



Calling for Systemic Change



Advocacy Statement

Reducing Mass Incarceration in Responsible Ways

Approved by Westminster's Session • November 2017

Commissioned by the Social Justice Ministry Team at Westminster Presbyterian Church

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Part 1: Introduction

“As a society, our decision to heap shame and contempt upon those who struggle and fail in a system designed to keep them locked up and locked out says far more about ourselves than it does about them.”

— Michelle Alexander, author of *The New Jim Crow*

“Doing justice, therefore, is a way to know God.”

— The Reverend Douglas Mitchell, Westminster Presbyterian Church Social Justice Advocacy Policy (May 2003)

Our Call

Westminster Presbyterian Church has a long history of using its voice to lead in the public sphere on social justice issues such as marriage equality, affordable housing, and gun violence. In 2003, Westminster’s Session charged the Social Justice Ministry Team to develop policy statements on topics related to oppression and justice.

Because of the call to establish shalom, the Session of the Westminster Presbyterian Church takes the position that an essential part of our ministry in God’s world is to advocate for justice in our own communities—both religious and civil.¹

As a part of this call, when the Session adopts a policy statement the Faith in Action Council publicizes the report’s findings and develops recommendations for specific actions, including advocacy efforts and direct outreach opportunities.

In 2016, the issue of mass incarceration and criminal justice reform once again rose to the surface of public debate, once again reminding us of our obligation to use our voice. Westminster formed the Criminal Justice Reform Task Force (hereafter referred to as the Task Force) to examine the issue of criminal justice reform and make broad recommendations for a policy statement based on its findings. This report is extensive and the Task Force hopes that the congregation will use some or all of the content for further study and action in conversation with their legislators and in discussion with interfaith groups.

Introduction to the topic

The United States is home to only 5% of the world's population, but 25% of the world's prisoners.² Over the past 30 years, prison population in the United States has increased by 340%.³ These statistics, and the realities they represent, have created nothing short of alarm in citizens of all ideological beliefs. In April 2016, a survey showed that nearly 8 in 10 Minnesotans support comprehensive criminal justice reform. Holly Harris, the Executive Director of the US Justice Action Network, stated, "Minnesota Republicans and Democrats agree that there are too many people in prison, and it is time for systematic smart-on-crime reforms."⁴ As we have conducted listening sessions with community members in Minnesota, we have heard this alarm echoed collectively.

We have also heard and studied the anguish and the impact of racial disparity of people in prisons. Michelle Alexander's work in this area has helped to bring the topic into the everyday conversations of Minnesotans. In her book, *The New Jim Crow*, she states:

Today there are more African-Americans under correctional control— in prison or jail, on probation or parole— than were enslaved in 1850, a decade before the Civil War began. There are millions of African-Americans now cycling in and out of prisons and jails or under correctional control. In major American cities today, more than half of working-age African-American men are either under correctional control or branded felons and are thus subject to legalized discrimination for the rest of their lives.⁵

Race is an undercurrent throughout the entirety of our report. As you read about inmates with mental illness, uneven sentencing and probation, the use of solitary confinement, the cycle of poverty that insures multiple family members across generations will be incarcerated, and the inability to make bail, please recognize that if you are African-American, the picture is much bleaker than if you are of the majority-white population.

Though Minnesota historically has had a low prisoner population, our state has the fastest growing incarceration rate in the nation. It was therefore of primary importance

2 Duvernay, Ava, Dr. (2016). 13th.

3 Galston, William (2016). Criminal Justice Reform: Issues and Options for the Next President. Brookings Institute: www.brookings.edu/research/criminal-justice-reform-issues-and-options-for-the-next-president.

4 U.S. Justice Action Network (2016). New Poll: Minnesotans Overwhelmingly Support Criminal Justice Reform: <http://www.justiceactionnetwork.org/new-poll-minnesotans-overwhelmingly-support-criminal-justice-reform/>

5 Alexander, Michelle (2010). *The New Jim Crow*.

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to members of our community that we work to reduce our numbers of incarcerated individuals. However, members of our community also realized that such an undertaking should not occur without responsibility and awareness of larger public safety goals. In addition, the collateral consequences of mass incarceration are not, in fact, collateral: the direct impact of incarceration on the individuals imprisoned and their families and community is enormous, thus we have examined the community impact as well.

Process and structure

Although this policy paper does not purport to be an academic research paper, we conducted an extensive amount of research on topics related to criminal justice reform and reviewed many books, articles, and writings. We also conducted listening sessions with members of the community, including congregation members, judges, formerly incarcerated individuals, and family members of those impacted by incarceration. We encountered themes such as systemic racism and poverty, drug and alcohol addiction, homelessness, the significant presence of mental illness in the system of justice and incarceration, and the “silo effect” that occurs when many agencies and nonprofit communities try to help but cannot coordinate efforts. We were greatly impacted by the overwhelming frustration of community members who want change yet feel helpless to bring about change—despite their desire to volunteer or donate money or resources. In addition we were heartened by discovering programs that are working and having an impact.

In order to humanize and ensure a holistic approach to our research, we believed that it was necessary for our Task Force to visit a facility that incarcerates individuals. For security reasons we were unable to visit a state prison; however, on March 22, 2017, we were able to tour the Washington County Jail in Stillwater, MN. Throughout the tour we were confronted with facts and figures regarding the jail’s 174 “residents,” the various services and programs offered at the jail, and details of the men and women who work at the jail as employees of the Washington County Sheriff’s Office. These insights are incorporated throughout this report.

We have divided our report into the following sections: **Part I** is the introduction, **Part II** contains the biblical underpinnings of our work, **Part III** is an in-depth look at reducing incarceration, **Part IV** contains specific ways in which we might improve the lives of those impacted by incarceration, and **Part IV** is a summary of recommendations. We annotate the report with a series of **Appendices** and a **Bibliography**.

Language Matters

We would like to say something about *framing*. Language is a powerful determinant in our ability to discern and describe personal values and social realities. The language of gender, for example, has recently undergone significant changes that directly affect how we communicate with each other about gender orientation and sexual identity. In many important ways the words we use to talk about gender have become more inclusive and less disparaging.

In a similar manner the language we use to communicate about policy and practice in the criminal justice system has been changing—also for the purpose of being less disparaging and more humane. As members of the Task Force, we’ve intentionally sought to understand these changes in words and terms and to incorporate the changes where appropriate. In some cases, the changes are clear and well established; in others, the changes are underway but lack widespread use or consensus.

We believe this sensitivity to language is appropriate to our work on criminal justice system reform, given the biblical underpinnings to our work and our preference for an approach to reform that prioritizes rehabilitation over punishment (restorative justice rather than retributive).

