In light of the astonishing number of people incarcerated in the U.S., most of this issue has a special focus on criminal justice.

Americans tend to believe, as a matter of common sense, that sending men to prison prevents crime. Persons who are “behind bars” can’t commit crime. “Get tougher on crime” political rhetoric and legislation is often reinforced by the argument that “only if that recently released prisoner had not been freed, this particular crime would not occur.”

However, 30 years of evidence suggests otherwise. Social scientists find a “puzzling discontinuity” between imprisonment rates, which increased every year from 1972 to 2009, and crime rates, which have been consistently inconsistent—up and down—during the same period.¹

Even more disconcerting is the growing consensus among scholars that more incarceration “will produce ever decreasing marginal returns in public safety.”² Perhaps more troubling is the way that politicians and the general public do not perceive how high incarceration rates in poor communities of color tear apart the very social relationships that offer the best opportunity to nurture the well-being of our children and ultimately the common good of society.

The effects of incarceration for an individual are well documented. These include: earning less money over the course of a lifetime (by age 48, the typical former inmate has earned $179,000 less than if he had never been incarcerated),³ finding it harder to stay employed, being less likely to become married, and highly likely to suffer a wide range of medical and psychological problems.

Yet we forget that every man incarcerated is a father, husband, son, and/or uncle who binds together the fabric of a family and community. His incarceration often exacerbates the already dismal economic prospects of family members. And for mothers who raise a child of an incarcerated father, they face multiple challenges, including, but not limited to, disruptions in parenting, inability to supervise children adequately, loss of role models, and need for public welfare supports that are increasingly difficult to gain.

According to the recent study Collateral Costs: Incarceration’s Effect on Economic Mobility, 54 percent of inmates are parents with minor children (ages 0 – 17), including more than 120,000 mothers and 1.1 million fathers. Two-thirds of these children’s parents were incarcerated for nonviolent offenses.⁴

Social scientific evidence shows clearly that children of incarcerated parents are at high risk of becoming incarcerated themselves. Children with fathers who have been incarcerated are significantly more likely than other children to be expelled, and to experience aggression, hyperactivity, depression, withdrawal, and to be suspended from school.⁵

The most important mechanisms for the prevention of crime are social values and controls instilled by parents, families, and neighborhood social networks—what is called “informal social controls” by social scientists. These informal social controls are far more important for public safety than formal controls.

—Continued on page 2
such as police and the criminal justice system. As the criminologist Todd Clear puts it, “high incarceration rates in these communities destabilize social relationships and help cause crime rather than prevent it.”

Sadly, New Orleans, like Louisiana, leads the nation in its per capita rate of incarceration. Five years post-Katrina, New Orleans still detains more nonviolent inmates per capita than any other city in the nation. Eighty-nine percent of those in city jails have not been convicted of any crime—they simply wait in jail far longer than detainees in any other city for their day in court.

Orleans Parish District Attorney Leon Cannizzaro clearly articulated the failure of incarceration in his comments to the Criminal Justice Committee Hearing for the City Council and the Mayor on October 7, 2010:

[W]e have used jails to essentially warehouse people. We have been doing that for 20 years and what do we see—what have we accomplished? Not a whole lot in Orleans Parish. We’ve become the murder capital of America by doing that. This is an opportunity where we are going to build a new jail and we can maybe have an opportunity and try to do something and think outside the box and try to rehabilitate and restore people, and when they do have the misfortune of maybe being incarcerated, let’s hope that we can let them be released from this facility with an education or some job skill so they do not find themselves coming back into the system again. I know that’s not an impossible thing, that’s something that can very well be done. But I think this gives the impetus for that by considering not putting the nonviolent people in the jail.

