



I was in prison and you visited me MASS INCARCERATION IN THE U.S.



For I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me. (Matthew 25:35–37)

Prisons in the U.S. hold more people—and more people per capita—than any other nation.

In Michelle Alexander’s book, *The New Jim Crow*, she describes a system of mass incarceration where the criminal legal system is used, “to label people of color ‘criminals’ and then engage in all the practices we supposedly left behind . . . We have not ended racial caste in America; we have merely redesigned it.”

The 13th amendment to the U.S. Constitution, which outlawed slavery, also prohibited forced labor “except as a punishment for crime.” In some states today, prisoners work in fields picking cotton for little to no pay, some likely tilling the same soil as their enslaved ancestors.

Jesus told his disciples that how we treat the hungry, the stranger and the prisoner is how we treat Jesus himself (Matthew 25). Read on to learn more about mass incarceration in the U.S. and potential paths toward greater justice. ✨

katerina

Analyzing mass

INCARCERATION

in the U.S.

By Daniela Lázaro-Manalo

The United States continues to incarcerate more people than any other nation. With nearly 2 million people held behind bars, it also has the highest rate of prisoners per capita. The U.S. system of mass incarceration consists of more than just federal and state prisons; it also includes local jails, juvenile correctional facilities, immigration detention centers, state psychiatric hospitals and other forms of confinement.

Racial disparities remain prevalent in the nation's prison and jails. Black Americans make up 38% of those locked up while accounting for only 12% of the U.S. population (source: U.S. Federal Bureau of Prisons). Latinos make up 21% of the incarcerated population while representing 18% of the U.S. population. When compared to the White population, which represents 38% of incarcerated people yet make up 60% of the U.S. population, the racial gap is staggering.

These statistics are compounded by the disproportionate roles that

poverty, gender and mental health play in determining who gets caught up in the system, and the detrimental impact it has on their families and communities.

While there was a significant decrease in the total prison population during the first year of the COVID-19 pandemic, this was largely due to the delayed processing times in the criminal legal system. The number of people in prison is now returning to pre-pandemic levels. In fact, research by the Prison Policy Initiative indicates that although there was a 40% reduction in the number of people entering the prison system, officials released fewer people during the pandemic than pre-pandemic.

The U.S. system of mass incarceration is designed to dole out punishment as a response to crime, which ultimately normalizes a culture of violence. Rather than focusing on rehabilitation and the root causes of crime, violence is met with more violence. In the process, it is vulnerable

social groups that are most heavily prosecuted and punished, largely relegated to a state of “civil death” after a felony conviction (i.e., unable to find a job, secure housing or receive government benefits).

Responding to crime with the deprivation of liberty is a deliberate choice—one that mirrors the historical underpinnings of slavery in this nation.

A closer look at hidden layers

What is categorized as a “violent crime” by federal and state laws includes a wide range of acts. For example, producing methamphetamines or burglarizing an empty home at night with a weapon present can be ruled as violent crimes in some states.

The United States is the only country that still uses the *felony murder rule*. According to the Felony Murder Elimination Project, when someone is killed during the commission of certain felonies, such as arson, robbery



MCC photo/Christy Kauffman

You Got Booked

“You Got Booked” is an MCC interactive learning activity that provides participants with insights into the U.S. criminal legal system and the current crisis of mass incarceration. The recently updated exercise requires 90 minutes and works best with groups of 15-35 people (great for congregations, schools, youth and other groups). MCC provides facilitation for the exercise across the United States. Contact npjm@mcc.org to host an activity in your community!

Linda Moyo and Yasmine Youssef Hawchar participate in You Got Booked, a learning exercise that highlights the racial disparities embedded in the criminal legal system that contribute to mass incarceration in the U.S.



North Baltimore Mennonite Church members practice skills for healthy dialogue at a 2018 workshop facilitated by Jes Stoltzfus Buller.