As a case in point, we noted that in recent years the U.S. Department of Justice has sought to avoid use of terms such as “felon” and “convict” that may hinder the progress of individuals who seek to re-enter society successfully after the completion of their prison sentence. Among professionals working in the criminal justice system here in Minnesota, we heard intentional use of words like “youth” or “youthful” in place of the more pejorative “juvenile” (as in “youth court” rather than “juvee court”). Better Futures Minnesota, one of the partner organizations in the Great River Landing partnership (an affordable housing program that Westminster has invested in), refers to the men in its programming as individuals who have experienced high barriers to housing and employment as a result of their history of incarceration, rather than settling for the more negative label “ex-felon” or “felon.” Our Task Force began its work with an underlying assumption of equality, choosing our words as carefully as possible in the belief that “*justice is what love looks like in public.*”⁶

Summary of recommendations

We end our report with five distinct recommendations that emerged from months of study, prayer, and discernment. They are: (1) legislation that better integrates supportive services

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and reduces bureaucracy in the criminal justice system; (2) resources to support programs that specifically address issues like housing, education, and job initiatives for post-incarcerated individuals; (3) advocacy efforts to encourage robust government funding of the public defender, treatment courts, and efforts by social workers to assist incarcerated individuals; (4) advocacy for sentencing reform; and (5) engagement with the larger issues of poverty, and children impacted by parents in the criminal justice system.

Part 2: Biblical & denominational underpinnings

Our work on unpacking the complex nature of the criminal justice system was guided by the biblical traditions of justice and compassion. We see justice right at the very beginning.

The creation story in Genesis 1 states that every human being is created in the image of God. This divine image places each person in a relationship to God and to each other in which each person is of equal worth. Therefore, each person is to be treated justly to protect and preserve that worth.

This underlying assumption of equality leads us to see how, as practitioners, we can look upon our Christian theology to understand justice. Within the scripture, we find the focus to be restorative justice rather than retributive justice, and the goal is to serve the shalom (i.e. wholeness) of the community. The principles of restorative justice have often guided the pronouncements on criminal justice for the Presbyterian Church U.S.A. (PCUSA), which defines restorative justice as, “addressing the hurts and the needs of the victim, the offender, and the community in such a way that all—victim, offender, and community—might be healed.”⁷ We find this similar focus and goal setting in the Resolution on Restorative Justice (RRJ) from the 214th General Assembly (2002) of the PCUSA, which states:

The fundamental orientation of the Old Testament scriptures is not to demand conformance to moral or religious law. The fundamental orientation is to sustain—or where broken, to restore—the covenantal relationships and the covenantal bonds of the human community before God. In the Old Testament, God’s righteousness ‘involves both justice and compassion as expressed in God’s concern for the weak and vulnerable.’⁸

This is clearly the call of the prophet Jeremiah as he addresses the king of Judah in the Book of Jeremiah:

Thus says the Lord: ‘Act with justice and righteousness, and deliver from the hand of the oppressor anyone who has been robbed. And do no wrong or violence to the alien, the orphan, and the widow... Do you think you are a king because you compete in cedar? Did not your

⁷ Presbyterian Church (USA) 214th General Assembly (2002). Resolution on Restorative Justice. Office of the General Assembly, Louisville: <http://oga.pcusa.org/media/uploads/oga/pdf/restorative-justice.pdf>

⁸ Presbyterian Church (USA) 214th General Assembly (2002). Resolution on Restorative Justice. Office of the General Assembly, Louisville: <http://oga.pcusa.org/media/uploads/oga/pdf/restorative-justice.pdf>

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father eat and drink and do justice and righteousness? Then it was well with him. He judged the cause of the poor and needy: then it was well. Is this not to know me?’ says the Lord. (Jeremiah 22:3, 15, 16)

Doing justice is knowing God. Jesus makes the same call to do justice in the Book of Matthew:

Woe to you, scribes and Pharisees, hypocrites! For you tithe mint, dill and cumin, and have neglected the weightier matters of the law: justice and mercy and faith. It is these you ought to have practiced, without neglecting the others. (Matthew 23:23)

A key element of biblical justice is that it is not a neutral application of an abstract legal system. Instead, biblical justice is openly biased in favor of people who have no power or standing, like examples Jeremiah gave of the alien, the orphan and the widow. It stands to protect those who are weak, poor and marginalized.

In the New Testament, the image of the Kingdom of God is the primary expression of justice and righteousness. Jesus explicitly rejects the retributive law of *lex talionis*, or “an eye for an eye,” and calls us instead to love our enemies (*Matthew 5:38-45*). Justice is not measured by what people deserve for their criminal behavior, but by how the harm is healed and relationships are re-established.

The resolution sought is not that the person who has strayed “gets what they deserve,” but rather that relationships are re-established and harms are healed. In our biblical tradition, there is an “...insistence that God does not deal with human evil and sin by seeking retribution or plotting the destruction of those who sin;” to the contrary, “God takes the initiative in trying to overcome evil with good ... God’s justice is oriented not toward retribution but toward ‘healing, reconciliation, the restoration of relationships.’”⁹ Concern for the whole community and its shalom is ever present.

The safety of citizens is a fundamental part of the criminal justice system, and some individuals who, because of their criminal actions, should be incarcerated. Punishment and retribution should never be the driving force of incarceration.

⁹ Presbyterian Church (USA) 214th General Assembly (2002). Resolution on Restorative Justice. Office of the General Assembly, Louisville: <http://oga.pcusa.org/media/uploads/oga/pdf/restorative-justice.pdf>

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“The first step toward restoration must be to protect those who have suffered and those who are at risk to suffer at the hands of others.”¹⁰ This approach takes the protection of people’s safety very seriously by holding offenders accountable for their actions in the least restrictive way possible.

We find guidance from a statement by the 200th General Assembly of the PCUSA (1988) on Prison Violence and Nonviolent Alternatives, which urged that, “individual Presbyterians and the entities of the General Assembly... advocate a social order where compassion and justice characterize efforts toward those in the criminal justice system,” and called for, “... changing a prison system that is based on the concept of punishment to one that encourages the restoration of the offender to the community and the development of alternatives to incarceration.”¹¹ This restoration is key to the work we do as a church and society.

Healing, therefore, means a return to *wholeness* for all concerned. The biblical concept of *shalom* is the guide for assessing this wholeness. Shalom is a social and communal term which indicates holistic well-being. In addition, shalom signifies good relations among persons, families, nations, the physical environment, and between each of these and God. In doing so, God intends for the just peace of shalom to be the goal of our life together.

¹⁰ Ibid.

¹¹ Presbyterian Church (USA) 200th General Assembly (1988). Statement on Prison Violence and Nonviolent Alternatives: <https://www.pcusa.org/resource/restorative-justice/>

Part 3: Reducing incarceration in responsible ways

In this section, we address ways in which incarceration rates could be lowered, both by focusing on incarceration itself and by focusing on the systemic societal issues that are root causes of crime, particularly low-level offenses.

Livability Crimes

In several of our listening sessions, we heard concerns over sentences for so-called “livability crimes.”¹² These include, but are not limited to, trespassing, aggressive solicitation, violation of open bottle laws, and littering.¹³ In particular, while downtown businesses count on the Minneapolis Police Department to charge these crimes so that the area remains welcoming to paying members of the public, the incarceration related to these crimes feels to many like the criminalization of poverty and homelessness. Broad efforts made at the city and state level must focus on both (1) attempting to provide social services to keep persons experiencing homelessness out of jail and (2) holistic approaches that address the root causes of these crimes.

Hennepin County has implemented an initiative connecting a team of social workers with inmates in an effort “to bring basic social services to thousands of inmates at the county jail, in the hope that once they leave jail they will be less likely to come back.”¹⁴ The initiative includes supportive housing information, mental health counseling, and assistance with health insurance. Part of the success of this program is that it has garnered cooperation across systems, including the sheriff’s department, judges, public defenders, prosecutors, social workers, and health care providers.