There is no doubt that New Orleans needs a smaller, safer, more humane facility. The U.S. Department of Justice cited the Orleans Parish Prison in 2009 for a repeated pattern of civil rights violations, including violence against prisoners and inhumane treatment of the mentally disabled. Building a bigger jail increases the risks of exposing more New Orleanians to violence. St. Louis, Mo., also a river city, has 357,000 residents and its jail provides 1,200 beds. A jail that reflects the national average detention rate would hold 850 prisoners or one bed per 388 residents. The Orleans Parish sheriff’s proposal is one bed for every 60 residents or 5,800 beds for a city of 354,850 people.

Currently, New Orleans does not utilize the best tools available to assess the public safety risks of inmates. Taxpayers thus foot the bill in daily costs and failure of incarceration to address root problems of poverty, joblessness, homelessness, and lack of decent, affordable housing and health care.

We would do well to remember Aristotle’s insight that “poverty is the parent of crime and revolution.” Or, as Dr. Martin Luther King, Jr., asked in one of his last books: Where Do We Go From Here: Chaos or Community? It seems that, in New Orleans and nationally, we have chosen the chaos of poverty and incarceration over social justice.

There is another way. We know that increasing investments in affordable housing, education, access to mental health and substance abuse treatment, and job training and employment all contribute to reduction in use of incarceration and to long-term economic growth of our city. That would be choosing community over chaos. That would be “money well spent.”

ENDNOTES

2. Ibid.
4. Ibid., p. 4.
5. See the review of the literature in Clear, Imprisoning Communities, chapter 4, and Western and Pettit, Collateral Costs, p. 20-21.
6. Ibid., Imprisoning Communities, pp. 10 and 172.
Consideration of prison construction, imprisonment practices, and imprisonment of immigrants should begin with principles drawn from Catholic Social Teaching (CST). The most comprehensive authoritative U.S. treatment of these themes was the 2000 statement by the U.S. bishops titled Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Punishment. The most applicable principles drawn from CST are human dignity and the common good. The common good is undermined by both “criminal behavior that threatens the lives and dignity of others and by policies that seem to give up on those who have broken the law.”

Human dignity focuses the morally concerned person on the victim of crime and the offender, but also on those involved in various roles within the criminal justice process. The bishops call for strong support to make the justice system more responsive to the concerns of victims who too often are neglected in the process or their anger and pain is exploited to support punitive policies. Attention must be paid to their needs of healing and compassion, inclusion in the proceedings against their offenders, and the help of the faith community in recovering their dignity as they search for genuine justice. The bishops urge the widespread adoption of “innovative programs of restorative justice that provide the opportunity for mediation between victims and offenders and offer restitution for crimes committed.”

Offenders too retain their human dignity no matter what. Their rights must be respected and defended in the justice process. In the penal system this means conditions that comport with human dignity including: food, clothing, shelter, personal safety, timely medical care, opportunity for religious worship, education, and meaningful work adequate to the conditions of human dignity.

The common good is undermined by both “criminal behavior that threatens the lives and dignity of others and by policies that seem to give up on those who have broken the law.”

Too often our prison systems have abandoned the traditional corrections goal of rehabilitation. Prisons have been moved to distant rural locations that prevent family support and visits with inmates and undermine relationships with prisoners’ families and children.

In response, the bishops cite the Catechism of the Catholic Church and its teaching that civil punishment for crimes must serve three principle purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender.

To these they add the importance of redress, the repair of the harm done to the victims and society, which often is neglected in current justice systems.

In keeping with human dignity, the bishops urge drug treatment in communities and in jails and prisons, an end to “three strikes and you’re out” policies and rigid minimum sentences, efforts to address racism in society and in the system, the importance of strong family life, community-based prevention and responses to crime, challenging a culture of violence, and insisting on the rehabilitative purposes of incarceration that encourage and reward efforts to change behaviors and attitudes and promote needed education and employment and life-skills. Society’s resources should move away from more and more imprisonment and toward prevention, addiction and mental health treatment, parole, and probation programs. We must insist upon a vision of social justice and the common good that undergirds the possibility of a fair criminal justice system.