NEW! Peaceful practices conversation guides
mcc.org/peaceful-practices

Two guides follow up on the Peaceful Practices curriculum and are intended to help facilitate healthy conversation while addressing the delicate aspects of sensitive topics. The first two conversation guides of this series are:

- **#BlackLivesMatter: Can we have a conversation?**
- **Critical Race Theory: How should race education be taught in schools?**

or burglary, “All participants in the felony can, and most likely will, be held equally liable—even those who did no harm, had no weapon, and had no intent to hurt anyone.” This nuance is also a significant factor when criminal legal reforms exclude people who have been convicted of “violent” crimes.

Another often-overlooked category is that of costly bail. Much of the jailed population is still awaiting trial; people are being held because they cannot afford to post bail. The median amount for bail is about \$10,000 for felonies. Holds for parole and supervision violations also sometimes unnecessarily put people back behind bars (even if temporarily) and disrupt the progress that formerly incarcerated individuals were making on the outside.

Misdemeanor charges such as jaywalking or shoplifting make up about a quarter of the daily jail population and many states do not appoint counsel to these individuals. As a result, vulnerable people are often pressured to take a deal in which they plead guilty to avoid jail time. This, however, results in a criminal record and probation sentencing (and, for non-U.S. citizens, can lead to depor-

tation). Michelle Alexander, author of *The New Jim Crow*, notes the ways in which a permanent record condones young Black men to becoming second class citizens and legalizes many of the same discriminations that took place at the height of the Jim Crow era (i.e. denial of the right to vote, lack of access to education and public benefits, etc.).

Recommendations

Transforming the ways in which this nation addresses harm and treats its most marginalized communities is a faith calling that invites communities to engage with a version of God’s Kingdom on Earth where Christian restoration and peacemaking, even for those deemed “dangerous” to our society, is central.

Our mass incarceration system is not designed to support holistic rehabilitation, care and restorative justice for both perpetrator and victim(s). However, there are reforms that can immediately address some of the harmful responses that incarcerated people and their respective communities suffer.

Currently, several sentencing reform bills before the U.S. Con-

gress would, if passed, correct policy mistakes of the past while creating more fair sentencing practices moving forward. The Equal Act, S. 79, and a package of three sentencing reform bills—The First Step Implementation Act (S. 1014), the Prohibiting Punishment of Acquitted Conduct Act (S. 601), and the COVID-19 Safer Detention Act (S. 312)—could bring about meaningful progress towards a more just criminal legal system. Moreover, state and local proposals that fund and support alternative responses such as community-based drug treatment, job training, and other social goods can begin to shift the way this nation perceives violence, safety and reconciliation. ✨

Embracing Beloved Community
mcc.org/embracing-beloved-community

Embracing Beloved Community is a seven-week biblical study for Sunday School classes or other groups that are seeking to dive into the ways God calls the church to embrace diversity. The participant’s guide contains group prayers, Scripture, biblical reflection, journal prompts and homework videos. The facilitator’s guide adds notes for leading each session, including worship music suggestions for use during moments of reflection. Both the participant’s and facilitator’s guide are available for free download.



Worship resources

A prayer for justice

by Kenji Kuramitsu

God, make us instruments of your justice.
Where there is a false and untenable peace,
let us sow dissent;
where there is injustice, fury;
where there is oppression, hope;
where there is false fluorescence, profound darkness;
where there is social depression, life;
where there is crime and poverty,
a sustainable economic infrastructure.

Grant that we may not so much seek to be uplifted
as to uplift;
to be seen as to see others.
For it is in protesting the sin of the system
that we can more fully acknowledge our own sin;
it is in demanding justice of the powerful
that we live out God's demands for us;
and it is in rejecting the American dream
that we are born into God's dream.

Amen.

