

LIBERTY UNIVERSITY

**Mass Incarceration In America:
Where Is The Church?**

A written project submitted in partial fulfillment
of the requirements for the degree of
DOCTOR OF MINISTRY

by
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I want to offer my deepest gratitude to Liberty University for the great honor and privilege of being granted admittance into the Theological Studies program to pursue my dream of attaining a Doctorate in Ministry.

DEDICATION

I dedicate this project to the millions of men and women who, with their loved ones, have gone through the tragic consequences of mass incarceration. May this work help to increase awareness within the church community of this tragedy and serve as motivation for churches to get involved and minister to those affected in a restorative spirit.

I praise God and thank God for his mercy and forgiveness and the awesome gift of salvation through Jesus Christ. It is to His service and glory that I commit this work and whatever skills, abilities, and opportunities I may have going forward. In all of my words and deeds, it is my prayer that I may glorify Him.

ABSTRACT

Due to mass incarceration, correctional facilities in America are dealing with unprecedented levels of overcrowding, staff shortages, violence, suicide, and widespread mental illness among inmates. Budget cuts and the corresponding loss of vocational, educational, and treatment programs have exacerbated such problems. Mass incarceration and its deleterious consequences are challenging the very soul of America, and the church has largely stood by and watched this tragic situation unfold over the last fifty years.

This research project has explored some of the barriers that have precluded churches from taking a more intentional, active, and impactful role in doing something about the national scourge of mass incarceration. The project involved a review of societal and theological constraints that have hindered American Christianity from acknowledging and responding to such a tragic situation for a half-century.

The focused methodology included case studies of churches that have manifested an impactful commitment to be involved with the imprisoned during and after their periods of incarceration. A specific focus was to identify the theological basis and rationalization for doing so when so many churches have displayed such a great reluctance to get involved in any meaningful way. The researcher sought to identify factors that could sensitize, motivate, and encourage other churches to become engaged to change this terrible injustice in American society.

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CHAPTER 1

Introduction

America has less than 5% of the world's population and yet has more than 25% of the world's prisoners. Either we have the world's worst people or the world's worst system. I believe in the quality of our people and believe it is the latter.
— Senator James Webb, D-VA

As a lawyer, as part of the annual law license renewal process, one is expected to do an extensive amount of pro bono hours to help people and or organizations. A lawyer colleague of mine had spent years in the prison ministry, giving hundreds of hours each year to help inmates in local jails and prisons with various kinds of legal issues. One day, he approached me and asked if I could cover for him at a local jail that night. Something had come up that was going to prevent him from going. Not wanting to let down the imprisoned men and also not wanting to risk losing the slot that had taken him a long time to attain by not showing up, he hoped I could cover for him. As a corporate lawyer specializing in large mergers and acquisitions, it was the last place you would find me. That was totally out of my element and there was no way I would go to a place like that. But out of respect for my friend, I agreed to go.

I was shocked by what I experienced. It was an awful place—dark, dirty, smelled awful—and I was stunned at the very high, disproportionate percentage of men of color. I had assumed that there may be some racial disproportionality in the system, but I was surprised by the significant disparity I saw. As a lawyer, I had assumed that there was an embedded element of fairness in the criminal justice system, that the people who were there were there through actions or crimes that they had committed and “deserved” to be there. As I worked with several inmates on their various legal issues that evening, those fundamental assumptions were sorely tested. They were overturned before I left the jail. I left that night deeply impacted by my

experience with those men and saddled with many suspicions, concerns, and questions regarding the criminal justice system. I had a strong feeling that all was not right. It was an experience that led me to generate this research project, which explores what has led churches and faith leaders to stay far away from this national tragedy as it has unfolded on such a massive and devastating level over the last fifty years. It has compelled me to dig further and explore the response of churches in America to mass incarceration.

Millions of people are incarcerated in America at levels unmatched anywhere else in the world.¹ This has had, and continues to have, a deleterious effect throughout American society, fracturing families and tearing apart the very fabric of American life across many segments of it. Mass incarceration has, and continues to, propagate a hugely disproportionate cost on people of color and it perpetuates a level of racism that is unconscionable.

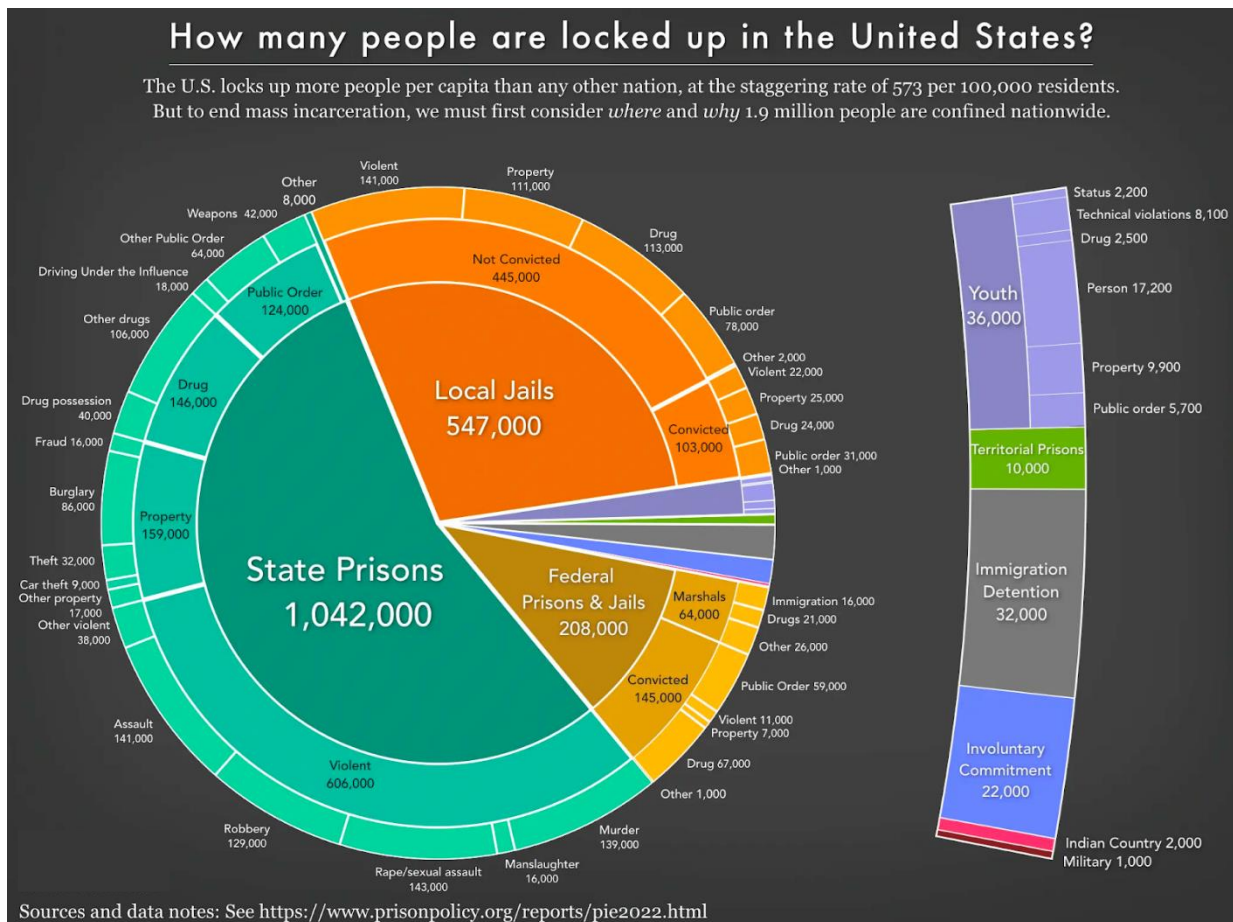
Those who are incarcerated—at all levels and types of internment—and their families are in desperate need of help and encouragement, which should be extended to them in a kind and loving way. Instead, inmates and their families—not only during the period of incarceration but long afterward—are often held in contempt and disrepute, painted with a brush of bias and stigma by many segments of society. And this occurs at a time when they are most vulnerable. To allow mass incarceration to go unchecked is to risk losing the America that once was a light on the hill with a system of jurisprudence that was admired around the world.

Flawed and overreaching legal codes, along with unfair and unrealistic sentencing laws, have destroyed individual lives, wreaked havoc on families, and sucked away hundreds of

¹ Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2019,” Prison Policy Initiative, 2019, 5.

billions of taxpayer dollars. This while neglecting to provide the level of public safety Americans feel they deserve and have been promised. Such is the American correctional system today.

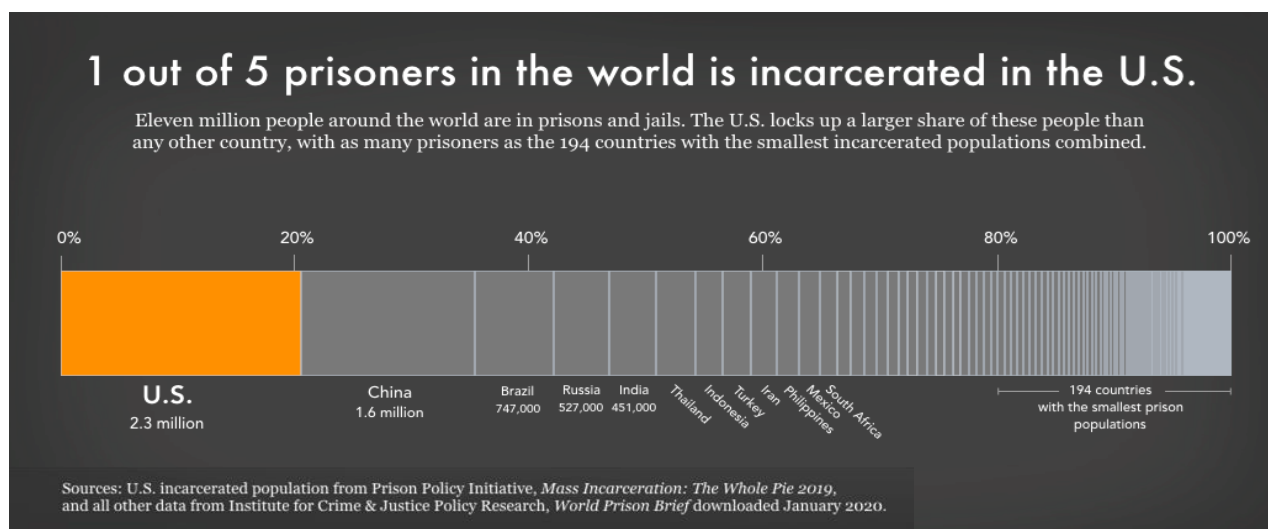
The consequences of this system have been devastating. Public records show that US correctional authorities hold in custody more than 2.3 million people in 1,719 state prisons, 102 federal prisons, 942 juvenile correctional facilities, 3,282 local and county jails, and 79 Indian Country jails, as well as in military prisons, immigration detention facilities, civil commitment centers, and prisons in US Territories.² It is staggering to consider that, on average, in a single year more than 11 million people will be booked into an American prison or jail.³



² Ibid., 9.

³ Ibid., 12.

Since 2002, the United States has had, by a wide margin, the highest rate of incarceration among all industrialized countries.⁴ This has not always been the case. For example, in 1972, 161 residents were incarcerated for every 100,000 residents.⁵ By 2015, that ratio had increased by more than four hundredfold, with nearly 743 out of every 100,000 behind bars, a stunningly high rate of incarceration for a developed nation, as the normal rate of incarceration for countries comparable to the United States remains around 100 prisoners per 100,000 population.⁶



By comparison, Cuba is at 510 and Russia is at 451.⁷ The incarceration rates among founding NATO members (behind the US at 743) are England (145), Portugal (139), Luxembourg (120), Canada (114), France (99), Belgium (98), Italy (88), Norway (70), Netherlands (69), and Denmark (61).⁸ The rich stable countries that the United States considers

⁴ Ibid., 11.

⁵ Ibid., 14.

⁶ Ibid., 15.

⁷ Helen Fair and Roy Walmsley, “World Prison Population List: Thirteenth Edition,” World Prison Brief/Institute for Crime & Justice Policy Research, 2021, 17.

⁸ Ibid., 19.

to be its peers in terms of economic and social development have incarceration rates five to ten times lower than it does.⁹

Country	Prisoners per 100,000 people
US	743
Cuba	510
Russia	451
England	131
France	119
Portugal	113
Canada	104
Belgium	93
Italy	91
Luxembourg	86
Denmark	61
Netherlands	60
Norway	56

Source: World Prison Population List (2021)

So many Americans being imprisoned is, in large part, a derivative of more than thirty years of “tough on crime” policies that legislators around the country began pursuing in the early 1980s when they succumbed to the unrealistically simple premise that crime would go down

⁹ Ibid., 24.

when putting behind bars as many offenders as possible. This phenomenon of mass incarceration was further fueled and exacerbated by what became known as the “Willie Horton effect.”¹⁰

With about two months left in the 1988 presidential election between Vice President George H. W. Bush and Massachusetts Governor Michael Dukakis, Bush campaign manager Lee Atwater was concerned that they only had a single-digit lead over Dukakis. Looking to find a policy difference they could leverage in Bush’s favor, Atwater focused on crime. The Dukakis administration had shown great policy creativity in correctional reform by pushing several alternative sentencing initiatives that were very successful. These had significantly reduced the Massachusetts state prison population and saved the state billions of dollars, all while bringing about a large reduction in the crime rate. But Atwater thought there was one point of vulnerability. Despite thousands of “success stories” brought about by the Dukakis’s innovative policies, one young black man—Willie Horton—who had been released early under such a program had subsequently raped and murdered a young white mother of two.

Absent any contextualization of thousands of success stories, Atwater had his emotional-leverage tool and painted Dukakis as “soft on crime,” using Willie Horton as “Exhibit A.” Emphasizing this line of attack with a heavy print and television campaign in key states, the results were devastating. Bush’s lead quickly jumped to double digits in just a few days. And it was not just Dukakis that was damaged. Any later substantive efforts for federal correctional reform, after the “soft on crime” card had been played so effectively by Atwater against Dukakis in 1988, faced an uphill climb. But for the 2018 bipartisan First Step Act which took modest steps, Congress has not passed any substantive federal correctional reform since 1988 for fear of

¹⁰ Steve Takesian, *Willie Horton: True Crime and Its Influence on a Presidential Election* (New York: Baker Books, 2002), 21.

being labeled “soft on crime” and risking the loss of their seat as a result. Instead, politicians have incessantly passed criminal laws to appear to be tough on crime.

Thus, the exploding prison population in the United States is indicative of a federal criminal code that is out of control. No one, ironically, not even the government, has been able to clearly define with any degree of precision the total number of federal crimes defined by the 54 sections (over 27,000 pages) of the US Code, which codifies criminal activity. The “long arm of the law” reaches into and affects virtually every aspect of American life, so much so that it borders on the ridiculous. A Harvard study found that the average American commits at least three federal felonies a day just by going through his or her normal daily routine.¹¹ The over-criminalization of American society has led to a judicial system that, at all levels, is being asked to operate far beyond its designed capacity. As a result, judges have bulging dockets, prosecutors have an overflowing caseload, and public defenders are overwhelmed with a tidal wave of cases they cannot possibly hope to tackle in detail, much less invest the time, effort, and money needed to mount a vigorous defense on behalf of each defendant.

The means most often used to mitigate and work through such an unconscionable caseload for all involved is the plea agreement. Defendants are threatened with the draconian consequences of a loss at trial (often significantly overstated by prosecutors for effect) and offered a reduced sentence in exchange for a guilty plea. Most defendants, already seriously under-represented by an overworked public defender—and not familiar with the legal arguments they may have access to in their defense and overwhelmed by the intimidating aspects of the system—simply accept a plea agreement to control the downside and be done with this part of

¹¹ Harvey Silverglate and Alan M. Dershowitz, *Three Felonies a Day: How the Feds Target the Innocent* (Cambridge, MA: Harvard University Press, 2011), 22.

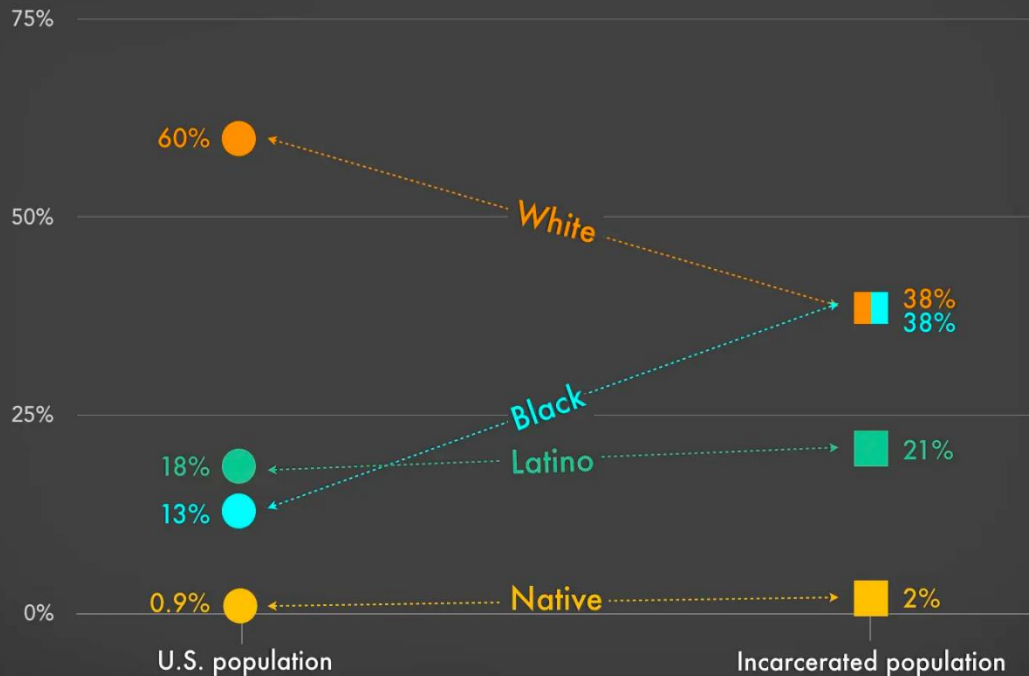
the process. In such circumstances, defendants often plead guilty to something they did not do just to be able to get the plea agreement over and done with.

Adding to the problem is the issue of mandatory minimum sentences. As part of the wave of getting tough on crime, Congress passed such laws, which tie judges' hands and greatly reduce their discretion in sentencing. This has led to putting many more people in prison for much longer periods of time. The judicial system we presently have is a far cry from the judicial system that was originally designed, one that was meant to have a strong manifestation of advocacy on both sides and justice the final product of such efforts.

The result of incessant criminal legislation to purportedly be "tough on crime," no reductions or modifications of this deeply flawed system, the massive proliferation of plea agreements, and the institution of mandatory minimum sentences have led to the United States incarcerating people at globally unprecedented rates over the last several decades. It has brought about an explosion of incarceration on an industrial scale. It is a rampant trend that has had and is having very serious and deleterious effects on American society, including dangerously overcrowded prisons, embarrassing recidivism rates, and the development of significant racial, economic, and gender disparities in the criminal justice system. The country's movement towards mass incarceration has not managed to enhance public safety but has been shown to consistently and disproportionately stunt the economic and social well-being of millions.

Racial and ethnic disparities in correctional facilities

White people are underrepresented in prisons and jails while Black, Native, and Latino people are overrepresented.



Source: U.S. Census Bureau, American Community Survey 2019, Tables B02001 and DP05
 For category definition and selection details, see www.prisonpolicy.org/reports/pie2022.html#methodology

The data shows an incredibly bloated system. An analysis recently completed by the Government Accountability Office (GAO) found that the enormous rise in prison populations has led to dangerous overcrowding in over 40% of federal correctional facilities.¹² States have a similar problem. The Bureau of Justice Statistics has recently found that systems in 19 states are operating over and above their maximum capacities.¹³ Illinois is a case in point. The correctional

¹² Government Accountability Office, *Growing Inmate Crowding Negatively Affects Inmates, Staff, and Infrastructure* (Washington, DC: Bureau of Prisons, 2013), 129.

