

THE GREATER NORTHWEST AREA UNITED METHODIST CHURCH

P R E S E N T S



A WALKING
TOWARDS LOVE
CURRICULUM

Rethinking Incarceration

by Dominique Gilliard

ADVOCACY POINTS AND REFORMS

When advocating for justice that restores, there are two distinct ways we go about reforming our criminal justice system.

- *Prison reform*: Prison reform focuses on improving conditions for people behind bars by addressing the widespread violations of the human rights of incarcerated people. These reforms also seek to increase the prospects of social reintegration for returning citizens and endorse alternatives to incarceration. Prison reforms seek to address the detrimental impact of imprisonment, not only on individuals but on families and communities, and economic factors involved with incarceration. Prison reforms mobilize people around bills and legislation that is crafted to hold prisons accountable for being humane, dignifying, facilities where rehabilitation can transpire and where there is responsible fiscal management of our tax dollars.
- *Sentencing reform*: The federal prison population has grown by more than 700% since 1980, & federal prison spending has increased by almost 600%--this growth has disproportionately affected Black, Brown, and Native communities. The annual cost per person in federal prison is around \$36,000, according to the Federal Register, putting the total cost of the federal prison population at around \$6.5 billion per year. There is bipartisan agreement that our criminal justice system needs significant reform. Many states have enacted reforms that achieve significant cost savings and reduce crime. Sentencing reform addresses sentencing inequities, overly punitive sentences, and fiscal mismanagement within our criminal justice system.

Below you will find 20 commonsense reforms we can mobilize around

1. Falsely incarcerated people should be paid reparations upon their release

1 out of every 25 people who are sentenced to the death penalty in our nation is innocent.

- The federal government, the District of Columbia, and 33 states have compensation statutes of some form to pay falsely incarcerated people. 17 states do not: *Alaska, Arizona, Arkansas, Delaware, Georgia, Idaho, Indiana, Kentucky, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wyoming.*
- Falsely incarcerated individuals who are proven innocent through post-conviction DNA testing spend, on average, more than 14 years behind bars. Severed from their family for years, stripped of the ability to establish themselves professionally, and traumatized within an inhumane system, these individuals reenter society violated by our criminal justice system. Without money, housing, transportation, health services, insurance, and in many cases a support system, plus a criminal record that is rarely cleared despite their innocence, the punishment lingers long after innocence has been proven. States have a responsibility to compensate and restore the lives of the wrongfully convicted individuals.
- These are state by state [compensation laws](#)
- The median wage in the U.S. in the fourth quarter of 2017 was 44,564, so at a bare minimum, should falsely incarcerated people not receive this, per year, they are wrongfully incarcerated?

2. End the shackling of pregnant women who are incarcerated during their birthing process

Despite knowing that the shackling of birthing mothers creates a stress induced environment that has irreversible cognitive impacts for the baby who is being born, we continue to permit this archaic practice in states. The [American Medical Association](#) and the [American College of Obstetricians and](#)

[Gynecologists](#), among many other medical organizations, strongly object to the shackling of pregnant women during their birthing process.

- 6 states — *Utah, Nebraska, Kansas, Indiana, Georgia, and South Carolina* — have no policies in effect banning or restricting the shackling of female inmates in labor.
- The Dignity for Incarcerated Women Act, was introduced in 2017 to ban the shackling of pregnant incarcerated women giving birth at the federal level.

3. Ratify the 13th Amendment

We must amend the 13th Amendment, stripping it of the language that legalizes slavery for people incarcerated for a criminal offense. The [13th Amendment](#), ratified in 1865, reads: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

- We pride ourselves as being the land of the free, but every day 2.3 million people are legally subject to slavery because of the 13th Amendment (which is ironically praised as the piece of legislation that ended slavery in the U.S.).

The fact that our constitution still permits slavery is abhorrent! This one sentence legitimizes the abuse, exploitation, and dehumanization of millions of people. It is a loophole that has been exploited for over 140 years! Let’s collectively work to end financial exploitation and dehumanization of incarcerated men and women made in the image of God.

4. End the use of private prisons; federally and on the state level

Private prisons in the United States incarcerated 128,063 people in 2016. Since 2000, the number of people housed in private prisons has increased 47%. The sentencing project found that “states show significant variation in their use of private correctional facilities. For example, New Mexico incarcerates over 40% of its prison population in private facilities, while 23 states do not employ any for-profit prisons.” The Bureau of Justice Statistics determined that 27 states and the federal government incarcerated people in private facilities run by corporations including—GEO Group, Core Civic (formerly Corrections Corporation of America), and Management and Training Corporation. The Inspector General of the Justice Department’s Office have found that private prisons have more safety and security incidents than public prisons.

- In six states, the private prison population has more than doubled during this period.
- The federal prison system experienced a 120% increase in use of private prisons since 2000, reaching 34,159 people in private facilities in 2016.
- The private prison population peaked in 2012 with 137,220 people. The population declined from 2013-2015, and then began increasing again in 2016.
- The immigrant detention population, 26,249 people – 73% of the detained population – were confined in privately run facilities in 2017.
- The private immigrant population grew 442% since 2002.