*County programs are leveraging county resources across systems, to maximize collective experience and implementing innovative solutions that are creative and flexible, to focus more effort where it makes most sense in the criminal justice process.*¹⁵

This effort is encouraging both from a substantive standpoint, and because it represents an effort to break down the silos that often occur in the government and nonprofit services offered to vulnerable citizens.

12 Stahl, Brandon (2016). “Hennepin County specialty court offers path out of homelessness.” Star Tribune: <http://www.startribune.com/on-east-lake-street-proposed-change-in-punishment-for-livability-crimes-is-a-complicated-issue/415528394/>

13 Appelman Law Firm, LLC (2017). “Minnesota Open Container Offense.” <https://aacriminallaw.com/minnesota-dui-laws/minnesota-open-container-offense/>

14 Serres, Chris (2015). “At county jail, social workers hope to stop the revolving door.” Star Tribune: <http://www.startribune.com/at-county-jail-social-workers-hope-to-stop-the-revolving-door/291341891/>

15 Hennepin County (2017). “Better Together Hennepin”. <http://www.hennepin.us/your-government/projects-initiatives/better-together>

Detention Alternatives: Youth & Adults

In the juvenile justice area, Hennepin County is part of a Juvenile Detention Alternatives Initiative (JDAI). The JDAI seeks to eliminate inappropriate or unnecessary use of secure detention for our community's youth, prevent racial and ethnic disparities, and redirect resources to effective community-based and culturally appropriate services for youth and their families. After the success of JDAI, Hennepin County is now implementing the Adult Detention Initiative (ADI), a collaborative that has “developed and is executing a strategic action plan for identifying individuals who may not need to be detained in jail while their case is being resolved.”¹⁶

The ADI notes that the Hennepin County Adult Detention Center, sometimes referred to as the county jail, has 33,000 admissions annually with a cost of \$132 per individual per day, and that at least one third of the jail population suffers from an identified mental illness. “Often, detaining these people in jail worsens their symptoms and conditions.” In addition, “[t]hose who remain in jail for low level offenses are disproportionately poor.” ADI is doing the following:

- Collaborating with the Department of Health and Human Services to find appropriate alternatives to jail for the mentally ill;
- Working with the Department of Community Corrections and Rehabilitation (DOCCR) to review policies and procedures for issuing bench warrants, reserving arrest and jail time for occasions when compliance with court conditions and progress towards rehabilitation cannot be achieved through alternative means;
- Reducing bench warrants for people who do not appear in court;
- Working with the Hennepin County Sheriff's Office to institute a “court expeditor” to monitor cases and work to eliminate unnecessary stays;¹⁷
- Working on bail reform to ensure decisions to detain or release are based on risk.¹⁸

¹⁶ Hennepin County (2017). “Adult Detention Initiative Fact Sheet.” <http://www.hennepin.us/cjcc>.

¹⁷ Hennepin County (2016). “Adult Detention Initiative”: <http://www.hennepin.us/-/media/hennepinus/your-government/leadership/documents/ADI-Handout-October-2016.pdf>

¹⁸ Ibid.

The Hennepin County Criminal Justice Coordinating Committee, which is responsible for implementing ADI, needs to be recognized, encouraged, and funded for these efforts. In addition, we support a later measurement of the efforts, to determine whether they have made a difference in reducing pre-trial incarceration numbers and recidivism.

Bail Reform

Bail reform will not necessarily reduce rates of long-term incarceration in the form of prison sentences, but it has been a topic of concern in the media of late, and we heard concern over pre-disposition incarceration due to excessive bail at several of our listening sessions. We heard from judges and community members concerned about the inequity in pre-disposition incarceration for defendants. Often, individuals charged with a crime will fail to show up for a hearing because of mental illness, homelessness, or transportation challenges. A warrant will be issued for their arrest, often resulting in short-term incarceration. Minnesota is home to several non-profit organizations aimed at addressing these seemingly intractable issues, and we support looking further into the issue of bail reform and how pretrial incarceration disproportionately affects the poor.

Initiatives at a grassroots level are having a positive impact on those suffering from the difficulties of the criminal justice system. Freedom Fund is a nonprofit that provides assistance to low-income people in Minnesota by accepting donations to post bail.¹⁹ The only caveat for the individual is to show up to their next court date. The founder identified a key pain point for individuals with low incomes: many of these people are forced to plead guilty, accept a penalty and a criminal record in lieu of serving time in jail because they cannot afford bail. In this way, bail plays an important — albeit controversial — role for prosecutors and defendants who are seeking to avoid jail time. Freedom Fund is forcing conversations by practitioners throughout the state of Minnesota to think twice about the legitimacy of the current bail system.

Criminalizing Mental Health

We heard many concerns over what was perceived as the criminalization of mental health, or incarcerating individuals with mental illness instead of providing them with inpatient or outpatient psychiatric services. Numerous individuals working in the criminal justice system expressed their desire and perceived necessity for treating mentally ill individuals rather than complicating their illnesses in prison. Resources, however, are extraordinarily

¹⁹ Mannix, Andy (2017). University of Minnesota Student Takes on Injustices in the Bail System. Star Tribune: <http://www.startribune.com/university-of-minnesota-student-takes-on-injustices-in-the-bail-system/418289153/>

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scarce and often absent. Based on the theory that people who lack self-control will engage in delinquent or criminal behavior, accessible mental health treatment for everyone is essential. Psychotherapy is the best way for some criminals to recognize the “errors of their ways” and to establish methods of self-control that insulate against offending. Control theory has suggested that regulation of the individual must come through policies fostering integration into the social order rather than through policies of isolation and punishment. Criminal justice policy makers are continuously looking for ways to reduce the likelihood of delinquent or criminal behavior.

While there are many criminals who are diagnosed with a mental illness, a diagnosis alone does not justify criminal behavior. Unfortunately, mental health issues are driving people into the criminal justice system. From our listening session with a group of Hennepin County Judges, we learned that roughly 40% of Hennepin County criminal cases involve mental health issues. When asked how they see the court system addressing this intersectionality between mental health and crime, the judges responded with the definition of “competency”: the level of mental health that guides sentencing decisions or dismissal of cases until “competency is restored.” Cases involving youth, as we learned from the Listening Session, require psychological examinations for all perpetrators. From these conversations, we gained a deeper understanding of how mental health plays a pivotal role in the criminal justice system for adults and youth. Yet, despite these efforts to normalize and focus on the importance of mental health, much needs to be done to improve the system.

During our tour of the Washington County Jail we spoke with several correctional deputies. The jail sergeant who gave the tour said, “So many mentally ill come into the jail and I wish that there was something else that could be done instead of incarceration.” During our tour we gathered the following insights:

- There is a distinct need for facilities to treat mental health patients who do not belong in a prison.
- According to one official, on any given day, approximately 95% of all inmates are on medication for mental health related illness.
- Inmates are diagnosed with a wide range of mental illnesses from anxiety and/or depression to psychotic disorders. Inmates and their medication are reviewed by a part-time doctor who is contracted from a local provider in Stillwater. They ensure that the medication is not addictive. We were left with questions about how diagnoses are determined.

