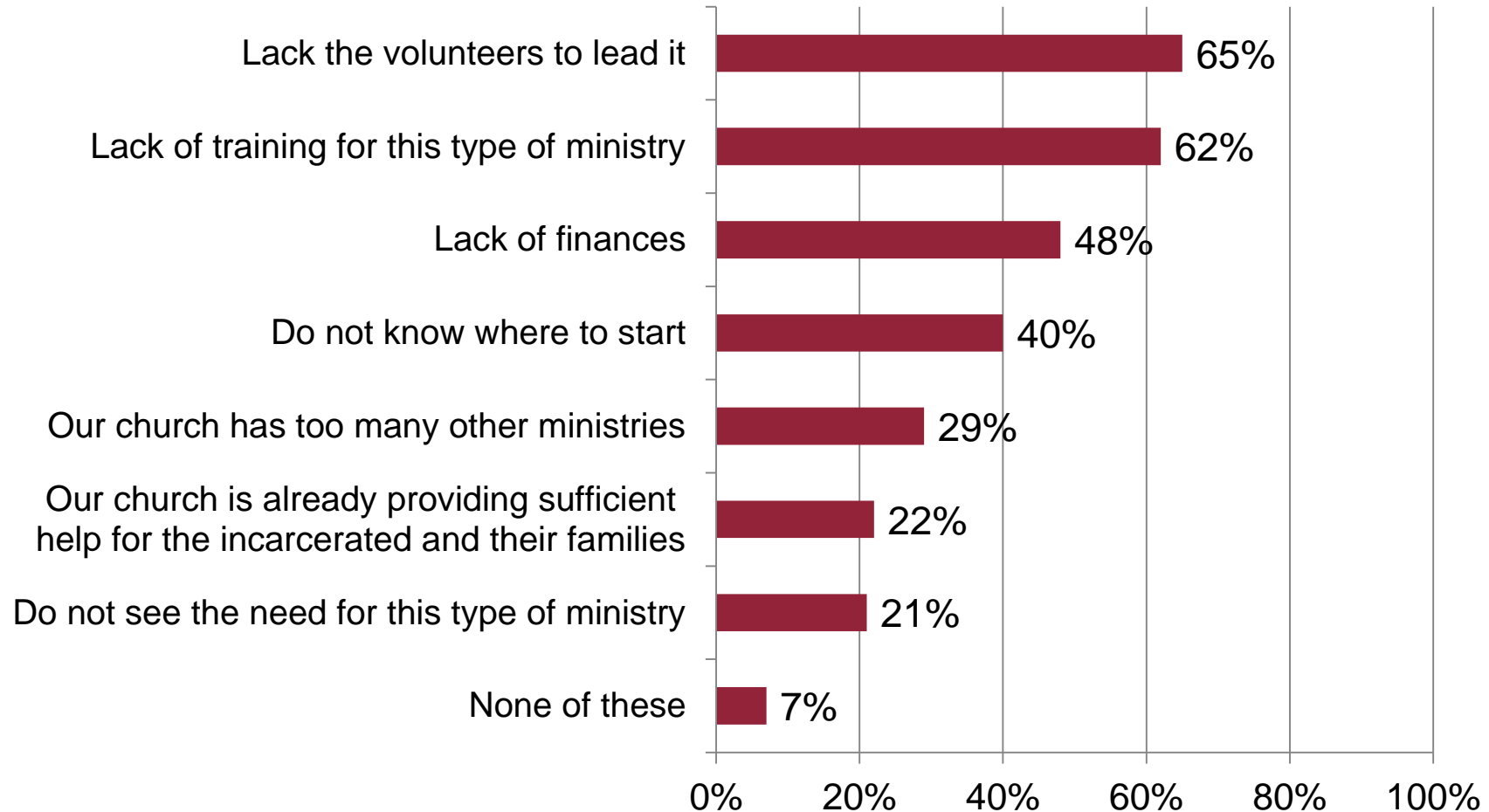
# Movement from Mass Incarceration to Justice Reform

- From Mass Incarceration to Justice Reform

- From "tough on crime" to "smart on crime"

- Bipartisan support – social concern and financial concern

- Deincarceration
  - #HALFBY2030
  - Alternative responses to crime
  - Juveniles – alternative housing

# Reluctance of the Church

- Stigma and Shame
- Silent
- Unmotivated - Not a priority
- Messy
- NORP Thinking, NIMBY Thinking
- Myths
- Lack of Awareness
- Victims in the Church

# "Which of the following are barriers to your church helping the incarcerated and their families more?"



| Barrier | Percentage |
|---|---|
| Lack the volunteers to lead it | 65% |
| Lack of training for this type of ministry | 62% |
| Lack of finances | 48% |
| Do not know where to start | 40% |
| Our church has too many other ministries | 29% |
| Our church is already providing sufficient help for the incarcerated and their families | 22% |
| Do not see the need for this type of ministry | 21% |
| None of these | 7% |

# The Church

*But today, our self-righteousness, our fear, and our anger have caused even the Christians to hurl stones at the people who fall down, even when we know we should forgive or show compassion…we can't simply watch that happen…we have to be stonecatchers.*

Bryan Stevenson

# Religion and Crime Relationship

*There is an overwhelming amount
of empirical evidence
of an inverse relationship
between religion and crime.*

Byron Johnson, *More God, Less Crime*

*Each of us is more than*

*the worst thing we've ever done.*

Bryan Stevenson

# Church Engagement

- Make correctional ministry a priority – Jesus did

"The Spirit of the Lord is on me, because he has anointed me to proclaim good news to the poor. He has sent me to proclaim freedom for the prisoners and recovery of sight for the blind, to set the oppressed free, to proclaim the year of the Lord's favor."

# Biblical Basis

*For I was hungry, and you gave Me something to eat; I was thirsty, and you gave Me drink; I was a stranger, and you invited me in; naked and you clothed Me; I was sick, and you visited Me; I was in prison, and you came to Me. . . Truly I say to you, to the extent that you did it to one of these brothers of Mine, even the least of them, you did it to Me.'*

Matthew 25:35,36,40

# Restorative Justice

## Criminal Justice

- What laws have been broken?
- Who did it?
- What do they deserve?

## Restorative Justice

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

# Restorative Justice

- Emphasizes repairing the harm caused by the crime.
  - Meeting the needs of the victim(s)
  - Holding the offender accountable
  - Involving those impacted in the process of restoration

He has shown you, O mortal, what is good.
    And what does the Lord require of you?
To act justly and to love mercy
    and to walk humbly with your God.
Micah 6:8

# Questions?