

PROCLAIMING LIBERTY FOR CAPTIVES: Criminal Justice Reform, Advocacy, and 85th Legislative Session

Kathryn Freeman
Director of Public Policy
Christian Life Commission

Douglas Smith
Policy Analyst
Texas Criminal Justice Coalition

Roadmap

- What does the Bible Say?
- What is Mass Incarceration?
- Mass Incarceration Harms Families
- Mass Incarceration as Failure of Stewardship
- Q&A

What does the Bible Say?

The Spirit of the Sovereign LORD is on me, because the LORD has anointed me to proclaim good news to the poor.

He has sent me to bind up the brokenhearted, to proclaim freedom for the captives and release from darkness for the prisoners. Isaiah 61:1

Justice

- Is not this the fast that I choose: to loose the bonds of injustice: to undo the thongs of the yoke, to let the oppressed go free, and to break every yoke? Isaiah 58:6
- He has told you, O mortal, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God? Micah 6:8
- Learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow. Isaiah 1:17

Partiality/Racism

- You must not distort justice; you must not show partiality; and you must not accept bribes, for a bribe blinds the eyes of the wise and subverts the cause of those who are in the right. Deuteronomy 16:19
- There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus. Galatians 3:28
- All this is from God, who reconciled us to himself through Christ, and has given us the ministry of reconciliation; that is, in Christ God was reconciling the world to himself, not counting their trespasses against them, and entrusting the message of reconciliation to us. 2 Corinthians 5:18-20

Poverty

- You must not distort justice; you must not show partiality; and you must not accept bribes, for a bribe blinds the eyes of the wise and subverts the cause of those who are in the right. Deuteronomy 16:19
- “Whoever closes his ear to the cry of the poor will himself call out and not be answered.” Proverbs 21:13

“Doing justice not only includes the righting wrongs, but **generosity and social concern** especially toward the poor and vulnerable. It consists of a broad range of activities from simple and honest dealings with people in daily life, to regular, radically generous giving of your time and resources, to **activism that seeks to end particular forms of injustice, violence, and oppression.**” --Tim Keller

The Harms of Mass Incarceration

For children, the era of mass incarceration has meant a tremendous amount of family separation, broken homes, poverty, and a far, far greater level of hopelessness as they see so many of their loved ones cycling in and out of prison.

--Michelle Alexander

Mass Incarceration by the Numbers

- U.S.
 - less than 5 percent of the world's population but **imprisons 25 percent** of the world's inmates.
 - Most of those **2.3 million** inmates are people of color.
 - African Americans are incarcerated for drug offenses at **a rate 10 times greater than that of whites**, despite the fact that blacks and whites use drugs at roughly the same rates.
- Texas
 - **Texas incarcerates 150,000 people**, more than any other state (including California, which has a population 12 million people larger than Texas).

The Impact of Mass Incarceration on Families and Children

- Between 1980 and 2000, the number of kids with a father in jail or prison rose 500%.
- As of 2012, nearly 477,000 Texas children, or 7% of all kids, experienced parental incarceration during childhood.
- Compared with white peers, African American and Latino youth are 7 and 2 times more likely, respectively, to experience parental incarceration

The Impact of Mass Incarceration on Families and Children

- Statistically, most children experiencing parental incarceration are...
 - Younger than 10 years of age
 - Living in a low-income, single parent family of color
- When a father is incarcerated, family income drops by 22%
- 65% percent of families with a parent in prison cannot meet basic needs.

The Impact of Mass Incarceration on Families and Children

- Parental incarceration is traumatic on children
 - They experience little sympathy or support from others – in fact, teachers tend to lower their expectations
 - They experience higher rates of anxiety and depression
 - Academic achievement falls
 - Children of incarcerated mothers are at very high risk of dropping out of school
- Parental incarceration during childhood has negative impacts that extend well into adulthood

Mass Incarceration Harms Communities

- According to studies, had incarceration rates not risen so dramatically over a 24 year period, poverty rates would be 20% lower than they are today.
- Communities with high rates of incarceration weaken neighborhoods, depleting the workforce, and making the community less resilient.
- When formerly incarcerated individuals return home, they face universal barriers to employment and housing, continuing to harm the economy.

Mass Incarceration is an Attack on the Poor

- Funding the Criminal Justice System on the Backs of the Poor
 - Driver Responsibility Program
 - Court Fees/Probation Fees
- Bail Policies
- Who is “Diverted”?

Mass Incarceration as Failure of Stewardship



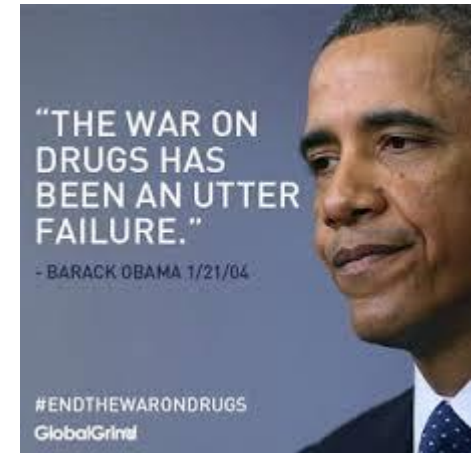
A Failure of Financial Stewardship

- Texas spends \$3.1 billion annually on corrections.
 - That is **seven times** more money on incarceration than on higher education.
- \$67 million is spent to incarcerate possessing less than a gram of a controlled substance for **a 63 percent re-arrest rate.**
- Probation is **36 times** cheaper than prison.

Failure of Relational Stewardship

- Partiality in Application and Effect
- Racism—breeds community distrust

Racial Disparity in Arrests - The Impact of the Drug War



African Americans
comprise **14 percent**
of drug users

But represent **34 percent** of those
arrested for drug
offenses

And **53 percent** of
those sentenced to
prison for a drug
offense

Racial Disparity in Texas Criminal Justice - Incarceration



African Americans
comprise **12 percent** of
Texas Population

But represent **35
percent of the Texas
prison population**

And only **23 percent of
those given the
opportunity for
community
supervision** instead of
prison.

So What?

Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteously, defend the rights of the poor and needy. Proverbs 31:8-9

What Is A “Just” Justice System?

- Harmful vs. Corrective
- Abandonment vs. Redemptive
- Impartial vs. Biased
- Scorn vs. Restorative

Change in Policies

- **Strengthening Public Health Response to Substance Use Disorder**
 - Lowering Penalties for Possession
 - Shifting Incarceration Savings into Programs that Work: Evidence-Base Community Treatment, Prevention and Intervention
 - Pretrial Services – Early Access to Programs that Address Root Problems, Lower Jail and Prison Populations
- **Increasing Equity and Public Safety with Just Bail/Pretrial Policies**
- **Improving Probation Policies**
 - Lower Costs for Low-Income Probationers
 - Supporting Evidence-Based Policies (Swift/Certain Sanctions, Intensive Supports for People with Substance Use Disorder, Mental Health, or Intellectual Disability)
- **Youth-Justice Priorities**
 - Raise the Age
 - Second Look

What Can You Do?

- Sign Up for Updates
- Ask the Question
- Invite local officials to your ministry
- Galvanize your networks

What Can Churches Do?

- Have members heard about justice issues from the pulpit?
- Is this a welcoming church?
 - Bible Studies
 - Survey local resources
- Do you have programs?
 - Job Training
 - Mentorship
 - GED classes



Question and Answer

Contact:

- Kathryn Freeman
- Kathryn.freeman@texasbaptists.org
- 512-473-2288
- Douglas Smith
- dsmith@texascjc.org
- 512-960-0534