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- Correctional deputies and law enforcement officers on patrol have the opportunity to participate in a 4-day crisis intervention training (CIT), which is an intense mental health training program that utilizes actors in scenarios and the chance to dialogue with currently diagnosed mentally ill patients.

During a January presentation at the Westminster Presbyterian Church Social Justice Forum, Dr. Thomas Adams, President and CEO of Better Futures Minnesota, identified a critical need for health and wellness engagement in post-incarceration services. Dr. Adams noted that “through partnerships with Hennepin Health, NorthPoint Health and Wellness, and MNSure, Better Futures’ participants’ immediate [post-incarceration] mental and physical health needs are assessed and addressed.” That includes “vision, mental, and physical health, as well as any chemical dependency issues that could impact a participant’s potential to fully participate in a life-building Better Futures model.”

During our congregational listening sessions the following concerns were voiced:

- The narrative surrounding mental health must change
- Criminal justice agencies would benefit from more training about mental health issues
- There should be a link between sentencing reform and restorative justice with regard to mental health issues
- Communities need more mental health resources
- Prisons need more mental health professionals on staff
- Prison is a poor substitute for mental health treatment and prisons should *not* be or replace mental health treatment facilities
- We learned that, in some cases, incarcerated persons have to pay for their mental health meds themselves. Health care, in general, is not what it should be in prison facilities.

Plenty of anecdotal evidence exists to show that states are spending more to incarcerate people with mental illness than it would cost to provide them with treatment. A recent study, “Effects of Outpatient Treatment on Risk of Arrest of Adults with Serious Mental

Illness and Associated Costs” (May 2013, *Journal of Psychiatric Services*)²⁰ provides data to support that conclusion. This study has received widespread attention.

Probation to Prison Sentences

The revocation of probation due to technical violations of probation (e.g. failing to remain sober, failing to remain in contact with probation officer) is an area of the criminal justice system which bears reforming.

First, we need to understand the nature of probation in Minnesota. Probation and supervised release are time served under supervision either in place of jail or prison time or as the sequel to jail or prison time. Minnesota does not use a Parole Board. In 1980, new sentencing guidelines called for judges to set the terms of release for each offender, including the date of supervised release. *Determinant sentencing* dictates that offenders who go to prison spend two thirds of their time incarcerated in a state correctional facility and one third in the community under supervision.

Even though Minnesota has one of the lowest prison population rates, we lead the nation in rates of people on probation. Probation is often used more than jail time within Hennepin County as an effort to focus on treatment rather than punishment. “As of the end of 2015, nearly 100,000 people in the state were under probation—the fifth-highest rate in the nation, according to BJS data.”²¹ While these large numbers of people on probation may lead us to believe the system is working better than in states that incarcerate more people, we need to dig deeper into the numbers to understand the impacts of community supervision.

The majority of felony-level probationers in Minnesota are under supervision for drug or DWI-related crimes; in 2016, 103,000 people were on probation statewide and 19,000 on supervised release. Probation and supervised release are attempts to return people to their communities in hopes that community-based treatment and programs can help reduce a person’s risk of recidivism. However, a person under supervised release may return to prison for failing to meet standard or special conditions as determined by supervising authorities; some of these fall into the category of “technical violations” such as failing to find and maintain a residence or steady employment, failing to attend specific mandated programs, or failing to maintain contact with their agent—in other words, violations that

²⁰ Marso, Andy (2016). “Research illuminates cost of criminalizing mental illness.” The Topeka Capital Journal: <http://cjonline.com/news/2016-10-22/research-illuminates-cost-criminalizing-mental-illness>

²¹ Minnesota Department of Corrections Overview to the House Public Safety and Security Policy and Finance Committee, January 18, 2017

do not involve additional criminal behavior. Extenuating circumstances often impact these failures to meet supervised release requirements—the lack of affordable housing, available treatment beds, little or no family to fall back on, or transportation barriers.

*Approximately 36% of the prison population is made up of “technical” violators, or those who fail to meet the conditions of their supervised release.*²²

The concern is that using prison as a mandatory consequence for failing probation or supervised release provides little opportunity to reform long term behavior. Research notes that prison, as a general rule, does not improve matters, and it often makes things worse.²³ In one study, it was found that incarceration increased recidivism by 14% compared to community-based sanctions.²⁴

Additionally, roughly 48% of males and nearly 60% of female prisoners are sentenced to serve less than six months in prison.²⁵ These short stints do not allow incarcerated persons to enroll in school, treatment, or other valuable programming shown to reduce future criminal behavior. These short stints, however, disrupt family and personal lives, remove a person from employment or community programming opportunities, and force interactions with other persons, sometimes higher risk, who can model additional and more extreme anti-social behaviors.

Our recommendation is that community-based sanctions be explored more thoroughly as alternatives to prison sentences for persons who do not always have the ability to meet probation or supervised- release conditions. Evidence-based assessments can help determine need and responsivity issues that prevent a person from meeting conditions. In addition, supervising agents should have the authority to match needs with community based services before considering executing a prison commitment or returning a person to prison.

Sentencing Reform for Drug Offenses

The “war on drugs” of the 1980s brought sentencing policies such as mandatory minimum sentences for particular drug crimes, extremely long prison sentences for the same, and a reduction in the discretion of district court judges to fashion appropriate and just sentences for those convicted of drug crimes. In the last decade, we have seen those policies dialed

22 Ibid.

23 Latessa, E., Listwan, S. & Koetzle, D. What Works (and Doesn't) in Reducing Recidivism, 2015

24 Jonson, C. 2010, The impact of imprisonment on reoffending: A meta-analysis. Unpublished doctoral dissertation, Cincinnati, OH: University of Cincinnati

25 DOC 2017

back, a reduction of mandatory minimums, and increased discretion for district court judges. “In an increasingly rare achievement, conservatives and liberals had come together on the issue, putting them on the verge of winning reductions in mandatory minimum sentences and creating new programs to help offenders adjust to life after prison.”²⁶

Unfortunately, the current Justice Department is reversing this trend toward more equitable sentencing, returning to the draconian policies of mandatory minimums against the advice of the DOJ’s own research division.²⁷

Any criminal justice reform must include discretion for district court judges and a reduction or elimination of mandatory minimum sentences. “Not everybody who falls within the letter of the criminal prohibition is somebody who deserves that kind of criminal punishment. It’s not about excusing people or condoning criminal behavior; it’s a question of trying to figure out how much punishment is enough and at what point are you piling on needlessly and at great cost.”²⁸

Specialty Courts

Hennepin County sets a nationwide example in addressing particular populations of citizens with “problem-solving courts” or “treatment courts.” These courts attempt to address root causes, such as alcohol and drug addiction, mental illness, effects of military service, and homelessness, as a way to address the crime that often results from those root causes. Hennepin County’s Problem-Solving Courts include Veterans Court, DWI Court, Criminal Mental Health Court, Model Drug Court, Housing Outreach for Minneapolitans Establishing Stability (HOMES), and Gaining Independence for Females in Transition (GIFT).