- We can push for a more human response to immigrants trying to enter our country from south of the border, particularly those seeking asylum, and we can stop separating families.

<u>State</u>	<u># of people in private prison-2016</u>	<u>% of state's incarcerated populace in private prisons-2016</u>
Alabama	348	1.2
Alaska	551	12.4
Arizona	8,285	19.6
California	7,005	5.4
Colorado	3,564	17.8
Connecticut	508	3.4
Florida	12,176	12.2
Georgia	7,973	14.9
Hawaii	1,405	25.1
Idaho	420	5.1
Indiana	3,927	15.4
Maryland	25	0.1
Mississippi	3,078	16
Montana	1,481	38.8
New Jersey	2,720	13.7
New Mexico	3,040	43.1
North Carolina	30	0.1
Ohio	6,259	12
Oklahoma	7,149	26.6
Pennsylvania	680	1.4
South Carolina	12	0.1
South Dakota	34	0.9
Tennessee	7,433	26.4
Texas	13,692	8.4
Vermont	264	15.2
Virginia	1,576	4.2
Wyoming	269	11.3

- 7 states who had private prisons in 2000, decided to close them by 2016 (*Arkansas, Maine, Michigan, Nevada, North Dakota, Utah, and Wisconsin*)
- 5 states (*Alabama, Connecticut, South Carolina Pennsylvania, and Vermont*) who did not have private prisons in 2000, started incorporating private prisons by 2016.
- Between 2000 and 2016, 6 states had over a 100% growth in their prison populations
 - *Arizona's private prison population grew 479.4%*
 - *Florida's private prison population grew 211.3%*
 - *Georgia's private prison population grew 112.8%*
 - *Indiana's private prison population grew 296.3%*
 - *Ohio's private prison population grew 226.3%*
 - *Tennessee's private prison population grew 11.8%*

5. Resuscitate the voting rights of returning citizens with felony convictions; at the latest, upon completion of parole

In Maine & Vermont, people who are sentenced to felony convictions never lose their right to vote; even while they are incarcerated.

- In 14 states and the District of Columbia, people who are sentenced to felony convictions lose their voting rights ONLY while incarcerated and receive automatic restoration upon release. (*District of Columbia, Hawaii, Illinois, Indiana, Maryland [In Maryland, convictions for buying or selling votes can only be restored through pardon], Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island and Utah*)
- In 22 states, people who are sentenced to felony convictions lose their voting rights during incarceration, and for a period of time after they are released, typically while on parole and/or probation. Voting rights are automatically restored after this time period. Returning citizens with felony convictions usually also have to pay any outstanding fines, fees or restitution before their rights are restored as well. (*Alaska, Arkansas, California [In 2016, California passed legislation allowing those in county jails to vote while incarcerated, but not those in state or federal prison], Colorado, Connecticut, Florida [Last month the state restored the right to vote for those with prior felony convictions, except those convicted of murder or a felony sexual offense, who must still petition the governor for restoration of voting rights on a case by case basis], Georgia, Idaho, Kansas, Louisiana, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, Washington and West Virginia*)
- However, in 12 states people who are sentenced to felony convictions lose their voting rights indefinitely for certain crimes or can only gain them back if they are granted a governor's pardon or face an additional waiting period after completion of sentence (including parole and probation) before voting rights can be restored. (*Alabama, Arizona, Delaware, Iowa, Kentucky, Mississippi, Nebraska, Nevada, Tennessee, Virginia, Wisconsin and Wyoming*)

6. End prison gerrymandering

Incarcerated people, who are disproportionately taken from the urban core are not counted as residents—within the U.S. Census—of the communities they resided in when they were incarcerated. Instead, the Census Bureau counts incarcerated people as residents of the towns where they are confined, though they are barred from voting in 48 states and return to their homes after being released. The practice also defies most state constitutions and statutes, which explicitly state that incarceration does not change a residence.

The Prison Gerrymandering Project explains:

The Bureau's approach to counting incarcerated people dates back to the beginning of the census, when it was important only to count the number of people in each state to ensure equal representation in Congress. Congressional apportionment relied on the comparative populations of the states, not where people were relative to each other within each state. Now that Census data are used for redistricting at all levels of government, the specific location of populations is critical. The prison population has risen exponentially in the past couple of decades; counting the people in prison in the wrong place now undermines the Supreme Court's requirement that political power be apportioned on the basis of population. The process of drawing fair and equal districts fails when the underlying data are flawed.

Prison Gerrymandering dramatically distorts political representation on the local, state, and federal levels, creating an inaccurate picture of community populations for [research and planning purposes](#).

- Prison gerrymandering results in a systematic transfer of population and political influence from urban to rural areas. Since prisons are disproportionately built in rural areas, and most

incarcerated people derive from an urban context, counting prisoners in the wrong place has critical implications for our democratic process.