¹³ E. Ann Carson, "Prisoners in 2019," Bureau of Justice Statistics, 2019, 17.

facilities in the state were built to hold approximately 28,000 inmates but were actually housing in excess of 46,000 inmates.¹⁴

When looking at such numbers, and the movement towards mass incarceration over the last few decades, one cannot help but wonder if the United States is so overcome with dangerous criminals that it is running out of space in which to place them. James Webb, a former Democratic Senator from Virginia, stood on the floor of the Senate and said, “I have a question I find most troubling and perplexing. The United States has less than 5% of the world’s population but has more than 25% of the world’s prisoners. Either we have the world’s worst people or the world’s worst system. Which is it? I think it is the latter.”¹⁵

Looking beneath the aggregate numbers provides important insight. For example, in 2015, approximately 93% of all federal prisoners were nonviolent offenders, most serving time for drug offenses of some kind.¹⁶ A majority of inmates in state prisons are doing time for nonviolent offenses as well. All of which begs the question, “Why are they doing hard time at such great expense?”

A silver lining might exist if there was a correlational effect between large numbers of nonviolent inmates that corresponded with improving/correcting inmates’ behavior while in custody. However, there is no credible evidence that shows prison time produces more responsible citizens after release. Research has found that “prison time” does not lower an inmate’s rate of recidivism to any greater degree compared to sentencing alternatives such as mental health counseling or drug treatment programs, regardless of what offense the inmate has

¹⁴ State of Illinois, *Corrections Report* (Springfield: Illinois Department of Corrections, 2018), 31.

¹⁵ James Cullen, “The United States is (Very) Slowly Reducing Incarceration,” Brennan Center for Justice, 2017, 8.

¹⁶ Department of Justice, *Bureau of Prisons Statistics* (Washington, DC: Government Printing Office, 2017), 101.

committed.¹⁷ However, there is considerable research showing that “doing time” hardens inmates due to prolonged exposure to the criminal element and moves them further down the continuum of being a repeat offender.¹⁸

Making matters worse, being convicted of a crime and “doing time” makes it much more difficult for an “ex-con” to live a productive life after release due to the enormous obstacles and challenges of finding gainful employment. Studies have found that men who have been incarcerated work, on average, nine fewer weeks per year and earn 40% less annual pay than men who have not been incarcerated.¹⁹ Facing enormous struggles to survive, many return to criminal activity to earn money, thereby contributing to the increase in recidivism.

The financial costs associated with such massive industrial-scale incarceration are mind-boggling. The yearly cost to feed, house, and care for an inmate in America now averages more than \$30,000.²⁰ Between 1980 and 2013, federal spending on prisons rose more than 700%, from \$970 million to just over \$7 billion (both figures adjusted for inflation).²¹ On the state level, expenditures on corrections grew from \$10.6 billion in 1987 to \$50.9 billion in 2015, an increase of almost 400% (both figures adjusted for inflation).²² Combined state and federal expenditures on corrections increased by more than 400% over the last 30 years, growing from \$17 billion in 1980 to more than \$80 billion in 2010 (all figures adjusted for inflation).²³

¹⁷ Ashleigh LaCourse, Shelley Johnson Listwan, Shannon Reid, and Jennifer L. Hartman, “Recidivism and Reentry: The Role of Individual Coping Skills,” *Crime & Delinquency* 65, no 1. (2018): 52.

¹⁸ *Ibid.*, 55.

¹⁹ Pew Charitable Trusts, “Collateral Costs: Incarceration’s Effect on Economic Mobility,” 2010, 4.

²⁰ Pew Charitable Trusts, “Weighing Imprisonment and Crime,” 2015, 3.

²¹ Pew Charitable Trusts, “Federal Prison System Shows Dramatic Long-Term Growth,” 2015, 2.

²² Holly Harris, “The Prisoner Dilemma: Ending America’s Incarceration Epidemic,” *Foreign Affairs* 96, no. 2 (2017): 53.

²³ Melissa S. Kearney, Benjamin H. Harris, Elisa Jacome, and Lucie Parker, “Ten Economic Facts About Crime and Incarceration in the United States,” Hamilton Project, 2014, 7.

While the financial costs are astronomical, they are dwarfed by the human costs. Inmates, upon being taken into custody, soon lose everything they own and are then subjugated to a survival-mode existence in difficult conditions, compelled to wear a jumpsuit and be referred to by a number rather than their name. Any vestiges of personal dignity, self-esteem, and pride are usually the first casualties on the journey, soon followed by the loss of friends, employment, and frequently family support, along with being stigmatized. The prison experience shreds social ties with the outside world.

The incarceration explosion has led to unprecedented numbers of people being imprisoned for longer periods over the last few decades. It has also, as a natural consequence, led to an unprecedented number of people being released back into their respective communities with one of society's greatest stigmas to overcome, a record, something that makes surviving and prospering in modern American life nearly impossible.

Ministry Context

But, other than for a small number, all inmates will one day be released. What are these staggering numbers of people going to do? How do they, with the stigma associated with prison, successfully transition back into modern society? Some studies find that recidivism rates in the United States are as high as 84%.²⁴ Even if it were half that, it would be deplorably high. What business or government program could have a failure rate of at least 50%, let alone 84%, and be deemed acceptable and allowed to continue?!

²⁴ Denis Yukhnenko, Shivpriya Sridhar, and Seena Fazel, "A Systematic Review of Criminal Recidivism Rates Worldwide: 3-Year Update," *Wellcome Open Research* 4, no. 28 (2020): 31.

The challenges posed by inmates being released and then struggling to make a successful transition back into society are not something new. It has been an issue to contend with ever since people have been sent to prison.

However, what is new—and very disconcerting—is the enormous scale of the current problem. The United States has engaged in the largest multiyear discharge of prisoners from state and federal custody in history. This staggering phenomenon is a direct consequence of the incarceration explosion that the United States, at all levels of government, vigorously undertook as intentional public policy for the past several decades. An enormous number of former inmates are returning to communities that are inadequately equipped for their transition and find themselves poorly received by such communities.

As if these factors are not bad enough, American society has implemented a disappointing array of collateral consequences that impede, if not completely block, an ex-inmate's opportunity to reconnect with the personal, social, and economic aspects of society. These limitations include but certainly are not limited to, ineligibility for government benefits, not being allowed to vote, being barred from various business and professional licenses, ineligibility for government grants and student loans, as well as being excluded from public housing. With such huge impediments, combined with the draconian social stigma attached to being an ex-inmate, many find it virtually impossible to pursue a lawful and legitimate means of economic survival after their release.

The aforementioned economic obstacles are further exacerbated by the challenging physical and mental health problems that are frequently a fact of life for many inmates. To the extent that there were mental health problems that existed prior to incarceration, they are usually not treated in prison and, going untreated, worsen over time. This is of no small concern. A large

majority of the prison population reports some kind of drug or alcohol abuse, and many face serious and life-threatening health complications as a result. Overall, mental health disorders are also more evident within the inmate population; some studies show levels of mental illness four times higher than that of the general population.²⁵ Making treatment for mental and physical illnesses more accessible for ex-inmates could significantly mitigate these conditions and help individuals maintain housing and gainful employment. Instead, little to no help is available at any level. The number of ex-inmates who intentionally re-offend just so they can receive some level of minimal care and provision in prison is staggering and heartbreaking.

The challenges ex-inmates face upon release back to their communities can be predicted and, if society wills it, properly and effectively addressed. There are few surprises in the transition process. What is surprising and sorely disappointing is the ubiquitous manifestations of indifference and lack of caring across virtually all segments of American society. Thus, a longstanding major problem is that the standard approach at all levels has been one of expecting ex-inmates to fend for themselves with little or no direction, support, or encouragement. There are substantial common challenges that virtually all former inmates face that could be mapped out ahead of time, prepared for, and properly addressed. Yet, to a large extent, these are ignored.

For example, there could be a meaningful and effective coordination of programs for an inmate so that, upon release, healthcare services, drug treatment placements, housing, and employment services would be seamlessly connected between the inmate's prison facility to his or her community. Such a plan of continuation of care would prevent the interruption of

²⁵ Robert T. Chase, "We Are Not Slaves: Rethinking the Rise of Carceral States Through the Lens of the Prisoners' Rights Movement," *Journal of American History* 102, no. 1 (2015): 79.

important services (which is so often the case) and thereby provide a very important base of transitional support through the challenging process of reintegration.

The barriers to an ex-inmate's successful transition to reintegration include both legal and prejudicial obstacles. For example, housing has always been a big problem for ex-inmates when returning from their time of incarceration. Private property owners usually inquire about a prospective renter or tenant's background and frequently deny housing to anyone with a criminal record. It used to be the case that when private housing options were not available, public housing remained a viable and helpful option, with ex-inmates simply placed on a list like any other public housing applicant and due consideration given to their age, marital status, and parental situation. However, that safety net was removed by Congress in 1988 when an amendment to the public housing statute eliminated from consideration as a tenant anyone who had engaged in any kind of criminal activity, even nonviolent crimes.²⁶

Such action has severely limited housing options for those with convictions or just returning from being incarcerated. It has also served to further exacerbate already fractured families by requiring people residing in many public housing units to sign agreements saying that ex-inmate family members would not only not live in them, but would not even be allowed to visit their public housing unit. This trend was a devastating blow to rebuilding and reunifying families.

Thus, if families cannot or do not provide housing options for returning ex-inmates, then options are very scarce. The inventory of temporary housing in most communities consists primarily of homeless shelters, which tend to be very crowded and do not provide any real sense

²⁶ Dominique Gillard, *Rethinking Incarceration: Advocating for Justice That Restores* (Westmont, IL: IVP Books, 2018), 46.

of privacy. This makes it challenging for ex-inmates to consider such housing as anything but temporary and only adds to their already strong feelings of instability when what they desperately need is a sense of stability.

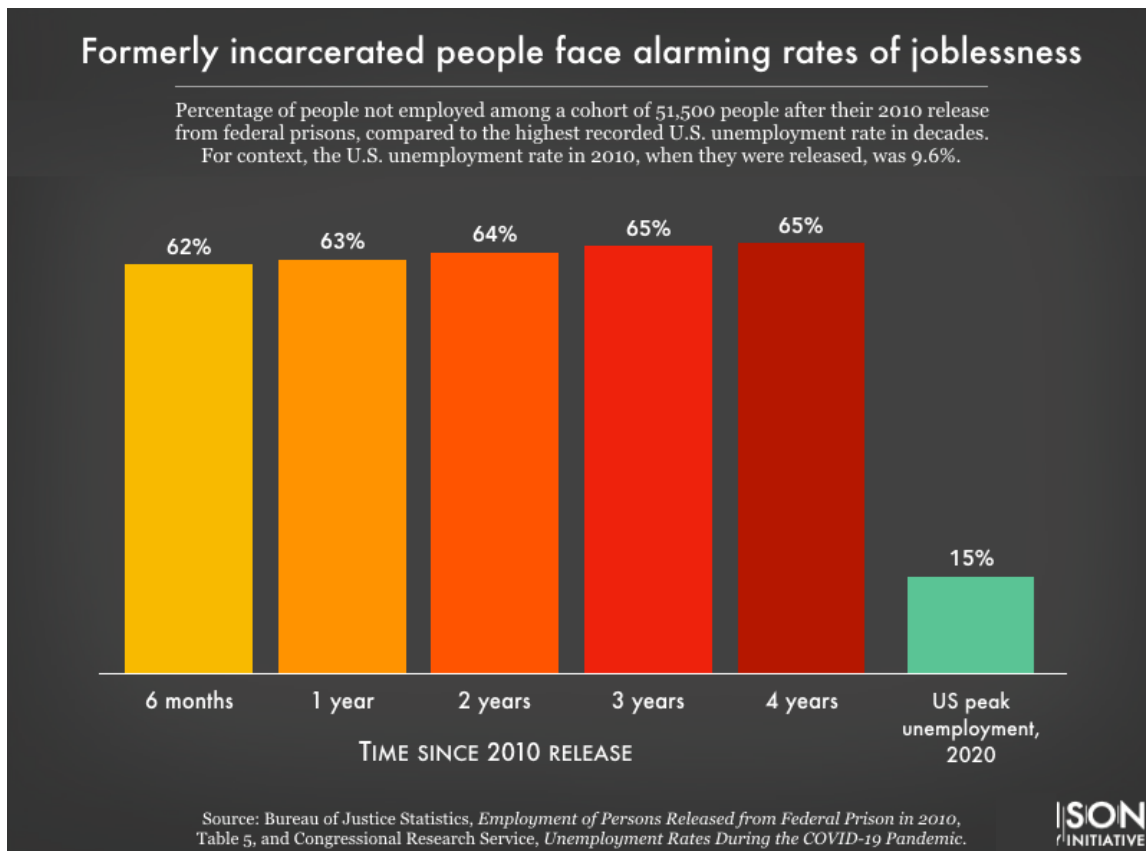
Besides significant challenges with housing, a felony conviction can lead to numerous employment barriers. These include the obstacles implemented by companies that, whether via online or paper applications, routinely and automatically reject applicants that honestly check the box admitting a conviction, regardless of individual circumstances and or credentials. In addition, a number of states—to publicly and politically enhance their “tough on crime” stance throughout the 1980s—statutorily restricted employment opportunities for ex-inmates and these limitations remain on the books decades later.²⁷ Unfortunately, rather than focusing on employment that may be related to a specific offense, state exclusions and impediments from employment take the form of blanket restrictions derived from an individual’s “status” as an ex-inmate, rather than from a causal relationship concerning specific conduct or the consideration of any rehabilitation that has occurred since the referenced offense.

Such restrictions essentially amount to lifetime bans that disregard individual circumstances. These exclusions fail to consider and acknowledge the effects and benefits of rehabilitation, or any changes in the ex-inmate’s conduct and character. In reality, applicants should be assessed individually in terms of their specific circumstances, personal history, and skills, rather than having to face the additional punishment of a lifetime ban—regardless of the nature of their offense—simply because of a generalized exclusion that bars all felons. Such policies have a draconian effect that adds punishment over and above the term of incarceration.

²⁷ Dennis P. Culhane, Vincent Kane, and Mark Johnston, “Homelessness Research: Shaping Policy and Practice, Now and Into the Future,” *American Journal of Public Health* 103 no. 4 (2013): 182.

By barring every felon from many occupations, states are precluding what may be talented workers from becoming gainfully employed and productive members of society.

Further complicating employment opportunities for felons are employment-licensing restrictions that apply to them nationwide. Ex-inmates are often excluded from many opportunities because they require licenses of some kind. There is an incredible array of federal,



state, and municipal laws that bar felons from “regulated occupations” by stipulating that the applicant exhibits “good moral character” or by specifically barring entry into the respective profession by anyone who has been convicted of a crime. Inherent in such prerequisites is an absence of any definition of “good moral character.” This by default gives considerable latitude to the respective licensing board or authority to the considerable detriment of felon applicants.²⁸

²⁸ Lucius Couloute and Daniel Kopf, “Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People,” Prison Policy Initiative, 2018, 2.

Unless pardoned or getting some other form of “record cleansing,” many felons essentially face a lifetime ban from professions for which they are eminently qualified for, thereby greatly extending the effective term of punishment handed down by their court of jurisdiction at sentencing. The resulting impact of such wide-ranging and unfair bans and restrictions serve to significantly restrict former inmates from being able to successfully transition back into society as their employment options shrink considerably.

As if the enormous difficulties with housing and employment were not sufficiently onerous, there is yet another very public and humiliating barrier to a successful transition that also acts as a routine reminder of their “status.” That is the banning by many states of inmates participating in the electoral process. States are the gatekeepers regarding the ability to vote and they address it in a variety of ways. Some permanently ban felons from voting, others do so after more than one conviction, and others provide possible restoration of voting rights after the successful completion of probation or parole.²⁹ The loss of the right to vote is a constant reminder to an ex-inmate of his or her “inferior” second-class citizenship status. It also affects the community in which the ex-inmate resides because then there is a resident population without a political voice, which diminishes representation.

Instead of standing by and expecting individuals to successfully orchestrate their transitions from inmate to ex-inmate and fully reintegrate as contributing members of society, the Christian community needs to step up and help. Tools, support, and encouragement can help raise the probability of former inmates successfully transitioning. But most of American society has chosen a path of indifference.

²⁹ Jonathan Purtle, “Felon Disenfranchisement in the United States: A Health Equity Perspective,” *American Journal of Public Health* 103, no. 4 (2013): 634.

In a citywide Bible study with hundreds of influential men and women in attendance, a guest speaker spoke of his difficult childhood, his teenage years spent in and out of delinquency centers, followed by several years in prison due to several drug offenses and several other nonviolent crimes. He had become a Christian while in prison, turning his life around from the unproductive and sad course it was taking. Upon his release, a small business owner hired him and helped him find housing. He has since gotten married, has a beautiful young family, and is active in his church and various nonprofit organizations that help others. When he finished speaking, there was not a dry eye in the place, and he received a standing ovation.

A local pastor followed him to the podium. He asked those in attendance how many of them, by a show of hands, had ever reached out to someone who had been incarcerated by helping them get a job or housing. Only a few hands out of hundreds went up.

Such is a microcosm of much of the body of Christ's reaction to the crisis of millions of formerly incarcerated people who are seeking to transition successfully back into society, look for a job, and find acceptable housing. There are certainly a few noteworthy efforts (there were a few hands that went up at the citywide Bible study). But most stand on the sidelines. In the aggregate, cheering and applauding the success stories and lamenting the unfortunate hardships and fate of the others is not enough. Precious few step up, and forward, to help in tangible ways that would, in so doing, show the love of Christ.

Imagine if the body of Christ actively sought to help with the daunting task of aiding hundreds of thousands of ex-inmates to successfully transition each year from correctional facilities to their communities. To help ensure their medical care is uninterrupted, that they have a job and a safe place to live, and that they have opportunities to reunite with their families. Such outreach would have an amazing and transformative effect on American society while glorifying

Him by ministering to the “least of these.” The successful transition of ex-inmates back into society is a problem of staggering proportions affecting millions of people for which a widespread, loving, tangible, and effective Christian response is long overdue.

Because of the incarceration process, many families lose their head of household at a critical time and splinter. There is lots of “collateral damage.” Many never recover, with spouses and children forever scarred. After such a fall, deep depression often sets in for both the incarcerated and those “doing time” with the inmate outside the prison’s walls. Many are never able to escape its clutches. The families of inmates also bear enormous emotional and financial burdens—as well as being vicariously stigmatized—because of the fall of their loved one.

With incarceration rates in the United States at unprecedented levels, the criminal justice system profoundly affects the lives of millions of inmate families each year. With so many people imprisoned, parent-child relationships are negatively impacted, networks of family support are frayed (if not totally destroyed), and government services like schools, foster care, and other social service entities are so overwhelmed they can make no more than very small and inadequate responses to what is transpiring.

What is not realized, nor fully comprehended or appreciated by most Americans, is that the many impacts of mass incarceration are not limited to those serving time behind bars. A majority of inmates are members of family and friendship networks that also experience many of the consequences of incarceration. The inmate experiences the direct effects of his or her confinement, while friends and families live their lives in what could be called a financial, emotional, and relational “prison of their own.” They do their time on the outside with little to no help or support.

The American criminal justice system has historically focused on offenders as individuals, paying no attention whatsoever to their families. The disappointing reality for the incarcerated is that the American correctional system usually works to separate them from families and friends, rather than to unify them.

Not surprisingly, incarceration puts significant stress on the marital relationship. Sometimes, this is a direct result of the specific criminal behavior that resulted in the incarceration, while sometimes the stress encountered is a direct result of the incarceration, caused by separation and its corresponding difficulties. Research has found that 45% of inmates lose contact with their families during their incarceration, and 22% of inmates who are married get divorced or separated while incarcerated.³⁰ This is a most unfortunate statistic because research has shown that an inmate's likelihood of successfully enduring their incarceration and successfully transition back into society is highly correlated to their maintaining contact with family members and the ongoing support and encouragement they provide.