—from A booklet of uncommon prayer
(inspired by a prayer attributed to St. Francis)

Songs

Voices Together #789 Be a Sower
Voices Together #412 My Soul Cries Out
“Hymn for the 81%” by Daniel Deitrich
“Let Justice Roll” by Sojourn Music

Litany of lament and hope

All: We lament the cries of suffering and despair rising from the criminal legal system—from victims in and outside of prison including those who work in the system.

One: We know that the whole creation has been groaning in labor pains until now; and not only the creation, but we ourselves, who have the first fruits of the Spirit, groan inwardly while we wait for adoption, the redemption of our bodies. (Romans 8:22-23)

All: We lament that racism infects the whole criminal legal system in our time. We lament the inequities that result in an unequal meting out of justice and incarceration.

One: 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: We hear the invitation of Scripture to identify with the incarcerated like Joseph, Jeremiah, John the Baptist, Peter, Paul—and Christ himself.

One: “He has sent me to proclaim release to the captive and recovery of sight to the blind, to let the oppressed go free” (Luke 4:18)

All: We proclaim that hope is a discipline, that there is always a potential for transformation and for change.

One: See, I am making all things new. (Revelation 21:5).

—Adapted from “The church and criminal justice exhortation liturgy,”
Reformed Church in America,
bit.ly/rca3fT

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The White House
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GET INVOLVED!

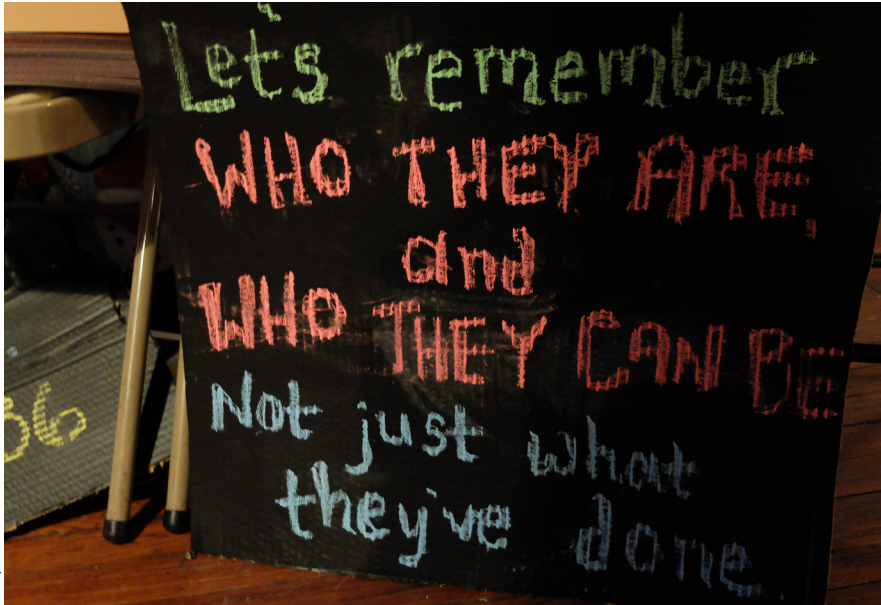
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All biblical quotes are from the New Revised Standard Version, unless otherwise noted.