- A primary example is seen in Illinois, where 60% of the state's incarcerated population is from Cook County (Chicago), yet 99% of them are counted outside the county.
- When political districts with prisons receive additional representation because of the incarcerated individuals who are counted as part of their population demographic, every other district in the state without a prison sees its votes diluted. And this vote dilution is exacerbated in the districts with the largest prison populations and highest incarceration rates. Consequently, the communities that are most decimated by mass incarceration are also the communities that are most victimized by prison-based gerrymandering.

Prison gerrymandering emboldens political manipulation. State legislative districts have been constructed in ways that large portions of political clout are drawn from the presence of large prisons in the district, and not from actual residents who are eligible to vote. In these districts state representatives go to the state capital to advocate for their interests without having to meet the required number of residents to qualify as a legislative district.

- The most infamous example of prison gerrymandering occurred in Anamosa Iowa, where Danny R. Young was elected with two write-in votes. This area was only able to qualify as a legislative district because of the number of incarcerated people counted within it. There were 1,321 incarcerated citizens within the district and 58 free citizens within the district. Which meant that 96% of this district was ineligible to vote, the free constituents of this district had about 25 times as much clout as those in neighboring districts, and the representative of this district was emboldened by prison gerrymandering to wield political power the district should have never had. With 58 residents who had the right to vote, Young was given the same power as neighboring districts that had 1,400 voters. Watch this short [video](#) for more info on Anamosa.
 - Prison gerrymandering distorts the democratic process. Learn more about how it's impacting your state [here](#).
 - Learn more about how it's impacting local communities [here](#). This page also highlights some examples of communities that have lobbied for fair representation after realizing the detrimental impact of prison gerrymandering.

7. End cash bail

We are a nation that prides itself on having a democracy where people are innocent until proven guilty, but 75% of people in America's local jails are there because they cannot pay bail. 500,000 people are incarcerated nightly without convictions. They are incarcerated because they are too poor to afford their freedom. In 2009, the last year federal data was collected on the issue, the median bond for felony offenses was \$10,000, which is more than most citizens can afford. A 2014 analysis of New York City jails found that only 14% of people charged with bail could afford to pay their fee at their initial hearing when sentencing occurred. This leads to people being incarcerated for weeks, months, and sometimes years, without being convicted of a crime.

- Just 3 days behind bars has been linked to job loss—especially for minimum wage workers—which leads to evictions, home and food insecurity for families, homelessness, trauma, and mental health challenges.
- The U.S. spends \$14 billion annually incarcerating people without convictions. This is immoral and fiscally irresponsible.

- We spend \$40 million a day incarcerating people without convictions. This money could be spent on education, social security, after school programming, or workforce development.

We can shift the culture of our criminal justice system and work to end mass incarceration by beginning local and state bail bond funds. These bond funds would counteract the unjust practice of cash bail. These funds would literally set captives free. It would aid the poor, protecting widows, orphans, and the disabled. It would prophetically embody Proverbs 31:8-9. And, it would also serve as a pacesetter act of faith for other denominations to follow. This idea is already being successfully implemented in 4 cities. The funds are regenerative, because after a person's trial, the money is returned, and it can be passed onto the next person in need, impacting many.

For more information on this, check out the <https://brooklynbailfund.org/> or watch Robin Steinberg's two TED talks "What if we ended the injustice of bail?" and "Breaking the cycle of injustice one bail at a time."

8. End life in prison—without the possibility of parole—sentencing for juveniles

The United States is the only country in the world that imprisons juveniles to life without the possibility of parole. International law condemns the practice of sentencing youth to die in prison. For children or adults, a sentence of life without the possibility of parole forever brands and punishes people for the worst thing they have ever done. As people who believe in redemption, transformation, and reconciliation, life in prison—without the possibility of parole—for juveniles is something that we should not condone. There is a reason why we are the only country in the world who still employs this archaic sentencing.

- In 2005, *Roper v. Simmons*, the Court banned the juvenile death penalty.
- In 2010, *Graham v. Florida*, the Court banned life without parole sentences for juveniles convicted of non-homicide offenses.
- In 2012, *Miller v. Alabama*, the Court banned mandatory sentences of life without parole for juveniles convicted of homicide crimes. Youth may still be sentenced to life without parole in homicide cases, but only after the sentencing court determines—after a complete hearing—that the youth is incapable of rehabilitation. [Which again the Gospel refutes—no one is beyond redemption]

The encouraging thing is that concerned citizens have mobilized to make many important changes within our juvenile justice system over the past 14 years, and it is now time for us to add to this list of reforms—ending life in prison without the possibility of parole for juveniles. We must work to make our juvenile justice system more dignifying, humane, and restorative.