The financial impact of incarceration on inmate families is usually one of extreme hardship. Often, the incarcerated was the primary breadwinner for the household, so the inmate's absence causes significant financial problems for the family. And a cruel irony is that the financial burden of incarceration has been found to be greatest when families try their best to maintain their relationship with the incarcerated family member.

The growing impoverishment of families trying to support an incarcerated family member serves as a form of additional "punishment." Many inmates are dependent upon their families for telephone contact and personal items, which can be prohibitively expensive. Trying

³⁰ Heather Hlavka, Darren Wheelock, and Richard S. Jones, "Ex-Offender Accounts of Successful Reentry From Prison," *Journal of Offender Rehabilitation* 54, no. 6 (2015): 411.

to help the inmate keep in contact can be very economically challenging for families who are already experiencing financial difficulties. For example, just maintaining simple phone contact can prove to be quite challenging. A basic long-distance call can be problematic. Prison facilities often enter into contracts with phone companies that result in extremely high long-distance charges for inmates and their families. Some phone companies are earning hundreds of millions of dollars from such exorbitant rates, so much so that they pay the correctional systems very high “commissions” for the contracts. One state alone receives more than \$35 million in “commissions” per year.³¹ The impact of such inflated charges serves to preclude many inmates with limited or no financial resources from having phone contact with anyone outside the prison.

Although most correctional facilities will acknowledge the importance and value of communication between inmates and their families, basic correctional practices—especially those pertaining to reinforcing the core security missions of prisons—are by their very nature major obstacles to maintaining contact and nurturing family ties. But security issues notwithstanding, as with the phone contracts, penal facilities do little if anything to facilitate contact and, instead, can often be seen as directly and or indirectly taking actions that serve to impede such all-important contact.

Many families are “blamed” for the inmate’s behavior and crimes, and are thus saddled with various forms of social stigmatization as a result. They are often treated as “guilty by association.” This can have far-reaching effects. For example, incarceration often results in a de facto single-parent household. Usually, society as a whole is supportive and encouraging of those bearing this extraordinary burden. However, society’s stigmatization frequently denies the non-

³¹ Ibid., 412.

imprisoned single parent such help and support. Although the non-imprisoned parent has been involuntarily placed in such a situation, many members of society do not see it this way. They consider the non-imprisoned parent to somehow be at fault and thus undeserving of support and assistance, thereby further complicating life for the inmate's family.

In 2007, there were approximately 2 million minor children in the United States with an incarcerated parent, an 82% increase since 1991.³² Given the unabated increase in mass incarceration since 2007, the number of affected children is no doubt much higher now. They are largely ignored by the criminal justice system and social service providers. The well-being of these children says much regarding the future prospects of American society.

Much research over the last few decades has found that children of the incarcerated experience a wide spectrum of emotions, including fear, anxiety, anger, abandonment, sadness, and loneliness.³³ They also manifest behaviors that include depression, withdrawal, low self-esteem, physical and verbal aggression, and withdrawal. All of these can lead to significant problems at school.³⁴ Unfortunately, given the neglect of this problem and the stigma experienced by the families of the incarcerated, there has been a high correlation with children of inmates going to prison themselves. The risk of these children being imprisoned themselves is well documented in research studies over the last thirty years.³⁵ Thus, there is a very real and valid concern that intergenerational transmission of criminal behavior is developing in American society, which will further fuel an even larger number of people being incarcerated. There are very few interventions in American society presently in place to minimize this risk. The children

³² Julie Poehlmann-Tynan and Kristin Turney, "A Developmental Perspective on Children With Incarcerated Parents," *Child Development Perspectives* 15, no. 1 (2020): 5.

³³ *Ibid.*, 4.

³⁴ *Ibid.*, 6.

³⁵ *Ibid.*, 8.

and families of inmates are all too often left to fend for themselves amid one of life's most difficult situations, with few if any places to turn for help and support.

One example gives a heart-rending glimpse into such feelings. A child in junior high, suddenly and unexpectedly losing his father to incarceration, shared the incredible fear, worry, and anxiety that overwhelmed him. The family had regularly attended a local church. Both parents were involved at the church and the child was heavily involved in the youth group. He spoke of how he was looking for support, comfort, and help from the church for his absolutely distraught mom. In fact, he had been the one who had immediately called the church when his dad was taken away to let them know what had happened and to ask for help.

No one ever came. No one ever brought any meals. No one ever came to see him or his mother to offer comfort and solace. No one from the church ever came by or called to see how they were doing or what they could do to help. Not once over eight years. Kids ostracized him at school; his mom slipped further and further into depression. No one from that church ever reached out to him or his mom in any way. Both of them, by and through the grace of God, made it through. More than ten years later, he recalls with visceral emotion when he and his mom had nothing to eat and occasionally had no heat or electricity. His mother worked two jobs, diligently taking care of him and providing as good a home life as she could. There was never a lack or shortage of love or compassion from her. But the lack of love, caring, and outreach from their local church came at a great price. For young man—who is now a successful adult, a college graduate with a successful career—says that if that is what it means to be a Christian, he wants nothing to do with such people.

When things were going great, the church had no problem taking their large and regular tithes and accepting lots of volunteer time from his parents. But as soon as problems regarding

the criminal justice system arose, the church was nowhere to be seen. It did not want to be seen as associating with the family of an “inmate” for fear of what other people in the community might say. It was all about image rather than ministering to those in need. That young man dismissed Christianity because what he “saw” was so different than what he had “heard” during his years growing up in the church. When pressed, the leadership and congregation did not “walk the talk.” Unfortunately, when it comes to the families of inmates, all too often such a scenario has proven the norm rather than the exception. They are left bereft of any love, help, support, or encouragement from those who should be the first people to reach out: the body of Christ.

Children show amazing resiliency. Research has found that three key elements can help children be resilient: relationships, skills, and faith.³⁶ The body of Christ is uniquely equipped and positioned to open its arms and help nurture these attributes, to help the children and families of the incarcerated endure their hardship.

Unfortunately, except for a program called Angel Tree and a few others, such programs are conspicuously absent at present. Angel Tree and its sister programs consist of efforts to get Christmas presents to the minor-age children of the incarcerated. Gift givers, usually coordinated by local churches in the city or town in which the inmate’s child lives, buy a gift within a specified price range that the child wants and drop it off by a stipulated date. Volunteers then wrap the present and deliver it, on behalf of the inmate, to the child for Christmas.

It is a wonderful program that has touched and blessed many children’s lives over its years of existence. However, as great as it is, it also serves to underscore the tremendous lack of programs and support for the children and families of inmates. Do they not need love, support,

³⁶ Ibid., 10.

and encouragement throughout the year—not just at Christmas? Of course they do—on so many levels—every day of the year. They need personal touch and personal involvement. They need to know that they matter and that people care each and every day. As great as giving a gift to a child at Christmas is, it is still done at a distance, allowing the giver to act from a distance without having to be personally involved.

For example, many of the obstacles to parent-child and family visits in general (e.g. inadequate information about visiting procedures, difficulty scheduling visits, the geographic location of prison facilities, the family’s inability to afford transportation, visiting procedures that are uncomfortable and or humiliating, visiting rooms that are inhospitable to children and families, and foster parents or caregivers who are either unwilling or unable to facilitate visits) could be addressed and or mitigated. For example, people in local churches could step up to be a type of ombudsman who would help the families of inmates work through the daunting procedural bureaucracy of visitation, facilitating transportation needs and other logistical support associated with food, housing, healthcare, immunizations, acting as a surrogate “church home” providing friendship and fellowship.

Research findings emphasize that maintaining contact with family members during incarceration is critically important.³⁷ It has been shown to reduce the strain of family separation and greatly increase the likelihood of a successful reunification upon release. Comparing inmates with regular contact (visits, phone, e-mail, etc.) versus those with no such contact shows noticeably lower rates of recidivism for the former group.³⁸

³⁷ Hlavka, Wheelock, and Jones, “Ex-Offender Accounts,” 414.

³⁸ *Ibid.*, 413.

However, it is also important that family members waiting for an inmate's return have people who care and are concerned about their well-being during the period of imprisonment. That people show them the love of Christ and, in so doing, help them endure and grow stronger through love and support during one of life's most daunting challenges. It is unfortunate that there are so few Christians doing this. May the body of Christ make it so, and in so doing, positively impact the lives and outlooks of millions. May there never be another child made to feel about the church and Christianity like the one described above. There are so many hurting families of inmates. May the body of Christ step up, reach out, and make a tangible difference in their lives and circumstances.

And it is not only inmates and their families affected by the incarceration explosion. Correctional officers at all levels, and their families, are paying a very heavy price as well. Comprehensive studies have found several serious social and personal problems manifesting for correctional officers over the last several decades that are associated with the country's embrace of mass incarceration.³⁹ These include but are certainly not limited to:

- Occupational stress for correctional officers has become a pervasive problem.⁴⁰
- Correctional officers are coping with the intense psychological effects of their work environment by self-medicating (alcohol, drugs, and tobacco), denying, repressing, and increasingly falling into serious depression.⁴¹
- Suicide rates are 39% higher than other professions.⁴²
- Correctional officers have the second highest mortality rate of all professions.⁴³

³⁹ Andra Picincu, "The Disadvantages of Being a Correctional Officer," *CHRON*, March 24, 2019, 3.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

- Actuarial tables prepared by Metropolitan Life cite 58 years as the average life expectancy of correctional officers.⁴⁴
- Rates of domestic violence within correctional officer families are four times higher than the general population.⁴⁵
- There are high levels of dysfunction in their personal lives and relationships.⁴⁶

And all of these issues certainly have a significant impact on how correctional officers treat inmates.

Like a massive societal wrecking ball, the correctional system in America is causing wanton destruction and havoc wherever it swings. It is indeed one of the greatest internal threats to the social fabric of the country and yet, so many Americans have no idea of the damage caused on so many levels. And the church has been conspicuously absent. Corrections activity in America is consuming—at an ever-increasing rate—individual lives, families, national treasure, and the soul of the country.

As a nation and as a church, we must do better. Do better by treating people better, caring for people better, reinstating a system of justice and fairness, and being better stewards of resources—be they people, institutions of government, or financial resources.

Statement of the Problem

The researcher has sought to better understand the inhumane and illogical pursuit of mass incarceration in the United States, including why so many churches have chosen to remain on the sidelines amid such an egregious policy failure. The problem is that, although churches may not

⁴⁴ Ibid.

⁴⁵ Ibid., 4.

⁴⁶ Ibid., 3.

have a say in driving the public policy responsible for mass incarceration, they can help to some extent mitigate the horrendous consequences of these policies on those who are incarcerated and their families. Yet, why have so many churches chosen not to get involved and share God’s love—an approach contrary to His admonition to help those in need?

Purpose and Importance of the Study

Throughout Scripture and life, God’s commitment to the oppressed and those living in unjust circumstances never wavers. It has been and always will be an absolute commitment. He has consistently called and raised voices to preach and proclaim the righteousness of God. It is this perspective at the core of this research project.

Christian communities throughout the country have been reluctant to confront and address the egregious and inhumane issue of mass incarceration over the last fifty years, its deleterious consequences throughout society as a whole, and its unequal impact on communities of color. The purpose of this action research project is to understand some of the reasons behind this reluctance (while identifying impactful actions that some churches are taking) and find some approaches to meet this reluctance and move the church towards meaningful, restorative, and transformative engagement.

Basic Assumptions

The United States is saddled with an addiction to mass incarceration. To date, it has lasted fifty years and shows no sign of letting up. It is an approach that has proven to be ineffective in curtailing crime while its aggregate costs, both financial and social, are far in excess of any claimed benefits. Yet that inverted cost-benefit relationship is not expected to change in the near term. Any alterations in the US criminal justice system regarding sentencing

and incarceration have been on the periphery and resistance to favorable changes is expected to continue for the foreseeable future.

Other than for a few noteworthy exceptions, the church in the United States has been largely absent in reaching out to meet the needs of those impacted by the tragedy of mass incarceration. A significant percentage of churches will remain on the sideline, leaving most needs unattended.

Definitions

Court referral: In a school setting, this means filing a complaint to the Juvenile and Domestic Relations Court for something a student has done contrary to school policy, rules, and or regulations.⁴⁷

Dehumanization: To deprive someone of human qualities, personality, or dignity, to treat a prisoner to inhumane and or degrading conditions or treatment.⁴⁸

Incarceration: Confinement in a jail or prison; the act of imprisoning someone or the state of being imprisoned.⁴⁹

Justice: The maintenance or administration of what is just, especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments, the establishment of determination of rights according to the rules of law or equity, the quality of being just, impartial or fair.⁵⁰

⁴⁷ Law Insider, online, s.v. “court referral,” accessed November 7, 2023.

⁴⁸ Merriam-Webster Dictionary, online, s.v. “dehumanize,” accessed November 7, 2023.

⁴⁹ Merriam-Webster Dictionary, online, s.v. “incarceration,” accessed November 7, 2023.

⁵⁰ Merriam-Webster Dictionary, online, s.v. “justice,” accessed November 7, 2023.

Longitudinal data: It tracks the same sample over time, taking measurements at different points in time.⁵¹ It helps to measure change and impact on a sample over time.

Mandatory minimums: A form of criminal sentencing that involves specified fines and or jail/prison sentences that depend on the kind of crime. With mandatory minimum sentencing, the minimum amount of jail time or fines is set by statute.⁵²

Mass incarceration: The imprisonment of a large proportion of a population (particularly in reference to the significant increase in the rate of incarceration in the United States starting in the late 20th century).⁵³

Plea agreement: An agreement reached at the end of negotiating a sentence, a plea.⁵⁴

Plea bargain: The negotiation of an agreement between a prosecutor and a defendant whereby the defendant is permitted to plead guilty to a reduced charge.⁵⁵

Post Incarceration Syndrome: A psychiatric disorder that affects individuals who have been incarcerated and then are released back into society. It is characterized by a range of psychological, emotional, and social difficulties that can arise as a result of being imprisoned. These difficulties can include depression, anxiety, post-traumatic stress disorder (PTSD), difficulty adjusting to life outside of prison, and difficulty forming and maintaining relationships.⁵⁶

⁵¹ John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (Los Angeles: Sage, 2017), 52.

⁵² LegalMatch, online, s.v. "What Are Mandatory Minimums?" accessed November 7, 2023.

⁵³ Ibid.

⁵⁴ Merriam-Webster Legal Dictionary, online, s.v. "plea agreement," accessed November 7, 2023.

⁵⁵ Merriam-Webster Dictionary, online, s.v. "plea bargaining," accessed November 7, 2023.

⁵⁶ APA, *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (Washington, D.C.: APA, 2015), 93.

Pro bono: Being, involving, or doing professional and especially legal work donated for the public good.⁵⁷

Recidivism: A tendency to relapse into a previous condition or mode of behavior, a relapse into criminal behavior.⁵⁸

Restoration: An act of restoring, or the condition of being restored, bringing back to a former position or condition.⁵⁹

Restorative justice: A system of criminal justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.⁶⁰

Stigmatize: To describe or regard (something, such as a characteristic or group of people) in a way that shows strong disapproval.⁶¹

Transition: A change or shift from one state of being or place to another, as in moving from a state of incarceration back into society.⁶²

Willie Horton effect: Willie Horton was an inmate in a Massachusetts state prison in 1986 who left without permission a weekend-leave program. He was an outlier, as more than 99% of those allowed to go home on leave returned without incident.⁶³ He raped a woman and assaulted her boyfriend. His case was used in an infamous ad in the 1988 presidential campaign. It has had a chilling and debilitating effect on politicians as, no matter how successful a prison release

⁵⁷ Merriam-Webster Dictionary, online, s.v. “pro bono,” accessed November 7, 2023.

⁵⁸ Merriam-Webster Dictionary, online, s.v. “recidivism,” accessed November 7, 2023.

⁵⁹ Merriam-Webster Dictionary, online, s.v. “restoration,” accessed November 7, 2023.

⁶⁰ LegalMatch, online, s.v. “Restorative Justice,” accessed November 7, 2023.

⁶¹ Merriam-Webster Dictionary, online, s.v. “stigmatize,” accessed November 7, 2023.

⁶² Merriam-Webster Dictionary, online, s.v. “transition,” accessed November 7, 2023.

⁶³ Takesian, *Willie Horton*, 31.

program is, one single failure can exact a huge political price. Thus, politicians have been reticent to make any prison reforms.⁶⁴

Zero tolerance: The policy of giving the most severe punishment possible to every person who commits a crime or breaks a rule.⁶⁵ It is used increasingly in a school setting for issuing suspensions, expulsions, or other forms of punishment.

Limitations

This project is limited by the parameters established by the respective organizations used in the case studies referenced herein. The researcher had no input or control over any of the decisions made by the respective organizations, whether it be points of emphasis, the scope of outreach, or the types or frequency of data collected.

Delimitations

The researcher limited this project to the three case studies referenced herein for purposes of controlling the size and scope of the project. The selected organizations could be considered innovative in the areas addressed in this project and provide ample coverage regarding the inquiry of what could be considered appropriate and effective interventions.

Thesis Statement

Decades of mass incarceration have created a staggering number of people affected by the phenomenon. The church must rise to the challenge and meet the myriad needs derivative of this tragedy and help bring about restoration.

⁶⁴ Ibid.

⁶⁵ Merriam-Webster Dictionary, online, s.v. “zero tolerance,” accessed November 7, 2023.

CHAPTER 2

Conceptual Framework

The consequences of mass incarceration are multifaceted and multidimensional. Thus, this chapter, from a conceptual framework, explores some of those critical areas—including education, housing, employment, healthcare, prison conditions, the school-to-prison pipeline, long-term consequences, and the role of the church—by drawing upon some of the most noteworthy scholars and practitioners in the field.

Literature Review

After more than fifty years of relative stability from the 1920s to the early 1970s, the levels of imprisonment in the United States increased by more than 400%.⁶⁶ The rate of incarceration is almost ten times higher than the corresponding rates in Western Europe and other developed countries.⁶⁷ In contrast to these, the incarcerated population in the United States is disproportionately drawn from the most disadvantaged and marginalized parts of society, mostly men under forty who are minority and poorly educated.⁶⁸ In addition, such inmates are often saddled with the challenges of alcohol and drug addictions, physical challenges and mental illness, and a serious lack of work skills and experience.

The Pew Charitable Trusts have found that the additional cumulative costs of incarceration are considerable, especially regarding families.⁶⁹ Getek contends that any Christian response to mass incarceration and its devastating effects must fully examine and address the

⁶⁶ National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington, DC: National Academy of Sciences, 2014), 41.

⁶⁷ *Ibid.*, 12.

⁶⁸ *Ibid.*, 21.

⁶⁹ Pew Charitable Trusts, “Weighing Imprisonment and Crime,” 17.

collateral consequences of mass imprisonment.⁷⁰ An enormous number of ex-inmates are returning to communities poorly equipped for the transition and poorly received by these communities.

The aforementioned challenges are further exacerbated by daunting physical and mental health problems that frequently follow ex-inmates. To the extent that there were mental health problems prior to incarceration, these are usually not treated in prison, oftentimes worsening over time. This is of no small concern. A large majority of the prison population reports some kind of drug or alcohol abuse issue, with many facing serious and life-threatening health complications as a result. Overall, mental health disorders are also more evident within the inmate population. Some studies show that mental illness levels for those in prison are four times higher than those of the general population. Making treatment for mental and physical illnesses more accessible for ex-inmates could significantly help mitigate these conditions and help individuals maintain housing and gainful employment. Instead, little to no help is available at any level.

Education

In America, education is considered a fundamental right and seen as a gateway to economic and social mobility. It is a basic and expected prerequisite for better employment opportunities and an enhanced quality of life and a core foundational building block in American life. Education is a great door opener and can be a great equalizer—if those most vulnerable have access to it. Without an education, one's opportunities are significantly diminished. This critical

⁷⁰ Katherine Soltis Getek, "Mass Incarcerations and Theological Images of Justice," *Journal of the Society of Christian Ethics* 31 (2011): 101.

and fundamental building block of opportunity is currently being denied to a large percentage of the incarcerated population in the United States.