Facts about mass incarceration



MCC photo/Laura Pauls-Thomas

5
U.S. percent of
global population

20
U.S. percent of
incarcerated population

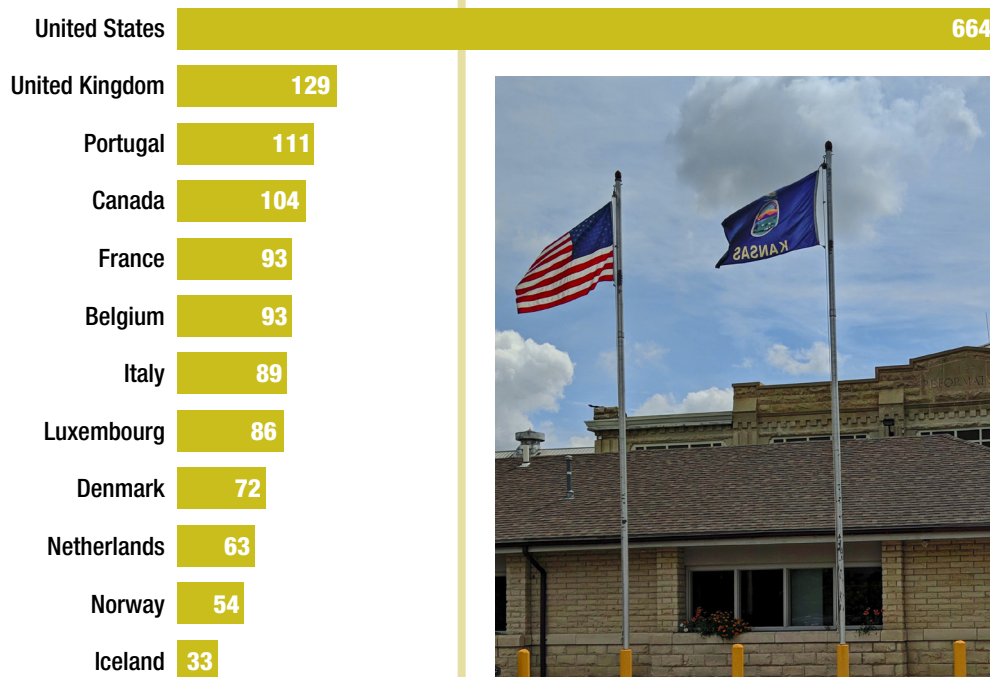
By a margin of
3 to 1

Victims of crime prefer holding people accountable through options beyond prison, such as rehabilitation, mental health treatment, drug treatment, community supervision, or community service

*“Black Americans are incarcerated in state prisons at nearly **5 times** the rate of white Americans.*

*Latinx Americans are incarcerated at **1.3 times** the rate of white Americans.”*

INCARCERATION RATES Among founding NATO countries



Incarceration rates per 100,000 population



MCC photo/Tina Schrag

Sources: American Civil Liberties Union, The Sentencing Project, Alliance for Safety and Justice, Prison Policy Initiative

U.S. policies on mass incarceration should . . .

1 Remove mandatory minimums

While some criminal legal system policies have changed over the years at the state and local levels, mandatory minimums for drug convictions have remained at the federal level. **Rather than imposing a mandatory minimum sentence, judges should be given discretion in sentencing.**

2 Support people with mental illness

U.S. officials need to make clear separations between our criminal legal system and mental health systems. **People with mental illnesses need to be able to access treatment and should not be criminalized.**

3 Eliminate solitary confinement

The use of solitary confinement as a means of control should be eliminated. It is costly and causes serious harm when prisoners are held in isolation for extended periods of time. Instead, the U.S. should explore humane alternatives that address the mental health needs of prisoners.

4 Improve family communications

Strong familial relationships are at risk when loved ones go to prison. **Policies should ensure that all of those in prison have access to communication with their family members.** Whenever possible, individuals should be placed in prisons close to home with affordable phone prices to contact their families.

5 Support reentry

U.S. policy must allow returning citizens to thrive in their communities. While in prison, individuals should be given the educational and professional resources to help them become financially stable when they are released. Former prisoners should be given the right to vote and access to employment, affordable housing and temporary government benefits.



MCC photo/Laura Pauls-Thomas

Basic hygiene items for prisoner care kits gathered by MCC East Coast staff, volunteers and community members gathered at Circle of Hope in Philadelphia, Pa., for a Mass Incarceration Service Day event in 2018.

Resources for learning more

"13th": Documentary film
avaduvernay.com/13th

The New Jim Crow
Michelle Alexander, New Press, 2012

The Sentencing Project
sentencingproject.org

Families Against Mandatory Minimums
famm.org

NAACP
naacp.org

Detention Watch Network
detentionwatchnetwork.org