9. Under no circumstances should juveniles be allowed to be housed in adult facilities

Since 2005, 36 states and the District of Columbia have passed 70 laws to reduce the number of youth prosecuted, tried, and incarcerated in the adult system. Additionally, since 2005, 17 states and the District of Columbia have limited or removed youth from adult jails and prisons altogether. With half of these states engaged in reforms between 2015 and 2017, this recent push for reform is encouraging, and it is shifting the tenor of our juvenile justice system. Due to the advocacy of concerned citizens like you, over the past seven years the number of youth in adult prisons has significantly declined, going from 2,779 to 993, which is a 64 percent decline.

- Three federal laws have played a paramount role in paving the way for this judicial progress
 - The Prison Rape Elimination Act (PREA)
 - The Justice for All Reauthorization Act
 - The Juvenile Justice and Delinquency Prevention Act (JJDP)

The last time the Department of Justice published findings (in 2015) Arizona, Connecticut, Florida, Georgia, and Michigan were the top five states with the highest number of youth held in adult state or federal prisons.

Many juveniles incarcerated with adults have experienced or witnessed violence and trauma. Juveniles in the adult criminal justice system face a higher risk of sexual abuse, physical assault, and suicide. Incarcerating youth with adults also denies them access to many important rehabilitative programs and services, including basic and special education, and counseling services; all of which impedes their chances of rehabilitation and healthy reintegration into society.

10. Juveniles (under the age of 18) should not be tried as adults.

Despite the establishment of a separate juvenile justice system, youth continue to be charged and prosecuted in the adult criminal justice system. The numbers of juveniles charged as adults increased substantially in the 1990s after the fear based political propaganda of "super-predators" was routinely deployed to describe juveniles involved in illicit activities. While crime has steadily decreased since that time, juveniles have continued to be subjected to adult convictions and sentencing.

In 2007, 14 states excluded youth under 18 from juvenile court jurisdiction. As of August 2017, only five states (*Georgia, Michigan, Missouri, Texas, and Wisconsin*) continue to automatically exclude 17-year-olds from juvenile court jurisdiction based solely on their age and have not passed pending legislation to change their laws.

When juveniles are tried as adults, their sentences are longer, harsher, and permanent. Juveniles tried as adults do not have the option of having their criminal records expunged, which means that the stain on their record—particularly if a felon—will forever mar their life chances, and in some states their record will prohibit them from participating in the democratic process, receiving financial aid for college, qualifying for certain jobs and housing for the rest of their lives.

11. School Resource Officers (SROs) must be contextually trained before working in K-12 schools.

Research shows that the vast majority of SRO's have received little or no training in many issues that disability and legal advocates see as essential to their role in schools. Among these are: how to work with young people, cognitive differences between juveniles and adults, techniques for defusing a volatile situation, and alternatives to physical intervention and other exclusionary practices. The list is longer when considering how to interact appropriately and legally with students with disabilities. SROs need training on how student behavior can be affected by various disabilities; the rights of students with disabilities under IDEA, the ADA, and Section 504; and the protections that these laws provide.

SRO's should be required to complete adolescent brain development training and student-specific preparation to learn the difference between responding to juvenile mischief (particularly non-violent disruptions) and criminal behavior out on the streets before being approved to work in K-12 schools.

- Presently only 12 states require this.

12. End the sentencing disparity between crack and powder cocaine.

Until 2010, a five-year mandatory minimum was triggered for the sale of *five hundred grams of powder cocaine*, a higher priced drug that is more typically associated with white users, while the sale of *five grams of crack*, a lower priced drug that is more typically associated with black and Hispanic users, *triggered the same sentence*. In 2010, this gross disparity was finally addressed by Congress, through The Fair Sentencing Act (FSA). However, the FSA only partially addressed the problem, by reducing the sentencing disparity from 100:1 to 18:1. Consequently, a stark sentencing disparity—that has clear racial implications—persists.