Many inmates have minimal education and limited job skills training when they begin their incarceration. The lack of education and training opportunities while imprisoned only serves to exacerbate their already existing training and education gap, thereby making a successful transition back into society after “doing their time” more problematic and less likely.

Approximately 18% of the general population does not have a high school diploma, whereas over 40% of the incarcerated lacks one.⁷¹ While 48% of the general population has received some level of postsecondary or college education, only 25% of those in prison have received this level of education.⁷² The misplaced priorities and missed opportunities in the American criminal justice system are staggering. From 1980 to 2018, state and local funding for jails and prisons increased at over three times the rate of funding for K-12 education.⁷³ Federal expenditure on prisons increased over 310% over the same time period.⁷⁴

On average, states spend approximately \$12,000 per year for each K-12 public school student, whereas approximately \$37,000 is spent on an incarcerated person each year.⁷⁵ A significant percentage of this spending is on housing and food, driven by the rapidly growing correctional system in the United States. Longitudinal data shows that almost half of all inmates released from federal prison are arrested again within eight years of being released, and more

⁷¹ Khoi Quach, Michael Cerda-Jara, Raven Deverus, and Johnny Smith, “Prison, College, and the Labor Market: A Critical Analysis by Formerly Incarcerated and Justice-Impacted Students,” *Annals of the American Academy of Political and Social Science* 70, no. 1 (2022): 81.

⁷² *Ibid.*, 8.

⁷³ James S. Vacca, “Educated Prisoners are Less Likely to Return to Prison,” *Journal of Correctional Education* 55, no. 4 (2004): 299.

⁷⁴ *Ibid.*, 301.

⁷⁵ *Ibid.*, 303.

than half of those end up back in prison.⁷⁶ Former inmates younger than twenty-one are re-arrested at a rate far higher than any other age group.⁷⁷ People who did not complete high school are re-arrested at the highest rate (61%), whereas those with a college degree are arrested at a much lower rate of 19%, a difference of over 300%.⁷⁸ Education matters.

The United States has one of the highest rates of recidivism (percentage of inmates being incarcerated again after being released) in the world.⁷⁹ The high rate of recidivism is fueled, at least in part, by low levels of education. Former inmates with low levels of education can find themselves unable to get a quality job and thus without the financial resources or support system needed to successfully transition and effectively reintegrate back into society. Unable to provide for themselves and or their loved ones, many grow desperate and are vulnerable to re-offend while attempting to gain financial resources and thus become incarcerated again.

The high level of recidivism in America is a manifest failure of the overall criminal justice system. Thus, instead of continuing to blindly spend more on the steadily growing prison population in America, state and federal governments should instead prioritize rehabilitation efforts and diligently work to reduce these high levels of recidivism.⁸⁰ Besides the moral and societal aspects, there are also profound economic reasons for making education in prison a priority. Prison education is a cost-effective way to lower crime, reduce recidivism, ease inmate transition back into society, and create long-term benefits for American society. The RAND Corporation has found that people who are involved in any kind of education program when in

⁷⁶ Ibid., 303.

⁷⁷ Ibid., 304.

⁷⁸ Ibid., 305.

⁷⁹ LaCourse et al., "Recidivism and Reentry," 54.

⁸⁰ Quach et al., "Prison, College, and the Labor Market," 93.

prison are 43% less likely to be incarcerated again.⁸¹ Prisons with education programs are found to have less violence among inmates, leading to a safer and more secure environment for both inmates and the correctional staff.

Data shows that for every dollar spent on prison education, American taxpayers save \$5 that would have otherwise been spent on incarceration-related expenses.⁸² It is a self-evident intuitive relationship: the saving of taxpayer money and the provision of job-skill tools to former inmates will increase productivity and economic growth. It is much better for a former inmate to be self-sufficient, have a job, enjoy purchasing power, and pay taxes than to be housed by the government via the correctional system at considerable expense. It is estimated that, on average, approximately \$31,000 net savings per inmate per year is realized for every individual who is released from prison and does not return.⁸³ Research has found that the American economy loses approximately \$60 billion per year from the lost labor of the incarcerated.⁸⁴

There are some exemplary prison education systems; however, they are far more the exception than the norm. Too often, education and training programs are some of the first items cut from budgets when funds are tight. In many instances, if such programs are even offered, they are provided on an ad hoc and inconsistent basis with little to no thought given to an overall plan, a comprehensive approach, or consideration given to an end objective for the inmate (e.g. will the training or a class lead to a high school diploma, GED, or vocational certificate, college degree, transferable credits, etc.).⁸⁵

⁸¹Lois M. Davis, *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs that Provide Education to Incarcerated Adults* (Washington, DC: Rand Corporation (2013), 11.

⁸² *Ibid.*, 12.

⁸³ *Ibid.*, 13.

⁸⁴ *Ibid.*, 14.

⁸⁵ Vacca, "Educated Prisoners," 92.

Unfortunately, jails and prisons are often nothing more than human “warehouses” where people are “stored” for a stipulated period of time. During this time, whatever skills they had atrophy and their employability upon release steadily diminishes by not being further educated and or trained. There is a stewardship responsibility to the inmate and society, an expectation that the time spent incarcerating an individual at considerable taxpayer expense should prepare the inmate to successfully transition back into society. Education and training are essential to accomplish this.

Education and training can provide all people with a voice, provide them an opportunity for a better future, and enhance and or restore their self-esteem and social skills. This is true whether one is incarcerated or not. Given the huge barriers to successful transitioning that inmates face, it is even more important that they are provided the opportunity for such education and training. It is essential to equip them and set them up for success upon re-entry via education and training, as opposed to setting them up for failure and an increased likelihood of recidivism without it.

Providing inmates with opportunity and access to the training and education that will earn them a vocational certificate, high school diploma, and possibly college degree will not fix all of the myriad shortcomings present in the US criminal justice system. But it will offer a far better return on taxpayer money than the present ossified system of funding high recidivism rates at considerable cost and deleterious consequences to American society. Education and training can make a profound difference in the life of an inmate and their family.

Housing

Imagine trying to build a successful life without any place to call home. Such is the case for a significant percentage of formerly incarcerated people. Approximately 600,000 people are released from federal and state prisons each year.⁸⁶ Many of them face housing instability that seriously threatens their chance for a successful transition back into society.

With private property owners routinely denying housing to anyone with a record, and federal law barring anyone convicted of a crime (any crime) from being eligible for federal and other subsidized public housing, ex-inmates often find themselves homeless with no place to live—and desperate. Challenges in finding a job as a convicted felon, combined with explicit discrimination by landlords, have created a significant housing crisis for the formerly incarcerated.

Data shows that the formerly incarcerated are ten times more likely to be homeless than the general population.⁸⁷ The rates of homelessness for former inmates are especially high among those incarcerated more than once, recently released from prison, women, and people of color.⁸⁸ Consistent with the overall disproportionality of the criminal justice system, formerly incarcerated Black men have much higher rates of unsheltered homelessness than white or Hispanic men.⁸⁹ Women of color experience unsheltered homelessness at a higher rate than white women.⁹⁰

⁸⁶ Lucius Couloute, “Nowhere To Go: Homelessness Among Formerly Incarcerated People,” Prison Policy Initiative, 2018, 2.

⁸⁷ *Ibid.*, 2.

⁸⁸ *Ibid.*, 3.

⁸⁹ *Ibid.*, 3.

⁹⁰ *Ibid.*

While a measure of homelessness for the formerly incarcerated is important, the measure of those who are a short step from being homeless is more insightful regarding the broad scope and gravity of the problem. These are the housing insecure, people who are unsheltered but also those living in marginal housing like boarding houses, hotels, motels, and other forms of temporary accommodations. Looking at this group shows that having been to prison is a major risk for housing insecurity. The expanded measure almost triples those who are found to be experiencing housing insecurity.⁹¹ There is no doubt that the transition back into society from being incarcerated has many significant challenges. However, before being able to address and work through such challenges, a formerly incarcerated person needs a place to live.

Stable housing is a critical prerequisite for any successful transition back into society from prison. Unfortunately, shortages in affordable housing have effectively driven many formerly incarcerated people from the housing market. Discrimination by private property owners, property managers, and public housing authorities is emboldened by their flexibility to utilize their screening criteria to determine if an applicant will be granted housing. Oftentimes, this is a process that uses criminal record checks as a foundational part of the screening criteria. In effect, those in charge of the housing process have the latitude to continue to punish the formerly incarcerated well after they have served their sentences.

Depriving ex-inmates safe and stable housing can have cascading, deleterious effects. These include reducing access to healthcare services (inclusive of mental health, addiction, and chronic care treatments) and making it more difficult to secure employment, including benefiting from various educational and training programs. Housing insecurity for the formerly incarcerated

⁹¹ Ibid., 4.

and their families puts the entire transition and re-entry process in jeopardy and greatly increases the likelihood of recidivism, which is to the detriment of all of society. Allowing such a phenomenon to continue is inhumane, morally wrong, and indefensible.⁹²

Employment

One of the most important things an ex-inmate can do upon release is to get a job; however, this proves to be extremely difficult for many. The formerly incarcerated seek out stable work to support themselves, provide for their loved ones, and pursue life goals—just like everyone else. But data shows that formerly incarcerated people have an unemployment rate of over 27%.⁹³ That is a rate almost eight times higher than the present rate for the general population⁹⁴ and higher than at any other time in American history, including during the Great Depression.

Societal structural barriers—including prejudice, bias, misunderstandings, fear, and misperceptions—make it very difficult for the formerly incarcerated to get a job.⁹⁵ Thus, former inmates face an incredible uphill climb in acquiring gainful employment. All things being equal, employers will routinely hire applicants without a record rather than one. For former inmates who are Black or Hispanic, especially women, their employment opportunities are even more challenging. The American labor market consistently punishes former inmates in perpetuity even though many are well-qualified for the jobs they apply for.⁹⁶

⁹² Amy Levard, “Repairing the Breach: Faith-Based Community Organizing to Dismantle Mass Incarceration,” *Religions* 10, no. 1 (2019): 45.

⁹³ Couloute and Kopf, “Out of Prison & Out of Work,” 6.

⁹⁴ *Ibid.*, 5.

⁹⁵ Amy Sheppard and Rosemary Ricciardelli, “Employment After Prison: Navigating Conditions of Precarity and Stigma,” *European Journal of Probation* 12, no. 1 (2020): 38.

⁹⁶ Couloute and Kopf, “Out of Prison & Out of Work,” 7.

Getting a job helps the formerly incarcerated gain a sense of self-esteem, enhanced confidence, and economic stability while reducing their chance of recidivism. This is simply of great benefit to society overall.⁹⁷ In spite of significant benefits associated with ex-inmates getting work, they are largely precluded from participating in the US labor market. This suggests that such treatment is intentional, a manifestation of public will, policy, and practice. How are the formerly incarcerated supposed to successfully transition back into society after prison if they are unable to acquire gainful employment?

Research shows that both race and gender shape the job prospects and economic stability of formerly incarcerated people.⁹⁸ Data shows that there is a profound “prison penalty” in unemployment, which is more pronounced for incarcerated Black people and women.⁹⁹ Data shows that unemployment among ex-inmates is highest within the first two years of release (31.6%), serving to underscore the critical importance of pre- and post-release employment counseling and support in order to help reduce recidivism and help ex-inmates better transition back into society.¹⁰⁰

Unfortunately, when many ex-inmates do get jobs they are often the lowest paying and the most insecure ones. Data shows that a majority of employed ex-inmates recently released from prison earn an income that leaves them significantly below the poverty line, making it very difficult to provide for themselves and their families and making them more vulnerable to re-offend and sent back to prison.¹⁰¹

⁹⁷ Ibid.

⁹⁸ Sheppard and Ricciardelli, “Employment After Prison,” 42.

⁹⁹ Ibid.

¹⁰⁰ Couloute and Kopf, “Out of Prison & Out of Work,” 8.

¹⁰¹ Hlavka, Wheelock, and Jones, “Ex-Offender Accounts,” 414.

Longitudinal job performance data shows that widely held stereotypes and biases concerning people with criminal records are not supported in actual practice.¹⁰² However, despite considerable amounts of data showing solid work history by a large percentage of ex-inmates, convincing employers to hire ex-inmates has proven to be very problematic.¹⁰³

Healthcare

The terrible state of healthcare behind bars in the United States is indefensible. Medical neglect in America's prisons results in the death of hundreds of inmates annually. This is in spite of the 1976 Supreme Court ruling that held that deliberate indifference to inmate medical needs constituted cruel and unusual punishment in violation of the Eighth Amendment to the US Constitution.¹⁰⁴

Once again in 2011, this continued lack of adequate and appropriate medical care in America's prisons attracted the attention of the US Supreme Court. In *Brown v. Plata*, a lower court order that required California to immediately release 46,000 prisoners to help alleviate overcrowding in the state's prisons and address grossly inadequate medical and mental healthcare was upheld.¹⁰⁵ The Court found that the extremely poor level of healthcare provided by California's prisons violated the Eighth Amendment ban against cruel and unusual punishment. Thus, there is a constitutional requirement to protect and enforce the rights of all people, including those who are incarcerated.

As has been shown herein, the federal government and many states have been experiencing record levels of incarceration, which has led to severe overcrowding and a

¹⁰² Sheppard and Ricciardelli, "Employment After Prison," 47.

¹⁰³ Hlavka, Wheelock, and Jones, "Ex-Offender Accounts," 416.

¹⁰⁴ *Estelle v. Gamble* 429 US 97 (1976).

¹⁰⁵ *Brown v. Plata* 563 US 493 (2011).

significant reduction in provided medical care. Even access to any care, as inferior as it may be, has been greatly diminished. Each day approximately 2 million people are held in prisons of various kinds in the United States.¹⁰⁶ The prisoners are disproportionately poor, Black, Native American, and Hispanic. Oftentimes, they suffer from various physical and mental illnesses and assorted disabilities.

As a rule, a very large percentage of American prisons and correctional facilities fall well short of their constitutional duties to meet the basic health needs of the people held in their custody.¹⁰⁷ There are national accrediting standards established for correctional facilities and prisons with regard to healthcare services. However, participation is entirely optional. On average, less than 20% of facilities are accredited.¹⁰⁸ Thus, there is considerable ambiguity and latitude as to what is considered a legal minimum standard of reasonably adequate care in correctional facilities and prisons.

Prisons and correctional facilities in America are filled with a large number of sick and neglected people. Data shows that incarcerated people have a higher rate of chronic illnesses and infectious diseases versus the general public.¹⁰⁹ When compared to other countries, there is an unusually high American propensity to incarcerate a large number of infirm and high-need people.¹¹⁰ A logical question follows: “Why does the American criminal justice system insist on keeping the very sick and elderly incarcerated at such great expense to the American taxpayer?” While an incarcerated person may have had health issues to contend with prior to being arrested,

¹⁰⁶ Sawyer and Wagner, “Mass Incarceration,” 3.

¹⁰⁷ Marcella Alsan, Crystal S. Yang, James R Jolin, Lucy Tu, and Josiah D. Rich, “Health Care in U.S. Correctional Facilities — A Limited and Threatened Constitutional Right,” *New England Journal of Medicine* 388 (2023): 849.

¹⁰⁸ *Ibid.*, 849.

¹⁰⁹ *Ibid.*, 850.

¹¹⁰ Douglas B. Weiss, “A Global Perspective on Incarceration: How an International Focus Can Help the United States Reconsider Its Incarceration Rates,” *Victims & Offenders* 5, no. 3 (2010): 273.

data shows that incarceration often makes such health issues worse and sometimes entirely new health issues are created.¹¹¹

While the Supreme Court has ruled that prisoners have a constitutional right to healthcare, in actual practice such care has largely been found to be reactionary. It is implemented after the fact to treat acute healthcare problems and virtually non-existent with regards to prevention, maintenance of good health practices, or effective treatment of any kind of chronic illness. With regards to helping those with substance abuse problems, given the confined and controlled aspects of incarceration, prisons have an excellent opportunity to provide high-quality substance abuse treatment. Yet few efforts are made to get inmates to opt in for such treatment programs, thereby leaving the vast majority of inmates with substance abuse problems without a treatment program. In fact, in many prisons, drugs and substance abuse disorders are quite common. Many inmates leave prison with a problem far worse than when they came in.¹¹²

More than half the people who go to prison had no health insurance before being incarcerated (compared to only 15% in the general population). This helps explain, at least in part, the relatively high incidence of sickness and disease in prison populations.¹¹³ Ironically, for some people, going to prison actually improves their access to healthcare—inferior as it may be. Rather than being perceived as a “win” for prison healthcare, it is more an indictment of the failure of the overall US healthcare system to serve everyone, especially the marginalized and disenfranchised.

¹¹¹ Alsan et al., “Health Care,” 851.

¹¹² LaCrouse et al., “Recidivism and Reentry,” 53.

¹¹³ Alsan et al., “Health Care,” 852.

Longitudinal data shows that correctional facility and prison healthcare offerings consistently fall short of their constitutionally mandated duty to care for those in custody.¹¹⁴ Data shows that approximately 20% of inmates don't even see a healthcare provider for a health-related visit after being incarcerated.¹¹⁵ One urban facility had over 12,000 missed medical appointments in a single month¹¹⁶—imagine the aggregate national total on a monthly and yearly basis. Thus, a large number of incarcerated people with persistent medical conditions go without care or treatment. Such indifference and negligence are especially problematic for inmates suffering from chronic health conditions like heart disease, high blood pressure, and diabetes, all of which can be hugely consequential, even deadly.

Many inmates end up in worse health, or dying prematurely, upon release. For example, data shows that cancer is far more deadly in prison than in the general population.¹¹⁷ Inmates recently released from prison have a much higher risk of hospitalization and death from heart disease than the general population.¹¹⁸ Incredibly, data shows that in the first two weeks after release from prison, an ex-inmate has a death rate twelve times higher than someone who has never been incarcerated.¹¹⁹

Mental health in correctional facilities and prisons is a significant problem and only getting worse. More than half of people in such facilities are found to have mental health problems, but only 25% receive any kind of professional help or treatment while incarcerated.¹²⁰ A disappointingly large number of people with some form of serious mental illness or

¹¹⁴ Ibid., 851.

¹¹⁵ Ibid., 850.

¹¹⁶ Ibid., 852.

¹¹⁷ Ibid., 850.

¹¹⁸ Ibid., 851.

¹¹⁹ Ibid., 851.

¹²⁰ Nadine Connell, "Mental Health of Prisoners: Identifying Barriers to Mental Health Treatment and Medication Continuity," *American Journal of Public Health* 104, no. 12, (2014): 2329.

psychological distress are arrested and put into the criminal justice system, as opposed to being placed into some form of community-based services that specialize in mental health issues.

Healthcare for inmates while incarcerated is challenging at best. With overcrowded conditions and limited funding and staff, many inmates receive less than adequate care. Very limited resources lead to limited, if any, access to medical care after release, with many ex-inmates sliding into very serious and deteriorating health conditions. Sadly, some are unable to procure any form of healthcare and either violate their terms of supervision or commit new crimes so as to be rearrested and gain at least some access to healthcare via the prison system.

The American criminal justice system is proving to be a very poor steward of the health and well-being of those people it is responsible for. In far too many instances, it is releasing individuals who are worse off in terms of physical, mental, and emotional health and well-being than they were when starting their period of incarceration. This is due to myriad factors, including overcrowding, indifference, and neglect. This dynamic makes it more difficult for the formerly incarcerated to successfully transition back into society, thus exacting a penalty in excess of any sentence issued by the court.

