

Incarceration in the USA

By: Paula Jackson

Carmela and I sat in the defendant's waiting area in the county Juvenile Court. Among those waiting for their kids' cases to be called, hardly anyone was white. We were all waiting to hear from pretrial consultations, to which we were not privy, between a Public Defender and Prosecutor.

An earnest young man introduced himself as Joseph's Defender, and explained rapidly what he hoped to accomplish for Joseph. The Prosecution had three charges against Joseph. Felony drug distribution, Resisting arrest, and Disorderly conduct. Two police officers were ready to testify that Joseph had had a tiny plastic baggie of cocaine which he had swallowed when they approached him on the street. (In fact, Joseph had been taken from the arrest to Children's Hospital and monitored for two days, but the baggie was never discovered. But the Court, we were advised, likely won't rule against police testimony, despite the lack of evidence.) And you can't win against a charge of Resisting or Disorderly. If the suspect so much as asks, "Why are you arresting me?" that is resisting, and may be disorderly. In short, Joseph was not going to beat this rap. However, if he would plead guilty to Resisting and Disorderly, the Prosecution would drop the felony drug count; and Joseph could go home --with two misdemeanors on his record. Such a deal. Within a week, the arresting officers let Joseph know they were looking for him and would arrest him for something else. 15 years later, Joseph has spent more time incarcerated than not. He knew the mark was on him.

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Jorge, a small business owner, paid his taxes and Workers' Comp scrupulously, hired people who need a second chance, bought his materials from local businesses, and cooperated with police on apprehending violent criminals, even at personal risk. On his way to a construction job at a small town near Cincinnati, he pulled into a quick-mart for gasoline and went inside to pay. When he came out, a local police officer was parked nearby, watching him. As soon as Jorge put his key in the ignition, the officer pulled behind him, lights flashing. "I need to see your license." Jorge's license is from Mexico. "You'll have to come to the police station." Once there, Jorge called his priest and a friend. We met him at the police station, and watched through a window while the officer ran an inexplicable two hour internet search. Finally he came out and said that Jorge had a warrant for stealing a car in Florida (Jorge has never been to Florida); and that he would have to take him to County Jail. If he signed a permission, Jorge's friends could go to the impoundment and pick up his truck, after paying the \$200 fees.

Like a dying man, Jorge gave us his wishes for the care of his wife and their small daughter with Downs' Syndrome. Then he was taken away. From the County Jail, he was handed over to ICE and moved to Butler County's big high-tech facility, built with Federal money to hold immigrants who will be deported. After a couple of weeks, he was shipped out to a holding facility somewhere in the South (he was not sure where). Jorge was able to talk to his wife by phone for a few minutes during the weeks of waiting there. It was cold at night and there were no blankets. Everyone was miserable. A young woman who cried constantly had been taken from her job in a raid, without even a chance to call the babysitter who had been caring for her nursing baby. It seemed they were keeping people in this place until they

had collected enough to fill the respective planes to Guatemala, Honduras, and Mexico... But none of the prisoners knew how long their ordeal would last.

These wrenching moments in one parish are common experiences across the United States. Most African American extended families know at least one Joseph; most immigrant families grieve the disappearance of one or many Jorges. All of them know that someone else could become a Joseph or a Jorge, without notice. These families are part of a grand pattern that makes the United States the most incarcerated nation in the world. In actual numbers, and in rate of prisoners to population, we vastly outdo China, Russia, and all the countries we designate as “authoritarian regimes.” Our sentences are longer; we have more stringent post-release controls than other countries. We imprison people for offenses hardly designated as crimes, or that in other countries would be a matter for medical treatment rather than incarceration. The rate of arrests, convictions, and incarcerations are disproportionately people of color, even though evidence holds that white people are as likely to commit offenses. **Why?**

In Matthew 25: 43, the King says to the unjust, "I was a foreigner and you did not welcome me; naked and you did not clothe me; sick and in in prison and you did not [most translations say] visit me." It is important to visit the Incarceration in the USA 79 incarcerated, to remember their names, pray for them, and bring a message of redemption. But the Greek verb in the text is from the same root from which we get "episcopal" -- and it means to see to, to be concerned for, to act in the interests of; to make the well-being, inclusion, and reconciliation of the incarcerated our business. The just who inherit the Kingdom are welcomers and pastors of the inmates and immigrants. In order to “visit” in the sense required by the Gospel, we will have to understand the patterns that turn so many people into prisoners; and dismantle them.