- The primary reason crack is more punitively sentenced than powder cocaine is the racialized narrative associated with crack. Crack was determined to be the cause of death for Len Bias—who was the number two draft pick in the 1986 NBA draft. Bias was predicted to be a legendary player, with many believing that he could have become the next closest thing to Michael Jordan. After his overdose less than a week after being drafted, the drug was sensationalized. New incendiary media campaigns were launched—like never before or after—immediately after Bias’ death, provoking fear of the drug and the sinister individuals who used and distributed it. These commercials horrified the general public and politicians added fuel to the fire by depicting crack as a new age drug that was going to destroy the nation. Politicians played on the public’s fears by demonizing individuals who were addicted to crack, calling them sinister, violent, and predatorial. This stigma helped legitimize and exacerbate the war on drugs, and immensely aided the political careers of politicians on both sides of the aisle.
- While crack was an epidemic in urban communities that decimated people’s lives, the cumulative impact of the drug was immensely intensified by media and political propaganda. For example, our nation finds itself in a very similar situation right now with opioids. According to the CDC, every day, 130 people die from opioid overdoses. Around 68% of the more than 70,200 drug overdose deaths in 2017 involved an opioid. In 2017, the number of overdose deaths involving opioids (including prescription opioids and illegal opioids like heroin and illicitly manufactured fentanyl) was 6 times higher than in 1999. In addition to the deaths, many more citizens use, sell, and develop addictions to the drug daily. Therefore, this is an unprecedented epidemic, but there is one critical difference between this and the crack epidemic. The people who are dying from overdoses, addicted to, and illegally using as well as selling opioids are primarily white. Consequently, instead of launching campaigns to sensationalize opioids and dehumanize individuals who are addicted to—and/or illegally distributing—they, there has been a conscious choice made to create media campaigns that inspire compassion, sympathy, and empathy, rather than fear, outrage, and a federally sanctioned war. This governmental decision has led to softer sentences, medical interventions, and governmental support for primarily white individuals addicted to opioids that was never afforded to disproportionately black and Hispanic individuals addicted to crack.
 - I am grateful that our government has made this decision, but we cannot fool ourselves by believing that race did not play into it. When you identify with suffering people, your response is different. Rural and suburban white communities are being decimated right now. We are in a watershed moment! We could and should respond to ALL addictions the way that we are choosing to respond to the opioid crisis—as a public health issue.
 - We can advocate to decriminalize all addictions and help people get the medical interventions that they need.

13. Abolish the death penalty

As believers, we gather weekly to worship God, giving honor, praise, and glory to our Lord and Savior Jesus Christ. We declare the goodness of God through prayers, songs, and sermons. We thank God for the unceasing love, mercy, and grace that's been extended to us, singing hymns of adoration and thanksgiving because nothing—no one, nothing, and no deed—can separate us from the love of Christ. But, do we really believe this? Do we truly believe that no offense, sin, or crime—regardless of how heinous—can separate us from God's love?

If we soberly search our hearts, many of us question and doubt this. We wonder, "Can a person who has been convicted of mass murder, pedophilia, or human trafficking truly be transformed, redeemed, and reconciled to God?" While these are extreme examples, given that most incarcerated people are serving time for nonviolent offenses, this is still a vital question for the Church to grapple with. We either believe that no one is beyond redemption, or we don't. There's no middle ground.

- The death penalty is still legal in 30 states: *Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wyoming*

14. End Solitary—also known as segregation, isolation and restrictive housing—confinement

After the religious use of this practice to provide a designated space for penitence and reflection, this practice was legitimized as a way to deal with people committing violence within prisons. Solitary confinement is now frequently used to manage "problem populations," people suffering from mental impairments, people who correctional officers want to punish for all levels of infractions, ranging from serious to minor and nonviolent, and people who are considered vulnerable to assault. Approximately 90,000 people are subjected to solitary confinement daily. This usually entails people being locked in a cell—in isolation and utter darkness—for 23 hours of the day. The U.N. has declared that solitary confinement in the U.S. is more accurately classified as torture than incarceration. There is a more humane way!

15. Every state that has legalized marijuana should also grant clemency to anyone serving time for a marijuana offense.

California and Washington are the only states that have taken steps to do this.

- 10 states—plus the District of Columbia—have legalized marijuana for recreational purposes (Alaska, California, Colorado, District of Columbia, Maine, Massachusetts, Michigan, Nevada, New Hampshire, Oregon and Washington)
 - Here's a breakdown of these state's total sales of recreational marijuana:
 - Alaska \$39.5 million
 - California \$2.75 billion
 - Colorado \$1.56 billion
 - District of Columbia \$17.7 million
 - Maine \$83.4 million
 - Massachusetts \$106 million
 - Michigan (estimated to generate) \$130 million annually
 - Nevada \$102.7 million
 - Nevada (estimated to generate) \$58 million annually
 - Oregon \$777.6 million
 - Washington \$1 billion

Since corporations, states, and individuals are getting rich off the same thing that previously cost thousands of people their freedom, why would those individuals not be released since the state has now legalized marijuana distribution and use for recreational purposes?

16. End the incarceration of individuals legally designated as incompetent to stand trial

The Treatment Advocacy Center's 2014 report declared "Prisons and jails have become America's new asylums." A 2016 study found that nearly 400,000 people behind bars had a diagnosed mental health condition. This study also found that every year, 90,000 individuals are legally given the designation incompetent to stand trial (IST)—which means that they do not have the mental capacities to even understand why they are standing before a judge, but instead of being given the medical interventions that they clearly need, we choose to incarcerate them.

- In 2012 ten times more people with severe diagnosed mental impairments were incarcerated than there were receiving psychiatric treatment in hospitals.
- 44 states and the District of Columbia had a prison or jail with more individuals that had diagnosed serious mental impairments than the largest remaining state psychiatric hospital.

People who are legally designated as incompetent to stand trial should not be incarcerated!

17. Terminate mandatory minimums

Mandatory minimum sentencing laws require judges to hand down minimum prison sentences based on the charges brought against defendants, by prosecutors, which result in convictions. These laws strip judges of their judicial discernment and ability to take the context of the crime and the characteristics of the individual defendant into consideration when imposing a sentence.