Conditions

Once a person becomes an inmate, his or her conditions generally change—significantly for the worse, often for the rest of their lives. Many of the approximately 2 million people incarcerated in America are living in very difficult conditions that are characterized by overcrowding, a lack of fresh air and natural light, no proper healthcare, a scarcity of healthy food, and little or no routine connection to loved ones.¹²¹

¹²¹ Sharon Dolovich, “Cruelty, Prison Conditions, and the Eighth Amendment,” *New York*

A large percentage are forced to endure humiliating treatment, inhumane conditions, and abusive and potentially dangerous interactions with other inmates, all of which can lead to significant trauma that impedes their ability to successfully transition back into society upon release. Each year, thousands are forced into solitary confinement, even though well-established research shows that such actions produce long-lasting negative effects with no appreciable gains in improved safety.¹²²

An international human rights group found that, in a significant number of jails and prisons in America, inmates were overcrowded (in part due to mass incarceration) and suffered from physical mistreatment, excessive disciplinary sanctions, physical conditions that were barely tolerable, and grossly inadequate medical and mental healthcare.¹²³

Imagine being forced to live for years in such a world that is intentionally marked by such dehumanization. A perpetual state of fear, neglect, and threatened physical violence is the norm. There is little to no job training, education, or rehabilitation. Then being asked and expected to go out in the “real world” and find stable housing and gainful employment while managing mental illness, handling conflict, and becoming a better parent and or spouse.

Most people who are incarcerated have a release date. On average, 600,000 people are released back into the community each year.¹²⁴ Logically, one would think efforts would be made to make sure that those being released are coming back better than when they entered prison—both for their sake and for that of society as well. However, given the conditions of

University Law Review 84 (2009): 884.

¹²² *Ibid.*, 886.

¹²³ Amnesty International Report cited in *Ibid.*, 888.

¹²⁴ Carson, “Prisoners in 2019,” 98.

many jails and prisons, the criminal justice system fails badly in preparing inmates for a successful transition.

High recidivism rates confirm this abysmal failure. Longitudinal data shows a brutal and tragic irony: the longer someone stays in the American criminal justice system, the less likely they are to stay out of jail or prison after they are released.¹²⁵ Mass incarceration and longer prison terms due to mandatory minimum sentences make high rates of recidivism much more likely.

There is no doubt that prison conditions impede rehabilitation efforts while diminishing the likelihood of an inmate successfully transitioning back into society. A significant number of American jails and prisons are understaffed and overcrowded. This makes them dangerous. There is an ever-present fear of violence, with a “survival of the fittest” mentality where inmates have little protection. Living in such an environment, day after day for years on end, makes inmates ill-equipped to transition back into society.

One of the primary contributing factors to such a high level of violence is the great amount of idleness and boredom experienced by inmates. With the rapid rise in incarceration rates, many jails and prisons began facing staff resource shortages and chose to cut education, training, and rehabilitation programs, simply choosing to serve as human warehouses. Such decisions are hard to understand, given the voluminous amount of research showing that education, job skills, and rehabilitation programs dramatically reduce both violence levels in prison as well as the recidivism rate.¹²⁶

¹²⁵ Dolovich, “Cruelty, Prison Conditions,” 892.

¹²⁶ *Ibid.*, 895.

American jail and prison conditions are designed to dehumanize inmates, having a big impact on their ability to be self-reliant and capable upon their release.¹²⁷ Placing people behind high walls, bars, razor wire, and locked cells obviously creates social isolation. With intentionally designed strict authoritarian environments, mandatory rules, and dominating 24/7 controls, jails and prisons work to purposefully diminish personal autonomy and greatly increase inmates' institutional dependence. Inmates grow dependent on everything the correctional facility provides (e.g., free room and board and medicine) and are then often ill-equipped to effectively deal with the economic demands and responsibilities outside of prison.

Given high recidivism rates, it almost seems that the woeful conditions in American jails and prisons are intentionally designed to produce them.¹²⁸ If one were to set out designing a correctional system that would continue intergenerational cycles of incarceration and violence in demographic communities already disproportionately and unfairly overburdened by the criminal justice system, one would be hard-pressed to create a more effective system than the present American one. Its ability to suppress human dignity, perpetuate injustice and inequality, provide little to no meaningful training or educational programs, and leave inmates ill-prepared to successfully transition back into normal society seems intentional.¹²⁹

Given such woeful conditions, it is hard to understand how there are not a massive number of documented violations of the Eighth Amendment protections against cruel and unusual punishment—other than it has become so commonplace that is considered routine and the status quo. There is a cruel, sad, and tragic irony associated with American jail and prison conditions. American politicians can often be seen and heard pontificating about how other

¹²⁷ Hlavka, Wheelock, and Jones, "Ex-Offender Accounts," 414.

¹²⁸ Dolovich, "Cruelty, Prison Conditions," 900.

¹²⁹ *Ibid.*, 903.

countries are treating their prisoners poorly, incarcerating too many, and violating various international human rights provisions. But while pointing their finger at other countries, often with inflamed rhetoric and hyperbole, they seem to forget or choose to ignore the woeful conditions in so many American jails and prisons. Imagine what could be done if they focused a spotlight on such conditions in America.

Our jails and prisons should be modeled on the principle of human dignity, one which acknowledges that every person has worth and should be treated accordingly. Conditions in American jails and prisons should be such that inmates are helped to prepare every day, in some way, for a successful transition back into society. They should leave prison with confidence at being well-prepared, having received educational and or vocational programs to equip them with market-ready skills. Jails and prisons should not be human warehouses that leave their habitants devoid of skills, preparation, and training for the outside world.

Very few jails and prisons have independent oversight. Churches, nonprofit organizations, and concerned individuals can help to improve conditions in jails and prisons by pushing legislators to establish independent oversight of every correctional facility in their area. The express purpose should be checking on the condition of inmates at each facility and holding authorities responsible for maintaining appropriate programming at all times. Inmates should not be required to forego their basic human dignity and rights as a result of entering an American correctional facility.

School-to-Prison Pipeline

The practice of pushing kids out of, and away from, school has come to be referred to as the school-to-prison pipeline. It is a sad and tragic by-product of the philosophy of mass

incarceration, an approach that has created a problem of enormous proportions, one which threatens the future fabric of American society as a strong emphasis is placed on putting juveniles into the American criminal justice system for minor offenses. The school-to-prison pipeline is a disturbing national trend in which students are shifted out of schools and into the juvenile and criminal legal systems. Many of the kids pushed out are disproportionately Black and Hispanic, endure disabilities, and have lived lives of poverty, abuse, and neglect.¹³⁰

One of the underlying reasons that the school-to-prison pipeline has developed to the extent that it has is the decision by some schools to use court referrals as their chosen means of disciplining school children. Court referrals (schools sending a student to court versus handling the disciplinary matter in-house) are the primary contributing factor in kids becoming first-time offenders and, unfortunately, often leading them on a journey as repeat offenders in the system. At present, the juvenile justice system is not built or equipped to deal with such a large number of students coming into the system with nonviolent behavioral issues. Thus, a large number of them are thrown into the criminal justice system, with many subsequently never fully leaving the system over the course of their lives.

Another significant contributing factor is the widespread overuse of suspensions and expulsions by school administrators. Research shows that these highly correlate with drop-out rates and a far greater likelihood of being referred to the juvenile justice system.¹³¹

Unfortunately, the great racial disparity so prevalent in the American criminal justice system is also manifested in the juvenile justice system. African American and Hispanic students are

¹³⁰ Paul Hemez, John J. Brent, and Thomas J. Mowen, "Exploring the School-to-Prison Pipeline. How School Suspensions Influence Incarceration During Young Adulthood," *Youth Violence Juvenile Justice* 18, no. 3 (2020): 236.

¹³¹ *Ibid.*, 239.

suspended and or expelled at a rate that is 3.5 times greater than white students.¹³² Such a racial disparity in discipline procedures and outcomes is damaging to a minority's social mobility, such as gaining an education, advancing in society, obtaining a career, etc. "Zero tolerance" behavior policies in schools have come to criminalize minor infractions of school policies. Oftentimes, police in schools lead to students being criminalized for behavior that heretofore would be handled within the school. Data shows that students of color have been disproportionately pushed out through the discriminatory application of discipline.¹³³

Exclusionary discipline, through the use of suspensions and expulsions, is purportedly used to "correct" inappropriate behavior in a school setting. However, longitudinal data clearly shows that suspensions, expulsions, and court referrals for conduct typical of adolescent behavior do not have any meaningful impact on curtailing such behavior.¹³⁴ Data also shows that African American and Hispanic students are more often disciplined for more subjective offenses, including acts like throwing food, swearing, making excessive noise, disobeying a teacher, and loitering. White classmates are much less likely to be suspended or expelled for more serious acts that include vandalism, skipping school, and smoking.¹³⁵

There are some "stops" along the way on the school-to-prison pipeline that can and should be addressed as soon as possible. The journey for many students starts with failing schools and inadequate resources. Their schools have challenges like overcrowded classrooms, deferred maintenance that affects the learning environment, a serious shortage of qualified teachers, and inadequate funding for special education services, counselors, computers, and

¹³² Ibid., 242.

¹³³ Shoshana Aronowitz, Kim BoRam, and Teri Aronowitz, "A Mixed-Studies Review of the School-to-Prison Pipeline and a Call to Action for School Nurses," *Journal of School Nursing* 37, no. 1 (2020): 54.

¹³⁴ Hemez, Brent, and Mowen, "Exploring the School-to-Prison Pipeline," 245.

¹³⁵ Ibid., 248.

textbooks. Such a learning environment comes nowhere near to meeting the educational needs of students and increases levels of disengagement and dropout rates, both of which significantly increase the likelihood of later court involvement of students. Sadly, some schools have been found to actually encourage marginal students to drop out because school administrators want to do better on mandated test-based accountability metrics and want such students' scores to be excluded from standardized tests. There is an incentive to push out marginal students to raise test scores.

With schools facing a lack of resources, new incentives to send marginal students packing, and having to respond to highly publicized school shootings, many schools have implemented zero-tolerance policies regarding behavioral infractions. These automatically impose severe punishments on students regardless of circumstances. Under such zero-tolerance policies, students have been suspended or expelled for things as innocuous as bringing scissors or nail clippers to school. Rates of suspension have substantially increased since 1974 when such policies began to be implemented in concert with the “tough on crime” policies that led to mass incarceration.¹³⁶ In 1974, 1.7 million students were suspended or expelled, compared to 3.1 million in 2000. And although this trend has subsided somewhat, with 2.5 million suspensions in 2018, it remains extremely high compared with historical rates.¹³⁷ The 2.5 million suspensions and or expulsions are equivalent to approximately 11.2 million missed school days—learning opportunities lost forever.¹³⁸ Data shows that the biggest impact of lost days falls disproportionately on students of color.¹³⁹

¹³⁶ Ibid., 238.

¹³⁷ Ibid., 244.

¹³⁸ Ibid., 245.

¹³⁹ Ibid., 248.

Harsh disciplinary policies have increasingly put students into the juvenile justice system. Suspended and expelled students are frequently left unsupervised and without productive activities. After being pushed out of school, students fall behind in their class work, often leading to an even higher level of disengagement and more dropouts, all of which lead to a greater likelihood of subsequent court involvement. Unfortunately, as harsh disciplinary responses and zero tolerance policies increasingly become the norm in many schools, due process procedures are increasingly ignored and bypassed. Data shows that the lack of due process is particularly acute for students of color, thereby compounding the problem and disproportionately placing more students of color in the juvenile justice system.¹⁴⁰

Many schools that lack adequate resources have developed an increased reliance on police (school resource officers or SROs) instead of teachers and administrators to maintain order and discipline. There is no doubt that there are many instances in which SROs have played a very important and helpful role, acting in an exemplary manner in a myriad of school settings. However, with a trend of increasing reliance on a police presence, there are some negative consequences. An increasing number of schools employ police officers to “patrol” school hallways and grounds with little to no training in working with children, especially in a school-based setting. Thus, in schools with a consistent police presence, data shows that students are much more likely to be subject to school-based arrests, the vast majority of which have been found to be for nonviolent offenses—such as simple disruptive behavior—than their parents faced a generation earlier.¹⁴¹

¹⁴⁰ Ibid., 251.

¹⁴¹ Ibid., 251.

Many schools have abdicated their student-discipline responsibility to the onsite police. The significant increase in the number of school-based arrests, the fastest route from the schoolhouse to the jailhouse, is a sad and tragic affirmation of the criminalization of our children, consistent with the mass incarceration movement.

In some school districts, students who have been suspended or expelled are not able or allowed to participate in any educational opportunities at all. In other school districts, students are sent to “alternative schools” that are often exempt from educational accountability standards (e.g., minimum classroom hours of instruction required, curriculum requirements for content taught, etc.). These schools often do not provide meaningful and relevant educational services to students in their charge, who are the children that need such services the most.

Consequently, when these students are finally permitted to return to their regular schools, they are often unprepared, having fallen woefully behind their classmates. Thus, students who have been suspended and expelled struggle to catch up academically and become further disengaged. They are locked into a cycle of inferior education that serves to further exacerbate the problem, often resulting in many students—to their great detriment—being placed into the juvenile justice system.

When placed into the juvenile justice system, children are often deprived of due process and procedural protections. In some jurisdictions, up to 80% of children processed into the system are found to not have any legal representation.¹⁴² Many students who have committed minor offenses like missing school or disobeying teachers may end up in secured detention, a level of punishment far in excess of the offense committed. Juvenile detention facilities often

¹⁴² Christopher A. Mallett, “The School-To-Prison Pipeline: A Critical Review of the Punitive Paradigm Shift,” *Child and Adolescent Social Work Journal* 33 (2016): 19.

offer little to no educational services, let alone quality educational services at grade level. Students of color—much more likely than their white classmates to be suspended, expelled, or arrested for the same kind of behavior at school—are especially likely to travel down this most unfortunate and consequential “pipeline.”¹⁴³

Although many students are pushed through this “pipeline,” data shows it is very difficult—in fact, rare—to reverse the journey out of the “pipeline” once it has started.¹⁴⁴ Students who enter the juvenile justice system face many embedded barriers to successful reentry and return to traditional schooling. As with the “adult” correctional system, there is little effort made towards restoration. Society is letting down an increasing number of our most cherished and vulnerable, children, at an alarming rate.

The school-to-prison pipeline traps kids in a terrible cycle that affects entire families and their communities. Families deal with the stigma of having an incarcerated family member and all its implications, both real and perceived. As has been discussed, when people are released from custody they face an incredibly difficult array of barriers in transitioning back into society. This is especially true for children. The school-to-prison pipeline is also yet another civil rights issue, given the highly disproportionate impact experienced by children of color.

There are ways to slow and eventually shut down the school-to-prison pipeline. These include removing the daily presence of police from schools, minimizing and or eliminating arrests for other than the most extreme circumstances, reducing and or eliminating the exclusionary discipline (e.g. suspensions and expulsions) that take students out of school, creating developmental and age-appropriate responses to misbehavior, implementing principles

¹⁴³ Ibid., 20.

¹⁴⁴ Hemez, Brent, and Mowen, “Exploring the School-to-Prison Pipeline,” 252.

of restorative justice regarding the promotion and pursuit of school discipline, and providing meaningful education in juvenile detention centers.

In individual classrooms, teachers can share and post clear classroom expectations regarding behavior and classwork, diligently and intentionally recognize and reward positive behavior, and clearly explain infractions and the corresponding consequences and punishments for violating them to students. School administrators can work with the local law enforcement agencies and court systems to limit arrests at school and provide training and support for teachers on how to use behavior modification techniques for at-risk students.

Ultimately, teachers, administrators, and school boards are answerable to parents and the community, who must step up to hold school systems accountable and teach and discipline their children so as to not abdicate and “farm out” the disciplinary process. Ending the school-to-prison pipeline begins with people becoming knowledgeable about the tragedy unfolding and taking action to hold schools accountable. Schools and prisons are two very separate institutions that were never meant to meet but that are, for many children, now directly linked. That should never be the case. Time is of the essence. Our children need us now.

Long-Term Consequences

The staggering personal, social, moral, and financial costs associated with the fifty-plus years of mass incarceration cannot be supported or justified by any evidence.¹⁴⁵ As enormous as the other costs are, the greatest is in the personal realm where the long-term consequences of mass incarceration are felt most harshly, including the adverse health effects that extend far beyond prison cells. Compared to the general population, people who have been incarcerated

¹⁴⁵ Katharine Beckett and Allison Goldberg, “The Effects of Imprisonment in a Time of Mass Incarceration,” *Crime and Justice* 51 (2022): 24.

face higher rates of mental illness, substance abuse disorders, communicable diseases, and various chronic diseases.¹⁴⁶

Longitudinal data shows that mass incarceration leads to a greater incidence of poor physical, psychological, and economic outcomes for those who have been incarcerated, their families, and their local communities.¹⁴⁷ Imprisonment leads to dramatically lower prospects for employment and lower life-long earnings.¹⁴⁸ Food insecurity, homelessness, and a greater reliance on public assistance are also associated with having been imprisoned.¹⁴⁹ The longer one is incarcerated, the more such challenges are exacerbated. Data shows that being jailed scars, stigmatizes, and damages inmates in many ways.¹⁵⁰ A history of incarceration has been linked to a greater vulnerability to disease and premature death.¹⁵¹

The environment of incarceration can be very damaging to an inmate's mental health by removing the person from society and, in so doing, stripping any purpose and meaning from their life. Exacerbating the problem are the very poor conditions common to many jails and prisons, including overcrowding, solitary confinement, poor food and medical care, and routine exposure to violence. Psychiatrists have identified a condition called Post Incarceration Syndrome, which is a syndrome very similar to PTSD that stays with many inmates well after they have completed their sentence, sometimes for the rest of their lives.¹⁵² Professor Craig Haney states:

At the very least, prison is painful, and incarcerated persons often suffer long-term consequences from having been subjected to pain, deprivation, and

¹⁴⁶ Bruce Western, "Mass Incarceration, Macrosociology, and the Poor," *Annals of the American Academy of Political and Social Science* 647 (2013): 171.

¹⁴⁷ Beckett and Goldberg, "The Effects of Imprisonment," 26.

¹⁴⁸ *Ibid.*, 28.

¹⁴⁹ *Ibid.*, 29.

¹⁵⁰ Connell, "Mental Health of Prisoners," 2330.

¹⁵¹ Alsan et al., "Health Care," 850.

¹⁵² Katie Rose Quandt and Alexi Jones, "Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health," Prison Policy Initiative, May 13, 2021.

extremely atypical patterns and norms of living in a high stress and highly pressurized environment for extended periods of time.¹⁵³

People often think of incarceration as something people live through and endure, after which they resume a normal life. But longitudinal data shows that time spent in prisons and jails can bring about an array of collateral consequences, both psychologically and physically, that affect former inmates long after their release, and sometimes for the rest of their lives.¹⁵⁴ Mass incarceration has exacerbated the manifestation of such mental illnesses.

One of the fundamental precepts of sentencing people in the American criminal justice system is to punish offenders so they are better able to respect the rights of others and follow established societal norms upon release. The purpose of punishment is supposed to prevent future crime. However, when released, most inmates are not treated with basic respect and find it very difficult to transition back into society since they are not treated as full members of society. For example, in thirty-four states, people who are on probation or parole are not permitted to vote.¹⁵⁵ In twelve, a felony conviction means the former inmate can never vote again.¹⁵⁶

Having been incarcerated can prevent a former inmate from ever receiving certain federal benefits. Federal law permanently bans people with felony drug convictions from receiving welfare (TANF) or food stamps (SNAP).¹⁵⁷ Some states have changed laws to be more accommodating at the state level, but the TANF restrictions are still fully or partially in effect in thirty-eight states and the District of Columbia and nine states have retained SNAP restrictions

¹⁵³ Craig Haney, "Prison Effects in the Era of Mass Incarceration," *The Prison Journal* (2012): 21.

¹⁵⁴ *Ibid.*, 23.

¹⁵⁵ Nicholas Eubank, "Enfranchisement and Incarceration After the 1965 Voting Rights Act," *American Political Science Review* 116, no 3. (2022): 795.

¹⁵⁶ *Ibid.*, 797.