For example, the HOMES Court started with an idea from the Minneapolis nonprofit St. Stephens’ Human Services and links individuals charged with low-level offenses with housing services. If an individual in HOMES court works with the social workers assigned to help him or her, the court can delay the charges and potentially dismiss them. If the individual does not follow through, he or she would still face potential jail time.²⁹ In Drug Court, the mission is to “increase public safety, improve chemical health, and reduce crime

26 Hulse, Carl (2017). Unity Was Emerging on Sentencing. Then Came Jeff Sessions. The New York Times: https://www.nytimes.com/2017/05/14/us/politics/jeff-sessions-criminal-sentencing.html?_r=0

27 Christopher Ingraham,(2017). It took Jeff Sessions just one month to turn Obama-era drug policy on its head, Washington Post, https://www.washingtonpost.com/news/wonk/wp/2017/06/02/it-took-jeff-sessions-just-one-month-to-turn-obama-era-drug-policy-on-its-head/?utm_term=.14c5a3604481

28 David Alan Sklansky, law professor, Stanford University, quoted in Ruiz, Rebecca (2017)., Attorney General Orders Tougher Sentences, Rolling Back Obama Policy, New York Times, <https://nyti.mn/2r6Rote>

29 Stahl, Brandon (2016). “Hennepin County specialty court offers path out of homelessness.” Star Tribune: <http://www.startribune.com/hennepin-county-specialty-court-offers-path-out-of-homelessness/405798186/>

by targeting the population of felony property and drug offenders who have a substance use disorder and are at high risk to reoffend.”³⁰ Entry into Drug Court is voluntary, and participants are subject to supervision with input from a multi-disciplinary team of professionals. Successful completion of the program results in a discharge from active probation.

Role of the Public Defender

The Public Defender plays a critical role in the justice system, yet is consistently underfunded. Public defenders are overwhelmed in our system, which leads to less attention paid to clients and a fundamental lack of trust that clients have for their court-appointed attorneys. In our listening sessions, we saw the results of this underfunding: formerly incarcerated individuals complained about their attorneys, and judges complained that the public defenders do not have enough time to give full attention to each case. While it is true that all aspects of the system—prosecutors, social workers, judges, and others—are currently overloaded, we consistently heard that public defenders bore the brunt of overload and underfunding. The public defender is critical to a system that purports to be fair and just: we must trust that strong legal representation is available to rich and poor alike. Without that trust, the system breaks down. As a task force, we strongly recommend additional resources for the public defenders in Minnesota.

Early Intervention for At-Risk Populations

When focusing on mass incarceration, it is easy to focus on the criminal justice system and the prison system. In all that we heard and read, we were struck by the (perhaps obvious) sentiment that criminal justice reform will not be meaningful unless it addresses the larger societal problems of poverty and the education gap, particularly between whites and persons of color. The following sections develop these concepts further.

Child Protection

When asked about the *one thing* that he would change about the criminal justice system to reduce incarceration, a Hennepin County judge said that he would focus on early intervention for at-risk populations. He saw very clearly the link that exists between families in child protection and the children’s eventual interaction with the criminal justice system as adults. The rest of the Hennepin County judges that participated in this listening session nodded in agreement. We further identify with their sentiment, especially here in Minnesota.

30 Minnesota Judicial Branch (2015). “Hennepin County Drug Court”. http://www.mncourts.gov/mncourtsgov/media/scao_library/Drug%20Courts/4th%20District/Drug%20Court/Hennepin-Drug-Court-Brochure.pdf

In 2014, Brandon Stahl of the Star Tribune wrote an article meant to shock his readers into wanting to know more about the currently failed Minnesota child welfare system. He stated, “Fifty-six children in Minnesota have died of maltreatment since 2005, despite counties knowing the child was at risk or the caretaker was dangerous.”³¹ These child mortality rates are unacceptable; unfortunately, few actions have taken place to change the system. Understanding the impact that incarceration has on an adult is just one side of the issue. When we expand our view to include the partners and children of those incarcerated the problems grow exponentially.

Governor Mark Dayton convened a Governor’s Task Force on the Protection of Children which published a final draft report in March 2015.³² This report outlined a variety of amendments to improve the screening process of child protection services that focus on the outcomes that measures success of improving the lives of children. We encourage this work and hope that similar efforts will be made moving forward at the state level.

Attachment

Another opportunity to reduce future incarceration of at-risk populations is to focus on “attachment.” Lately, social science researchers have documented the importance of attachment to reduce Adverse Childhood Experiences (ACEs), which have been linked to higher rates of criminal activity and lead adults to prison. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), examples of ACEs include: physical abuse, sexual abuse, emotional abuse, physical neglect, emotional neglect, mother treated violently, substance misuse within household, household mental illness, parental separation or divorce, and incarcerated household member.³³ A cycle of abuse can occur between generations and leave lasting impacts on the stability of homes for children during very important development time-periods. This cycle plays a large role. In addition, love and protection are key in creating attachment between child and parent. When this does not form, a child’s entire life is affected, including the ability to form relationships, understanding of self-worth, health, social skills, and mood.³⁴ Causes for this failed attachment include repeated parental changes, as developed through foster care, and despondent parenting in general.

31 Stahl, Brandon (2014). “Lessons from child abuse deaths go unheeded in Minnesota”. Star Tribune:

<http://www.startribune.com/lessons-from-child-abuse-deaths-go-unheeded-in-minnesota/282031701/>

32 “Governor’s Task Force on the Protection of Children Final Report and Recommendations” (March 2015). Star Tribune: <http://stmedia.startribune.com/documents/Draft+report+by+Governor’s+Task+Force+on+the+Protection+of+Children.pdf>

33 SAMHSA (2017). Adverse Childhood Experiences. <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>

34 WebMD (2017). Reactive Attachment Disorder: <http://www.webmd.com/mental-health/mental-health-reactive-attachment-disorder>

Psychologists diagnose this failed attachment as Reactive Attachment Disorder (RAD).³⁵ The emotional separation that children develop with absent parents, such as those taken by the criminal justice system, is a precursor to behavior that ultimately leads to incarceration. These behaviors include self-destruction, animal abuse, and general persistence to violence. Understanding this disorder leads to further questions that are currently left unaddressed, such as:

- For families who have an incarcerated parent, how do we create opportunities for attachment?
- With an increase in the incarceration rates of African American and Native American women in Minnesota, how do we handle the children who remain in the community?
- What programming can be added to jails/prisons to help with attachment?
- How can we provide education about attachment to families in poverty or crisis?

Education Initiatives

The education gap is particularly profound in families where one parent is incarcerated. In these situations, extra resources are needed because these children are at a higher risk for incarceration than their peers. School systems offer the perfect location for such early intervention programs where mental illness is present. Teachers and administrators must act as advocates for diagnoses and support for treatment that will keep children and their families safe and out of the system. Building close trusting relationships is a key connection for success with this underserved and vulnerable population of children.

Training professionals to be present for one another, particularly in the education setting, is key for children of incarcerated parents.

Westminster Presbyterian Church has been a leader in this initiative for many years. In 2014, the League of Women Voters hosted a forum entitled *Interrupting the Prison Pipeline*,³⁶ moderated by Pastor Doug Mitchell with four guest speakers including Mark Haase from the Criminal Justice Trends, Mark Kappelhoff from Council on Crime and Justice Policing, and Chief Kris Arneson from the University of Minnesota Law School and Minne-

35 Families by Design (2017). "Reactive Attachment Disorder". Nancy Thomas Parenting: <http://www.attachment.org/reactive-attachment-disorder/>

36 League of Women Voters (2014). Interrupting the Prison Pipeline. Youtube: <https://www.youtube.com/watch?v=NebxYWeusAg>

apolis Police Department. This forum focused on the school-to-prison pipeline, and the importance of family and community advocates in preserving the education and future success of children. Opportunities like this provide an open and honest dialogue about the role of education and are important and encouraged.