ENDNOTE

Immigration and Customs Enforcement (ICE) of the Department of Homeland Security operates the largest detention system in the world.1 During FY 2010, almost 400,000 immigrants were detained in a patchwork of facilities—mostly penal institutions—in more than 300 locations run largely by county or state law enforcement authorities or private contractors with little direct federal oversight2—at a cost of $1.77 billion.3 Reports of abuse and neglect of immigrants in detention facilities across the country are numerous and disturbing.4

The system for detaining immigrants in this country has largely been unplanned and its conceptualization deeply flawed. If the purpose of the deportation process is to accomplish the administrative tasks required to remove from the U.S. individuals found to be lacking legal remedy to remain in the country, then persons need only be detained when found to be a flight risk or a danger to the public. If they must be held to complete their processing for removal—again, an administrative task—then they should be held in facilities where such processing can occur without the collateral harm to one’s dignity and personal liberty which is inevitable when immigrants are held in jails and prisons—facilities built and operated to punish people. Instead, the detention paradigm favored by U.S. immigration officials for many years has been to detain as many persons as possible in prison-like conditions.5

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Therefore, it was welcomed news when the Assistant Secretary of ICE, John Morton, announced in August 2009 that ICE intended to overhaul the country’s immigration detention system in a major reform effort. Secretary Morton stated that the goal of reform is to move ICE away from a decentralized, jail-oriented approach to “a system wholly designed for and based on ICE’s civil detention authorities” (emphasis added). Instead of relying primarily on excess capacity at penal institutions—another consequence of poor planning—Morton said that ICE intended to design and build facilities located near legal service providers and major transportation hubs and operate them for immigration detention purposes. Improved medical care, custodial conditions, and ICE oversight were promised as well.5

One of the seven areas where ICE intends to focus its reform efforts includes Alternatives to Detention Management, with the goal of developing a “national strategy for the effective use of alternatives to detention including community supervision.”6

A year later, advocates are disappointed in the pace of progress in implementing reform objectives, but nevertheless hopeful. A report by Detention Watch Network, the National Immigrant Justice Center, and the Midwest Coalition for Human Rights commends the leadership of ICE for its commitment to detention reform. In the area of Alternatives to Detention (ATDs), advocates were pleased that ICE had begun development of a risk assessment tool to make custody determinations based on an assessment of flight and security risks. Nevertheless, the tool is based on the presumption of detention unless an individual can prove eligibility for release, and it does not assess how particularly vulnerable people like victims of violence and survivors of torture will be affected by detention. The report also notes that, as of October 2010, no formal nationwide implementation plan for ATDs has been developed, and only 23,000 immigrants had participated in ATD programs in fiscal year 2010.7

Up until November 2009, ICE operated three ATD programs. Private vendors on contract with ICE provided two of the ATD programs—the Intensive Supervision Appearance Program (ISAP) and Enhanced Supervision Reporting (ESR).8 Both involved the use of telephonic reporting, radio frequency tracking by means of signals emitted by ankle devices, global positioning via coordinates provided by ankle devices, and unannounced home visits. ISAP, the most costly and intensive of the three strategies, also used curfew checks and employment verification. The third ATD program, known as Electronic Monitoring (EM), is operated...
by ICE and utilizes telephonic reporting, radio frequency, and/or global positioning tracking. ICE reported that 87 percent of ISAP participants, 96 percent of ESR participants, and 93 percent of EM participants appeared at their removal hearings. ISAP cost only $14.42 a day per participant to operate, ESR costs were $8.52 per day, and the costs for ER are between 30 cents and $5 per day—not including the cost of ICE staff time on these programs. These costs are far lower than the average cost of detaining an immigrant, which was estimated to be $144 a day in 2009, including ICE’s operational expenses. The National Immigration Forum calculated that ICE could cut its detention costs in half if immigrants with no criminal convictions were routinely placed in an ATD instead of detained.