¹⁵⁷ Sheppard and Ricciardelli, "Employment After Prison," 51.

for former inmates.¹⁵⁸ Many are banned from public housing because they have a felony, no matter what kind, which can separate them from their families and lead to homelessness.¹⁵⁹ The formerly incarcerated are often banned from driving or getting professional licenses required of accountants, nail technicians, hair stylists, or barbers.¹⁶⁰

If former inmates can't work or obtain food and shelter legally, their options are severely limited. The collateral consequences of mass incarceration affect families and communities as well. There is an unfortunate cyclical relationship between poverty and mass incarceration. Researchers estimate that without it, there would be 5 million fewer people living in poverty.¹⁶¹ Prison has become a poverty trap, one that oftentimes lasts for the rest of an inmate's life. Harvard sociologist Bruce Western has said, "Prison has become a routine event for poor African American men and their families, creating an enduring disadvantage at the very bottom of American society."¹⁶²

For the previously incarcerated, especially for people of color, the long-term effects of mass incarceration are very bleak—both socially and economically. One in twenty-eight children in the United States has a parent in prison.¹⁶³ For African American children, the statistics are one in four.¹⁶⁴ This is an astounding difference. Data shows that the children of the imprisoned are more likely to live in or fall into poverty.¹⁶⁵ Once a former inmate leaves prison, the combined stigma of race and a criminal record can keep former inmates from helping their

¹⁵⁸ Ibid., 49.

¹⁵⁹ Couloute, "Nowhere to Go," 4.

¹⁶⁰ Ibid., 41.

¹⁶¹ Davis, *Evaluating the Effectiveness*, 11.

¹⁶² Bruce Western, "Stress and Hardship After Prison," *American Journal of Sociology* 120, no. 5 (2015): 19.

¹⁶³ Poehlmann-Tynan and Turney, "A Developmental Perspective," 412.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid., 414.

families in any meaningful way economically. A criminal record reduces wages significantly and longer prison sentences cause an inmate's job-related skills to atrophy and become outdated. The problem is exacerbated for black men with a conviction. They are 40% less likely than whites to receive a call back for a job, creating significant barriers to gainful employment and leading to a greater likelihood of poverty.¹⁶⁶

Mass incarceration has taken millions of people away from their communities, often for nonviolent offenses, and locked them up for a significant part of their lives. Even when released, they are seemingly hindered at virtually every turn when seeking to transition successfully back into society. We will never know how much talent and potential our country has squandered because of unnecessarily long and destructive prison sentences. People and communities of color especially feel such effects. As has been shown, people of color do not commit crimes or use drugs at a rate that is higher than whites, yet they are far more likely to face prosecution.

Everyone in the United States should be able to live a life of dignity that includes access to basic necessities. Making the formerly incarcerated continue to bear the burdens of stigmatization that is associated with a felony record, long after they have been released from prison, results in an inability to access basic necessities such as housing, food, and a job. This saddles them with a life sentence in terms of effect. Mass incarceration has gone way beyond any concern for public safety and has created a soul-crushing system of hopelessness and dehumanization. Allowing such life-long effects to continue should deeply offend anyone holding the fundamental concepts of freedom and redemption near and dear.

¹⁶⁶ Beckett and Goldberg, "The Effects of Imprisonment," 28.

Jobs, housing, food security, and mental health assistance are all needed. Released inmates have done their time and paid their debt to society. They should not have to carry the stigma of their felony for the rest of their lives and be blocked from food, housing, and a job while their families are deprived of basic human dignity.

Role of the Church

As referenced earlier, America's move to mass incarceration has had a devastating impact on our society. Despite some reforms, the United States incarcerates an unconscionably large number of people—disproportionately the non-white and poor. The fundamental question for a Christian is, with something as serious and negative that affects so many millions of people in such a profoundly destructive way, where has the church been? As Martin Luther King said:

Any religion that professes to be concerned about the souls of men and is not concerned about the slums that damn them, the economic conditions that strangle them and the social conditions that cripple them is a spiritually moribund religion awaiting burial.¹⁶⁷

He wrote these words in 1959, twenty years before the tragedy of mass incarceration took hold. They are as applicable today as the day he first wrote them. In a tragic irony, the church in America has played a significant role in our move toward mass incarceration. Griffith has found that evangelicals in the post-World War II era made concern about crime a significant religious issue and played a major role in shaping American society through its use of punitive politics. Billy Graham, David Wilkerson, and other notable evangelicals stoked and mobilized fear of crime as part of their appeals to convert nonbelievers to Christianity, which laid the foundation

¹⁶⁷ Martin Luther King, *Letters From a Birmingham Jail* (New York: Penguin, 2018), 28.

for evangelicals around the country to start pushing for tough-on-crime policies and politics in the 1960s.

Griffith and others contend that there was a nexus that came about between evangelical preachers and politicians that began pushing for a greater commitment to law and order, severe sentences, and expanded policing.¹⁶⁸ Such an emphasis culminated in the tough-on-crime sentencing laws of the late 1980s and later, which produced such policies as “three strikes and you’re out” (life sentences), mandatory minimums, and the removal of judicial discretion in the sentencing process. These have produced a system of mass incarceration that imprisons more people than any other country in the world, by a wide margin.¹⁶⁹ It seems to be an inherent contradiction for so many evangelical Christians to be so hard on criminals of all kinds, and yet preach the importance of repentance, love, and restoration. Virtually none of these characteristics are currently present in the American criminal justice system.

Weaver sees such an inherent contradiction as consistent with much of the history of Christianity. He sees a past that has manifested the crusades, warrior popes, a recurring pattern of retributive justice (as opposed to restorative justice), support for capital punishment, justifications for slavery, colonial expansion that destroyed indigenous cultures and people in the name of converting them to Christianity, the condoning of women’s subjugation, and the disproportionate treatment of people of color in the criminal justice system. All this against a backdrop of claiming Jesus as the Savior who taught the lessons of nonviolence, loving one’s

¹⁶⁸ Aaron Griffith, *God’s Law and Order: The Politics of Punishment in Evangelical America* (Cambridge, MA: Harvard University Press, 2020), 32.

¹⁶⁹ Rima Verseley-Flad, “The Social Covenant and Mass Incarceration: Theologies of Race and Punishment,” *Anglican Theological Review* 39, no. 4 (2011): 548.

enemies, caring of the least of these, forgiving others their trespasses, not keeping records of wrongs, putting the interests of others before our own, and serving with a heart of a servant.¹⁷⁰

One would be hard-pressed to construct a wider series of dichotomies; yet, all are manifested within Christianity. History shows that we cannot truly understand the American criminal justice system and its penchant for mass incarceration without taking into account the significant role the church has played in its development. Verseley-Flad contends that Reformed theology was used by antebellum, postbellum, and post-Civil Rights civic leaders to derive, implement, and sustain punitive correctional institutions that have disproportionately penalized people of color.¹⁷¹ Gorringer claims that atonement theology created a structure of effect that favored heavy retributive policies.¹⁷² The rise of American evangelicalism and mass incarceration are inextricably intertwined. But for the power, persuasion, and persistence of influential American evangelicals, it is unlikely that there would have been sufficient support for the devastating punitive programs of mass incarceration that have been put in place.¹⁷³

Pawlikowski has suggested that, given evangelical Christianity's fundamental role in pushing for and facilitating policies that have led to mass incarceration and the devastation of so many lives, any opportunity for social reconciliation in addressing these issues must be grounded in a thorough review and examination of how Christianity has contributed to such injustice.¹⁷⁴ It cannot and should not be ignored or glossed over. Rather, responsibility and accountability must be taken for past actions that have led to this point.

¹⁷⁰ Denny J. Weaver, "Violence in Christian Theology," *CrossCurrents* 51, no. 2 (2001): 155.

¹⁷¹ Verseley-Flad, "The Social Covenant," 598.

¹⁷² Timothy Gorringer, *God's Just Vengeance: Crime, Violence, and the Rhetoric of Salvation* (Cambridge, MA: Cambridge University Press, 1996), 12.

¹⁷³ *Ibid.*, 21.

¹⁷⁴ John T. Pawlikowski, "Religion as Hatred: Antisemitism as a Case Study," *Journal of Hate Studies* 3, no. 1 (2004): 41.

Fundamental tenets of Christianity are in direct conflict with the notion of mass incarceration sans opportunities and paths for forgiveness, reconciliation, and restoration. Murphy contends that Christianity's punishment framework is built around the notion of love and that, in such a context, there is a required focus on the common good and whether there is any benefit to the soul or one's character.¹⁷⁵ Such a position contends that punishments that are deemed harmful to the soul are considered cruel, out of bounds, and to be avoided, while punishments that could be considered beneficial to the soul would be considered appropriate.¹⁷⁶ Mass incarceration is generally seen to fall in the former category.

Gillard contends that, although evangelical Christianity contributed to the derivation, evolution, and expansion of mass incarceration, the core of Christian beliefs can reverse the trend by pursuing a justice that restores and reconciles by tendering creative solutions and impactful interventions. Sexton believes that the modern church has the power, capacity, and capability to transform the American criminal justice system away from its mass incarceration moorings through restorative justice, authentic rehabilitation, and a lasting transformation for those in the system that leads to their successful reintegration into society.¹⁷⁷ Sexton contends that the introduction of grace into the criminal justice system will help to significantly transform it.¹⁷⁸

LifeWay Research has found that a significant majority of pastors have very little if any contact with people who have been incarcerated.¹⁷⁹ Half of pastors indicate that there has been

¹⁷⁵ Jeffrie G. Murphy, "Christianity and Criminal Punishment," *Punishment & Society* 5 (2003): 264.

¹⁷⁶ *Ibid.*, 265.

¹⁷⁷ Jason S. Sexton, "Redeemed on the Inside: Radical Accounts of Ecclesia Incarcerate," *Ecclesial Practices: Journal of Ecclesiology and Ethnography* 5 (2018): 176.

¹⁷⁸ Jason S. Sexton, "Experiencing Justice From the Inside Out: Theological Considerations About The Church's Role in Justice, Healing, and Forgiveness," *Religions* 10, no. 2 (2019): 112.

¹⁷⁹ Bob Smietana, "Pastor Views on Prison Ministry: Survey of Protestant Pastors," LifeWay Research, 2016.

no one in their congregation who has been jailed in the last three years¹⁸⁰ and 33% of pastors say they have experienced only one or two people from their church go to jail over the course of their career.¹⁸¹ The percentage of pastors indicating that there are no former inmates that attend their church is 30% and another 33% indicate that there are one or two former inmates that attend their church.¹⁸² Overall, the research indicates that very few pastors have contact with many inmates or former inmates.¹⁸³ Since a significant majority of pastors in America have little experience with inmates, it is clear that developing a prison ministry is not a priority in evangelical America. This high level of inattention and indifference manifested by pastors towards inmates and former inmates comes at a time when incarceration rates are at record high levels and more than 2.2 million Americans are incarcerated.

Levard has found that public awareness concerning the myriad injustices of mass incarceration has grown dramatically over the last ten years.¹⁸⁴ As a result, a growing number of lay groups in the faith-based community organizing (FBCO) realm have turned their focus on mass incarceration. This despite a relative lack of involvement by pastors. Such groups, in their efforts to dismantle mass incarceration, have run into challenges, including a need to advance racial and ethnic equity, a need to face the bastions of Christianity that embrace a theology that is based on retributivism (including justifications for increasingly harsh punitive policies and practices that have contributed greatly to mass incarceration), and an ability to develop and promulgate alternative practices and policies.¹⁸⁵

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Levard, "Repairing the Breach," 46.

¹⁸⁵ Ibid., 49.

Gaston contends that, for such groups to organize effectively against the entrenched phenomenon of mass incarceration, new strategies and approaches are required to build sorely needed social capital and effective outreach. These steps are required in order to build coalitions among groups, including those that have been marginalized and disenfranchised by such policies. This is how momentum for change will be built.¹⁸⁶ Such challenges and needs require lay-based FBCO organizations to be creative and to adapt their assumptions, strategies, and relationships.¹⁸⁷

Theological Foundations

Fundamental to this research project is understanding how the evangelical church sees its role in society and culture with regard to the enormous problem of mass incarceration. A church's process of engaging and outreach serves to clarify its ecclesiology and how it manifests and reflects, in tangible ways, its understanding of God and His only begotten Son, Jesus Christ. In reflecting upon the church's role and its lack of an impactful role at the height of the civil rights movement, Martin Luther King wrote:

I have travelled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: "What kind of people worship here? Who is their God? ... Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when tired, bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?" Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church.¹⁸⁸

¹⁸⁶ Herron Keyon Gaston, *A Call To Action: Practically Reversing the Trends of Mass Incarceration* (Pittsburg, PA: RoseDog Books, 2019), 52.

¹⁸⁷ Levard, "Repairing the Breach," 49.

¹⁸⁸ King, *Letters from a Birmingham*, 54.

He would no doubt be deeply disappointed in today's church with regard to its "laxity" concerning mass incarceration, which has had a hugely detrimental impact on millions of people and a devastating impact on society. It is behavior that manifests itself as a contradiction between what many churches understand about God and His teachings and what they reflect to the world. It does cause one to wonder what God these communities of faith around the United States are worshiping when witnessing their widespread absence and the intentional indifference to the trials and tribulations of the millions who are incarcerated, have been incarcerated, and the families caught in this vortex.

For me, my faith or the ecclesiology of the church has not ever been a theory, but a call to action each day to live out the Word of God. To serve people and glorify Him. It is concerned with how people live, how they are doing, and what they are doing. Faith does and should shape and impact life, society, and culture. With regards to mass incarceration, it is not a matter of whether someone should be incarcerated or not, but rather the manner in which they are incarcerated and the term for which they will be incarcerated.

A church understands and lives out its ecclesiology in one of two ways. It either understands God as a God of righteousness, love, and holiness and chooses to live and act in a manner that is aligned as such. Or it sets out to alter and/or create an image of God that supports their viewpoint that it is somehow acceptable to objectify and subjugate others, either directly or through the acts of others. With such a dichotomous choice, it is logical to inquire when experience, perspective, God's Word, a proper understanding of God, and the behavior and practice of the faithful will be seen as inherently antithetical to one another. At what point does the "altered" state conflict with, and find itself at odds with, God's long history of manifested concern for the lowly, marginalized, disenfranchised, exploited, and oppressed?

From a scriptural standpoint, the church—the fellowship of believers—should be a beacon and light on the hill that exemplifies the redemptive actions of God in hearing and responding with concern and commitment to the needs of the least of these. When a man or woman is incarcerated, they do not lose the love of God. They are still made in the image of God. And yet, why do so many churches and those church's congregants act as if that is not the case through their woeful indifference and/or complicity in the tragically unjust phenomenon of mass incarceration? God said:

For I know the plans I have for you declares the Lord, plans to prosper you and not to harm you, plans to give you hope and a future. Then you will call on me and come and pray to me, and I will listen to you. You will seek me and find me when you seek me with all your heart (Jer. 29:11–13).

Fear not, for I am with you; be not dismayed, for I am your God; I will strengthen you, I will help you, I will uphold you with my righteous right hand (Isa. 41:10).

The Lord Himself goes before you and will be with you; he will never leave you nor forsake you. Do not be afraid; do not be discouraged (Deut. 31:8).

For God so loved the world that He gave His one and only Son that whoever believes in Him shall not perish but have eternal life (John 3:16).

Nowhere in the Bible is there an asterisk indicating that any promise of God is excluded from the incarcerated. And yet, many Christians and their churches act as if that is exactly the case. That the incarcerated are somehow subhuman and second-class citizens and, as a result, are excluded from God's love and His promises and are to be treated accordingly.

Scripture is replete with examples of people who were incarcerated and yet used by God for great and mighty things. Joseph was wrongly imprisoned for thirteen years, then raised up by Pharaoh to be the second-in-command in Egypt and saved millions from starvation with his administrative skills. The apostle Paul, arguably the greatest evangelist and author of much of the New Testament, was a murderer of Christians who persecuted them mercilessly before

converting to Christianity and then imprisoned several times for his faith. And yet, at no time does scripture diminish the role these men and others who were jailed played in the Kingdom of God. Being imprisoned was part of their life story and testimony. It did not make them any less before God; it did not mean they were not in the image of God. And yet, many churches are doing exactly that, acting in a manner that is antithetical to the Word of God and the example set by Jesus Himself.

There is no doubt that crime causes various forms of injury to victims, communities, and even the offenders themselves. The primary purpose and objective of the criminal justice system should be to address and repair such harm. The church should be right there to help. This premise is based upon the Biblical principles of restitution, accountability, and forgiveness.

The principle of restitution requires that offenders must pay back and restore those harmed by their actions. Specific examples in Scripture of the concept include the Mosaic Law as manifested in Exodus 22, the Book of Leviticus, Numbers 5, and the story of Zaccheus in Luke 19. Restitution is a tangible manifestation of the restoration of broken relationships.

Accountability is an expectation to give account of one's actions and take responsibility for said actions.¹⁸⁹ Scripture has several passages reflecting this concept. Genesis 10:1 and Numbers 3:1 illustrate the accountability of a family, Genesis 6:9 shows the accountability of individuals, and Psalm 10:13–15 shows God making a wicked person accountable. Paul showed how the law makes us all aware of sin and the whole world accountable to God in Romans 3:9–20.

¹⁸⁹ Thomas L. Garlitz, "Moral Principles and Foundations for Restorative Justice," Catholic Diocese of Joliet, Peace and Social Justice Ministry, 2014, 6.

Promising forgiveness requires both giving up a claim of retribution and ceasing to carry resentment of having been wronged.¹⁹⁰ Fundamental to the Christian message are the principles of forgiveness, mercy, and healing. These are essential prerequisites to reconciliation. Christ died on the cross for it. Such gifts are foundational to what Christians should manifest through practice at any age—no matter the circumstances. In Matthew 18:21–35, Jesus takes time to teach Peter the importance of forgiving others as essential to restoring our relationship with God. Forgiveness is a powerful tool that helps to change human behavior. The practice and process of forgiveness involves the changing of people’s hearts from feelings of bitterness, anger, resentment, and hurt to hearts of mercy, compassion, and healing. Through such a process comes reconciliation. In a retributive system that characterizes much of the American criminal justice system, there is little to no room for forgiveness or reconciliation.

Not only government, but also victims, offenders, and communities should be involved throughout the criminal justice process. Such a premise is based upon the Biblical principles of personal responsibility and redemption. It is personal responsibility that enables someone to answer for his or her actions and/or the lack of having taken the action that they should have taken. In the Old Testament, God commanded that the Israelites appoint officials who would be committed to justice, with a strong admonition of how they would be held responsible for not following His commands (Gen. 16:18–20). Jesus warned the Pharisees of their personal responsibility (Luke 11:46–51). All of those affected by crime (both directly and indirectly) have a responsibility to be actively involved in working to heal the harm caused by it.

¹⁹⁰ Gaston, *A Call To Action*, 8.

From the Christian perspective, redemption is the action of being saved from sin, error, or evil.¹⁹¹ It is the premise that there no one is beyond the reach of grace, no matter what one has done or failed to do. Paul wrote in Ephesians that “we have redemption through His blood, the forgiveness of sins in accordance with the riches of God’s grace” (Ephesians 1:7). The psalmist wrote, “He provided redemption for His people; He ordained His covenant forever, holy and awesome is His name” (Psalm 111:9). Isaiah wrote on behalf of God, “Return to me for I have redeemed you” (Isaiah 44:22). Paul wrote to the Corinthians, “It is because of him that you are in Christ Jesus, who has become for us wisdom from God, that is, our righteousness, holiness, and redemption” (1 Corinthians 1:30). The Book of Job says, “I know that my Redeemer lives, and that in the end, He will stand upon the Earth” (Job 19:25).

The Bible is a story of redemption. Criminal offenders are worthy in God’s eyes—worthy of redemption—and should be treated as such by His followers.

In pursuing justice, the government is expected to preserve order, while the community is expected to establish and preserve peace. Such a premise is based upon the biblical principles of fairness, discipline, and reconciliation. From a legal standpoint, fairness is a procedural aspect of the criminal justice system that requires similar cases to be treated in a similar manner and, as appropriate, different cases to be treated differently. Leviticus 19:15 says, “Do not pervert justice, do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly,” while Colossians 4:1 says, “Grant justice and do what is fair.”