Federal mandatory minimum sentences have been a catalyst for the unprecedented rise in our criminal justice system. They have led to overly punitive sentencing for first time offenses and nonviolent offenses. More than two-thirds of federal prisoners serving a life sentence, or a virtual life sentence, have been convicted of non-violent crimes. Judges should have the authority to consider all the relevant facts and circumstances of a crime and an individual before issuing a sentence.

- Since Congress created mandatory minimum sentences for drug crimes in the 1980s, the federal prison population has grown from 24,000 prisoners to over 214,000 prisoners.
- In 2015, 46% of all federal drug offenders were subject to a mandatory minimum sentence.

Mandatory minimums became so restrictive that many judges considered walking away from the bench. In an interview about the detrimental impact of mandatory minimums, Mark Bennett, a U.S. district court judge for the Northern District of Iowa, said, "These mandatory minimums are so incredibly harsh, and they're triggered by such low levels of drugs that they snare at these non-violent, low-level addicts who are involved in drug distribution mostly to obtain drugs to feed their habit. They have a medical problem. It's called addiction, and they're going to be faced with five and 10 and 20-year and sometimes life mandatory minimum sentences. I think that's a travesty."

Later in the interview, Bennett was asked by the interviewer, "Let me ask you, there have been some of your colleagues, some judges have felt so strongly about the mandatory minimums that they have resigned. They have stepped down from the bench in protest. Is that something you would consider doing? If not, why stay? Why do you find it to be more valuable to stay in your position?" And, Bennett responded by saying, "Well, I've certainly thought about it because I obviously have a very strong opposition to mandatory minimums. But when I was sworn in as a United States district court judge, I

took an oath to uphold the law whether I agree with it or not. So the fact that I have a personal disagreement with not all mandatory minimums - some are justified - but in my judgment, about 80 percent of them are unfair, so I thought I could do more staying in the system. I respect the judges who have said they can no longer do it and decide to resign, but I'm not there yet.”

The FIRST STEP Act did help to address some of the problems with mandatory minimums, but not all of them. This Act helped by:

- Shortening mandatory minimum sentences for nonviolent drug offenses
- Reducing a federal “three strikes” rule — which currently imposes a life sentence for three or more convictions —and issues a 25-year sentence in its place.
 - Unfortunately, this reform will not be applied retroactively.
- Giving judges more of their discretion back, allowing them the possibility of deviating from mandatory minimums when sentencing for nonviolent drug offenses.
- Retroactively applying the Fair Sentencing Act to 2010, affecting 2,500 to 3,000 people who were convicted of crack offenses and sentenced to mandatory minimums before the law went into effect in 2010.
 - This reduction will not be applied to individuals in federal prison who were convicted of crack cocaine offenses prior to 2010.
- Another positive element of this reform is that it requires individuals locked up in federal prisons to be housed in facilities within 500 miles from their homes. This makes family visits more affordable, which is important because in-person visitations have been found to reduce recidivism rates by 26 percent.
- The bill also offers “time credit” incentives to enroll in and complete rehabilitative or vocational courses. If the individual can earn enough credits, they can qualify for house arrest or be transferred to a halfway house. However, this is only available to people who have been designated minimum and low-risk.
 - Many politicians and community developers say the initiative should extend to individuals considered “medium- and high-risk,” given that recidivism rates tend to be higher among these populations.

* The biggest problem with the FIRST STEP Act is that these reforms only apply to the *federal* prison system.

For more information on mandatory minimums, watch the film *The Terrible Cost of The Sentence*.

18. Until we end private prisons, make it illegal for private prisons to be incorporated as real estate investment trusts, end bed mandates written into private prison contracts, and increase taxes on commerce made with prison labor.

Private prisons exist because they are so profitable. If we cut into their profit, we could help end these for-profit institutions. Collectively, the two largest private prison companies (GEO Group and Corrections Corporation of America—who have rebranded themselves as CoreCivic) made \$3.3 billion in 2011. We must work to eat away at this profit.

One of the reasons private prisons are so lucrative is because they get unethical tax breaks. Private prisons are commonly incorporated as real estate investment trusts, instead of what they are—correctional

facilities. This status limits corporate tax liability and makes them exempt from federal taxation. Another reason private prisons are so profitable is because of the bed minimums that are written into their contracts. Private prisons are paid a per diem or monthly rate, either per inmate or for each available facility bed, whether occupied or not. These quotas dictate the number of people who must fill the prison's beds nightly, and the bed mandates range from requiring a minimum of 70 percent to 100 percent occupancy. The most common bed minimum is 90% occupancy. In addition to the bed minimums in private prison contracts, there is also a congressional bed minimum that was passed in 2010. This immigration "bed mandate" was introduced by Democrat Robert Byrd, and it mandates ICE to keep an average of 34,000 detainees in its custody daily.