A frequent criticism of ICE’s ATD programs is that the reporting requirements are disproportionate to achieving the government’s objective that participants appear at their immigration court proceedings. The case management services provided by ICE’s ATD programs leave much to be desired as well. Instead of assisting clients in securing adequate legal representation, immigrants are often simply provided lists of sometimes-outdated legal service providers. Advocates report that ICE’s programs do not provide immigrants with adequate information on the requirements for compliance, how the immigration legal system works, or the consequences of not making court appearances. Another complaint is that the electronic monitoring used extensively by the programs through the use of ankle bracelets is not only intrusive and onerous (e.g., some immigrants have to sit by a wall socket three hours a day to recharge the devices), they are also de-humanizing. One of the women who were placed on ankle devices after the largest immigration raid in U.S. history at Howard Industries in Laurel, Miss., told a member of the Loyola Immigration Law Clinic, “We are not cattle. We do not need to be marked like this.”

Immigrant advocates have been urging ICE for years to release from detention individuals that do not pose a security or flight risk, or to refer individuals to community-based alternatives to detention programs when ICE has demonstrated that some level of supervision is required.

In the next JustSouth Quarterly, I will describe a community-based Alternative to Detention Program I administered at Catholic Charities Archdiocese of New Orleans that was cheaper, more effective, and more humane than detaining immigrants or placing them in one of ICE’s highly restrictive ATD programs.

ENDNOTES


6 Ibid.


8 In November 2009, ISAP and ESR were merged into ISAP II. ICE contracted with BI Incorporated to run ISAP II, the same private company that ran ISAP. In December 2010, BI was bought by the private prison company GEO Group.

9 Ibid., Schiro.


Child Poverty, Rural Poverty,

By the Rev. Fred Kammer, S.J.

The figures released in September by the U.S. Census Bureau from its 2009 American Community Survey give us multiple angles from which to view the poverty of the five states of the Gulf South. If we just look at the overall numbers of people living below “the poverty line”—a measure considered too low by many experts—we see figures reflected in this table with the overall U.S. and regional numbers (see Table 1).

On this simple measure of the percentage of the population living in poverty, Mississippi has the highest percentage in the nation, as has been the case for a number of years. The national poverty rate, at 14.3 percent, is the highest it has been since 1994, reflecting the “great recession” of the past several years.

If we consider the future of the region, however, one of the most significant factors is the poverty of its children. Child poverty has an impact that usually carries throughout the life of the person who is poor as a child, manifesting itself in continuing health problems as an adult. In addition, early childhood poverty is “often correlated with fewer years of completed schooling.” When looking at child poverty, several different views also are helpful.

The first is the poverty of all children under 18; a second is the poverty of children under five, a group more deeply affected by their poverty; and a third, important in the South and elsewhere, is rural child poverty, which is more acute than in suburban or central city areas. Table 2 below reflects three sets of child poverty views.

The reality of so much child poverty in the region, such poverty among very young children, and such intense rural child poverty will deeply affect the future of the region. It also should ring multiple alarms among Gulf South policy-makers, educators, and voters.

The last look at the new poverty figures is a significant distinction in calculating what is called “deep poverty.” Deep poverty describes those with incomes below half of the official poverty threshold. These would be individuals with incomes below $5,478 a year, two-person families with less than $6,996 a year, a three-person family with less income than $8,549 a year, and so forth. Perhaps it should be called “desperate poverty” or just “desperation.” Tragically, in the United States 18.8 million people live in deep poverty. This is 6.3 percent of the U.S. population. In the Gulf South, the numbers of persons in deep poverty is reflected in Table 3.

The shocking fact of so many millions of Gulf South residents and so many Americans living in deep poverty is exacerbated by the continuing increase in the wealth of the richest families in America over recent decades.

The stark inequality revealed in the 2009 American Community Survey belies the myths of American equality and opportunity that buttress the persistent resistance of policy-makers and the wealthy to social and economic policies that would reverse wealth-concentrating economic and tax policies that have dominated state and federal governments. Surprisingly, middle-America continues...