But the criminal justice system has become increasingly unfair. Discipline is certainly an inherent part of one’s walk with God. As Jeremiah 30:11 says, “I will discipline you but only in

¹⁹¹ Ibid., 12.

due measure, I will not let you go entirely unpunished” and Hebrews 12:6 says, “The Lord disciplines the one He loves.” Thus, the criminal justice system should “discipline” offenders appropriately in a manner that is commensurate with, and proportional to, the crime committed. It should be a punishment adequate for one to regain his or her freedom upon completion of their punishment.

Reconciliation is a process by, and through which, people are forgiven and restored.¹⁹² It is a restoration of relationships. Regarding reconciliation, Paul wrote:

All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation: that God was reconciling the world to himself in Christ, not counting people’s sins against them. And he has committed to us the message of reconciliation. We are therefore Christ’s ambassadors, as though God were making his appeal through us. We implore you on Christ’s behalf: Be reconciled to God. God made him who had no sin to be sin for us, so that in him we might become the righteousness of God. (2 Cor. 5:18–21)

Thus, reconciliation with God should affect our relationships with others and show what relationships still need restoration from this perspective. In an inherently adversarial system such as the criminal justice system, which is designed for one party to prevail over another, it is not codified for reconciliation between affected parties. Rather, some form of intervention is required to bring this about.

Within the context of the incarcerated, there is an ongoing challenge of people being deemed worthy and unworthy. Christ made no such distinction. Christ’s life, ministry, death, and resurrection are deeply embedded in the struggle and history of humanity. Christ’s love and suffering give significance to prison ministry and mentoring after an inmate’s release. As per Matthew 25:40, Christians are called to help the least of these—those who are broken, sick,

¹⁹² Ibid., 15.

destitute, and imprisoned. All ministries done in the name and mission of God should be made available to everyone, regardless of their ethnicity, gender, socio-economic status, religious affiliation, or circumstances (incarcerated or not). Prison ministries and those that aid in the transition back into society need to be seen and understood by the church community in this context: that regardless of the crime, sin, or transgression committed, everyone is a child of God and worthy of redemption and reconciliation through Christ.

Restorative justice is a system of criminal justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. At its core, it looks at justice in a much different way than the current criminal justice apparatus does. Restorative justice seeks to respond to the dehumanization so often experienced by people in the traditional criminal justice system. Rather than viewing a criminal act as a transactional violation of a rule or statute, the wrongdoing is seen as a violation of people and relationships. Instead of justice being seen as and used as “punishment,” restorative justice sees it as a means to “repair” the harm caused by crime and conflict, taking an approach that understands and responds to the needs of each affected party and the broader community is important to the collective creation of a just outcome for all. There are common human experiences unleashed by a crime—a need for safety, understanding, validation, information, apology, healing, and restoration. Many of these needs are not met in and through the traditional criminal justice system.

Working to identify the harmful impacts of a crime and what can be done to repair them, while holding the person responsible for causing this harm responsible for his or her actions, is the premise of restorative justice. Accountability in such a setting includes accepting responsibility and acting to fix and/or restore the harm caused. Restorative justice outcomes work to repair the damage done as well as address the cause of the offense(s) while lowering the

likelihood of the wrongdoing happening again. It works to include the people who are most affected by a crime, including victims and survivors. Instead of the traditional criminal justice process that focuses just on the offender, restorative justice focuses on all parties that experienced the criminal act.

Restorative justice practices and principles are a set of tools for people to use in order to be rehabilitative with each other. They are tools to help us *be* with one another as opposed to doing things to each other, rooted in the values of respect, responsibility, and relationships. They help us live into God's story of the renewal of all things, giving us valuable tools to help restore and/or make right where wrong and harm have occurred.

Theoretical Foundations

Throughout the history of civilization, any society that was sustainable and flourished had established rules of law to provide “guardrails” for what was considered acceptable and appropriate behavior. Any society without such “guardrails” quickly slipped into anarchy and did not survive. To effectively guide society, such “guardrails” needed to establish forms of punishment for those who chose to deviate from societal norms, thereby causing harm to others and or society in general. Such punishments were meant to bring such wayward individuals back into behavioral compliance with societal norms and expectations. In today's vernacular, these would be referred to in the criminal context as sentences. The sentencing of a criminal defendant is a formal form of punishment that is handed down by a legitimate judicial entity. The philosophical orientations that have served as the foundational principles for what constitutes

fair, just, and appropriate punishment include retribution, deterrence, rehabilitation, incapacitation, and restoration.¹⁹³

Under a philosophy of *retribution*, offenders “get what they deserve”—no more and no less.¹⁹⁴ In such an approach, given the offender’s actions punishment is justified on its own grounds. Retribution theory has been predominant throughout Western law and public expectations with regard to how justice should be meted out. It can trace its intellectual roots back to the Old Testament dogma of “an eye for an eye” and summarized as “let the punishment fit the crime.” The sentence handed down should be proportionate to the offense committed by the offender. Provisions are made for mitigating circumstances and factors such as mental illness, disease, diminished capacity, and immaturity. Retribution is tendered as a punishment approach that is proportional, principled, and a commensurate type of societal revenge (payback) for personal criminal misconduct.¹⁹⁵

The *deterrence* philosophy seeks to use legal and extralegal sanctions to curtail criminal activity. Punishments that tend to effectively serve as deterrents are those that are certain, severe, and swift in their implementation. The premise for deterrence assumes that people will choose to act in such a way that will maximize pleasure or minimize pain.¹⁹⁶ It presumes a rational thought process in pursuit of such choices. Thus, the stipulated punishment for criminal behavior in this approach seeks to make the “pain” of contemplated criminal behavior in terms of punishment (cost) be greater than any perceived benefit (pleasure) derived from the criminal behavior.

¹⁹³ Rob Canton, “Probation and the Philosophy of Punishment,” *Probation Journal* 65, no. 3 (2018): 255.

¹⁹⁴ Kevin M. Carlsmith, “The Roles of Retribution and Utility in Determining Punishment,” *Journal of Experimental Social Psychology* 42, no. 4 (2006): 441.

¹⁹⁵ *Ibid.*, 442.

¹⁹⁶ Alex R Piquero, Ray Patemoster, Greg Pogarsky, and Thomas A. Loughran, “Elaborating the Individual Difference Component in Deterrence Theory,” *Annual Review of Law and Social Science* 7 (2011): 41.

Deterrence has four forms: specific deterrence, general deterrence, marginal deterrence, and partial deterrence.¹⁹⁷

Rehabilitation seeks to use punishment to restore the offender's place in society in a constructive and fully functional way by using punishment, treatment, education, and training in a collaborative manner.¹⁹⁸ The use of the term "correctional facility" is derivative of such a philosophical approach. A fundamental difference between rehabilitation and retribution is that retribution pushes uniform punishments that are based on the criminal act committed, whereas rehabilitation seeks to focus on the specific characteristics of offenders who need some form of intervention and treatment. Such an approach requires judges to have discretion to structure sentences to bring about such outcomes.

Focused on the removal of one's opportunity to commit a crime, *incapacitation* uses various restraints to limit one's actions.¹⁹⁹ An array of approaches have been used throughout history as a form of incapacitation, including banishment to the wilderness, transporting convicts to far-flung colonies, sending people into exile, injunctions, cease and desist orders, and other actions. In the modern era, the best-known form of incapacitation is incarceration in its various forms. Historical forms focused on the reduction of one's physical opportunities for criminal and/or deviant behavior, whereas modern manifestations of incapacitation ideally try to be more "forward-looking" with a goal of using punishment to change offenders' propensity to commit criminal acts.²⁰⁰

¹⁹⁷ Ibid., 338.

¹⁹⁸ Lisa Forsberg and Thomas Douglas, "What is Criminal Rehabilitation?" *Criminal Law and Philosophy* 16 (2022): 108.

¹⁹⁹ Derek Pereboom, "Incapacitation Reintegration and Limited General Deterrence," *Neuroethics* 13, no. 1 (2020): 91.

²⁰⁰ Ibid., 93.

Finally, *restoration* is comprehensive in nature. It seeks to revitalize all parties affected by a criminal act (e.g. offenders, victims, the community) as closely as possible to their respective conditions before the criminal act occurred.²⁰¹ With this approach, the offender takes full responsibility for the criminal act committed and seeks to provide some form of restitution to the victim as a tangible form of accountability. The objective of the restorative approach is to regenerate all parties through intentional and collaborative efforts.

In theory, the United States criminal justice system has mainly pursued a retributive philosophical theory of punishment with some manifestations of the other theories of punishment making appearances in various forms. Underlying the retribution approach are the foundational aspects of punishment being principled and proportional. The increased use of mandatory minimum prison sentences is contrary to those long-held foundational principles.

During the 1980s and 1990s—the apex of the “war on drugs”—lawmakers at the federal and state levels created scores of new statutes that mandated offenders receive stipulated prison sentences based on their specific crimes. The rationale was that such “minimums” would help reduce crime by creating stronger deterrents. However, they have done infinitely more harm than good. Restricting judges from considering all the facts of a case and forcing them to ignore the circumstances of the individual, and any mitigating evidentiary aspects when sentencing, has been a failure. Despite this, the federal government, all fifty states, and the District of Columbia have mandatory minimum sentencing laws.

For federal crimes, sentencing ranges for specific crimes are prescribed in the US Criminal Code, while the respective state criminal codes cover crimes committed at the state

²⁰¹ Stephen P. Brown, “Punishment and the Restoration of Rights,” *Punishment & Society* 3, no. 4 (2001): 489.

level. These ranges cover the spectrum from zero to life, and in some jurisdictions, the death penalty. Crimes that have no chance of receiving a sentence of zero are referred to as mandatory minimum sentence crimes. Data shows that defendants convicted of such crimes serve longer sentences than those defendants who were not—110 months versus 28 months on average. A significant difference.²⁰²

Criminal codes tend to have a lot of overlap, meaning that in some instances the same criminal behavior can be pursued and prosecuted through various charging strategies. Prosecutors decide which charge to bring and often get to decide between a charge that carries a mandatory minimum sentence and one that does not. People of color, especially Black men, have disproportionately been charged with crimes carrying a mandatory minimum sentence when compared to white men committing the same criminal act.²⁰³

Anyone convicted of a crime under a mandatory minimum sentence receives at least that sentence. The original goal of mandatory minimums (according to their legislative history) was to create a framework of uniformity in the sentencing process.²⁰⁴ The law determines the sentence received. Yet the implementation of mandatory minimums did not usher in a more uniform system. In practice, it has had the opposite effect. By removing any judicial discretion, mandatory minimum statutes took power away from judges and gave it to prosecutors, who could then utilize their increased leverage to threaten defendants with charges triggering a mandatory minimum. Facing the prospect of a harsh mandatory minimum sentence, many

²⁰² Christopher Mascharka, “Mandatory Minimum Sentences: Exemplifying the Law of Unintended Consequences,” *Florida State University Law Review* 28 (2001): 941.

²⁰³ *Ibid.*, 946.

²⁰⁴ *Ibid.*, 940.

defendants feel forced to confess—even falsely—to avoid even the possibility of triggering the mandatory minimum sentence to gain access to a lesser sentence.

Given their nature, mandatory minimums are often applied to nonviolent drug offenders just as often as to drug kingpins. This forces judges to give harsh lengthy sentences to defendants who are not a threat to their communities. Although the objectives of mandatory minimums in principle may have been uniformity and fairness, they have instead created an intolerable situation that is driving mass incarceration. Judge Stephanos Bibas has said that mandatory minimum sentences have served to dehumanize people by acting as sledgehammers instead of scalpels.²⁰⁵ Mandatory minimum sentences have failed in six major areas:

- A significant reallocation of power from judges to prosecutors.
- No correlational relationship to lowering crime rates.
- The extension of racism and classism.
- The failure to advance community safety.
- Recidivism remains high.
- Huge increases in cost and enormous detrimental effects on society due to mass incarceration.

Long mandatory minimum sentences have dramatically increased prison populations. The National Research Council found that between 1980 and 2010, more than half of the 222% increase in the prison population was due to longer minimum sentencing.²⁰⁶ Mandatory minimums have exacerbated racial disparities in the criminal justice system, totally discrediting any claims of an objective and unbiased system. A recently published longitudinal study has

²⁰⁵ Ibid., 951.

²⁰⁶ Ibid., 953.

found that prosecutors mandatory minimum charges resulted in Blacks spending more time in prison than whites for the exact same crime.²⁰⁷ Data shows that prosecutors bring mandatory minimum charges 65% more frequently against Black defendants.²⁰⁸ An additional study found that some federal prosecutors charge Blacks and Hispanics more frequently than whites with possession or sale of drugs just above the threshold needed to trigger a mandatory minimum charge.²⁰⁹

Mandatory minimum sentences have not been shown to lower the crime rate or increase public safety. Data reveals that a 1% increase in the prison population ultimately increases violent crime by a significant percentage.²¹⁰ People who are incarcerated are not being taught or trained to any significant degree. Most are simply being “warehoused.” Absent quality educational or training programs, many of the skills being learned are from other criminals—basically lessons on how to be a better criminal. Studies show that longer prison time increases the probability of future criminal activity since people often leave prison with fewer relevant skills and are less qualified for employment than when they went in and that the longer one has been away the harder it is to integrate back into society.²¹¹ The high recidivism rate of ex-inmates is a strong indictment of how poorly the system is working.

In theory, the criminal justice system of the United States seeks equal outcomes for equal offenses. Anything short of such an objective means justice is not realized. Especially disconcerting is race being a determinative factor in the objective of equal outcomes for equal

²⁰⁷ Paul G. Cassell, “Sense and Sensibility in Mandatory Minimum Sentencing: The Fair Sentencing Act and Its Legal Aftermath,” *Federal Sentencing Reporter* 23, no. 3 (2011): 224.

²⁰⁸ *Ibid.*, 225.

²⁰⁹ Mascharka, “Mandatory Minimum,” 955.

²¹⁰ Cassell, “Sense and Sensibility,” 227.

²¹¹ Hlavka, Wheelock, and Jones, “Ex-Offender Accounts,” 415.

offenses not being realized. The criminal justice system is not meeting its stated objective if a Black person is likely to serve a longer sentence for the same criminal act as a white person. Data from the US Sentencing Commission shows that such a disparity is significantly present in the criminal justice system.²¹² Black males have consistently received sentences approximately 20% longer than similarly situated white men.²¹³

This disparity has been a factor in the disproportionate mass incarceration of men of color and is also a contributing factor to racial economic inequality. Removing, through incarceration, a large segment of wage earners has had a cataclysmic impact on families and communities of color. The disproportionate use of mandatory minimum sentencing on people of color, Black men in particular, has had a devastating societal impact spanning decades.

If minimum sentences are going to continue to be legislatively mandated, then their use and applicability should be narrowly defined to remove what heretofore has been their weaponization against certain communities. Their use should be carefully monitored to avoid such outcomes. A solution would be to rescind mandatory minimum sentences entirely. Data clearly shows that despite their devastating effects, there is no correlated reduction in the crime rate while being a drag on governmental budgets. Finally, one of the most devastating effects is the erosion of overall criminal justice system credibility.

The theoretical foundations of the American criminal justice system are not working. This is manifested by the tragic movement towards mass incarceration and very high recidivism rates. A better theoretical approach would be the use of restorative justice principles throughout

²¹² Michael Stamm, "Between a Rock and Discriminatory Place: How Sentencing Guidelines and Mandatory Minimums Should be Employed to Reduce Poverty Discrimination in the Criminal Justice System," *Georgetown Journal of Poverty Law and Policy* 24, no. 3 (2017): 407.

²¹³ *Ibid.*, 410.

the criminal justice system. It is a theoretical approach that offers some solace to victims, hope to offenders, and restoration to the wider community in which the harm occurred.

CHAPTER 3

Introduction

This project's fundamental research question has asked how and why American churches have not become actively involved in helping and ministering to those affected by the tragedy of mass incarceration and how they can better do so. This project used three case studies to explore how this problem is being addressed. Few churches are involved in this type of ministry and those that have implemented effective outreach programs are even fewer. As has been seen herein, one of the biggest impediments to churches getting involved in this area of ministry is the many facets of the challenge given and just not knowing where to begin. Thus, this project looked at three church communities that have been compelled to act from a theological basis on ministering to those affected by mass incarceration—and have done so very effectively. Sensing has said:

At the heart of the DMin program is the intent that projects serve the church, develop ministerial practice, and be applicable to other practitioners in the field ... DMin projects are not done in isolation. While action research requires fluency with academic resources of libraries, it is foremost a mutually shared engagement with others.²¹⁴

Methodology

The methodology selected for this project is three case studies drawn from three distinctive church communities that have chosen to embrace this burgeoning problem. It proved to be quite a challenge to identify the three church communities referenced herein. There were 350 county jails, 162 state prisons, and 43 federal prisons contacted and asked if they had any

²¹⁴ Tim Sensing, *Qualitative Research: A Multi-Methods Approach to Projects for Doctor of Ministry Dissertations* (Eugene, OR: Wipf and Stock, 2022), 15.

churches working with them in reaching out to inmates in their custody. Contact was also made with the national organizations Prison Fellowship and the Prison Policy Initiative to see if they had any list of churches anywhere in the country that were involved with active ministry outreach to the incarcerated and/or formerly incarcerated. Affirmative responses were received in the context of individuals who were actively involved, but churches per se were conspicuously absent in this nationwide search. As the research process has shown, there are very few churches that offer ministry in this area. The nationwide search process identified ninety-two individuals whose names and contact information were provided. Of the ninety-two contacted, seventy-eight were reached. Of these, all but five were involved in jail/prison ministry of some form on an individual basis but not doing such ministry through a church. The five that were involved in prison ministry through a church provided contact with the churches referenced herein and provided the basis for the three case studies in this project.

These three case studies provide the benefit of a longitudinal perspective, as their respective programs have been in place for several years and have implemented a theoretical approach based on restorative justice principles, which have been applied in myriad real-life situations that provide a plethora of outcome-derived data as to impact and effectiveness. The researcher did not intend to gather data from a large population nor use statistical analysis and quantitative data to prove findings. Sensing has stated:

Research, simply defined, is a family of methods that share common characteristics of disciplined inquiry. Research methods contain data, arguments, and rationales that are capable of withstanding careful scrutiny by members of an associated guild. Research prompts us to understand problems, ask questions, and pursue specialized modes of inquiry.²¹⁵

²¹⁵ Ibid., 218.

Intervention Design

Restorative practices are not in and of themselves something new. Many elements of them have been in existence in indigenous communities around the world for thousands of years. The term restorative justice can be used a bit differently from organization to organization. Although the term “restorative justice” can include a variety of programs and practices, at its foundation it is a set of values and principles, a philosophy that is an alternative framework for thinking about wrongdoing.²¹⁶ The International Institute for Restorative Practices considers restorative justice to be a social science that studies how to build social capital and achieve social discipline through participatory learning and decision-making.²¹⁷ Regardless of specific definitions, the primary goal of restorative justice is to reduce crime, violence, and bullying; improve human behavior; strengthen society; restore relationships; and repair harm.²¹⁸

The objective of this intervention design was to frame the dialogue of restorative principles to aid those impacted by and harmed by criminal activity: the victim(s), the offender(s), and the community at large within which harm occurred. The framing questions used to help provide the guidelines for the restorative approach taken included the following:

- What happened?
- Who and what has been affected?
- How have you been affected?
- How have others been affected?
- What were you thinking at the time?

²¹⁶ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 14.

²¹⁷ *Ibid.*, 19.

²¹⁸ *Ibid.*, 29.

- What have you thought about since?
- What has been the hardest thing for you?
- What can you do to make it right?
- What do you need to move forward?
- What are you willing to do to move forward?

The three case studies in which the intervention took place were in the Christian Reformed Church, the Restoration Church, and the Impact Bible Church.