The link between lack of education and prison is both obvious and startling. The more we can do to support education initiatives in at-risk populations, the more we will be helping to reduce incarceration rates. The achievement gap needs to be addressed here in Minnesota and the nation as a whole. The current debate is largely about school choice or public schools. But the real issue is the school-to-prison pipeline, resulting from behavioral problems of kids in schools that don't have the resources (e.g. adults, time, money, programs, training) to close the gap.

Additionally, it has been found that students who are removed from their classroom settings—for behavioral problems or otherwise—struggle with interpersonal relationships as well as academic success. Psychologists Adelman and Taylor found that “pulling at-risk students out of class to be counseled, punished or suspended for aggressive behaviors or bullying interfered with their peer relationships and academic progress.”³⁷ The psychologists discovered that keeping these children in stimulating, supportive classrooms helped them to stop acting out and learn to share their own unique gifts with other kids.

Other roadblocks which can hinder a child's opportunity for a good learning environment go beyond the school system. Health and wellness play a large role in the success of a child at school. Many schools have cut proactive and preventive health services, reducing the number of school nurses and psychologists who regularly monitor students who may need help. A school-based psychologist or nurse trained in mental health is in a better position to assist a child struggling with behavioral issues than many frontline teachers.

We also need to find ways to teach parents how to be advocates for their children within school systems. There are many different organizations that create bonds between at-risk children and supportive, mentoring adults such as Big Brothers Big Sisters of America. At the local level, the Network for the Development of Children of African Descent (NdCAD) is doing some impressive work to empower parents in the literary education of their children. One class is entitled “Parent Power” and encourages the role of parent to be one of lifelong teacher.³⁸ They state, “Everything parents do at home to advance literacy has long-term

37 DeAngelis, Tory (2012). “Helping At-Risk Students Succeed”. American Psychological Association: www.apa.org/monitor/2012/02/at-risk-students.aspx

38 NdCAD (2016). “Parent Power”: <http://ndcad.org/?portfolio=children-needed-family>

PART 3: REDUCING INCARCERATION IN RESPONSIBLE WAYS

effects on preparing a child for success in school and life.” These basic skills further drive attachment between parent and child and work to proactively counter issues like ACEs and RAD. We encourage this type of work and hope that more organization who work with at-risk populations adopt similar policies and programs.

Part 4: Improving the Lives of People Impacted by Crime and Incarceration

In this section, we focus on the impact that the incarceration system has on individuals, their families, and the greater community. Our insights were developed from listening sessions, tour of the Washington County Jail, and research.

Solitary Confinement

Quakers first introduced solitary confinement in the United States as “prison reform”: they assumed that time spent in isolation would help inmates find God as well as an inner sense of well-being. This experiment failed badly, and the country largely abandoned isolation in the 1890s. In the 1970s, overcrowded prisons resulted in violent uprisings and solitary confinement.³⁹ Today, over 80,000 persons are held in solitary confinement in the United States.⁴⁰

Minnesota has only recently begun to look at alternatives to isolation practices. While safety reasons exist for isolating some inmates, DOC regards the practice as necessary to maintain a secure environment for all inmates. Currently, Minnesota has no oversight or guidelines for how isolation should be used nor how long someone can remain in solitary confinement. In a recent article by Andy Mannix in the Star Tribune, more than 1600 Minnesota inmates have spent 6 months or longer in isolation in the last 10 years. Over that same 10-year period, Minnesota has sent 17,500 inmates into solitary confinement, 437 of which were in isolation one year or longer.⁴¹ The following is a description of the isolation experience:

For at least 23 hours a day, walled off from all outside sounds, Nasseff was confined inside an 8½-by-11-foot cell. A single bed, concrete bench, shower and toilet left just enough space for him to do push-ups. A camera mounted on the ceiling watched him at all times. Unseen hands flushed the toilet and controlled the light.⁴²

Inmates in isolation regularly act out in the following ways: flood their cells, cut themselves and smear blood and their own feces on themselves and their cells, bang on cell doors, howl, and pace back-and-forth. One prisoner described it as, “being buried alive, with nothing to do.”⁴³ Isolation tends to exacerbate mental illness, and several studies show

³⁹ Last Days of Solitary: PBS' Show Frontline, 4/18/17.

⁴⁰ Ibid.

⁴¹ Andy Mannix. “Extreme Isolation Scars State Inmates”. Minneapolis Star Tribune, 12/4/16.

⁴² Ibid.

⁴³ Last Days of Solitary: PBS' Show Frontline, 4/18/17.

that when inmates are released, their experience in isolation makes it more likely they will reoffend and end up back in prison.⁴⁴

In 2013, the State of Maine instituted several reforms to address the psychological harm done by solitary confinement: prisoner discussion groups facilitated by a prison psychologist; established behavior expectations; and a clear path to reintegration with the general prison population. In short, they offered the inmates hope. In using these techniques, as of 2017, Maine reduced the number of prisoners in solitary confinement from 100 to 8.⁴⁵

*The reality is, 80% of these inmates are going to be hitting the streets, so we can either make them worse and create more victims, or we can rehabilitate them.*⁴⁶

As a task force, we encourage further reforms to reduce the use of solitary confinement in Minnesota. We recognize the need for solitary confinement to protect fellow prisoners, but do not recognize it for punitive use. Efforts like the Maine example provide Minnesota with a map for how effective policymaking can address root issues to punishment.

Programming & Education

Through our listening sessions and research, we learned about the pivotal role education can play for individuals during their time in prison. According to the Minnesota Department of Correction, obtaining a secondary degree while in prison significantly increases one's chances of securing employment within the first two years after release from prison by 59%.⁴⁷ Upon intake into the prison system, all adult offenders are screened by the Test of Adult Basic Education (TABE). This test, coupled with their current educational status (i.e. degrees earned), determines the educational path they will take. Options for educational opportunities include: GED programs, enrichment programs, academic/post-secondary path, as well as career and technical training.⁴⁸

In August of 2015, the Minnesota Department of Corrections passed Division Directive 204.040, which guarantees eligible incarcerated offenders an educational pathway to

44 Ibid.

45 Ibid.

46 Ibid.

47 Minnesota Department of Corrections (2015). "Educational Programming Evaluation." http://www.doc.state.mn.us/pages/files/7513/9206/2383/MnDOC_Educational_Programming_Evaluation_DOC_Website_Final.pdf

48 Minnesota Department of Corrections: http://www.doc.state.mn.us/pages/files/5314/5513/6429/MAP-2016-2018-02.04.2016-Single_Pages_for_Web.pdf

enhance their quality of life and economic stability. The Directive reads:

Adult facilities must provide comprehensive educational programming including literacy, general education development (GED) and high school diploma, special education, transition to post-secondary and career, post-secondary, life skills, and other programs designed to prepare offenders for successful reentry into society.