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**Table 1**

<table>
<thead>
<tr>
<th>AREA</th>
<th>POPULATION</th>
<th>IN POVERTY</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S.</td>
<td>299,026,555</td>
<td>42,868,163</td>
<td>14.3%</td>
</tr>
<tr>
<td>Alabama</td>
<td>4,588,899</td>
<td>804,683</td>
<td>17.5%</td>
</tr>
<tr>
<td>Florida</td>
<td>18,124,789</td>
<td>2,707,925</td>
<td>14.9%</td>
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<tr>
<td>Louisiana</td>
<td>4,367,637</td>
<td>755,460</td>
<td>17.3%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>2,848,335</td>
<td>624,360</td>
<td>21.9%</td>
</tr>
<tr>
<td>Texas</td>
<td>24,176,222</td>
<td>4,150,242</td>
<td>17.2%</td>
</tr>
<tr>
<td>Gulf South</td>
<td>54,105,882</td>
<td>9,042,670</td>
<td>16.7%</td>
</tr>
</tbody>
</table>

**Table 2**

<table>
<thead>
<tr>
<th>AREA</th>
<th>NO. OF POOR CHILDREN &lt;18</th>
<th>% POOR CHILDREN &lt;18</th>
<th>% POOR CHILDREN &lt;5</th>
<th>% POOR RURAL CHILDREN</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S.</td>
<td>14,359,130</td>
<td>19.7%</td>
<td>23.2%</td>
<td>24.2%</td>
</tr>
<tr>
<td>Alabama</td>
<td>272,239</td>
<td>24.5%</td>
<td>29.0%</td>
<td>31.2%</td>
</tr>
<tr>
<td>Florida</td>
<td>835,363</td>
<td>21.0%</td>
<td>24.8%</td>
<td>29.6%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>265,503</td>
<td>24.0%</td>
<td>28.8%</td>
<td>29.7%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>229,365</td>
<td>30.7%</td>
<td>33.9%</td>
<td>37.8%</td>
</tr>
<tr>
<td>Texas</td>
<td>1,639,551</td>
<td>24.2%</td>
<td>28.0%</td>
<td>27.1%</td>
</tr>
<tr>
<td>Gulf South</td>
<td>3,242,021</td>
<td>23.6%</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
to watch without reaction as wealth is increasingly concentrated at the top and even supports policies to its own economic detriment and the continued impoverishment of the poor in their communities.

To understand what is happening, it is helpful to consider all U.S. families in five income “quintiles.” In other words, all U.S. households are aggregated by the Census Bureau into five equal-sized groups by income. The lowest quintile are those with incomes of $20,452 or less; the second quintile contains households with incomes between $20,454 and $38,550; the middle quintile’s income ranges from $38,551 to $61,801; the fourth quintile has incomes between $61,802 and $100,000; and the fifth quintile’s income exceeds $100,000. In 2009, the bottom 20 percent of households shared just 3.4 percent of all income. The second group received 8.6 percent. The middle group took home 14.6 percent of U.S. income while the fourth group received 23.2 percent of income. The highest group of households gathered in 50.3 percent of all U.S. income dollars. This division is represented in Chart 1, depicting the 2009 division of U.S. household income.

Shares of U.S. household income in 2009

It’s as if five families split $100 in annual income. The poorest family receives $3.40 while the richest family takes home $50.30. The inequality is even greater if we were to compare the income of the bottom 5 percent with that of the top 5 percent of U.S. families. What is surprising to many people is that this situation of income inequality in America is not getting better, but far worse. U.S. tax and economic policies continue to encourage and widen inequality in this country. For a visual depiction of the change, it is helpful to look at the income shares of the quintiles of U.S. households back in the year 1979, 30 years earlier, presented in Chart 2.

ENDNOTES

1 Source: U.S. Census Bureau, American Community Survey, 2009, calculations by the Center on Budget and Policy Priorities, Washington, D.C.