Two sweeping designs have contributed to the US becoming the world’s most incarcerated nation; economic interests keep them going. Vested interests will operate this machinery as long as they can appeal to racist motivation (sometimes covertly). Michelle Alexander has narrated the social history behind the War on Drugs and its impact on incarceration in the US –taking the nation from a modern low to an unprecedented surge in prison population in the course of a few decades, a surge that targets African American neighborhoods. As the skyrocketing cost and cost-ineffectiveness of the War on Drugs become more obvious, another strategy to keep prison construction a booming business is the War on Immigration. The beneficiaries in these Wars are private corporations who build and run prisons at taxpayer expense, and a host of contracted “services” operating in them on a per diem basis. Their profits depend on keeping the beds occupied. These corporations lobby for legislation to that end. Politicians gain the legislation by playing to voters’ stereotypes (they can do this without alluding to race) against black and brown people as suspect and criminal. The cost is diversion of public funds from services that would prevent crime and improve public health and safety.

Here’s what we have instead:

1. Targeting of African American neighborhoods and persons for drug law enforcement; racial profiling in community policing in general.
2. The "cradle to prison pipeline" and lost opportunities for needed intervention
3. An overloaded Public Defender roster dealing with a constant surge of indigent defendants.

4. Incarceration for non-violent offenders and those whose illegal behavior is related to addiction or mental illness.
5. Mandatory sentencing to increase prison time, although this has no deterrent effect on crime or recidivism.
6. Criminalization for former misdemeanors, with no evidence that reclassification deters the incidence.
7. Removing education, mental health, and human services from prisons.
8. Recidivism from lack of re-entry help, difficulty finding employment with a felony record, and loss of civil rights.
9. Criminalization of undocumented immigrants –sometimes incarcerating whole families awaiting deportation.

What Economic Factors are Behind these Policy Decisions?

The once-flagging private prison-for-profit industry contracts to build and operate prisons. No more efficient or effective than state-run prisons, they make profits through non-union policies, understaffing, non-provision of services, and contracting out prison labor to private employers. Prisoners may be hired out at sub-minimum wages, basically as slaves of the system. The "war on crime" can be seen as a war on the poor at the state level. The resources most needed for the common good are diverted to the cost of the prison system; the services defunded by this transfer are those most needed by disadvantaged citizens; and these are the people most likely to end up in the prisons.

The largest for-profit prison corporations, The GEO Group and Corrections Corporation of America, are among the corporate funder-participants in the American Legislative Exchange Council. ALEC recruits and "arms" state legislators, boasting members in nearly every state; its legislative task forces write "model" legislation which is introduced in states to promote goals such as: Rolling back civil rights legislation; preventing or undoing environmental protection measures; defunding social and human services; defunding public schools; tort reform to limit the power of plaintiffs against corporations; privatization of public services; restrictive voter registration laws; "tough on crime" legislation that guarantees new Incarceration in the USA and longer-term inmates. As one example, ALEC gained attention for effectively promulgating criminalization of undocumented immigrants with AZ SB1070 and look-alike bills in other states shortly thereafter.

What Can Episcopalians Do?

ALEC's effective action at the state level shows Episcopalians that we might organize at the diocesan level to "visit" the incarcerated. If we are to affect the future of our burgeoning inmate population, we must help our legislators to get "smart on crime," instead of letting corporations write the laws which make us the most imprisoned nation in the world. We can respond with our Baptismal Covenant, resisting the rhetoric which tempts us to dehumanize people in the Wars on Drugs, Immigration, and Crime—looking instead realistically at human beings, evidence, effectiveness, and real communities that work.

1. Learn about issues and opportunities for reform in criminal justice, drug enforcement, and immigration. Some resources are: -Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the*

Age of Colorblindness (Rev. Ed. 2011. NY: The New Press) -America's Cradle to Prison Pipeline, Children's Defense Fund Report

http://www.childrensdefense.org/site/PageServer?pagename=c2pp_report2007

-American Immigration Council/Detention <http://immigrationimpact.com/category/detention/>

-Soros Foundations Network, Open Society Institute <http://www.soros.org/initiatives/issues/law>

-The Sentencing Project <http://www.sentencingproject.org/template/index.cfm>

2. Work with organizations that support former inmates; advocate for criminal justice reform and comprehensive immigration reform.

3. Write to your state representative about the need for smart-on-crime, evidence-based criminal justice reform that reduces crime, lowers rates of incarceration, and saves tax dollars. For example, let them know that spending on education is more effective than building prisons. Oppose the criminalization of undocumented immigrants and any related state legislation. Advocate Immigrant-welcoming municipal and state policies.

4. Encourage business leaders to hire ex-offenders, overcoming barriers against re-entry into the community.

5. Respectfully confront political rhetoric and media representations which imply that crime, violence, or drug use and dealing are more prevalent among people of color; that undocumented immigrants are criminals; that incarceration as it is presently used is an effective and necessary treatment to keep our society safe.