As part of their Master Academic Plan, the Department of Corrections is at the forefront of education reform for incarcerated individuals within the nation. Research around education reform has been a major topic of discussion since the Vera Institute launched their relationship with the DOC recently. The immediate pushback to any initiatives surrounding in-prison educational opportunities is how tax dollars are being allocated. When MPR News' Kerri Miller discussed the feasibility of college programming for prison inmates with Lois Davis of the RAND Corporation and Fred Patrick of the Vera Institute in 2015, they found that, "For every dollar spent on prison education programs, it saves taxpayers on average about \$5 in incarceration costs."⁴⁹ Furthermore, such educational programs place the focus back on rehabilitative services while in prison and ending the cycle of recidivism.

According to the GED Testing Service, the Minnesota Department of Corrections ranks first in the national among all state departments in GED passing rate, with a rate of 93%.⁵⁰ Within the state system, there are an astounding 16 different career and technical training areas, ranging from barber/cosmetology licensing, informational technology careers, masonry and welding.⁵¹

Despite this wide array of opportunities for offenders, accessibility to these programs varies between locations. The Master Academic Plan contains a career coaching initiative but as of yet this pilot program is not specified for all facilities. This type of opportunity should be available at all facilities so that offenders receive the help they need through planning, and dreaming, of a new future that is attainable and realistic.⁵²

49 Mumford, Tracy (2015). Should prisoners have access to a college education? MPR News: <https://www.mprnews.org/story/2015/11/03/bcst-college-courses-for-prisoners>

50 Minnesota Department of Corrections. "Fact Sheet and Adult Programming." http://www.doc.state.mn.us/pages/files/9614/5934/3959/Education_Fact_Sheet_and_Adult_Programming_Feb2016.pdf

51 Minnesota Department of Corrections (pg 8). http://www.doc.state.mn.us/pages/files/5314/5513/6429/MAP-2016-2018-02.04.2016-Single_Pages_for_Web.pdf

52 Minnesota Department of Corrections (pg 9). http://www.doc.state.mn.us/pages/files/5314/5513/6429/MAP-2016-2018-02.04.2016-Single_Pages_for_Web.pdf

Post-Incarceration Housing, Employment, and Reentry Programming

National research shows that integration and comprehensive reentry programs have the greatest success in rehabilitating individuals, reducing recidivism, and reconnecting individuals with the community.⁵³ Affordable housing is the necessary starting point, given the fact that individuals who have served time in prison are 4-6 times more likely to experience homelessness than the general population, and 77% of people being released report that they receive no help in finding a stable place to live.⁵⁴ This holistic approach—focusing on the whole person, including medical and mental health care, as well as cognitive behavioral interventions and developing parenting skills—is key to successful reentry transitions.⁵⁵

Therefore, we endorse efforts such as the current “Unlocking Opportunities” legislation to win state competitive funding for providing ongoing supportive services, rent, and operating support for service providers⁵⁶. In addition, we strongly support the development and deployment of post-incarceration reentry programs like the Great River Landing housing program, co-sponsored by Westminster Presbyterian Church, which is based on holistic models that combine the benefits of affordable housing, basic employment, and client supportive services.⁵⁷

Ban the Box

In 2014, Minnesota became the third state in the country to pass legislation that prohibited employers from asking about criminal history on an employee’s initial application. This legislation would impact both public and private employers. Leadership from the National Association for the Advancement of Colored People (NAACP) applauded the passage of this legislation. NAACP President and CEO Ben Jealous stated:

As Americans we believe in second chances and we believe that work is redemptive. This is a victory for Minnesota. This bill makes it possible for thousands of parents who have made a mistake and paid their price to one day get a job, get their children out of foster care, and pull their lives and their families back together.⁵⁸

53 On the research basis for the “Great River Landing” affordable housing program [co-sponsored by Westminster Presbyterian Church-Minneapolis], see “Better Futures Fit with Pew Research: 13 Strategies for Successful Supervision and Reentry.” Unpublished paper, Great River Landing Task Force, April 27, 2017

54 Wilder Research, “Homeless adults and children in Minnesota,” April 2015.

55 “Better Futures Fit with Pew Research: 13 Strategies for Successful Supervision and Reentry.”

56 “Overview: Proposed ‘Unlocking Opportunities’ legislation.” Unpublished paper, Beacon Interfaith Housing Collaborative, November 8, 2016.

57 “Overview: Proposed ‘Unlocking Opportunities’ legislation.” Unpublished paper, Beacon Interfaith Housing Collaborative, November 8, 2016.

58 NAACP. “NAACP Celebrates Passage of ‘Ban the Box’ in Minnesota.” <https://donate.naacp.org/news/entry/naacp-celebrates-passage-of-ban-the-box-in-minnesota>

NAACP was a member of a coalition with local organizations such as Take Action Minnesota's "Justice 4 All Campaign," The Council on Crime and Justice, The League of Women Voters of Minnesota and other groups in the Twin Cities. Today, employers are learning ways to ensure that they meet the guidelines outlined in the legislation. The Minnesota Department of Human Rights issued an overview that is instructive for employers on their website.⁵⁹

The Ban the Box movement has now spread throughout the country. According to National Employment Law Project (NELP), over 150 cities and counties in 26 states in the US have passed legislation to ban the box.⁶⁰ Organizations like NELP have developed Ban the Box Toolkits that empower local communities to initiate campaigns for community building and mobilization around this important issue. Banning the box will have a great impact on our communities and ensure that people are not being treated unfairly based on their past criminal backgrounds.

Expungement

In 2015, Minnesota passed a new law to change how soon a record could be sealed: "Under the new law, some former offenders can apply to have their records sealed two to five years after completing their sentences."⁶¹ This process of expungement provides for many an opportunity to restart their lives for the better. Yet, it is tremendously difficult to navigate the overwhelming amount of paperwork required. After the paperwork, there is a mandatory fee of more than \$200, which varies depending on the conviction and county.⁶²

In an attempt to alleviate these hardships and barriers, many professionals in Minnesota are working with people to file their expungement paperwork. Such organizations include the Volunteer Lawyers Network and University of MN Law School. However, many of these organizations are concentrated in the urban-metro area which restricts access for those living in greater-Minnesota. In addition, expungement for out-of-state offenses are even more difficult, typically requiring the high expense of legal assistance.

Other ways that we can address barriers related to expungement include expanding clinics

59 MDHR (2017). "Ban the Box Law." Department of Human Rights: <https://mn.gov/mdhr/employers/criminal-background/banbox-overview-privemp.jsp>

60 Rodriguez and Christman (2015). "The Fair Chance/Ban the Box Toolkit." National Employment Law Project: <http://www.nelp.org/publication/the-fair-chance-ban-the-box-toolkit/>

61 Jackson, Sharyl (2015). "New Minnesota law makes it easier to expunge criminal records." Star Tribune: <http://www.startribune.com/new-minnesota-law-makes-it-easier-to-expunge-criminal-records/289846451/>

62 Minnesota Judicial Branch (2011). "Step-by-Step Guide: How to ask the Court to Expunge (Seal) your Criminal Court Record." http://www.mncourts.gov/Documents/50/Public/Self_Help_Center/Step_by_Step_Guide_to_Expungements_FINAL_on_web.pdf

to assist formerly-incarcerated prisoners with the process, offering free legal help, and seeking donors who will gift money for the fees.