2 Marybeth J. Mattingly and Michelle L. Stramsky, Carsey Institute, Issue Brief No. 17, Fall 2010, p. 1.

3 Sources: Ibid.; U.S. Census Bureau, American Community Survey, calculations by the Center on Budget and Policy Priorities; and ACS Survey, Selected Economic Characteristics, 2009, by individual state reports.

Shares of U.S. household income in 1979

As the two pie charts show, the bottom fifth of U.S. households now take home half as large a share of income as they did 30 years ago. The second “family” takes home about a quarter less of a share. The shares of the middle quintile of households and the fourth are largely unchanged, but the top quintile of families have seen their share increase from 43 to 50 percent of household income in the U.S. Within that top quintile, the after-tax income of the wealthiest families has skyrocketed in recent decades, making the reality of poverty in this country far more morally unacceptable.

TABLE 3 DEEP POVERTY

<table>
<thead>
<tr>
<th>AREA</th>
<th>NO. IN DEEP POVERTY IN 2009</th>
<th>% IN DEEP POVERTY IN 2009</th>
<th>% IN DEEP POVERTY IN 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S.</td>
<td>18,776,800</td>
<td>6.3%</td>
<td>5.0%</td>
</tr>
<tr>
<td>Alabama</td>
<td>343,928</td>
<td>7.5%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Florida</td>
<td>1,180,365</td>
<td>6.5%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>315,241</td>
<td>7.2%</td>
<td>8.3%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>266,213</td>
<td>9.3%</td>
<td>7.1%</td>
</tr>
<tr>
<td>Texas</td>
<td>1,752,422</td>
<td>7.2%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Gulf South</td>
<td>3,858,169</td>
<td>7.1%</td>
<td>N/A</td>
</tr>
</tbody>
</table>
In a 2002 Pew Research-sponsored presentation at the University of Chicago, Supreme Court Justice Antonin Scalia was asked if he thought the use of the death penalty would ever lead to the execution of an innocent person. His answer was “…of course it will. I mean, you cannot have any system of human justice that is going to be perfect.”

Justice Scalia was not speaking in 2002 as a member of the Supreme Court on the legal merits of the death penalty; rather, he was speaking as a Roman Catholic on the question of whether he thought the death penalty was morally acceptable. His reply is contrary to the teaching of Pope John Paul II, who three years earlier stated during his Homily at the Papal Mass in St. Louis:

“The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate and serve the Gospel of life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil…I renew the appeal I made…for a consensus to the end of the death penalty, which is cruel and unnecessary.”

This admission of inherent flaws in the death penalty system by Justice Scalia should greatly trouble those of us who believe that all human lives are precious and must be protected, especially the innocent. As Catholics, we reiterate our belief that the use of the death penalty in our country must be stopped.

The church’s teaching on the use of the death penalty has evolved over time. The early church believed that the state had the right, and sometimes the duty, to impose the death penalty. For centuries, the death penalty was seen as necessary to the maintenance of law and order. However, after World War II, due in part to the legacy of Nazi, Fascist, and Communist governments, many European countries began to question the state’s right to impose death on its citizens. By 1976, the same year that the U.S. Supreme Court reinstated the death penalty, the Papal Commission on Justice and Peace expressed opposition to its use.

The opening chapters of the Book of Genesis teach that every life is a precious gift from God. We are created in God’s image and redeemed by Jesus Christ, who himself was executed by the death penalty. Each of us is called to respect the life and dignity of every human being. Even when people deny the dignity of others, we must still recognize that their dignity is a gift from God and is not something that is earned or lost through their behavior. Respect for life applies to all, even the perpetrators of terrible crimes. Punishment, therefore, should be consistent with the demands of justice and with respect for human life and dignity.

You can learn more about the national effort to end the use of the death penalty on the Catholic Mobilizing Network (CMN) website: www.catholicsmobilizing.org. You can also visit www.TXcatholic.org for Texas-based resources on the death penalty.