Private prisons also make money from exploiting incarcerated laborers. Incarcerated people today are being exploited for their labor in vocations ranging from mining to agriculture and manufacturing work. They are doing work such as farming, putting out wildfires (in California), building airplane parts, constructing military weaponry, and sewing lingerie garments.

These corporate prison programs also extend into the service sector, with incarcerated laborers serving in telemarketing and corporate call-center operations. Laborers behind bars are also making everything from license plates to police uniforms, to park equipment, to stainless steel security fixtures, to furniture for college dorms.

Many people believe that incarcerated people should work, but paying people between 93 cents and \$4 a day, for a full day of work is unethical. Furthermore, allowing companies to benefit from this exploitation and pocket the money is exceedingly problematic. Many believe that the programs provide an opportunity to orient incarcerated people into the rhythm of holding down a fulltime job, but these companies are primarily in prisons to profit. A primary example of this is seen when an incarcerated person works for a company behind bars for 20 years, becoming an expert at their craft, and then gets released from prison and goes to that very same company to apply for a job on the outside. They are usually denied the job because of their criminal record, which blatantly declares: your labor is only desirable when it is exploitable.

As concerned citizens, we can propose tax increases on companies who have commerce made behind bars. We can push legislation that requires all companies that do business behind bars to also have an allotted number of positions reserved for returning citizens.

One of the primary ways the Church can aid returning citizens is by identifying and intentionally brokering relationships with companies who are willing to hire individuals with a criminal record. We can also patron and invest in these companies.

We can also work to end private prison by asking our employers and educational institutions to divest (our retirement and hedge funds from investors who invest in and profit from private prisons—[GEO Group](#), [CoreCivic](#), and [the General Dynamics Corporation](#), as well as ask them to stop contracting [companies](#) who depend on prison labor) their support from companies that financially benefit from private prisons.

Table 1: Asset Managers Invested in Private Prisons
This table has been updated as of August 13, 2018.

Fund	General Dynamics (share value) ³²	GEO Group (share value) ³³	CoreCivic (share value) ³⁴
Hotchkis and Wiley		\$162,860,000	
Cohen & Steers		\$262,992,000	
Epoch Investment Partners		\$42,075,000	
Eagle Asset Management		\$32,643,000	
Geode Capital Management	\$617,869,000	\$26,267,000	\$44,021,000
Artemis Investment Management		\$25,022,000	
D.E. Shaw and Co		\$19,313,000	\$41,991,000
Wellington Management Group	\$949,119,000		
Aristotle Capital Management	\$305,243,000		
Neuberger Berman Group	\$293,267,000		\$19,708,000
Boston Partners	\$67,329,000		
Iridian Asset Management	\$256,413,000		
AQR	\$210,816,000		
Winslow Capital Management	\$185,713,000		
Millennium Management	\$180,340,000		
Eagle Capital Management	\$154,216,000		
Dimensional Fund Advisors	\$146,513,000		
Parametric Portfolio Associates	\$121,723,000		\$12,193,000
Adage Capital Partners	\$111,340,000		
Renaissance Technologies	\$98,831,000	\$9,791,000	\$48,146,000
Jennison Associates			\$39,151,000
Two Sigma			\$19,119,000
First Trust Advisors			\$17,837,000
Chartwell Investment Partners			\$17,443,000
Intrinsic Edge Capital Management			\$12,343,000
Manning & Napier Advisors			\$11,984,000

19. Reinstitute Pell Grants and other educational opportunities for those behind bars

Financial concerns are the prime deterrence for permanently extending Pell grants to incarcerated people. When Pell grants were initially banned in 1994, both parties complained that it was not fair to divert money from law-abiding students. In 1994, approximately 23,000 incarcerated citizens were beneficiaries of the Pell grant, totaling about \$35 million in Pell funding. That amount comprised less than 1 percent of the \$6 billion of Pell funding awarded to students that year. This congressional ban, passed during the Clinton administration, severely crippled correctional education programs.

Former Tennessee Representative Bart Gordon, a Democrat, introduced the 1994 ban. However, he now says he was responding to rampant fraud among higher education providers. Gordon complained that too often, schools were receiving federal money—Pell dollars are paid directly to the school—without

providing adequate education to students. “Tuition would be priced at whatever the highest Pell grant was...some of the programs were legitimate. But others were not interested in educating prisoners, but getting Pell grants.”

In 2008, then-President George W. Bush signed the Second Chance Act (SCA), which expanded funding for state and local governments to provide education and vocational training in prison. The Second Chance Act also supported tribal governments and nonprofit organizations in their work to reduce recidivism and improve outcomes for people returning from prisons, jails, and juvenile facilities. The SCA also gave federal grants for programs and systems reform aimed at improving the reentry process. Since 2009, more than 800 awards have been made to grantees across 49 states.

In 2015 the Obama Administration announced the Second Chance Pell Pilot program as a way to “create a fairer, more effective criminal justice system, reduce recidivism, and combat the impact of mass incarceration on communities.” This program allowed incarcerated Americans to receive Pell Grants and pursue the postsecondary education with the goal of helping them get jobs, support their families, and turn their lives around.