A globally-recognized leader in the work of expungement and protection of civil liberties is the now-retired Honorable LaJune Lange,⁶³ who served in Hennepin County as a public defender, Fourth Judicial Court judge handing civil and criminal cases, and continues to be an advocate for justice. Throughout her career, she served as a pillar for understanding the intersectionality of race and gender within the judicial system, placing high value on equity. As a congregation and as allies of racial justice, we should continue to promote the leadership of women who embody the characteristics of Judge Lange.

Family & Faith

After listening closely to the families of incarcerated individuals, we discovered some key themes, one of which was the importance of studying and stopping cycles of family incarceration, poverty, and abuse. When asked to provide some examples, one participant shared this personal story about his own life: As a teenage boy he remembers his incarcerated father repeatedly telling him that he needed to stay out of trouble. He dismissed the advice because he saw his father as a hypocrite—“do as I say, not as I do”. Many years later, as an adult, this man recalled telling his children the same thing—from a phone in prison. He acknowledged his frustration that these children would ignore his advice just as he had ignored his father’s advice.

How do you break this cycle? We have already talked about systemic fixes that provide a safety net for people at risk of perpetuating generational incarceration. However, as a faith community, we must recognize our role in providing support, both for the families of those incarcerated and those in prison.

Data exists to support how important it is for people in prison to maintain a link to their home congregation. In November 2011, a study by the Minnesota Department of Corrections found that formerly-incarcerated persons were 13% less likely to recidivate if they received visitors while in prison. “Visits from siblings, in-laws, fathers and clergy were the most beneficial in lowering recidivism.”⁶⁴ This study found clergy visits to have the greatest effect. The Prison Fellowship⁶⁵ is one successful example of an initiative to bring the love of

63 Tyner, Artika (2016). Women Leading Change: Profile of the Honorable LaJune Lange. Ms JD: <https://ms-jd.org/blog/article/women-leading-change-profile-of-the-honorable-lajune-lange>

64 MNDCC. “Prison Visitation Research Brief.” Department of Corrections: https://www.doc.state.mn.us/pages/files/large-files/Publications/11-11PrisonVisitationResearchinBrief_Final.pdf

65 The Prison Fellowship (2017): <https://www.prisonfellowship.org>

PART 4: IMPROVING THE LIVES OF PEOPLE IMPACTED BY CRIME AND INCARCERATION

Christ and the fellowship of church congregations together with those within the incarceration system. Through training and inspiring church communities, the Prison Fellowship works to restore a prisoner's faith, empower prison wardens, offer ministries to families, support successful reentry, and advocate for restorative justice reform.

These findings should challenge us as a congregation to consider how we might become more involved. How can we help individuals strengthen or find their faith while in prison? How can we work to create a link to the world outside their prison walls and then be there for them when they re-enter society? In keeping with our denominational call to heal relationships, we should focus on what can we teach about forgiveness, grace, hope, and love.

Part 5: Recommendations & Conclusion

Our recommendations are the result of the deep listening and extensive study we have done over a period of nine months. They reflect what we learned and lay the foundation for continued action for this congregation and others in the community as we seek changes in the current criminal justice system. Each of these recommendations is supported by the content of the report.

- **Combating the “silo effect.”**

We strongly urge our legislators—collaborating across sectors—to craft legislation that better integrates supportive services and reduces bureaucracy in the criminal justice system. From the beginning of our work, we have recognized that there is no shortage of individuals and organizations who are willing and ready to help individuals who are caught up in a web of homelessness, mental illness and incarceration. There is, however, an equally complex web of bureaucracy that surrounds the organizations providing support. Thus the organizations providing help and support suffer a “silo effect” which prevents them from reaching the people they are trying to help. We urge creative solutions to reduce this “silo effect” so that organizations can share information with each other and be connected with people who need help. One example of an attempt to reduce this silo effect is Hennepin County’s decision to place a social worker in the courtroom on the in-custody downtown misdemeanor calendar, so that the social worker can connect defendants with resources like housing assistance and mental health services. This is one of the best examples we have seen of reaching across boundaries—in this case social services to criminal law—to help reduce incarceration and assist those who are incarcerated.

- **Resources for programs that work.**

We urge our congregation to continue to provide needed resources to one or more proven programs that specifically address issues like housing, education, and job initiatives for post-incarcerated individuals. Most of the reasons for hope that we have seen come in the form of programs that work—both governmental and non-profit. Minnesota has no shortage of people who want to help. Those who create programs that work need to be encouraged and supported. The best examples we have seen are the ADI initiative in Hennepin County, treatment courts in many Minnesota Counties, Simpson Housing, the Great River Landing project, and programs that address attachment so that adverse childhood experiences are reduced.

PART 5: RECOMMENDATIONS & CONCLUSION

- **Resources for necessary governmental programs.**

We strongly support advocacy efforts to encourage robust government funding of the public defender, treatment courts, and efforts by social workers to assist incarcerated individuals. Mass incarceration is a problem of government: the government spends resources both creating it and addressing it. We urge full funding for post-prison program legislation that assists residents for a productive life after incarceration.

- **Sentencing reform.**

We encourage our members to work for sentencing reform. As has become obvious to individuals of all ideological backgrounds, any criminal justice reform must include discretion for district court judges and a reduction or elimination of mandatory minimum sentences.

- **System-wide work on poverty and child protection.**

We recommend our members engage with the larger issues of poverty and children impacted by parents in the criminal justice system. It was apparent through this process that solutions to mass incarceration involve both a short-term view of the criminal justice system and a longer-term view of the poverty gap that leads to crime. As a congregation we have the responsibility to address both through legislative advocacy and direct mission involvement. Through our new partnership with St. David's Center for Child and Family Development we have the opportunity to better understand these issues, educate ourselves and others on how early childhood education can break the cycle of poverty, and hopefully impact new generations in our community.

This report attempts to highlight both the level of despair we see within the criminal justice system as well as glimmers of hope created by those working on meaningful reform. We found many reasons for hope, and affirmation that—as people of faith—we are called to action. Our justice system serves to heal society after a crime has been committed, but sentences for those crimes must *do no more harm than the crime itself*. We must ensure that a community trying to heal from a crime does not, in the process, rip itself apart through the cycle of poverty created by incarceration.

This report is a clarion call to *do justice*.

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APPENDICES

Appendix A: Executive Summary

http://www.westminsternpls.org/wp-content/uploads/2018/03/EXECUTIVESUMMARY_CJRTF_FINAL.pdf

Appendix B: Listening Session with the Westminster Presbyterian Church Congregation

<http://www.westminsternpls.org/wp-content/uploads/2018/03/Congregationallisting-Sessions.docx-1.pdf>

Appendix C: Listening Session with Hennepin County Judges

<http://www.westminsternpls.org/wp-content/uploads/2018/03/HennepinCountyJudge-ListeningSession.pdf>

Appendix D: Listening Session with Formerly Incarcerated Individuals & Families

<http://www.westminsternpls.org/wp-content/uploads/2018/03/ListeningSessionwithFormerlyIncarceratedIndividualsandFamilies.pdf>

Appendix E: Listening Session with Better Futures

<http://www.westminsternpls.org/wp-content/uploads/2018/03/ListeningSessionwith-BetterFutures.pdf>

Appendix F: Selection of Justice Texts from the Bible

<http://www.westminsternpls.org/wp-content/uploads/2018/03/JusticeTexts.pdf>