Implementation of the Intervention Design

Case Study #1

Christian Reformed Church

The Christian Reformed Church has chosen to make the implementation of restorative justice principles a formal part of its church ministry, formally stating: “The church is called to teach and preach restorative justice as a biblical perspective and urges schools, other Christian institutions, and homes to employ restorative justice practices.”²¹⁹ One of the initiative’s goals was to equip congregants to be able to interact effectively with those impacted by the criminal justice system. Part of this process was having them trained by FaithCare’s mental health unit, Shalem Mental Health, which facilitates the use of restorative practices by congregations as an effective tool.²²⁰

²¹⁹ Christian Reformed Church, *Acts of Synod 2005* (Grand Rapids, MI: Christian Reformed Church in North America, 2005), 761–762.

²²⁰ FaithCare seeks to integrate faith and healthcare. It is a global community of medical providers and volunteers that provide free, holistic, and quality health care to people in places where medical care is nearly nonexistent or not a feasible option. Its restorative justice work through its mental health unit, Shalem Mental Health, helps congregations learn how to use restorative processes in relationship building which have proven to be extremely helpful in working with people returning from the criminal justice system.

The church also provides several other tangible services and resources to help the congregation be equipped and ready to serve those impacted by the incarceration experience. These include two full days of training in the restorative framework, two full days of conflict conferencing, a three-hour listening circle facilitator training class, and frequent restorative practice support group meetings. All of this is done with the hope and objective of helping the congregation become more restorative inwardly and outwardly. The church has been engaged in this ministry outreach for more than seven years.

Case Study #2 Restorative Church Project

The Restorative Church believes that every Christian receives the Holy Spirit when they trust Jesus Christ as their Lord and Savior—being bestowed with the Spirit of God to teach, lead, guide, direct, and empower—and is baptized and grafted into the body of Christ at the time of conversion. The church seeks to be a vibrant community that has normalized restorative justice principles both inwardly and outwardly. It diligently promotes collaborative, cross-fertilizing dialogues between members of the congregation and people in the fields of restorative justice, restorative theology, and restorative practices. The church has committed to three primary areas of purpose regarding its involvement in restorative justice:

- Promoting interdisciplinary dialogue between theorists of crime, law, and justice and scholars of biblical and theological studies. It seeks to facilitate dialogue between academics and practitioners.
- Illuminating the rich connections between biblical writings and themes of restorative justice and conflict transformation.

- Equipping the church with resources to strengthen its practices and ministry of relational peacemaking.

The incarcerated population of the American criminal justice system is extremely diverse in terms of culture, ethnicity, and faith traditions. In recognition of that, the Restorative Church seeks to accommodate that so as to help all people coming out of an incarcerated condition. The church takes the position that the wisdom and insights of restorative justice principles apply equally to all people of all cultures and that such principles can be of transformative value for all people and groups.²²¹ Although the church speaks primarily to a Christian audience, it recognizes how church communities are called to collectively bear witness to God's relational virtues and it acknowledges that restorative justice principles apply equally to all communities of faith, including the Abrahamic faiths of Judaism and Islam, and all Eastern and indigenous tribal traditions.

Case Study #3 Impact Bible Church

The Impact Bible Church has sought to make restorative justice principles a core embedded element of its praxis, both internally and externally. Internally it acknowledges that the dynamics of human relationships can cause ruptures that act to the detriment of those involved and that the church community and restorative practices can help heal such breaches to the benefit of those involved and for the benefit of the overall church community.

Externally, the church has embraced the need to help those impacted by the tragic consequences of mass incarceration—those who are incarcerated, their families, their victims,

²²¹ Zehr, *The Little Book*, 52.

and the overall community—as a function of its core mission. To maximize its potential to help people in this targeted area, it set up a nonprofit 501(c)(3) foundation called Another Chance Foundation. It took this route to facilitate donations from people who wanted to help with its outreach efforts but were not comfortable with donating directly to a church.

The foundation helps a broad spectrum of people who need “another chance.” The portfolio of people the foundation helps includes those with substance abuse problems, the homeless, the hungry, single unwed mothers, survivors of abuse, the unemployed, the mentally ill, the incarcerated, and the formerly incarcerated. As we have seen herein, the formerly incarcerated experience many other covered circumstances (e.g. being homeless, unemployed, hungry, and mentally ill). For the sake of this project, the focus will be on the church’s efforts through its foundation to help the incarcerated and the formerly incarcerated.

The church, through its extensive discipleship training efforts, seeks to equip, enable, and encourage its congregants to serve the disenfranchised and marginalized in tangible and meaningful ways. The church’s mindset is that unless and until people experience God’s love and healing in their hearts, so as to know what is right and what is wrong, there is no hope of restoration. God’s restorative justice is not watching people live in misery, sin, guilt, shame, and punishment. It is to be found in restoring people so that they are able to have loving relationships with God and others. The church contends that restorative justice can transform people’s hearts and lives and the lives of those around them.

In putting this commitment into practice, the church seeks to reach out to every inmate, ex-inmate, and affected family member in the geographic area of their church. They cover county jails, juvenile facilities, correctional facilities, state prisons, and federal prisons. For the men and women in custody, they send an individualized letter to each letting them know who

they are and that they would like to get acquainted via correspondence. Upon doing so, they explain to the inmate that they would like to make sure they are doing ok and that they have funds on their “book” for necessities at the commissary.

They also ask if they could come and visit the inmate on a visitation day to establish direct contact. During that visit and after getting more acquainted, an inquiry is made as to how the inmate’s family is doing, if there is anything they can do to help, and if it would be ok if they reached out to make contact to see how they could help and offer support. The church person assigned to the inmate writes to the inmate weekly and sees them at least once per month during visitation times.

The aforementioned contact sequence is done with the goal of establishing contact and developing a relationship with the inmate and their family that will last the remainder of the inmate’s incarceration and subsequent transition back into society. If granted permission to contact the inmate’s family, the church/foundation reaches out to see how they’re doing and how they could be helped. The family is assigned one person who consistently checks on their well-being. With the family’s permission, they are contacted every week as a follow-up.

For ex-inmates who were released before the program began, the church reaches out to see how they are doing and invites them to weekly support group meetings at the church. At such meetings, an ex-inmate is paired up with a person from the church who commits to getting to know the person better and, in the process of familiarization, inquire about the ex-inmate’s family situation and if there is anything that is needed. The church person who is paired with the ex-inmate reaches out to the ex-inmate at least once a week via whatever platform is preferred by the ex-inmate.

For inmates who are still incarcerated, the church is diligent in supporting their families to ensure they have adequate and nutritious food, proper healthcare, and childcare as needed when the spouse needs to be working. When an inmate is released, the church/foundation helps with the transition by helping to find housing and a job. For all ex-inmates in its geographic area, the church hosts a weekly support group, a daily food pantry, job training, mental health services, a 24/7 health clinic, counseling services, and a job placement service. All of these services are provided at no charge to ex-inmates and their families—for life. The commitment to inmates, ex-inmates, and their families is resolute, 24/7 every day of the year.

The church's focus is helping people through the lens of restorative justice principles. Inmates and ex-inmates of all faith traditions are welcome to avail themselves of the church's services. They focus on the person's value and worth going forward, seeking to affirm they are made in the image of God and worthy of love and dignity while rebuilding their lives.

CHAPTER 4

Results

The case studies referenced herein provide robust empirical evidence regarding the significant difference that reaching out, in even the simplest of ways, helps the incarcerated, their families, and the formerly incarcerated. Christians are called to be salt and light in a dark world. That admonition has compelled the people and the churches referenced herein to work diligently and sacrificially for justice and righteousness and to be manifestations of grace in and among the injustices of society, serving and helping the marginalized and disenfranchised.

Although relatively few in number, those referenced herein have shown that applying biblical principles and sharing the love of Christ in the tough situations created by the criminal justice system can have a significant impact on the lives of the incarcerated, formerly incarcerated, and their families. Their work is a powerful witness to an often skeptical and indifferent world that the Gospel is not some meaningless abstract philosophy, but instead a life-giving intimate relationship with the living Christ that continues to touch and change human hearts. They bring real, meaningful, and impactful hope to situations that many consider to be bereft of hope. Their work is also a powerful testimony to the many churches that have chosen to remain on the sidelines during one of the most significant social crises in modern American history, and are an example of what they and their congregants could do if they would but choose to get involved and help and manifest the love of Christ in so doing.

The Christian Reformed Church has seen noteworthy outcomes as a result of its efforts. It does not keep comprehensive records but has dozens of inspirational anecdotal references. The comprehensive training approach they have used has borne fruit both internally and externally.

As congregants have become better versed in restorative justice principles, not only have they become more comfortable in sharing and practicing such principles with ex-inmates, but they have also seen and experienced how beneficial such restorative principles are in all relationships. This has been beneficial to their personal relationships and to the benefit of the church overall.

While they do not keep pedantic long-term records of participants—people are free to come and go as they wish and this informality is considered one of the program’s strengths—they are aware of only a few people who have re-offended. There are hundreds who seem to have successfully transitioned and become productive members of society.

Similar to the Christian Reformed Church, the Restoration Church has seen congregants grow exponentially in their restorative skills. Great benefits have accrued not only to those who have been imprisoned by the criminal justice system, but congregants also reference how the acquired skills they have acquired have been of considerable benefit in their own relationships, both personally and professionally. The Restoration Project has also seen the benefit of providing a template for other churches to roll out restorative justice programs built on the successful Restorative Church experience. Using the Restoration Church template provides churches with an opportunity to use a proven methodology, thereby reducing the learning curve and much of the uncertainty when a church starts such a program.

While the Restoration Church does not keep specific records of attendance nor longitudinal records of participant outcomes, they do have hundreds of success stories of participants “turning it around” and making a successful transition back into society. They are aware of a few that did re-offend. One participant said, “I can’t begin to tell you how much this has helped me. I feel all my anger and hate for the world has left me, I now see life as hopeful rather than ugly and bitter.” Another participant said, “This experience has helped change my

life. It helped me see that dealing with the past is very important. I felt important. That people actually cared about me. Wanted to help. I can't thank you enough.”

Impact Bible Church has intentionally implemented a much broader outreach program than the other two churches covered in this study. The other two churches have on occasion tangentially helped people associated with ex-inmates, but their focus is ex-inmates. However, the Impact Bible Church approach intentionally seeks to help the families of inmates and ex-inmates. Its influence has been transformative. They do not keep any specific records of inmates and/or families helped, but anecdotal stories are many and the gratitude expressed by inmates and families is profuse.

Its impact is intuitively great. How can it not be when they are helping inmates and their families during both the time of incarceration and during the transition back into society—and in perpetuity for as long as needed? There is no doubt that the recidivism rate among those they help is far lower than the national rate. Their approach provides a tremendous foundation of support and encouragement and builds up a group of people who can support inmates upon release, hold them accountable, and provide them with the tools and means to make a successful transition back into society.

The results represented by these three case studies are impressive. Together, their efforts are helping men, women, and young adults who were formerly incarcerated to successfully transition back into society, find housing, and reenter the workforce. They are helping to equip, enable, empower, and encourage the incarcerated and formerly incarcerated to build a successful future and have shown how to make a positive impact in the lives of everyone impacted by mass incarceration. They have shown what is possible by and through the grace of God, to make it so for His glory. Imagine if churches around the country could follow their lead. There would be a

substantial positive impact on the lives so dramatically affected by the consequences of mass incarceration and no doubt reduce considerably the recidivism rate—all to the glory of God.

This researcher has found that the key aspect is the human element. It is important to get past the mind-numbing numbers associated with mass incarceration. The church efforts referenced herein have had a significant impact, but individuals can use the same approaches if their church does not yet have an outreach ministry to the incarcerated and or the recently released.

A person can start by reaching out to an individual inmate by a simple letter – whether it be at a local jail, a state prison, or a federal prison. Such a simple act serves to make it personal. Such an act may have a transformative effect on an inmate bereft of love and hope and feeling abandoned; that he or she doesn't matter and is forgotten. Such a simple act can be used by God to give a glimmer of hope and love. The numbers associated with mass incarceration now start to have a human touch. There is now a name, a face, and a story to what was previously just an inmate number. One finds that the inmate is someone's son or daughter, someone's father or mother, or brother or sister. The inmate has a life history and goals and dreams.

When someone gets to know an inmate and learn about their family, it becomes personal. They are no longer just a number. That inmate is a person. Going to visit an inmate during visitation, visiting with his or her family while the inmate is incarcerated and learning about the family left behind and their individual needs and concerns and working to help them as one is able makes it personal. Helping an inmate upon release with issues of housing and getting a job and medical care as needed, makes it personal

These actions make the consequences of mass incarceration real, meaningful, and personal. It is then much harder for people and churches to be indifferent and ambivalent to the staggering numbers of mass incarceration and its tragic consequences. Making it personal makes it harder to stand by while countless people are warehoused for unconscionable periods of time and their lives are treated as being disposable. When one comes to realize the enormous personal cost and impact on individual people and their families, it becomes difficult to stand by. The task is enormous and daunting, but a significant impact can be made with one inmate at a time by one person at a time by making it personal.

CHAPTER 5

Conclusion

Contrary to this nation's legacy of cherishing freedom, providing opportunity, and giving second chances, the United States has embraced an unprecedented level of incarceration. There are fewer diversion programs and alternatives to prosecution, while mandatory minimum sentences lead to egregiously long sentences. Conditions of incarceration have become more crowded and more punitive. Post-incarceration has come to be characterized more by rigorous surveillance protocols, tighter restrictions, and incessant monitoring. The lack of support services for housing, employment, reintegration assistance, and healthcare has led to high levels of recidivism.

The American criminal justice system imposes long and harsh prison sentences that have created an unprecedented rate of incarceration. The United States ranks as the top jailer in the world on a per capita basis by a wide margin. The country's educational system is suspending children at an alarming rate, filling the school-to-prison pipeline at levels never before seen. The United States arrests people for low-level offenses that elsewhere around the world are considered nuisances that don't require arrests to be made. Instead, they are usually considered red flags that are a call for help, with authorities in those countries connecting people to service providers who can treat their substance abuse and mental illness issues rather than arresting them.

Instead of providing help to those in need, the United States criminalizes and punishes addiction and mental illness. American society is moving inexorably in the direction of more control over citizens, with more punishment given out to some and the discarding of the

marginalized and disenfranchised. American society is losing its ability to empathize and often foregoes efforts that seek to prioritize healing and justice. Increasingly extreme punishment and the warehousing of countless people in correctional facilities are being chosen over families, mercy, compassion, reason, common sense, practicality, and financial stewardship. As a result, America is sending millions to jail with sentences that are disproportionately unfair and discriminatory while destroying much of the fabric of American society.

Two significant things were learned through this project. One was how very few churches in America are involved with and have any ministrations efforts and/or outreach to the incarcerated or formerly incarcerated. The incarceration explosion in America has jailed more people, for longer periods of time, than any other country on the planet. As has been thoroughly documented herein, the carnage this societal addiction has wrought on the country is tragic and devastating on so many levels. It is as if a huge wrecking ball has been let loose to swing through many pillars of American society, not the least of which are American families and communities, especially those of color. America is facing one of the gravest social crises in its history and tragically, much of the church is conspicuously absent.

So many of the incarcerated and the formerly incarcerated manifest many of the societal ills associated with the “least of these” referenced in Matthew 25:40—the poor, the homeless, the hungry, the persecuted, the imprisoned, the addicted, and the sick. Christ’s admonition in Matthew 25:40 to take care of the least of these was not a suggestion or something to only do when convenient. Yet, amid a great and tragic social calamity that affects tens of millions of people, many churches in America have chosen to stand on the sidelines. They are conspicuously absent in meeting the needs and helping the people desperately in need of Christ’s love, who are left flailing on their own and often set up to fail as a result. It begs the question, “Since when did

it become OK for churches that claim Christ as Lord and Savior to stand idly by when so many are suffering?” To stand idly in the midst of such suffering and to say nothing and do nothing is to be complicit in its propagation and to act in a manner that is antithetical to Christ’s love.

The other significant thing learned through this project is that there are a few churches that have felt called to minister to the least of these, the people who are the incarcerated and the formerly incarcerated, and they have had a profound impact. Symbolically, these churches are like a wonderful lush oasis in the massive desert of indifference that is the vast majority of churches in America. The case studies represent the hope that churches can make a difference in the lives of these people.

These churches, through their use of restorative justice principles, have been able to positively touch the lives of the least of these—the people who are dealing with the consequences of incarceration. Realizing that this ministry is necessary each and every day, these churches do not act once in a while or just have a single day of service scheduled on the church calendar.

I am reminded of a story involving my children from many years ago. I called the homeless shelter in downtown Houston to ask if I could bring my family down and serve meals at Thanksgiving. I wanted my children to have the experience of serving others who were less fortunate. The man at the shelter was very kind and gracious. He thanked me for my call and my willingness to come down with my family to help out in the kitchen and serve meals. However, he said that all slots were filled for Thanksgiving (and Christmas as well) and there was no time available to come down and serve. He then said something I have never forgotten:

I know it is not Thanksgiving or Christmas, but if you and your family are interested, I have no one scheduled for most of the rest of the year. I have two

people who volunteered for a few days in April and a few more in September. All the rest of the calendar is wide open. His point was crystal clear and cut to the heart. People wanted to come and serve at Thanksgiving and Christmas because these are the “feel good” times of the year. However, people are hungry every day of the year.

That is how it is with the incarcerated and the formerly incarcerated. They are dealing with the consequences of imprisonment each and every day. They are dealing with trying to take care of their family, trying to find a job and housing when they get out. Many are carrying the heavy baggage of addiction, mental illness, hunger, homelessness, health challenges, and other issues—while bereft of hope, every day. These folks are not adequately helped, encouraged, or supported. Their needs will not be met by an occasional visit, service day, or the rare mention from the pulpit.

The ministry efforts of the churches mentioned herein reach out to these people. Their programs are noteworthy and provide examples of how churches can proceed with their own efforts. If only Christians could become aware of how God wants to bring restorative justice to inmates, ex-inmates, and their families. These are people who are in desperate need of hearing God’s message of hope, love, peace, forgiveness, justice, and restoration. There should be more Christians and churches reaching out to the millions who are tragically affected by incarceration and its dehumanizing aftermath.

At our country’s founding, an eloquent and powerful commitment to life, liberty, and the pursuit of happiness was memorialized in the Declaration of Independence. It became a light on the hill and a beacon for the world for over two hundred years. And yet, today, such a commitment seems to be ebbing, especially with regard to people of color.

DMin projects are to be meaningful and relevant to the church. This project sought to make the reader aware of the enormity of the incarceration problem in America, the tragic consequences that are impacting millions of people, and the conspicuous absence of the church in helping meet the needs of those affected. It is a call to action for the church to get involved, knowing that some have made a path for others to follow. May it be so.

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LIBERTY UNIVERSITY

INSTITUTIONAL REVIEW BOARD

November 29, 2023

Michael Wing
Douglas Munton

Re: IRB Application - IRB-FY23-24-596 Mass Incarceration - Where's the Church?

Dear Michael Wing and Douglas Munton,

The Liberty University Institutional Review Board (IRB) has reviewed your application in accordance with the Office for Human Research Protections (OHRP) and Food and Drug Administration (FDA) regulations and finds that your study does not meet the definition of human subjects research. This means you may begin your project with the data safeguarding methods mentioned in your IRB application.

Decision: No Human Subjects Research

Explanation: Your study is not considered human subjects research because it will not involve the collection of identifiable, private information from or about living individuals (45 CFR 46.102).

Please note that this decision only applies to your current application. Any modifications to your protocol must be reported to the Liberty University IRB for verification of continued non-human subjects research status. You may report these changes by completing a modification submission through your Cayuse IRB account.

For a PDF of your IRB letter, click on your study number in the My Studies card on your Cayuse dashboard. Next, click the Submissions bar beside the Study Details bar on the Study Details page. Finally, click Initial under Submission Type and choose the Letters tab toward the bottom of the Submission Details page.

If you have any questions about this determination or need assistance in determining whether possible modifications to your protocol would change your application's status, please email us at irb@liberty.edu.

Sincerely,

G. Michele Baker, PhD, CIP
Administrative Chair
Research Ethics Office