High-quality correctional education — including postsecondary correctional education — has been shown to measurably reduce re-incarceration rates. By reducing recidivism, correctional education saves taxpayers money and creates safer communities. The Department of Justice (DOJ) found that incarcerated individuals who participated in correctional education were 43% less likely to return to prison within three years than their peers who didn't participate in any correctional education programs. The DOJ also estimated that for every dollar invested in correctional education programs, four to five dollars are saved on three year re-incarceration costs.

The Second Chance Pell Pilot extended Pell grants to 12,000 incarcerated citizens. There were 67 colleges and universities selected to participate in the program. The unfortunate thing about this program is that it is in jeopardy annually because it must be congressionally reapproved, making its fate uncertain.

- Studies conducted over the last two decades illustrate that higher education in prison programs [reduce recidivism](#) and translate into reductions in crime, [savings to taxpayers](#), and long-term contributions to the [safety and well-being](#) of the communities to which formerly incarcerated people return.
- Comprehensively, there is a 43% reduction in recidivism rates for those prisoners who participate in prison education programs. Additionally, studies have proven that the higher the degree, the lower the recidivism rate: 14% for those who obtain an associate degree, 5.6% for those who obtain a bachelor’s degree, and 0% for those who obtain a master’s degree.
- There are increased and improved employment opportunities available for returning citizens who engaged in prison education programs, and reintegration is smoother and more successful for those who took classes in prison, especially regarding acquiring gainful employment upon release.
- Prison education is a highly cost-effective investment. A study by the Department of Policy Studies at the University of California at Los Angeles, for instance, found that “a \$1 million investment in incarceration will prevent about 350 crimes, while that same investment in [prison] education will prevent more than 600 crimes. [Prison] education is almost twice as cost effective as incarceration.” Another study found that for every \$1 invested in prison education, taxpayers save \$4-\$5 in re-incarceration costs during the first three years post-release.

- Even for those who are serving lengthy—including life in prison—sentences, prison education offers life-changing benefits. There is a substantial reduction in violence and disciplinary infractions among those involved in prison education. A study of Indiana prisons showed that incarcerated people enrolled in college classes committed 75% fewer infractions than incarcerated people who were not enrolled. Prison education also significantly improves relations between staff members and the incarcerated, and dramatically enhances the prisoners' self-esteem.
- Studies have also shown that postsecondary prison education has positive effects on the children of the incarcerated, commonly breaking the intergenerational cycle of incarceration.

For more on the impact of education for incarcerated people [watch this TEDx Talk](#) by Dr. Michelle Clifton-Soderstrom and this [story](#).

20. Move our criminal justice system from one based upon punitiveness, to one centered around restorative justice!

Restorative justice never diminishes the significance of a violation (crime); it summons all parties affected to collectively determine how to heal, repair, and restore relationships after the violation. It prioritizes disrupting cycles of harm and violence by creating pathways for healing and restoration. Restorative justice acknowledges that crime damages the victimizer's relationship with the victim, the victim's community, their own community, and themselves. It also acknowledges the offender's responsibility to help meet the needs of the victim(s) in restoring relationship and community.

Over the past forty years, restorative justice has an impressive global track record in criminal justice reform, educational systems, and addressing broader societal trauma. Restorative justice has created alternatives to traditional legal processes, restoring relationships and creating communal healing.

- It has helped eliminate juvenile detention facilities in New Zealand.
- It has been used to address racial conflict and gang violence in Rio de Janeiro.
- Restorative justice was also used to facilitate national healing in post-apartheid South Africa
- It was used to foster healing in post-genocide Rwanda.

Restorative justice has been successful within major U.S. cities, disrupt the school-to-prison pipeline, creating alternatives to suspension, expulsion, and incarceration. Restorative justice has also been implemented within both the juvenile and adult justice systems, leading to options for alternative sentencing, victim-offender reconciliation, and community healing.

- Restorative justice has reduced reincarceration and increased victim satisfaction. A Pew Research study found that normally 43.3% of individuals released from prison will return within three years, but only 10.8 percent of incarcerated people who participated in a Texas based restorative justice program ended up reincarcerated, and only 1.1 percent of those released returned for violent crimes.
- An Indianapolis program for juvenile offenders found that 96.2% of victims who participated in restorative processing were satisfied, compared to a 72.4% satisfaction rate for those who did not.

We can push for a shift in our system by holding our politicians accountable for having a sincere dialogue about what crimes—nonviolent—are actually driving mass incarceration. We can also unite to denounce fear-based rhetoric and propaganda that leads us to cling to punitive definitions of justice that are antithetical to the Gospel and the will of God.

ⁱ The American Federation of Teachers, Ranking Asset Managers Report,
<https://www.aft.org/sites/default/files/invest-risks-prisons-detention-2018.pdf>.